By Mr. J. I. NOLAN: Petition of Laundry Workers' Union, No. 20, of San Francisco, Cal., protesting against national prohibition; to the Committee on Rules.

Also, protest of Mr. Albert T. Jestadt, 3414 Army Street, San Francisco, Cal., and 133 other citizens of San Francisco, Cal., against the passage of House joint resolution 168, Senate joint resolution 88, and Senate joint resolution 50, relative to national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of 116 voters of the eighteenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. POU: Petition of citizens of Louisburg, N. C., protesting against national prohibition; to the Committee on Rules.

Also, petition of 18 voters of Wake County, N. C., protesting against national prohibition; to the Committee on Rules.

By Mr. RAINEY: Memorial of the Methodist Episcopal Church of San Jose, Ill., protesting against polygamy in the United States; to the Committee on the Judiciary.

By Mr. RAKER: Letters from Revs. Henry Mata, Boonville, Cal.; J. B. Holmes, Petaluma, Cal.; C. E. Smith, Paradise, Cal.; and Hugh Baker, of Soulsbyville, Cal.; and from Messrs. J. D. Sweeney, of Red Bluff, Cal., and C. J. Burrell, Will C. Chew, and David Ralston, of Corning, Cal., favoring national prohibition; to the Committee on Rules.

Also, letter from C. F. and Ellen Kirby, of San Rafael, Cal., favoring the Bryan bill, providing for the operation of all the coal mines of the country by the Government; to the Committee on Mines and Mining.

By Mr. SCULLY: Petitions of citizens of Middlesex County, N. J., protesting against national prohibition; to the Committee on Rules.

Also, petition of Local Stelton, New Jersey Socialist Party, protesting against conditions in coal mines of Colorado; to the Committee on Mines and Mining.

By Mr. SINNOTT: Petition of 23 citizens of Klamath County, Oreg., favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Memorial of the Tailors' Industrial Union, No. 392, of Milwaukee, Wis., deploring conditions in Colorado mining district; to the Committee on Mines and Mining.

By Mr. STEDMAN: Petition of citizens of the United States, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of Associated Mercantile Interests of America, Bemidji, Minn., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SWITZER: Petitions of business men of Manchester, Rorden, Piketon, Seaman, and West Union, Ohio, favoring passage of House bill 5308, relative to mail-order houses tax; to the Committee on Ways and Means.

By Mr. TALCOTT of New York: Petition of 100 voters of the thirty-third New York congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Memorial of Scandinavian Temperance Society of Moline, Ill., favoring national prohibition; to the Committee Rules.

Also, memorial of Moline (Ill.) Woman's Club, favoring appropriation for use of the Children's Bureau; to the Committee on Appropriations.

Also, petition of F. R. Bruce of New Boston, Ill., favoring the passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. TREADWAY: Petition of voters of Lee, Mass., favoring national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *May 25, 1914.*

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

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, from everlasting to everlasting Thou art God. A thousand years in Thy sight are but as yesterday when it is past, and as a watch in the night. Thou dost not count the short span of our human existence as the measure of Thy purpose in human life.

We come to Thee this morning with sad hearts because another one of the sweet ties of human friendship has been broken. A man respected and loved among us has been called to the great beyond.

We thank Thee for those qualities of heart and mind that made him a high and patriotic statesman, a devoted friend, a lover of little children, honored by his State, respected by his fellow citizens, loved by those who knew him best.

The mystery of life is again presented to us. We ask, who is sufficient for these things? We turn our faces to Thee, O God of grace, and pray that Thou wilt still lead us on.

We commit to Thee with our sympathy and love that inner circle of friends of the dead Senator, whose hearts are too tender at this hour even for the touch of human sympathy, and pray that they may feel the healing touch of the great sympathizing divine friend. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
Washington, May 25, 1914.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. GILBERT M. HITCHCOCK, a Senator from the State of Nebraska, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. HITCHCOCK thereupon took the chair as Presiding Officer for the day and directed that the Journal of the proceedings of Saturday last be read.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR WILLIAM O. BRADLEY.

Mr. JAMES. Mr. President, it becomes my sad and painful duty to announce to the Senate the death of my distinguished colleague, Senator BRADLEY, who passed away at 9.45 o'clock last Saturday night in this city.

He came to this Chamber with the greatest honor that his native State could bestow upon him. He had the distinction of being the only member of his party who was ever honored with the governorship and the Senatorship of the great State of Kentucky.

He was one of the most genial of men and a prince among his fellows. He was a distinguished lawyer, a great orator, and a profound statesman. His followers in Kentucky idolized him, and they will love his memory as they loved him during his life. He will be greatly missed by his colleagues in this Chamber, as he will be mourned by his thousands of followers and friends in his beloved State. At some future time I shall ask the Senate to set apart a day to pay tribute to his memory and to his distinguished services to his State and to his country.

I send to the Secretary's desk the following resolutions and ask that they be read.

The PRESIDING OFFICER. The Secretary will read the resolutions offered by the Senator from Kentucky

The Assistant Secretary (Henry M. Rose) read the resolutions (S. Res. 374), as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

Resolved, That a committee of 14 Senators be appointed by the Vice President to take order for arranging the funeral of Mr. BRADLEY.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Frankfort, Ky., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The PRESIDING OFFICER. The Chair appoints as members of the committee provided for in the second resolution the Senator from Kentucky, Mr. JAMES; the senior Senator from New Hampshire, Mr. GALLINGER; the junior Senator from Wyoming, Mr. WARREN; the junior Senator from North Carolina, Mr. OVERMAN; the senior Senator from Utah, Mr. SMOOT; the senior Senator from Indiana, Mr. SHIVELY; the senior Senator from New York, Mr. ROOT; the junior Senator from Indiana, Mr. KERN; the senior Senator from New Jersey, Mr. MARTINE; the junior Senator from Washington, Mr. POINDEXTER; the junior Senator from New York, Mr. O'GORMAN; the senior Senator from New Mexico, Mr. FALL; the junior Senator from Arizona, Mr. SMITH; and the junior Senator from New Jersey, Mr. HUGHES.

Mr. JAMES. Mr. President, I move as a further mark of respect to the memory of the distinguished Senator that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 11 o'clock and 7 minutes a. m.) the Senate adjourned until to-morrow, Tuesday, May 26, 1914, at 11 o'clock a. m.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

HOUSE OF REPRESENTATIVES.

MONDAY, *May 25, 1914.*

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

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

God of the universe, Father of all souls, dispenser of all good, strengthen our faith, encourage our hopes, and bring us closer to Thee, that with clear minds, warm hearts, and ready hands we may push forward in every good work and departing leave the world a little better that we have lived and wrought. Freely we have received, freely may we give.

Admonished, by the death of one of the congressional household, of the brief tenor of life, to work while it is yet day, for the night cometh when no man can work; comfort, we beseech Thee, the colleagues, friends, and bereaved family by the blessed hope of the life immortal and prepare us all for the change inevitable, that we may be ready when the summons comes to go forward to whatever awaits us in the dispensation of Thy providence. In the spirit of Him who said, "I am the resurrection and the life." Amen.

The Journal of the proceedings of Saturday, May 23, 1914, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARRETT of Tennessee, until June 5, on account of important business.

To Mr. HULL, for five days, on account of important business.

To Mr. MCKELLAR, for five days, on account of important business.

To Mr. DIES, for two weeks, on account of sickness.

RESIGNATION OF A MEMBER.

The SPEAKER. The Chair lays before the House the following letter from Hon. HENRY D. CLAYTON, which the Clerk will report.

The Clerk read as follows:

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 23, 1914.

Hon. CHAMP CLARK,
Speaker of the House of Representatives, United States.

MR. SPEAKER: I have this day tendered to the governor of Alabama my resignation as a Representative in the Congress of the United States from the third congressional district of Alabama, to take effect on Monday, May 25, 1914.

Respectfully,
HENRY D. CLAYTON.

The SPEAKER. Of course no action has to be taken on that.

NOMINATION AND ELECTION OF SENATORS.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report on the disagreeing votes of the two Houses on the bill S. 2860, and before the request is submitted I would like to say that I feel quite sure it will not consume two minutes of time to dispose of this matter.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

CONFERENCE REPORT (NO. 709).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2860, an act providing a temporary method of conducting the nomination and election of United States Senators, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 4, and agree to the same.

That the House recede from its amendment numbered 3.

W. W. RUCKER,
R. F. BROUSSARD,
W. D. B. AINEY,
Managers on the part of the House.

T. J. WALSH,
ATLEE POMERENE,
WM. S. KENYON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The Senate receded from its disagreement to the House amendments numbered 1, 2, and 4, and the House receded from its amendment numbered 3.

W. W. RUCKER.
R. F. BROUSSARD.
W. D. B. AINEY.

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

Mr. MANN. Mr. Speaker, the statement does not indicate what the different amendments are. Will the gentleman briefly state at least what amendment No. 3 is?

Mr. RUCKER. Amendment No. 1 was one in which the House inserted the language "not heretofore made." Amendment No. 2 was the amendment in which the House struck out the words "the case of," a mere change of language. In amendment No. 3 the House struck out the words "in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State," and substituted for those words "the same as that provided for the nomination and election of governor of such State."

The House recedes from that amendment for the reason that the Senators with whom we have talked quite fully state that that particular language involved in the Senate bill had been carefully considered in committee and also in the Senate, and they preferred that language. Amendment No. 4 is a new section added by the House, fixing the three-year limitation in this law. The Senate agrees to all the amendments except the one I speak of.

Mr. Speaker, I ask that the conference report be agreed to.

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

The conference report was agreed to.

PRINTING AND BINDING (COMMITTEE ON ELECTIONS NO. 2).

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

The SPEAKER. The gentleman from Louisiana [Mr. BROUSSARD] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 525.

Resolved, That the Committee on Elections No. 2 be authorized to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

ANTITRUST LEGISLATION.

The SPEAKER. Under the rule the House resolves itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657, and other bills. The gentleman from Tennessee [Mr. HULL], who has been acting as Chairman, has been called unexpectedly to Tennessee, and the Chair appoints his colleague, Mr. BYRNS of Tennessee, to preside.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657, the antitrust bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. WEBB. Mr. Chairman, I yield 15 minutes to the gentleman from Kansas [Mr. TAGGART], a member of the committee.

Mr. TAGGART. Mr. Chairman, it is not my purpose to make an extended speech on this bill. The bill has been under consideration for a long time and has been very ably and exhaustively presented to the committee. What I may say might not add to the light that has been thrown upon it, but I will occupy the time allotted to me in presenting at least some of the features of the bill.

I was deeply impressed by a speech made on this bill before the committee on Saturday by the gentleman from Wisconsin [Mr. NELSON], a member of the committee, and especially with what he said as to the growth of socialism and the reasons why socialism grows. It seems to me that the gentleman is deeply impressed with the fact, or, rather, with the fear, if American business becomes consolidated into the hands of great and

nation-wide business concerns, able to cater to the entire market in any line, that the greater the consolidation the easier it would be to take over those lines of business by the Government should socialism finally prevail.

If each line of business is accumulated into one concern, there will be less resistance to the confiscation of it. If property is finally to be absorbed by the Government, it would add greatly to the convenience of those who hold that socialism is the solution of American industrial questions to have all business monopolized as much as possible before it is taken over.

There is a note of warning—of solemn warning—in what was said by the gentleman from Wisconsin. He has criticized this trust bill and has said that it will not prevent a further consolidation and monopoly of business, and therefore that it still remains as an encouragement to socialism. Strange as it may seem coming from a member of the Republican Party, and a distinguished and able one, the gentleman from Wisconsin has the sentiment of him who cried, "Lay on, Macduff!" He has criticized us for not being more drastic in our provisions for curbing big business in the United States. What has a party come to when one major general is shouting "Halt!" and the other major general is ordering us all to charge the breastworks?

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

Mr. TAGGART. I will.

Mr. MANN. Is not that the situation on the Democratic side on this bill in reference to a number of things in it?

Mr. TAGGART. Well, now, I have not observed that there was any such disagreement as that on the Democratic side in reference to this bill.

Mr. MANN. If the gentleman will be here under the five-minute rule, he will observe that.

Mr. TAGGART. I observe that the distinguished gentleman from Illinois [Mr. MANN] is borrowing trouble.

Mr. MANN. Why, we were informed, if the gentleman will permit, by the gentleman who now holds the House in the hollow of his hand so far as business is concerned, the chairman of the Committee on Rules, that he proposes to strike out one of the most important provisions in this bill and insert something else in it.

Mr. TAGGART. I beg leave to say that the mysterious gentleman referred to by the gentleman from Illinois did not make such a statement as that or anything quite having that meaning, but he did say that a provision in section 7 of this bill would be submitted to this House for amendment under the five-minute rule, and that everybody in this House would have the free and full privilege of voting on it as he chooses.

Mr. MANN. Oh, he stated in a colloquy with me that they proposed to amend the bill and change it in that respect, and that they had the votes to do it.

Mr. TAGGART. Well, this is the House of Representatives, and the time has come when the House of Representatives is sufficiently reformed so that it will work out its will if it has the votes to do a certain thing. There was a day here when it had the votes to do things and was not permitted to do things.

Mr. MANN. That is the case now as to prohibition and woman suffrage.

Mr. TAGGART. Do you wish to express your enthusiasm for both of those great measures at this time? [Laughter.]

Mr. MANN. I am willing to vote upon them if you will give us the chance.

Mr. TAGGART. The gentleman from Illinois will have a golden opportunity when the time comes. [Laughter.]

Mr. MANN. I am afraid not.

Mr. TAGGART. Yes. There is something strange when there is a marshal commanding "Forward!" like Blucher on one side of the House, and on the same side of the House a Fabius who is willing to continue his retreat. You remember the lines that were written by Macaulay about the sack of Rome, where—

"Heaven help him!" quoth Lars Porsen, "and bring him safe to shore,
For such a gallant feat of arms was never seen before."

And there was a difference of opinion on a ground very much like that existing among you gentlemen now, for another shouted—

"Curse on him!" quoth false Sextus, "and let the villain drown;
But for this stay ere close of day we would have sacked the town."

This represents the difference here, at least on one side of the House, and if there is any difference on our side of the House that difference is represented by those who are willing to open this bill to the entire House, free from caucus action, free from all restraint, and call upon every Member of the House to vote upon every section of it as he sees fit——

Mr. GARNER. A thing you never had before under a Republican administration.

Mr. TAGGART. Yes; and I wish to say right here that in all the trust bills introduced in the whole history of this House such a privilege as that was never granted to the House of Representatives before.

Mr. FESS. Mr. Chairman, will the gentleman yield at that point?

Mr. TAGGART. I will.

Mr. FESS. I wondered why it was necessary to have a caucus action on the currency question and on the tariff question, and not have it upon this question. Is there anything in this question that is less important than the other two?

Mr. TAGGART. I do not know that there is anything less important in this than in the other two, but there is less of a variety of opinion upon this than there was on the other two.

Mr. FESS. That means that caucus action is not to be held where there is not a variety of opinion?

Mr. TAGGART. The caucus action should be had in the discussion of those bills where the party is practically unanimous except as to details. With respect to those measures that are not party measures, like this one is not, but which is a national measure, part of it indorsed by practically the entire House of Representatives, there is no necessity for a caucus. There is a measure in this bill that had but 18 votes against it in a former Congress. There is another measure in this bill that had but 31 votes against it in a former House, and, in fact, the entire House of Representatives was practically unanimous with regard to the most important provisions of the bill in the Sixty-second Congress, and I dare say is practically unanimous now.

Why should any man's notions as to what should be placed in this bill, as if it were a commercial proposition like the tariff, be tied up by caucus action? The tariff is a commercial proposition—a proposition very much like bargaining over the counter of a store as to whether you will pay 35 cents or 40 cents for an article. Men would never agree about the tariff unless they first got together and discussed the matter fully.

In these matters that are rooted in the liberty of the American citizen I want to say that the Democratic Party is practically unanimous, and if there is anything that distinguishes a Democrat from his brother it is because he wants to extend more liberty to the American citizen.

Mr. FESS. Then, you indorse the caucus action on certain kinds of bills and oppose it on other kinds of bills? Is that it?

Mr. TAGGART. I think caucus action is wise on certain kinds of bills, and I think that caucus action is unnecessary on other bills. It is not deciding between wisdom and unwisdom, but between what is necessary and what is unnecessary.

Mr. FESS. And the lack of diversity on this bill is the reason why you did not have caucus action on it?

Mr. DONOVAN. Mr. Chairman, I would like to know who has the floor. Who has the 15 minutes? [Laughter.]

Mr. TAGGART. I am yielding to the gentleman from Ohio——

Mr. FESS. For the information of the gentleman from Connecticut. My point was—because the gentleman from Kansas [Mr. TAGGART] seems absolutely fair—why is it necessary to have caucus action on certain great measures and not on others? Is caucus action a necessary evil?

Mr. TAGGART. Now, the gentleman seems to throw the word "evil" in there gratuitously. It seems as though the gentleman regards a caucus as an evil, and is asking me what measure of evil there might be in caucus action on anything. Does the gentleman regard caucus action as an evil? If he does, I wish to say that the history of the gentleman's party is a compendium of the record of evil. [Laughter and applause on the Democratic side.]

Mr. FESS. I hope the gentleman will understand——

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

Mr. TAGGART. Yes.

Mr. FESS. That I am not holding a brief for any political party, past or present. I am trying to get light on this measure.

Mr. TAGGART. I am glad to say that no one rejoices in your conversion more than I. [Applause.]

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

Mr. FLOYD of Arkansas. Mr. Chairman, I yield five minutes to the gentleman.

Mr. TAGGART. I would like to have 15 minutes more time.

Mr. FLOYD of Arkansas. I yield to the gentleman 15 minutes.

The CHAIRMAN. The gentleman from Kansas is recognized for 15 minutes more.

Mr. TAGGART. Mr. Chairman, this Government was founded to promote the liberty of the individual. The Constitution was drafted for the individual, not in his organized capacity but

in his individual capacity. The great American ideal is the free, untrammeled citizen, at perfect liberty under law to work out his own destiny and to succeed in that line of endeavor for which nature has fitted him best. The fathers who drafted the Constitution and who founded this Government lived on the verge and seashore of what Daniel Webster called "a fresh, untouched, unbounded, magnificent wilderness," practically unexplored, and uninhabited except by settlers in their little log houses, who tilled their farms and who lived in peace and comfort. There was then not a great manufacturer in the New World; perhaps there was not a manufacturing institution or a business house in which as many as a hundred persons were employed.

The Constitution, therefore, was not drafted as a law merchant, or primarily with the view of having business regulated. All the power that we have, and to which we are trying to give expression in this bill and other similar measures, is contained in 17 words in the Constitution:

The Congress shall have power to regulate commerce * * * among the several States and with the Indian tribes.

No other line or word in the Constitution adds to the power of Congress in dealing with the greatest concern of the American people at this hour, the greatest commercial people the world has ever known. But that Constitution had in it a bill of rights, a guaranty to every citizen of the same rights as every other citizen under the flag.

When this country grew to be the greatest of all commercial nations, and with the means of communication perfected, business began to fall into the hands of powerful combinations, and they, in the exercise of their power, denied and crushed out the rights of other citizens to do business in this country. Where a citizen started in to compete with them in the same line they spent their resources and sold goods at a loss, for the purpose of underselling him and compelling him to leave the business that was dear to his heart and in which he proposed to engage as a vocation during his whole life. The individual liberty to go where he pleased, to be a free man, to worship as he pleased, and all those other personal things that were mentioned in the Constitution remained to him; but he did not have what the nature of things gave him when the Constitution was adopted. He did not have the privilege and the right of working out his own destiny under his own flag as he thought he had the right to do.

The States were first to take these matters under consideration. I have the happiness here to say to-day that the State of Kansas was the first State in the Union to pass, in 1905, an act forbidding discrimination in price in different communities and localities within the confines of that great State, having 81,000 square miles. This was brought about through the operations of a great coal-oil company which had undertaken to monopolize the entire market for its product in that State, and which sent out its agents to follow up and waylay its rivals in business and destroy their business by underselling them and by selling its product at less than its product was worth. As a part of my remarks I will insert that portion of the Kansas statute which puts a penalty on discrimination in price in different localities in the State:

ACT OF 1905.

1. Any person, firm, or corporation, foreign or domestic, doing business in the State of Kansas and engaged in the production, manufacture, or distribution of any commodity in general use, that shall intentionally, for the purpose of destroying competition, discriminate between different sections, communities, or cities of this State by selling such commodity at a lower rate in one section, community, or city, or any portion thereof, than is charged for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination. (L. 1905, ch. 2, sec. 1; G. S., sec. 5162.)

This statute has been followed substantially in as many as 18 States of the Union. Uniformity of price is required throughout the State, the cost of transportation being equalized and taken into consideration.

There was no statute of the United States dealing with this subject, and in section 2 of this bill we have provided what has been enacted in so many States of the Union. As a part of my remarks I insert the section:

SEC. 2. That any person engaged in commerce who shall either directly or indirectly discriminate in price between different purchasers of commodities in the same or different sections or communities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor, of either such purchaser or seller, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

Criticism was made here the other day by gentlemen who called attention to the proviso in the second section—

That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation.

Did any gentleman expect that we would make a statute that would require a uniform price regardless of the grade or quality of the thing sold? Even if it was within the power of Congress to enact a statute of that kind the statute would be worthless. It would be denying the fact that things have different values, and no legislative body can fix real value of any article or the relative value of different articles. The way to look at it is to consider what would be the case if we provided otherwise.

The criticism was made that inasmuch as quantity is mentioned here this bill will give liberty to sell large quantities at a lower relative price than small quantities, which will render the bill meaningless and incapable of enforcement. Suppose we enacted that a can of corn shall be sold at the same relative price as a carload of canned corn. Would you vote for a provision of that kind? If you did, you would then indeed destroy the meaning of the bill and render it absurd. The meaning of the bill is that if in one place in this country they sell a carload of any given commodity at a lower and discriminating price than they sell a carload of the same commodity at another place in this country, the cost of transportation being equalized and considered, then they are guilty under this law. That is the meaning of it.

Mr. FESS. Will the gentleman yield there?

Mr. TAGGART. I will.

Mr. FESS. Suppose a small producer of canned corn, such as would be in my part of the State, wanted to open a market in Washington or in some city where he had no market. Would he be allowed to sell at a less price on the initiation of the contract, in order to get an opening, than in any other part of the United States where the cost of transportation would be the same?

Mr. TAGGART. There would be no exception made in a case of that kind. If he was making a superior article of canned corn, which of course they do in your district——

Mr. FESS. Certainly.

Mr. TAGGART. The corn would have to speak for itself. He would not be allowed to give it away for the purpose of taking the market away from somebody else.

Mr. FESS. Now, will not that be an advantage to the great producer, who has his agents everywhere, as against the small producer of the same article?

Mr. TAGGART. Why should it be?

Mr. FESS. Because he has advertising methods by which he can get his article before the community in a way in which my man can not.

Mr. TAGGART. The large producer has that advantage now, has he not? He has the same advertising methods now; and he not only has that advantage, but suppose there was some great canning company practically catering to the entire trade of the United States. If your friend in Ohio should undertake to initiate his trade in any community, he would perhaps find that he was followed up by an agent of this great company, who would give away canned corn until your man was forced out of business, and under the present law he could do it. If he had not established an agency in that State he could do it, under the present interstate-commerce laws of this country, even in a State where they require uniformity of price.

Mr. FESS. My point is this: Is there not a possibility under this section to favor the great producer as against the small producer, the thing you are trying to prevent?

Mr. TAGGART. I grasp just what the gentleman means, and it is this: That a small producer, who has some money and a great deal of enthusiasm, desires to go into the markets of the United States and by offering his wares at a cheap price introduce his product in certain neighborhoods.

Mr. FESS. Yes; that is the idea.

Mr. TAGGART. And give the people notice that after 60 or 90 days he will charge a higher price, but for the purpose of introducing it he will first sell it at cost or below cost. That has been a practice in the United States that has been engaged in ever since the interstate commerce began. What right has he to do that? [Applause.]

It would seem as though a well-meaning person or firm, desiring to introduce a new and superior article, ought to be

encouraged. Possibly a reasonable time for advertising an article, by selling it at a low price, ought to be provided in the bill. When the bill is submitted to the Committee of the Whole House a full opportunity will be given to amend this section.

Section 4 of the bill will afford relief to retail dealers, who are now required by wholesalers to handle certain articles exclusively and become sole agents for certain goods. These retailers have complained that they are injured by conditions imposed upon them by wholesale firms, and that their trade is limited and embarrassed. While the contracts that they are obliged to make to sell certain articles exclusively and refuse to sell competing articles of the same kind may be wholly void, the people engaged in big business, who sell to these retail dealers, are able to enforce these contracts by refusing to supply the retail dealer any more of the same kind of goods if he should carry in his stock certain competing articles. This section does not prohibit sole agencies, as those who have not read it carefully have said that it does. A manufacturer of any article can employ a sole agent to sell that article wherever he pleases. A sole agent simply represents his principal. What it will prevent is compelling an independent dealer to become a sole agent for any article, by oppressing him commercially, if he chooses to buy and sell what he pleases. Abundant evidence was brought before the committee that great firms that lease machinery and supplies, and by the terms of the lease seek to compel, and do compel, the people who lease the supplies and machinery to patronize these firms exclusively. The manufacturer who is in the grip of this class of people has no liberty at all. This kind of oppression will be effectually prohibited by this bill.

Section 6 arms the Department of Justice and the courts of the United States with a new and formidable weapon to prevent and punish the crimes of destructive business. Under the provisions of this section when a suit is brought against a party by the United States and a final judgment is rendered against the defendant, showing that the defendant has violated the Sherman antitrust law, or any antitrust law, the record of that judgment can be put in evidence in a suit against the same defendant for damages that may be brought by any private individual, and the judgment so introduced will be considered conclusive evidence that the defendant had violated the antitrust laws, and the only question for the jury to decide will be the amount of damages that the plaintiff ought to recover.

A great many suits have been brought against trusts by the United States and many trusts have been dissolved. Some few have been punished, but the people whose business they destroyed have been practically without a remedy. When this bill becomes a law, the person who willfully destroys another person's business will do so at his peril. Damages can be recovered and the claim for damages will not be outlawed by the statute of limitations during the time that the United States is proceeding against the offending party. The Government can subpœna witnesses from any place in the Union and require their personal presence. Not alone will an offending corporation be punished, but any director, officer, or agent, who shall have authorized or shall have done any of the prohibited acts shall be held to be guilty.

The bill is framed for the purpose of liberating business and not for the purpose of injuring or destroying any business. Its great purpose is to protect small business from big business, and to compel all business to be conducted honestly.

In the Sixty-second Congress two bills relating to labor were passed in the House—the anti-injunction bill and the contempt bill. Although they were vigorously opposed by some of the Republican minority on the committee, there were but 31 votes against the anti-injunction bill and only 18 votes against the bill that provided for trial by jury in cases of indirect contempt. Both of these bills are included word for word in this bill, comprising sections 15 to 23, inclusive. Now, I do not propose to talk about the rights of labor. This would be, to my mind, a narrow view of the subject. We are not legislating for citizens simply because they belong to any organization or because they describe themselves or they may be described by any distinctive term or combination of words. I do not wish to appeal to men of a certain class or to convey the impression to them that I am pretending to represent them exclusively. This never was, and never ought to be, and I hope never will be, the position taken by any representative of the American people. We who are here represent them all. The whole people have particular respect for all classes of men who work earnestly and faithfully to bear the burden of modern civilization and the tremendous labor that is the glory of American life. In these nine sections are contained a charter of liberty and a bill of rights for the whole American people. The people of this country are not satisfied to have their sense of justice expressed wholly through the decisions and the decrees of a group of judges with a life tenure of office. While many of these men are of the highest character and interpret the law fearlessly as it has been provided for them, there are those among them who have made a different use of their tremendous power and who have earned the reputation of being the wisely selected and faithful guardians of big business. These provisions will come as a relief to the conscience of every wise and thoughtful Federal judge in the whole land. These sections will establish and make plain the simple rights that men have enjoyed for ages. The following are the rights that shall not be disturbed by the process of any Federal court when this bill becomes a law:

First. No injunction shall run against persons because they have ceased to perform any kind of work or labor.

Second. Courts are prohibited from issuing injunctions to prevent persons from recommending, advising, or persuading others to cease the work that they are doing.

Third. The right peaceably to assemble, guaranteed by the Constitution, must not be interfered with by any injunction to prevent persons from assembling peacefully at any place in a lawful manner and for lawful purposes, although the meeting may be had at or near a house or place where any person resides or works or carries on business or happens to be if the purpose of the meeting is peaceful and merely for the purpose of obtaining or communicating information or persuading any person in a peaceful manner, either to work or abstain from work.

Fourth. People will not, under this bill, be enjoined from ceasing to patronize or to employ any party to a dispute or controversy between employer and employee, or from giving to or withholding from any person engaged in such a controversy, any money or thing of value that they see fit to give.

Fifth. A controversy between employer and employee is shorn of its distinctive character by this bill. It has been treated in a class by itself in certain Federal courts. Courts have issued process in a controversy when the same courts would hold that it would be unlawful to issue such process in a case which was not a controversy between employer and employee. In other words, the acts of men in the case of a dispute, although they may be peaceful, have been considered in a different light than their ordinary acts. Under the provisions of this bill no one shall be enjoined from doing any act or thing in the case of a dispute or while a controversy is pending which would be a lawful act if there were no controversy.

Sixth. The right of trial by jury for the offense called contempt of court, which is not committed in the presence of the court, is fully and effectually provided for in this bill. It is strange but true that courts and lawmakers have sharply distinguished between violations of positive law and violations of the orders and decrees of courts. In the case of one charged with a violation of the criminal law, especially a felony, a trial by jury has been the undisputed birthright of the English-speaking people of the world for more than a thousand years. But during all those centuries in the case of violating the order of the court, the offending person has been fined or imprisoned at the will and by the verdict of one man sitting on a bench. What reason has there been for this distinction? If there ever was any reason, the representatives of the American people are now ready and willing to declare, and do declare that that reason has ceased to exist.

This bill does not license destruction or interfere with the power of courts to prevent injury to persons or property. It simply provides that courts shall not unreasonably nor arbitrarily exercise that power. We are not so conservative as the English are, and yet a short time ago the British Parliament passed an act covering a phase of labor disputes that has been considered unlawful heretofore and has been the subject of particular attention in United States courts. The new British law is as follows:

> It shall be lawful for one or more persons, acting on their own behalf or in behalf of a trades-union, in contemplation of a trade dispute, to attend peacefully and in a reasonable manner at or near a house or place where a person works or carries on business, if he attend for the purpose of persuading any person to work or to abstain from working.

The bill we have prepared is a measure for the whole people. Under its provision no business will fail, except in so far as it is seeking by unfair and unlawful means to destroy a competing business. Honesty is encouraged and protected; dishonesty restrained and punished. Property and business are not abandoned to the mob and the rights of the citizen are not left solely in the hands of the autocrat of the bench. The Committee on the Judiciary, after a full and fair hearing of every person who chose to be present, took the middle course between these extremes, and with whatever measure of ability they had, pre-

pared this bill, for the consideration of Congress and on behalf of all the people. Should its provisions fall short of justice they can be amended. Should they work injustice, they can soon be remedied, but ever and always let us keep before us that the humblest individual beneath the flag has an equal right to work out his destiny under the law in the way he chooses, and that the work of his life must be protected from those who from selfish motives would do him injury.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2256. An act for the relief of James M. Campbell.

The mesage also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. WILLIAM O. BRADLEY, late a Senator from the State of Kentucky.

Resolved, That a committee of 14 Senators be appointed by the Vice President to take order for arranging the funeral of Mr. BRADLEY.

Resolved, That as a further mark of respect his remains be removed from his late home in this city to Frankfort, Ky., for burial, in charge of the Sergeant at Arms, attended by the committee, who shall have power to carry these resolutions into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

That in compliance with the foregoing the Presiding Officer had appointed as said committee, Mr. JAMES, Mr. GALLINGER, Mr. WARREN, Mr. OVERMAN, Mr. SMOOT, Mr. SHIVELY, Mr. ROOT, Mr. KERN, Mr. MARTINE of New Jersey, Mr. POINDEXTER, Mr. O'GORMAN, Mr. FALL, Mr. SMITH of Arizona, and Mr. HUGHES.

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Iowa [Mr. GREEN] 20 minutes.

Mr. GREEN of Iowa. Mr. Chairman, I trust that anything I may say in discussing this bill will not be treated as invidious criticism of the members of the committee who reported it. I have the highest opinion for the learning, the zeal, and the industry of these gentlemen. I have made a considerable study of this question, and my study has only forced upon me the sense of the enormous difficulties which confronted them when they prepared the bill. With all this, I will have to say that I have been considerably disappointed in the bill and the report which accompanied it. But perhaps I ought not to have been, when there was added not only to the natural difficulties with which the gentlemen were confronted the pressure of political necessity which required them to bring in a bill which would meet some partisan exigency, and in accordance with the direction of a particular person, I ought not to be surprised that the committee has failed, as I think they have, to bring in a proper bill.

The gentlemen who have spoken on the other side, and particularly the distinguished gentleman from Kansas [Mr. TAGGART] who has just taken his seat, have entirely misunderstood the trend of the criticisms upon this side. We do not object to this bill because it is too drastic; we object to the bill because it adds nothing to the law which precedes it and simply confuses and confounds men who are undertaking to do business under it. I am speaking now solely of the new provisions in the bill and not of the provisions which were already law by virtue of court decisions or statutes already enacted.

I object to this bill at this time, not because it adds too much power to the present law but because it detracts from and emasculates the Sherman law which is already on the statute books; not because it gives additional force and efficiency to the law we now have, but because it takes away in important respects the powers given to the Government in the law now on the statute books.

I object to it, further, because they have undertaken to add to a law which was clear and precise in its form provisions which are in some respects of doubtful constitutionality, and in one respect absolutely unconstitutional. They have done this by bringing in what I call a political bill, because Members on this side have not been asked to assist in its preparation. In this respect they have done very differently from the framers of the original Sherman law. I suppose everyone is aware that the original Sherman law was not prepared by Senator Sherman.

Mr. BARTLETT. Only the title.

Mr. GREEN of Iowa. Only the title, as the gentleman from Georgia states. After Senator Sherman had prepared and introduced a bill in the Senate, a substitute was prepared by Senator Reagan, of Texas, which undertook, in something the same form as the bill now before us, to define specifically the offenses which might come under its provisions. After that bill had been considered the committee finally brought out a substitute for the Reagan bill. It is sometimes supposed that the bill known as the Sherman law was in fact prepared by Senator Edmunds; but the real fact, as now known, is that it was prepared by Senator Hoar. I never had an opportunity of listening to Senator Hoar, but those who have heard him speak and those who study his writings know that he possessed in a remarkable degree a faculty of clear, accurate, and comprehensive expression such as was probably possessed by no other man in public life of his day, and it is doubtful if his powers in this respect have ever been equaled in our legislative history.

The Sherman law is a model of clearness and of brevity and a marvel in comprehension. Somebody has said that it was like a universal joint in machinery—it can be pointed in any direction and will work in any manner the party using it sees fit. The trouble we have had with the growth and development of trusts under the Sherman law is not from any defect in the law itself, but from failure of its administration, which has arisen partly through an unwillingness to enforce the law from dread of the special interests, and partly because of defects in the administrative powers of the courts.

I have been surprised, upon consideration of the bill now before us and of the report of the committee, that neither here nor in the report accompanying the bill does anyone set forth how the Sherman law has failed to reach the evils which are claimed to exist under the present law. There are no citations to any cases; there are no particular facts pointed out as to which it is claimed that the Sherman law can not and does not reach any wrong which is alleged to prevail.

Mr. BARTLETT. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. BARTLETT. Has there been any case brought under the Sherman law, except one, where the present law as applied to the corporations, where the corporations have been convicted of violating the Sherman law, where the court has not upheld the law, except the Knight case, which failed for want of jurisdiction?

Mr. GREEN of Iowa. I would say that the Knight case failed because it was not properly presented to the court.

Mr. BARTLETT. But it went off on a question of jurisdiction.

Mr. GREEN of Iowa. The gentleman is entirely correct. I wish to consider more particularly the provisions of this bill now before the House, and as I am now discussing it in an informal manner I will welcome any questions or interruptions.

Mr. FESS. Mr. Chairman, will the gentleman yield for an interruption?

Mr. GREEN of Iowa. Yes.

Mr. FESS. I think for the matter of the RECORD, to show that this was nonpartisan, the gentleman ought to state that it was unanimously adopted in the Senate and, I think, only one vote recorded against it in the House.

Mr. GREEN of Iowa. The gentleman is referring to the Sherman law?

Mr. FESS. Yes.

Mr. GREEN of Iowa. I had intended to mention that fact. It was discussed and adopted entirely in a nonpartisan way, and the vote upon it was almost unanimous, lacking only one vote, as the gentleman from Ohio has correctly stated.

I shall not have time to refer to all of the provisions of this bill to which I object, but I will call attention, first, to section 2, which provides, among other things, that any person engaged in commerce who shall discriminate in price between the purchasers of commodities with the intent and purpose thereby to destroy or wrongfully injure the business of a competitor, the purchaser and the seller shall be guilty of a misdemeanor. I would like to inquire what case there is that has ever held that actions of that kind are not punishable under the Sherman law as it now stands? An act such as is described in this section is clearly an attempt to monopolize business.

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

Mr. GREEN of Iowa. Yes.

Mr. BARTLETT. That species of monopoly and combination and trust, an effort to break down a competitor, is one of the earmarks of monopoly and violates the law and was pointed out in the celebrated Tobacco case as being evidence of violation of the law.

Mr. GREEN of Iowa. The gentleman has expressed very forcibly a matter to which I intended to refer, and very correctly.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. I yield with pleasure to the distinguished gentleman from Arkansas.

Mr. FLOYD of Arkansas. I am not able to point out to the gentleman where that has ever been held not to be a violation of the law, but it has never been held to be a violation of the Sherman law, and, in my opinion, such act of discrimination is not within the purview of the Sherman law as it now exists. The gentleman can not cite a case in which it has been so held. It is an instrumentality which has been used by different corporations, referred to by the courts as evidence tending to show that the corporation has been guilty of a violation of the Sherman law; but the single transaction, the act of discrimination, taken alone, condemned in that section, has never been held by a court in any decision to be a violation of the Sherman law.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman is quite correct as to the decisions, but at the same time it has been repeatedly held by the courts that such a transaction is one of the indicia and evidences of violations of the Sherman law. Section 2 of the Sherman law expressly states that every person who shall monopolize or attempt to monopolize or combine or conspire to monopolize any trade or commerce, and so forth, shall be subject to its provisions. If the gentleman means to say that these acts which he has described in section 2 of the bill are not done with intent to monopolize, and that he intends to make criminal acts which do not interfere with competition or tend to monopolize, then I will agree with him; but, otherwise, I am compelled to disagree.

Mr. FLOYD of Arkansas. Mr. Chairman, I will state to the gentleman that the object of that section is to strike down the practice that has been referred to by the courts in decisions in antitrust cases as one of the instrumentalities used in building up monopolies in this country, and I want to state further——

Mr. GREEN of Iowa. I hope the gentleman will pardon me, but my time is slipping by, and I am not going to be able to reach some matters I want to speak of particularly.

After the provision making these matters subject to penalty it was found necessary to add a number of provisos. These exceptions necessarily afford an opportunity to evade the Sherman law, which reached everything covered by this section, in so far as it interfered with competition, without any provisos. The law as it stands is sufficient, and section 2 of the bill will merely weaken it through these provisos.

I wish also to speak of section 3, which provides in part as follows:

> That it shall be unlawful for the owner or operator of any mine or for any person controlling the product of any mine engaged in selling its product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product for use—

And so forth.

As has been observed, this applies simply to the owners of coal and other mines. It does not apply to persons who are operating in other natural products, such as lumber, timber, and articles of that kind. The fourteenth amendment to the Constitution provides that no State shall deprive any citizen of the equal protection of the law. Of course, this amendment applies only to the States, but it has never been held or contended, so far as I know, that the Constitution gives the Federal Government the right to deprive any citizen of the equal protection of its law. Of course, classifications can be made under the criminal law, where such classifications are not made arbitrarily; but what reason is given for selecting the coal miners or coal dealers under this provision? Why should not those who deal in lumber, those who own the forests, as well as those who control the mines, be subject to similar provisions, and what authority can gentlemen cite, giving Congress power to arbitrarily select certain individuals without any reason therefor and make them subject to penalty?

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

Mr. GREEN of Iowa. Yes.

Mr. METZ. While we are trying to get at monopoly here, and have in mind oil and coal, and so forth, does not section 2 practically put every business house, every dealer in any kind of goods, in the same category with those big corporations, with this exception, that he can choose his own customers?

Mr. GREEN of Iowa. Oh, no.

Mr. METZ. Oh, yes. It fixes the price.

Mr. GREEN of Iowa. I think I did not fully understand the remarks of the gentleman from New York.

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

Mr. GREEN of Iowa. Yes.

Mr. FESS. Does it not discriminate against the small producer rather than to put him on an equality with the large producer, who can send his men to represent his goods everywhere, while the small man can not, and therefore how is he going to get into the markets?

Mr. GREEN of Iowa. I think the gentleman has correctly stated an objection to the bill, and if the gentleman from New York [Mr. METZ] is correct, it would be an additional reason why this provision is of doubtful constitutionality.

Mr. METZ. I agree with the gentleman. I think it is of doubtful constitutionality.

Mr. GREEN of Iowa. Mr. Chairman, I see my time is passing rapidly, and I can only briefly refer to section 4. The distinguished gentleman from Arkansas [Mr. FLOYD] spoke of some decision which made necessary the enactment of this provision, but did not have the decision with him at the time he spoke, and I have not been able to find it since. In so far as acts covered by section 4——

Mr. FLOYD of Arkansas. If the gentleman will permit an interruption, the gentleman will find the decision in volume 125, Federal Reporter, page 454. It is the case of Whitwell against the Continental Tobacco Co. et al.

Mr. GREEN of Iowa. What kind of a case was it?

Mr. FLOYD of Arkansas. It was a case brought under the antitrust law, in which the court holds that kind of a contract is not in violation of the Sherman Act.

Mr. GREEN of Iowa. Well, I do not have time to discuss this matter fully, but if the framers of the bill wished to prevent the holders of a patent from putting restrictions upon the sale or lease of the patented article, we ought to have a separate and distinct bill for that purpose. Reference is made to a decision of a lower Federal court. If the decisions of the lower Federal courts stood, there would not be much left of the Sherman law.

Mr. FLOYD of Arkansas. Will the gentleman permit me right there?

Mr. J. M. C. SMITH. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. GREEN of Iowa. I yield to the gentleman from Michigan.

Mr. J. M. C. SMITH. I desire to ask the gentleman whether or not he thinks section 4 applies to patented articles at all. It says persons engaged in commerce. It does not make any difference, it does not say it should be a patented article that he is handling, but simply says it shall be a matter of commerce.

Mr. GREEN of Iowa. The gentleman calls attention to one of the vital defects of this provision. I am not prepared to say, and I doubt whether any gentleman is prepared to say definitely it would apply to such a case as the gentleman mentions. I now yield to the gentleman from Arkansas.

Mr. FLOYD of Arkansas. The gentleman refers to the decision cited by me as one rendered by a lower court? The decision rendered was in the United States circuit court of appeals by Judge Sanborn, in the case of Whitwell against the Continental Tobacco Co. et al., and can be found in volume 125, Federal Reporter, page 454.

Mr. GREEN of Iowa. The gentleman certainly is aware that that is not the highest Federal court.

Mr. FLOYD of Arkansas. It is a Federal court of very high authority, the highest next to the Supreme Court.

Mr. GREEN of Iowa. Mr. Chairman, before taking my seat I desire to refer to the provisions of section 6. There can be, as I said, no possible question but what the provisions of this section are unconstitutional. It provides that when a decree has been rendered in a suit commenced on behalf of the United States under the antitrust laws that—

> said judgment or decree shall, to the full extent to which such judgment or decree would constitute in any other proceeding an estoppel as between the United States and such defendant, constitute in favor of or against such defendant conclusive evidence of the same facts, and be conclusive as to the same questions of law in favor of or against any other party in any action or proceeding brought under or involving the provisions of any of the antitrust laws.

The effect of this decision is such that if some third party should commence a suit for damages under the Sherman law he might find himself bound by a decree in an action brought by the United States against the same party, which holds that the Sherman law has not been violated. In such event, the party who wishes to commence his suit will find that he is estopped and precluded without having his day in court, without having any opportunity to be heard, without having any opportunity to present his evidence. The gentleman from Georgia has referred to the Knight case, in which the Sherman law was invoked, but where the case was dismissed with the findings of fact and conclusions of law that the Sherman law had not been violated. If the provisions of section 6 had then been in force and effect the parties who afterwards successfully maintained

a suit for damages against the Sugar Trust would have in all probability found the decree in the Knight case standing like a stone wall in their way. I have no hesitation in saying this provision is unconstitutional, and I feel confident that it will not be in this bill when it is finally enacted into law.

Mr. BARTLETT. Will the gentleman permit a question?

Mr. GREEN of Iowa. I will.

Mr. BARTLETT. What effect does the gentleman think it would have simply to make it prima facie evidence? This bill makes it conclusive evidence, to which the gentleman has referred. Now, what effect would it have to say that the findings between the United States Government and the corporations should be affirmative evidence of a violation of the law to be rebutted by the evidence?

Mr. GREEN of Iowa. I will answer the gentleman by saying I think that the words "in favor of," which precede the word "defendant," ought to be stricken out. The defendant has had his day in court. He has had his opportunity to be heard. It is proper that the decree should constitute a final estoppel as against him, but not as against some third person who was not a party to the original action and has had no opportunity to present his case.

Now, I wish to speak briefly in reference to section 8. It is the provision with reference to holding companies. It states:

SEC. 8. That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce, where the effect of such acquisition is to eliminate or substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to create a monopoly of any line of trade in any section or community.

Mr. Chairman, how much time have I consumed?

The CHAIRMAN. Twenty-five minutes, and the gentleman has five minutes remaining.

Mr. GREEN of Iowa. Every gentleman in the House who has made a study of the law applicable to this subject is aware that the creation of a holding company for the purpose of eliminating competition has been held to be a violation of the Sherman law, but if this section is enacted we will have to go further than to secure a conviction under the law. It provides at the bottom of page 25—

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition.

In the Northern Securities case it was held that the mere potential power to bring about a monopoly or effect a lessening of competition was sufficient to bring the contract under the provisions of the Sherman law, but under provisions that we have in this bill it will be necessary to show that some step was actually taken in the way of preventing or lessening competition before the law will apply. This section is another instance where the law as it now stands is not strengthened, but weakened.

In the few minutes I have remaining I wish to speak very briefly with reference to section 12. This is the so-called "personal guilt" section, in which the committee seemed to take a special pride, and yet I have no hesitation in saying that it adds to the burden imposed upon the prosecutor by the law as it now stands. In other words, it will be more difficult to convict or bring about the conviction of any person under this section than it is now under the Sherman law. The Sherman law is personal in its provisions; it applies to persons as well as corporations. There is no difficulty in making guilt personal under it. Section 12 provides—

That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws, the offense shall be deemed to be also that of the individual directors, officers, or agents of such corporation

It does not provide and could not provide in any constitutional way that the mere fact that a corporation has been found guilty should also establish the guilt of some official or director. This probably was in the mind of the gentlemen who prepared this section, and they found it necessary to add thereto—

Any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited act shall be deemed guilty of a misdemeanor.

It follows that, under the provision of this section, the corporation must first be convicted. After the corporation is convicted the individual must be convicted, and, finally, after two convictions, the guilt is made personal.

Mr. GORDON. Do you claim that you can not prosecute the individual in a separate indictment without first prosecuting the corporation under the language referred to?

Mr. GREEN of Iowa. So far as the provisions of this section are concerned, I do. If it does away with the provisions of the Sherman Act this would be necessary, because it expressly so states.

Mr. CAMPBELL. I would like to ask in what way can the corporation violate the law except through its managing officer?

Mr. GREEN of Iowa. It can not; and the provisions of the Sherman law consequently apply to them where they have actually taken part in the violation of the law.

Mr. CAMPBELL. I was going to follow that and then ask if the Sherman law does not cover the case, if it is rigidly enforced, as it now stands upon the statutes?

Mr. GREEN of Iowa. If it is enforced at all, it covers it?

Mr. CAMPBELL. Yes.

Mr. GREEN of Iowa. This section only applies to a director, officer, or agent who shall have actually authorized, ordered, or done some of the prohibited acts, not of this section but of the antitrust laws. But whenever such facts are shown they become a crime under the Sherman law itself, and we have no need for this section whatever.

Mr. SLOAN. Will the gentleman yield?

Mr. GREEN of Iowa. With pleasure.

Mr. SLOAN. Under that statute the officer who neglected to do the act he should have done and permitted the violation of the law is not covered in that statute, is he?

Mr. GREEN of Iowa. Very clearly not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. I will ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes additional.

Mr. GREEN of Iowa. I have not time to go over this bill as I would like; but I have shown, I think, with reference to these sections which are new, that instead of giving any additional force to the Sherman law they actually detract from its provisions and make it more difficult of enforcement. The criticisms we make upon this side are not because this law is not sufficiently drastic. We criticize because it adds little or nothing to the law as it now stands, because it confuses business and confounds business men by provisions that are indefinite, uncertain, and of doubtful legality or absolutely unconstitutional. Do gentlemen think they can make a decree stand against a person who was never a party to the original action? Do they think that they can single out one particular kind of merchants and leave out other kinds who stand in exactly the same position? Do they think it strengthens the law to enact definitions and then follow the definitions with a number of provisos? What we need, and what we ought to have—what we must have to stop the growth of monopoly in this country—is further provisions in reference to the effect which decrees shall have when enacted. I have introduced a bill which provides that in the case of a violation of the Sherman law the courts must impose a jail sentence. I think that would have some effect, but I do not think that that would accomplish the desired result by itself. The only way in which we can ever stop the growth of monopolies is by requiring all corporations engaged in interstate commerce to take out a Federal license, and then providing that when an action in equity is commenced and it is found that the defendants are violating the law an order shall first be issued restraining them from any further violation. It then should be provided that in event the order is violated not only that the officers of any offending corporation shall be in contempt of court, but also that the corporation itself shall forfeit its license to do interstate business.

Mr. J. M. C. SMITH. Is it not the idea of the gentleman that the bill is not drastic enough?

Mr. GREEN of Iowa. I do not want the present law weakened in any particular. The bill does reach the deficiencies in the present system.

Mr. J. M. C. SMITH. It was your idea that it is not drastic enough, I take it from what you said.

Mr. GREEN of Iowa. I do not know what the gentleman calls drastic. What I want is something that will make the present law more efficient; but I think this bill will weaken it in many respects.

Mr. J. M. C. SMITH. If the gentleman would get some of the letters that I have, he would think it is murder in the first degree.

Mr. GREEN of Iowa. Well, business men are more excited about what this law will accomplish than they need to be. There is not anything in it except a general disturbance of business, as I view it. It will not go beyond the Sherman law in any of the respects that I have mentioned.

Mr. TOWNER. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. TOWNER. As the gentleman has shown, in section 12 there is an absolute reduction of the possibility of making guilt personal, is there not?

Mr. GREEN of Iowa. There is.

Mr. TOWNER. Because under the provisions of section 12, in order to prosecute an individual as an officer of the corporation who has authorized a violation of the law, it can only be done if the corporation has been indicted and convicted. and then must follow the indictment or conviction of the individual?

Mr. GREEN of Iowa. The gentleman is correct if you proceed under this section and not under the old Sherman law.

Mr. TOWNER. Is not this a later expression of the law?

Mr. GREEN of Iowa. It was so intended.

Mr. TOWNER. And if it passes, will it not be, in effect, a repeal of all of the other laws with regard to those matters?

Mr. GREEN of Iowa. The gentleman states one of the many points where it will introduce confusion with reference to law which is now well settled.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GREEN] has again expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, 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. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below.

S. 2256. An act for the relief of James M. Campbell; to the Committee on Military Affairs.

DEATH OF SENATOR WILLIAM O. BRADLEY, OF KENTUCKY.

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

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a resolution which the Clerk will report.

Mr. DONOVAN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. To object, Mr. Speaker; to object to the consideration of the resolution.

The SPEAKER. It does not require unanimous consent.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution No. 526.

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM O. BRADLEY, a Senator of the United States from the State of Kentucky.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 16 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

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

The resolution was unanimously agreed to.

The SPEAKER. The Chair appoints the following committee on the part of the House to attend the funeral: Mr. JOHNSON of Kentucky, Mr. STANLEY, Mr. SHERLEY, Mr. HELM, Mr. THOMAS, Mr. CANTRILL, Mr. FIELDS, Mr. ROUSE, Mr. BARKLEY, Mr. LANGLEY, Mr. AUSTIN, Mr. KAHN, Mr. GREEN of Iowa, Mr. J. M. C. SMITH, Mr. SWITZER, and Mr. JOHNSON of Washington.

ADJOURNMENT.

The SPEAKER. The Clerk will report the next resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

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

The resolution was unanimously agreed to; accordingly (at 12 o'clock and 25 minutes p. m.) the House adjourned, under the order previously made, until to-morrow, Tuesday, May 26, 1914, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2319) to transfer Capt. Armistead Rust from the retired to the active list of the United States Navy, reported the same with amendment, accompanied by a report (No. 710), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARLIN (by request): A bill (H. R. 16811) to authorize the Washington & Old Dominion Railway Co. to acquire by purchase or condemnation the land and property necessary for terminal facilities and trackage in the District of Columbia, at or near Thirty-sixth and M Streets NW.; to the Committee on the District of Columbia.

By Mr. MOTT: A bill (H. R. 16812) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906, and an act approved June 25, 1910; to the Committee on the Judiciary.

By Mr. ALEXANDER: Joint resolution (H. J. Res. 270) authorizing the Secretary of Commerce to have taken specimens of the Pribilof Islands fur seal as specimens for the collections of the National Museum; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULLOP: A bill (H. R. 16813) granting an increase of pension to James A. Harper; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 16814) granting an increase of pension to Amelia Brundage; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 16815) granting a pension to William Matthews; to the Committee on Pensions.

Also, a bill (H. R. 16816) granting an increase of pension to John G. Warner; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16817) granting an increase of pension to John Hill; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 16818) granting a pension to Robert C. Bay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16819) granting an increase of pension to William Hahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16820) granting a pension to John Firth; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16821) for the relief of Brig. Gen. John C. Hartigan; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 16822) granting an increase of pension to Thomas H. Caley; to the Committee on Invalid Pensions.

By Mr. STEDMAN: A bill (H. R. 16823) to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 16824) for the relief of the heirs of Abraham Elrod; to the Committee on War Claims.

By Mr. ADAIR: A bill (H. R. 16825) granting an increase of pension to Joseph Funk; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER (by request): Resolutions of certain citizens of Owatonna, Minn.; Fort Bragg, Cal.; Los Angeles, Cal.; Cincinnati, Ohio; Washington, Iowa; Peoria, Ill.; Boston, Mass.; Fargo, N. Dak.; Kansas City, Mo.; Bauer Falls, Pa.;

Libertyville, Ill.; Good Hope, Ill.; and La Crosse, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), memorial of the Jacksonville (Fla.) Board of Trade, protesting against the proposed change of the headquarters of the Florida customhouse district from Jacksonville to Tampa; to the Committee on Ways and Means.

Also (by request), memorial of the Commercial Club of Kansas City, Mo., relative to pending antitrust bills; to the Committee on the Judiciary.

Also (by request), memorial of a mass meeting of Scandinavian citizens of Helena, Mont., favoring national prohibition; to the Committee on Rules.

Also (by request), memorial of sundry citizens of Franklin County, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. BARTLETT: Petition of A. Block, Holmes Reddy, and others, of Macon, Ga., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Georgia Division, United Daughters of the Confederacy, favoring return of the cotton tax to the States; to the Committee on War Claims.

Also, petition of the Savannah (Ga.) Chamber of Commerce, relative to antitrust bills; to the Committee on the Judiciary.

Also, petition of Mrs. A. C. Carswell and 200 other ladies of Georgia, and D. B. Sandford and 20 others, of Macon, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. CRAMTON: Protests of John Biewer and 19 other voters in St. Clair County, Mich., against the adoption of House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures; to the Committee on Rules.

Also, protests of 30 voters in Macomb County, Mich., against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petitions of 173 citizens and residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petitions of 17 residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Frank P. Young, of Vallejo, Cal., in favor of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition by Cora Alta Dobson, of Stockton, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of 4 citizens and residents of Sacramento, Cal., protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Rev. H. V. Moore, of the Methodist Episcopal Church South, of Sacramento, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Rev. F. M. Washburn and his congregation, the Congregational Church of Suisun, Cal., praying for the favorable consideration of the Hobson national constitutional prohibition resolution; to the Committee on Rules.

Also, petition of Ancil Hoffman, of Sacramento, Cal., protesting against the adoption of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

Also, petitions of 8 individual drug companies of Stockton, Cal., asking for the favorable consideration of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 7 individual drug companies of Sacramento, Cal., in favor of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 69 citizens and residents of the third California district, protesting against the Hobson national constitutional prohibition resolution; to the Committee on Rules.

By Mr. DALE: Petitions of sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of 18 voters of the fourth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Memorial of the Zion Evangelical Church, of Aberdeen, S. Dak., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of South Dakota, protesting against national prohibition; to the Committee on Rules.

By Mr. FINLEY: Petitions of F. W. Pate and D. H. Lang, of Chesterfield County, S. C., against national prohibition; to the Committee on Rules.

By Mr. HAY: Petitions of sundry citizens of Rockingham County, Va., protesting against national prohibition; to the Committee on Rules.

By Mr. HOXWORTH: Petition of sundry citizens of the fifteenth Illinois district, protesting against national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petition of various voters of the second congressional district of Washington, protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of South Carolina: Petition of William Doll and others of Laurens, S. C., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the New England Coal Dealers' Association, of Boston, Mass., protesting against certain sections of House bill 15657; to the Committee on the Judiciary.

Also, petition of John Greenwood, of Central Falls, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Sylvester Bros. Co., of Seattle, Wash., favoring passage of House bill 15988, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. McCLELLAN: Petition of 72 citizens of Sullivan County and various voters in the twenty-seventh New York congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. METZ: Petition of various voters of the tenth congressional district of New York, protesting against pending prohibition legislation; to the Committee on Rules.

By Mr. RIORDAN: Papers to accompany a bill (H. R. 10986) granting a pension to Andrew Houlihan; to the Committee on Pensions.

By Mr. SLOAN: Petition of 68 citizens of the fourth congressional district of Nebraska, protesting against national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Papers to accompany House bill 16661, for increase in pension of John R. Lucas; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: Individual petitions from 41 citizens of Hennepin County, Minn., protesting against proposed prohibition of manufacture, sale, and importation of alcoholic beverages; to the Committee on Rules.

By Mr. TALBOTT of Maryland: Petitions of sundry citizens of Maryland, against national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petitions of Harry Ainsworth, president of Williams, White & Co., of Moline, Ill., and the Root & Vandervoort Engineering Co., of East Moline, Ill., protesting against the passage of the antitrust bills; to the Committee on the Judiciary.

Also, petition of Ralph W. Lamont, of Rock Island, Ill., relative to House bill 15657; to the Committee on the Judiciary.

Also, petition of the Mercer County (Ill.) Medical Society, protesting against Nelson amendment to the Harrison antinarcotic bill; to the Committee on Ways and Means.

Also, petition of the Women's Civic League of East Moline, Ill., protesting against abolishing of half-and-half plan in District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR of Arkansas: Petition of 110 citizens of Wilmar, Ark., favoring national prohibition; to the Committee on Rules.

Also, petitions of 21 citizens of Pine Bluff, Ark., protesting against national prohibition; to the Committee on Rules.

Also, petition of the traffic bureau of the Chamber of Commerce of Pine Bluff, Ark., protesting against further extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. VOLLMER: Petitions of George L. Wheeler and 85 others, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all prohibition measures introduced in Congress; to the Committee on Rules.

Also, telegrams of Henry Pahl and 110 other citizens of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WALLIN: Petition of 160 voters of the thirtieth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. WILSON of New York: Petition of 24 voters from the third congressional district of New York, protesting against national prohibition; to the Committee on Rules.