By Mr. THAYER: A bill (H. R. 9823) for the relief of Peter Tatro, otherwise known as John Goodro; to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 9824) granting an increase of pension to Overton R. Mallory; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 9825) for the relief of Frances A. Bliss; to the Committee on War Claims.

By Mr. YOUNG of Kansas: A bill (H. R. 9826) for the relief of Anna L. Shepherd; to the Committee on Pensions.

Also, a bill (H. R. 9827) granting a pension to Lamar W. Hadley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9828) granting an increase of pension to Charles Swartwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9829) granting an increase of pension to David B. Clouse; 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): Senate resolution 6, Hawaii Territory, in regard to construction of a ditch from Hilo to Kaw; Senate resolution 10, Hawaii Territory, in regard to education, homestead, etc.; Senate resolution 9, Hawaii Territory, in regard to militia, etc.; and resolution from the Legislature of Hawaii Territory requesting the passage of a law admitting the Territory into the Union as a State; to the Committee on the Territories.

By Mr. ASHBROOK: Evidence to accompany House bill 9344, for special relief of Sarah T. Hueston; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition in favor of a parcels post by citizens of the Bronx; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Affidavits to accompany bill (H. R. 6154) granting a pension to Alice Rothe; to the Committee on Pensions.

Also, papers to accompany bill (H. R. 7082) granting an increase of pension to George Whalen; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: Petition of sundry citizens of Bedford, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DE FOREST: Petitions of sundry persons asking reduction in duty on raw sugar; to the Committee on Ways and Means.

By Mr. DYER: Affidavits in matter of pension for Patrick Burke; to the Committee on Invalid Pensions.

By Mr. FOCHT: Affidavits to accompany House bill 9594, in behalf of David Trutt; to the Committee on Invalid Pensions.

By Mr. HANNA: Memorial of sundry citizens of McHenry, Foster County, N. Dak., expressing appreciation of the attitude of Mr. HANNA in regard to reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of sundry citizens of Arthur, N. Dak., for establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HELM: Affidavits to accompany House bill 9618, in behalf of John C. Caldwell; House bill 9620, in behalf of William J. Martin; and House bill 9621, in behalf of Joseph Reece; to the Committee on Invalid Pensions.

By Mr. HOUSTON: Affidavits to accompany House bill 7425 in behalf of Henry E. Deberry and House bill 5235 in behalf of Alexander Scott; to the Committee on Invalid Pensions.

Also, affidavits to accompany House bill 5239 in behalf of John H. Hubbard; to the Committee on Military Affairs.

By Mr. LAMB: Resolution of the Fortnightly Club of Keene, N. H., and Local Union No. 179, Brotherhood of Painters, Decorators, and Paper Hangers of America, favoring repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. MAGUIRE of Nebraska: Resolution of the Nebraska Legislature, memorializing Congress to erect on the Federal building at Lincoln, Nebr., a large clock; to the Committee on Public Buildings and Grounds.

By Mr. MORGAN: Resolution of citizens of Oklahoma, second district, in favor of the Berger resolution; to the Committee on Labor.

By Mr. PUJO: Petition in favor of Senate bill 3776, for the regulation of express companies, and others, by citizens of Boyce, Colfax, Washington, Opelousas, Bunkie, Cheneyville, Lecompte, Rayne, Alexandria, Crowley, Jennings, Lake Charles, De Ridder, and Lessville, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Massachusetts: Resolution from the Commercial Club of the city of Brockton, protesting against the passage of House bill 4413; to the Committee on Ways and Means.

Also, preamble and resolution adopted by the convention of the Protestant Episcopal Church in the Diocese of Massachusetts at its annual session held in Boston May 3 and 4, 1911; to the Committee on Foreign Affairs.

Also, resolution of the National Association of Shellfish Commissioners, Baltimore, Md., April 19, 1911; to the Committee on the Merchant Marine and Fisheries.

By Mr. J. M. C. SMITH: Memoranda relative to bill for increase of pension for George H. Sliter; to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *May 18, 1911.*

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.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Illinois, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House joint resolution 9.

Resolved by the House of Representatives of the State of Illinois (the Senate concurring therein), That application is hereby made to the Congress of the United States under the provision of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States granting the Congress of the United States the following power:

The Congress of the United States shall have the power to prevent and suppress monopolies throughout the United States by appropriate legislation.

Resolved further, That the secretary of state is hereby directed to transmit copies of the application to the Senate and House of Representatives of Congress, and to transmit copies thereof to the presiding officers of each of the legislatures now in session in the several States, requesting the cooperation of the said several legislatures.

Adopted by the house February 24, 1911.

Concurred in by the senate May 11, 1911.

OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Illinois, ss:*

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the Forty-seventh Assembly of the State of Illinois, passed and adopted at the regular session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of State, at the city of Springfield, this 12th day of May, A. D. 1911.

[SEAL.] JAMES A. ROSE,
Secretary of State.

The VICE PRESIDENT presented petitions of the Mountain View Sunday School, of Hardy County, W. Va.; of the Brethren Church of the Lower Lost River Congregation, of Hardy County, W. Va.; and of the Baptist Sunday school of Bonsach, Va., praying for the enactment of legislation to prohibit the sale and traffic in opium, which were referred to the Committee on Foreign Relations.

Mr. WATSON presented memorials of C. E. Arbuckle, of Lewisburg, W. Va., and of sundry other citizens of that State, remonstrating against the reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, relative to the organization of a Territorial legislature in the Territory of Alaska. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Territories.

There being no objection, the memorial was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

House joint memorial 3.

To the honorable Senate and House of Representatives in Congress assembled:

Whereas the Territory of Alaska is settled by a hardy, active, and energetic people, numbering more than 64,000, according to the Thirteenth Census, 1910, who have in the last 10 years added in gold and fish alone more than $225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than $52,000,000, being greater than our trade with China and twice as great in value as the trade with the Philippines; and

Whereas the development of the Territory is being greatly retarded by the want of a lawmaking or legislative body therein to be elected by the people:

Resolved by the House of Representatives of the State of Washington (the Senate concurring), That the Legislature of Washington does hereby declare its most earnest opinion that it is necessary to the de-

velopment of the Pacific coast and of the resources and good government in Alaska that Congress shall, at the earliest possible date, pass an enabling act creating and providing for the organization of a Territorial legislature in Alaska, to be elected by the American citizens resident therein, with such powers and limitations as have been usually given to and imposed upon such legislative assemblies in other Territories; and the Senators and Representatives in the Congress of the United States from the State of Washington are hereby requested to aid and assist in the securing of the passage of such a bill.

Resolved further, That a copy of this resolution be forthwith transmitted to the Senators from the State of Washington and to each Congressman from the State of Washington; also to each member of the Committees on the Territories of the House of Representatives and the Senate for their information in the premises.

Passed by the house January 17, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed by the senate January 20, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. McLEAN presented a petition of Fairfield East Association of Congregational Churches of Connecticut, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Connecticut State officers of the Ancient Order of Hibernians and a memorial of the county officers and board of directors of the Ancient Order of Hibernians of Fairfield County, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. MARTINE of New Jersey presented memorials of the Jefferson Democratic Club, of Perth Amboy; the Washington Club, of Perth Amboy; the Central Labor Board of Perth Amboy; of District Union No. 8, St. Patrick's Alliance, of Middlesex County; of the county board, Ancient Order of Hibernians, of Middlesex County; Independent Branch, No. 1, St. Patrick's Alliance, of Perth Amboy; Local Division No. 11, Ancient Order of Hibernians, of Dunellen; Local Division No. 3, Ancient Order of Hibernians, of Perth Amboy; Local Division No. 7, Ancient Order of Hibernians, of Chrome; Local Division No. 2, Ancient Order of Hibernians, of Sayreville; of James J. Walsh, secretary, and sundry members of Local Division No. 20, Ancient Order of Hibernians, of Bayonne; of James A. Saul, of Newark; William Greenfield, jr., P. Carroll, and Thomas Fitzgerald, of Kearny, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of Woodburn Citizens' Association, of the District of Columbia, praying that the extension of New Hampshire Avenue be made in a straight line, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Rochester, N. H., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a memorial of the Connecticut State board of directors of the Ancient Order of Hibernians, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. RAYNER presented a petition of the Ministers' Association of Harford County, Md., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the adoption of an amendment to the so-called corporation-tax law making it permissible for corporations to make returns at the close of the fiscal year, which was referred to the Committee on Finance.

He also presented petitions of Washington Camps, No. 382, of Emporium; No. 193, of Easton; No. 684, of Mifflinville; No. 690, of Heidlersburg; No. 158, of Hughesville; and No. 298, of Mochland, all of the Patriotic Order Sons of America, in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 1156) granting a pension to Marcia M. Maris, which were referred to the Committee on Pensions.

Mr. ROOT presented memorials of Red Hook Grange, No. 918; East Aurora Grange; Essex County Pomona Grange; and Hamptonburgh Grange, No. 950, all of the Patrons of Husbandry, and of sundry farmers of Onondaga County, all in the State of New York, remonstrating against the reciprocity trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRISTOW presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the adoption of an amendment to the so-called corporation-tax law making it permissible for corporations to make returns at the close of each fiscal year, which was referred to the Committee on Finance.

He also presented sundry papers to accompany the bill (S. 2306) granting an increase of pension to Luther Barker, which were referred to the Committee on Pensions.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., and a petition of the California Club, of San Francisco, Cal., praying that the sloop of war *Portsmouth* be transferred to the Bay of San Francisco, which were referred to the Committee on Naval Affairs.

He also presented a memorial of Machinists Railroad Lodge, No. 610, of Oakland, Cal., remonstrating against the alleged abduction of John J. McNamara from Indianapolis, Ind., which was referred to the Committee on the Judiciary.

LANDS IN CALIFORNIA.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 940) granting to the city of Los Angeles certain rights of way in, over, and through certain public lands and national forests in the State of California, reported it without amendment and submitted a report (No. 29) thereon.

THE ORANGE JUDD NORTHWEST FARMSTEAD.

Mr. SMOOT. From the Committee on Printing I report back, and ask to have printed as a public document, a report of an informal hearing accorded the publishers of the Orange Judd Northwest Farmstead, of Springfield, Mass., on April 15, 1911, in relation to their subscription list, together with the Post Office Department's decision in the case, rendered April 21, 1911. (S. Doc. No. 32.)

The VICE PRESIDENT. Without objection, the order asked for will be entered.

BILLS INTRODUCED.

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

By Mr. WORKS:

A bill (S. 2427) for the relief of the legal heirs of A. G. Strain; to the Committee on Public Lands.

By Mr. GAMBLE:

A bill (S. 2428) for the relief of Horace C. Dale, administrator of the estate of Antoine Janis, sr., deceased; and

A bill (S. 2429) for the relief of Milton C. and George G. Conners, doing business under the firm name of Conners Bros.; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 2430) granting an increase of pension to Robert Smith (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2431) granting an increase of pension to Reuben Bronson; to the Committee on Pensions.

By Mr. BACON:

A bill (S. 2432) to amend the act entitled "An act to create a Commerce Court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910; to the Committee on the Judiciary.

By Mr. GORE:

A bill (S. 2433) to declare certain acts in restraint of interstate or foreign commerce to be unlawful and unreasonable; to the Committee on Interstate Commerce.

By Mr. BRANDEGEE:

A bill (S. 2434) providing for an increase of salary of the United States marshal for the district of Connecticut; to the Committee on the Judiciary.

By Mr. WILLIAMS:

A bill (S. 2435) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 2436) granting an increase of pension to Henry A. Dennis (with accompanying papers);

A bill (S. 2437) granting an increase of pension to John McCray;

A bill (S. 2438) granting an increase of pension to Martin V. Anderson;

A bill (S. 2439) granting an increase of pension to Daniel Burket;

A bill (S. 2440) granting an increase of pension to Matilda J. Fuller (with accompanying paper); and

A bill (S. 2441) granting an increase of pension to Duane L. Clark; to the Committee on Pensions.

A bill (S. 2442) for the relief of Peter Carroll and others, lately laborers employed by the United States military authorities in and about Fort Leavenworth, Kans.; to the Committee on Claims.

By Mr. CULBERSON:

A bill (S. 2443) to amend section 120 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; to the Committee on the Judiciary.

By Mr. GORE:

A bill (S. 2444) granting an increase of pension to Catherine F. Edsall; and

A bill (S. 2445) granting a pension to Jemima Lester (with accompanying paper); to the Committee on Pensions.

ADJOURNMENT TO MONDAY.

Mr. GALLINGER. Mr. President, I have consulted with various Senators on both sides of the Chamber, and as the Committee on Finance is holding protracted and regular meetings there seems to be no urgency so far as the business of the Senate is concerned. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

SENATOR FROM ILLINOIS.

Mr. LA FOLLETTE. Mr. President, a number of Senators have inquired as to the taking up of Senate resolution No. 6, a resolution to appoint a special committee to investigate certain charges relative to the election of WILLIAM LORIMER. I will say at this time, in order that Senators who desire to be here may have the opportunity, that I shall ask the Senate to take up that resolution on Monday at the close of the morning business.

MISSISSIPPI RIVER BRIDGE AT PRAIRIE DU CHIEN.

Mr. CUMMINS. I ask unanimous consent to call up Senate bill 850. It is what is ordinarily known as a bridge bill, and there is necessity for its early disposition.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill (S. 850) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to so amend the act approved June 6, 1874, legalizing and declaring a lawful structure the pontoon railway bridge across the Mississippi River at Prairie du Chien, Wis., as to permit its rebuilding and relocation, with pontoon draw openings, in the two channels of the river of shorter length; but the bridge shall be rebuilt in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable streams," approved March 23, 1906.

The bill was reported from the Committee on Commerce with an amendment, to add a new section, as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

PEND OREILLE RIVER BRIDGE.

Mr. HEYBURN. I ask unanimous consent to call up the bill (S. 144) to legalize a bridge across the Pend Oreille River, in Stevens County, Wash. There is a necessity for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the consent of Congress is hereby granted to the Idaho & Washington Northern Railway Co., a corporation of the State of Idaho, its successors and assigns, to maintain and operate a bridge and approaches thereto now constructed across the Pend Oreille River, at or near where said river flows through Box Canyon in Stevens County, in the State of Washington, such maintenance and operation to be subject to, and in accordance with, the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That, in the judgment of the Chief of Engineers and the Secretary of War, the bridge as built provides suitable and proper facilities for present and prospective navigation, and is in all respects satisfactory to navigation interests; and if, in their judgment, any changes in said bridge are necessary to meet the aforesaid conditions, such changes shall be immediately made by the said company at its own expense: *Provided further*, That drawings showing the plans and location of the said bridge as built shall be filed in the War Department within 30 days of the approval of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

AUTHORITY OVER WATER POWER IN STATES.

Mr. JONES. Senate resolution 44, directing the Committee on the Judiciary to report to the Senate upon the power and authority of the National Government over the development and use of water power within the respective States, went over yesterday at the request of the senior Senator from Idaho [Mr. HEYBURN]. I understand that he has no objection to the adoption of the resolution.

Mr. HEYBURN. I withdraw any objections.

The VICE PRESIDENT. The Senator from Washington asks unanimous consent for the consideration of the resolution submitted yesterday by him. It will be read.

The resolution was read, considered by unanimous consent, and agreed to.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed and the calendar, under Rule VIII, is in order. The first bill on the calendar will be stated.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of appropriation acts approved March 4, 1911, was announced as first in order on the calendar.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. As the Chair understands, in furtherance of the notice he gave yesterday, the Senator from South Dakota is about to resume his speech.

Mr. HEYBURN. But the RECORD will show that he is speaking upon House joint resolution No. 1.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT. The Chair will lay before the Senate the amendment submitted by the Senator from South Dakota [Mr. CRAWFORD] to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. CRAWFORD. Mr. President, at the time of the adjournment yesterday I was calling attention to some of the advantages which the Canadian people enjoy through discriminatory legislation, which has the effect of protective legislation.

The Dominion has become one of the greatest cheese-producing countries in the world by means of Government subsidies. She is also, I understand, building grain elevators for her grain farmers. She has a system of patent laws which have the force and effect of high-protective tariff laws, because a patent becomes void within two years from its date unless within that time the patentee, or his legal representatives, commence and continuously carry on in Canada the construction or manufacturing of the patented invention; and should the patentee, or his legal representatives, after 12 months from the date of his patent, import or cause to be imported into Canada his invention, the patent shall be void as to his interest therein.

The Canadian farmer has another advantage over the American farmer in that the Canadian consumer enjoys the benefit of the British preferential tariff under which manufactures of Great Britain are admitted at 33⅓ per cent less than the rate imposed upon other nations. The tariff in the United States upon the manufactured articles that the American farmer must buy is from 25 per cent to nearly 50 per cent more than the British preferential tariff which the Canadian farmer pays. I have seen it stated during these debates that on rubber boots and shoes and on rubber coats the Canadian pays 15 per cent duty and the American 35 per cent; on jute bags the Canadian pays 15 per cent and the American 45 per cent; on a sewing machine the Canadian pays 20 per cent and the American 30 per cent; on a kitchen stove the Canadian pays 15 per cent and the American 45 per cent; on dress goods the Canadian pays 15 per cent and the American 60 per cent; on wire the Canadian pays 10 cents and the American 75 cents per 100 pounds; on his

hat the Canadian pays 20 per cent and the American 55 per cent; on his underwear the Canadian pays 22½ per cent and the American 45 per cent; all because of the preferential rate between Canada and the great manufacturing country of Great Britain. This is a very unjust and unfair proposal we are asked to consider, Mr. President. It will injure the American farmer. It will not reduce prices to the American consumer unless it be upon news-print paper. It will be of substantial benefit to many of the great trusts and monopolies of the United States. I have said that the farmer is an independent unit, who creates wealth and does not issue watered stock nor enter into contracts in restraint of trade. I can not say that of many of the beneficiaries who will profit by the passage of this law should it be enacted.

The creation of enormous fortunes by the issuance of stocks in corporations for so-called good will and the exaction of prices sufficient to pay large dividends upon this kind of capital are the greatest abuses of the age. Take, for example, the tin-plate and steel industries. When the different tin-plate manufacturers gave options on their several plants, it was for an agreed cash price. The manufacturer could take that price in cash or an equal amount in preferred stock in the new company, and if he took preferred stock, he got an equal amount of common stock as a bonus. Nearly all took stock for their plants instead of cash. When they fixed the price on their plants they estimated the good will, together with the managerial talent and the organization of each concern, worth as much as the tangible property.

For instance, if the tangible property in a given plant were $250,000, the organization, good will, and talent was estimated at a like value, or more, $250,000, making the agreed price $500,000; for this the owner would receive in preferred stock in the trust $500,000, and as a pure bonus he would receive in common stock $500,000 more, making in all an issue of $1,000,000 stock in payment for a plant whose tangible property was worth only $250,000.

According to "The Inside History of the Carnegie Steel Co." by Mr. James H. Bridge, the actual value of the various plants put into the American Tin Plate Trust, including organization, good will, and talent, was about $12,000,000. It is said that the Moores raised about $5,000,000 cash as working capital for the trust and received $5,000,000 in preferred and $5,000,000 in common stock. Eighteen millions preferred and $18,000,000 common were issued, and then an extra $10,000,000 of common was issued and divided up among the promoters, making $28,000,000 common in all. A monopoly was created and competition in the manufacture of tin plate ceased. It went from $2.65 per box in January, 1899, to $4.65 per box in the following October. Two years later the concern was taken over by the United States Steel Corporation.

Mr. President, the American farmer has created enormous wealth in the aggregate; but each farmer did his share as an independent working unit; there are no millionaires among them. The farmer has not learned the art of creating wealth out of nothing.

In the process of merging the Tin Plate Trust with the United States Steel Corporation its capitalization of $46,000,000 was converted into $60,000,0000 of stock in the Steel Trust. Probably the largest actual investment of capital ever made in the tin-plate business was the $5,000,000 in cash turned in by the promoters.

Take as another instance of this kind of stock watering the National Steel Co. and the American Steel Hoop Co., which, history tells us, issued $51,000,000 of common stock that was all good will, but when these concerns were merged into the Steel Trust, that good will capitalization was increased.

Then came Mr. John W. Gates, with his Consolidated Steel & Wire Co. and auxiliary companies, capitalized at about $5,000,000; these were merged into the American Steel & Wire Co. of Illinois, capitalized at twenty-four millions, and in 1899 taken into the American Steel & Wire Co. of New Jersey, with a capitalization of ninety millions. That in its turn was absorbed by the United States Steel and its capitalization increased in the usual way in the process.

Then came Morgan and Gates with a merger of the Minnesota Iron Co., the Illinois Steel Co., and the Elgin, Joliet & Eastern Railway Co. into the Federal Steel Co., capitalized, under quite similar methods, at about $50,000,000.

Then there was the Lake Superior Consolidated Iron Mines, a Rockefeller concern, which was taken over by the Steel Trust, in which process its less than thirty millions of capital stock were exchanged for eighty-one millions of the capital stock of the Steel Trust. But this is not all—there remains the marvelous story of securing monopolistic control of the Lake Superior ores, whereby, upon a mere loan of half a million dollars, for which he held security from the Oliver Mining Co., Mr. Carnegie got into the ore business and finally secured absolute control of the Oliver, the Rockefeller, and the Hill ores, which Mr. Schwab estimates to be 500,000,000 tons of picked quality of ore, upon which the Steel Trust can reckon a profit of from $2 to $2.50 per ton, which furnishes a basis for a capitalization of more than $1,000,000,000 based upon the ore alone.

The great Steel Trust was organized in 1901, with a capitalization, in round numbers, of $1,500,000,000, and people naturally asked: Can a trust earn enough to support this immense and highly watered issue of bonds and stocks? The report for the year ending December 30, 1909, shows that in 8 years and 9 months from its organization, on April 1, 1901, to the end of the year 1909, its net earnings, after deducting expenses, taxes, bond interest, sinking fund requirements, all ordinary charges for maintenance and depreciation of plants, and some extraordinary charges for extension of the plants, were, in round numbers, $616,500,000, or about $68,500,000 per year. It is proposed to put farm products on the free list and leave the products of this trust on the protected list. I for one will not give my consent. These industrial trusts are everywhere. Undoubtedly they have come to stay, but they are not entitled to protection in preference to the American farmer.

Mr. John Moody in his book, The Truth About the Trusts, quotes the following definition, given by Mr. S. C. T. Dodd, solicitor of the Standard Oil Co., of the modern trust, and gives it his approval. Mr. Dodd says:

> The term "trust" has now obtained a wider signification, and embraces every act, agreement, or combination of persons or capital made or formed with the intent, power, or tendency to monopolize business, to restrain or interfere with competitive trade, or to fix, influence, or increase the price of commodities.

Mr. Moody goes on to say:

> The writer is fully aware of the importance of monopoly as a factor for success in modern business life, and he recognizes its correlation with our current ethical standards. In a personal discussion of modern business and financial methods with the manager of one of our larger trusts he was told that the goal of success in business life to-day, speaking particularly of the larger corporate field, was to be reached through the successful pursuit for advantage and differentials, both natural and artificial. Said he—the manager referred to—"This talk of the elimination of competition is all nonsense. Competition is keener than ever to-day, but it is, of course, carried on on a larger plane. Where formerly the smaller producer competed to reduce his costs and undersell his competitors by the ordinary means of great economy and superior efficiency, he has now gone beyond that point. * * * The advantages he now seeks are not so crude. They consist in going to the root of things; in acquiring and dominating the sources of supply and of raw material; in controlling shipping rights of way; in securing exclusive benefits, rebates on large shipments, beneficial legislation, etc. Open competition long ago reached that point where it became necessary to resort to these more far-reaching methods."

After reviewing all the great trusts and combinations of the United States, and giving their capitalization, this author says:

> Thus it will be seen that, including industrial, franchise, transportation, and miscellaneous, about 445 active trusts are represented in this book, with a capitalization of $20,379,162,551. They embrace in all 8,644 original companies.

These are the great companies which "go to the root of things," acquire and dominate "the sources of supply and of raw material," secure "exclusive benefits," "beneficial legislation, etc."

While defending the organizations of trusts as useful on the whole, the author admits that they promote monopoly. He says (p. 495):

> We find this same tendency has been the creator of and is the underlying cause of monopoly * * * for man, in seeking to accomplish his purposes quickly, simply, and cheaply, has ever been alert to the possibilities of economy in method through the seeking of "short cuts." It is his desire to achieve at all hazards and in all ways; it was this inherent tendency which was the creator of competition. * * * And up to a certain point competition was the life of trade. But not so beyond that point. For quite early in the modern commercial and industrial life of man it was discovered that there were advantages to be gained in the adopting of methods somewhat different from those in vogue under the old régime of competition.
>
> By combining together and acquiring, either as a result of this joint effort or otherwise, a special privilege or monopoly, men found they could accomplish the same ends far more cheaply and satisfactorily than in the old ways. * * * It was then that men began to first cultivate this element of monopoly, and it was not long before the more progressive all recognized the importance of the monopoly feature and hastened to take advantage of it. * * *
>
> And this condition has been largely brought about by the existence of monopoly power. * * * This monopoly element is not merely the product of a tariff or of other so-called class legislation. It is far more fundamental than that. * * * The fact is we find the element of monopoly all about us, and how much civilization is going to get away from it * * *, is, in the light of the foregoing facts, an exceedingly intricate question.

Mr. President, the effect of the passage of this bill will not be fully understood by the country until they know that its chief, if not its only beneficiaries, are the trusts, who can

import free raw material under its provisions, and who will continue to enjoy the benefit of a protective tariff upon the articles they manufacture. I propose here to name the trusts, or some of them, that will be thus benefited.

Free flaxseed from Canada will be a benefit to the American Linseed Oil Co., known as the Linseed Oil Trust, which was created by the merger of 47 different corporations. It is allied with the Smelters Trust and is under Standard Oil domination. Rockefeller, jr., is one of its directors. It controls 85 per cent of the linseed-oil production in the United States. It manufactures American and Calcutta linseed oil, raw and boiled, and refined varnish, oil cake, oil meal, and crushed flaxseed. It is a New Jersey corporation, with its main office in New York. Its common stock is $16,750,000 and its preferred stock is $16,750,000.

The American farmer is asked to surrender his protection under a duty upon flaxseed, so that this trust may get free raw material.

And so it goes.

The admission of barley and rye from Canada free of duty will help the following brewing and distillery trusts, among others:

The American Malt Corporation, a big holding company of New Jersey: Common stock, $5,248,300; preferred stock, $8,353,400; bonds, $3,714,000, bearing 6 per cent interest.

The Distilleries Securities Corporation (over 100 plants and warehouses in the United States), a New Jersey corporation: Common stock, $30,762,950, paying 6 per cent dividends; bonds, $15,400,412, bearing 5 and 6 per cent. It controls also the United States Industrial Alcohol Co., whose common stock is $12,000,000; preferred stock, $6,000,000; paying 7 per cent.

The Chicago Breweries (Ltd.), London and Chicago: Common stock, £400,000 sterling, paying 5½ per cent dividends, with bonds in £276,500 sterling, paying 6 per cent.

Dayton Breweries Co. (consolidation of 7 companies): Common stock, $1,249,125; preferred stock, same amount; bonds, $2,500,000; 6 per cent interest.

Independent Brewing Cos. (16 companies), of Pittsburg: Common stock, $3,918,923; preferred stock, the same amount, paying 7 per cent; bonds, $3,900,000, at 6 per cent interest.

Huebner-Toledo United Breweries Co., of Toledo, Ohio: Common stock, $1,278,000; preferred stock, the same amount, pays 6 per cent; bonds, $2,556,000, pays 6 per cent interest.

Jones Brewing Co. (Boston and London): Common stock, $5,324,000.

Kansas City Breweries Co.: Common stock, $1,557,000; preferred stock, $1,446,000, paying 6 per cent dividends; bonds, $3,114,111, paying 6 per cent interest.

Massachusetts Breweries Co. (10 combined Boston companies): Common stock, $6,532,000, paying 3 per cent dividends.

Milwaukee & Chicago Breweries (Ltd.) (English and American trust): Common stock, $3,774,250; preferred stock, exactly same amount, paying 8 per cent dividends; bonds, $3,500,000, paying 5 per cent interest.

People's Brewing Co., of Trenton, N. J.: Common stock, $1,100,000; preferred stock, $1,100,000; bonds, $1,000,000, bearing 6 per cent interest.

Pittsburg Brewing Co. (16 companies consolidated): Common stock, $5,962,250, paying 5 per cent dividends; preferred stock, $6,100,000, paying 7 per cent dividends; bonds, $6,319,000, paying 6 per cent interest.

St. Louis Breweries (Ltd.) (10 companies consolidated): Common stock, $4,383,000; preferred stock, exactly same amount, paying 8 per cent dividends; bonds, $4,880,600, paying 6 per cent interest.

Springfield Breweries Co., Springfield, Mass.: Common stock, $1,150,000; preferred stock, $1,150,000, paying 8 per cent dividends; bonds, $930,000, paying 6 per cent interest.

United Breweries Co. (13 Chicago companies consolidated): Common stock, $2,731,500; preferred stock, $2,731,500; bonds, $1,654,000, paying 6 per cent interest.

Hoster-Columbus Associated Breweries Co., Columbus, Ohio: Common stock, $1,650,000; preferred stock, $2,700,000; bonds, $5,250,000.

Mr. President, here are over 200 brewing and distilling companies combined into 17 trusts, with enormous issues of watered stocks, and a total capitalization of $188,500,000, which will be benefited by admitting barley and rye from Canada free of duty. The consumer of whisky and beer will pay the same price and the American farmer will suffer from the competition of his Canadian neighbor; the Brewing Trust and the Whisky Trust will add enormously to their net incomes by reason of this change, should it be made. But the profits will not be confined to the Brewing Trust and to the American Linseed Oil Co.

There is the American Hominy Co. (a trust of 8 companies), organized in New Jersey, with main office at Indianapolis: Common stock, $2,347,500; preferred stock, $1,163,500, paying 6 per cent; bonds, $695,000, paying 5 per cent interest.

The Bordens Condensed Milk Co. (a trust of United States and foreign companies), organized in New Jersey, with main office in New York City: Common stock, $17,500,000, paying 10 per cent dividends; preferred stock, $17,500,000, paying 6 per cent.

The National Biscuit Co. (a consolidation of 80 plants in the United States), a new Jersey trust, with main office in New York: Common stock, $29,236,000, paying 5 per cent dividends; preferred stock, $24,804,500, paying 7 per cent; bonds, $970,000, paying 5 and 6 per cent.

Of course, this proposed law would help this great trust. Free Canadian wheat, with a tariff remaining on flour and biscuits, would "make money" for it.

On March 31, 1911, the following appeared in the Chicago Record-Herald, which shows who is helped by the prospect of this Canadian trade deal being ratified by Congress:

BISCUIT SHARES SELL AT NEW HIGH RECORD—COMMON STOCK REACHES 135 IN BOTH THE CHICAGO AND NEW YORK MARKETS.

National Biscuit common jumped to a new record price, 135, yesterday in the Chicago market and in New York. At that price it was 5 points above the preferred stock. The steady advance recently has led to the expectation of some favorable announcement on the stock other than the reports of larger earnings and the recent increase in the dividend rate to 7 per cent. With the preferred and common drawing the same dividend as they now do, the common would hardly run ahead of the preferred in the market if no further developments were expected.

But where does the consumer get any benefit? The tariff remains on biscuit, oatmeal, and all prepared foods. The trust, and the trust alone, gets the benefit of the removal of the tariff from oats, wheat, barley, and other cereals.

In addition to the National Biscuit Co., there are still other big cereal trusts.

Here, for instance, is the Quaker Oats Co. (another New Jersey trust); common stock, $4,487,200; preferred stock, $8,532,900, paying 6 per cent.

The North American Biscuit Co.; common stock, $4,438,300; preferred stock, $3,000,000.

The Pacific Coast Biscuit Co., with main office at Portland, Oreg.; common stock, $1,235,000; bonds, $825,000, paying 6 per cent interest. Also the Great Western Cereal Co. (another New Jersey trust); common stock, $2,500,000; preferred stock, $500,000, paying 8 per cent; bonds, $1,017,000, paying 6 per cent interest.

These trusts will profit enormously by free trade with Canada in wheat, oats, and barley, with a protective tariff on flour, biscuit, oatmeal, cracked wheat, hulled barley, Grape Nuts, Force, Shredded Wheat Biscuits, and the like. The poor man will pay no less for these, but the profits of the trust will be greater. Can anyone dispute this?

The Agricultural Implement Trust will be able to get into Canada without the payment of a tariff, and the Canadian farmer may thus get his farm machinery cheaper and be thereby still better equipped to compete with the American farmer under free trade in farm products. Besides these, the following trusts will profit by that arrangement:

The American Seeding Machine Co. (a New Jersey trust): Common stock, $2,000,000; preferred stock, $1,161,000; paying 7 per cent.

The International Harvester Co. (a New Jersey trust): Common stock, $60,000,000; preferred stock, $60,000,000.

With cattle coming in free and the tariff remaining on all packing-house products, the great American packers will profit by the new law, but the consumer of meat will receive no benefit whatever.

Mr. Moody, the author of the book, The Truth About the Trusts, says:

The so-called Meat Trust, or Beef Trust, while nonexistent, as far as a distinct corporation is concerned, yet is in a sense an actual fact.

When this bill becomes a law, the Beef Trust, upon the basis of their shipments into Canada last year, will save in duties $239,213, and the Agricultural Implement Trust will save in reduction in tariff rates $218,488. The Canadian farmer may get some of the benefit of this saving, but the American farmer will get nothing. On the contrary, the advantage, if any, will go to his Canadian competitor.

I wonder if the junior Senator from Missouri [Mr. REED] will notice this. I think he interrupted me yesterday as to the tariff on flour and on wheat.

The removal of the tariff of 25 cents per bushel on wheat and the placing of a protective duty of 50 cents a barrel on flour actually increases the protection now enjoyed by the Millers' Trust. This can easily be demonstrated, and was demonstrated very clearly in the House debates. For instance, it takes 4½ bushels of wheat to make a barrel of flour. With the present duty on wheat the manufacturer of flour should have a compensatory duty of $1.12 per barrel on flour, because the tariff on 4½ bushels of wheat at 25 cents per bushel is $1.12. Under the Payne tariff the duty on flour is 25 per cent ad valorem, and during 1910 the flour imported from Canada was valued on an average at $5 per barrel. The duty at 25 per cent ad valorem amounted to $1.25 per barrel, but $1.12 of that amount was to compensate for the tariff of 25 cents per bushel on the 4½ bushels of wheat it contained. This left a protective duty on flour of only 13 cents per barrel under the Payne law.

Under this law wheat will come in free and the compensatory duty of $1.12 per barrel will be eliminated; but a clear protective duty of 50 cents per barrel will be imposed, as against 13 cents per barrel under the Payne law, an actual increase in the duty on flour of 37 cents per barrel. Wheat will come in free, bread will be no cheaper, and the Millers' Trust alone will profit. To show how this Millers' Trust is robbing the American farmer and dairyman by extortionate charges for bran and middlings, I will incorporate in my remarks a table showing comparative prices of mill feeds in Canada and the United States for 1910, as reported by the Northwestern Miller.

Table showing comparative prices (per ton) of mill feeds in United States and Canada for 1910.

	Minneapolis.		Winnipeg.		Toronto.		Buffalo.		Montreal.	
	Bran.	Middlings.[1]	Bran.	Middlings.[2]	Bran.[3]	Middlings.	Bran.[4]	Middlings.	Bran.	Middlings.
January	$22.50	$22.50	$17.00	$18.00	$21.00	$23.00	$25.50	$25.50	$22.00	$23.50
February	22.50	22.00	18.00	19.00	22.00	23 00	25.50	25.50	22.00	24.00
March	21.50	21.75	18.00	19.00	23.00	23.50	24.25	24.25	23.00	24.00
April	18.00	18.75	16.50	17.50	20.50	21.75	22.00	22.00	20.00	24.00
May	18.00	19.00	15.00	16.00	19.00	21.00	20.75	21.25	18.00	23.00
June	16.00	18.00	15.00	16.00	18.00	20.00	20.60	22.60	18.00	22.00
July	20.00	21.75	15.00	16.00	18.50	21.00	22.00	24.00	18.00	22.00
August	19.00	21.50	18.50	20.50	20.00	21.00	22.00	24.65	20.00	[2] 22.00
September	18.00	19.00	17.00	18.00	20.00	21.50	20.75	22.75	20.00	[2] 22.00
October	17.50	19.50	17.00	18.00	18.50	22.00	21.00	23.00	17.00	23.00
November	18.75	20.75	16.00	17.00	18.50	20.50	20.50	23.00	18.00	23.00
December	20.00	22.00	18.00	20.00	19.50	21.50	23.00	23.50	18.00	22.50

[1] "Standard middlings." [2] "Shorts." [3] "Manitoba bran." [4] "Spring bran."

Mr. REED. Mr. President——

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

Mr. CRAWFORD. I yield.

Mr. REED. The Senator addressed himself to me personally a few moments ago.

Mr. CRAWFORD. If the Senator will recall, on yesterday I told him I was going to elaborate on this point. That is the only reason I did so.

Mr. REED. Does the Senator claim that the tariff of $1.12 on the wheat going into a barrel of flour under the present Payne-Aldrich bill affects the price of wheat in this country?

Mr. CRAWFORD. The figures overwhelmingly show a difference in the price, when comparisons are made between points in the United States and points on the Canadian side, of from 15 to 25 cents per bushel, about half the amount of the tariff, on an average.

Mr. REED. I should like to get a direct answer, whether it does affect the price of wheat on this side of the line.

Mr. CRAWFORD. My contention is that it does in large centers, like that dominated by Minneapolis with its milling industry.

Mr. REED. Will it do it generally?

Mr. CRAWFORD. To a certain extent it will everywhere.

Mr. REED. Now, if it affects the price of wheat, does it make it higher or lower on this side of the line?

Mr. CRAWFORD. Higher. We admit it, and we want to make it higher.

Mr. REED. Will a reduction from $1.12 on the wheat necessary to make a barrel of flour to 50 cents on the wheat necessary to make a barrel of flour result in a reduction of the price of wheat on this side of the line?

Mr. CRAWFORD. I think it follows that it will affect it——

Mr. REED. Yes.

Mr. CRAWFORD. Depress it, for the benefit of the miller.

Mr. REED. Does the Senator claim that there is a hard and fast Milling Trust in this country that absolutely controls the price of flour?

Mr. CRAWFORD. I have not gone to the extent of making so sweeping a statement.

Mr. REED. No. As a matter of fact, there are thousands of absolutely independent mills, are there not?

Mr. CRAWFORD. Undoubtedly—small mills, in the country.

Mr. REED. If those mills get their wheat cheaper and are not in a trust or combination, will they not be able to sell flour cheaper.

Mr. CRAWFORD. Those mills would not import many bushels of wheat.

Mr. REED. Do they not buy on the market of the wheat that is imported?

Mr. CRAWFORD. In the larger sense possibly it might affect it, but so far as concerns the small amount consumed by them I think the difference would not be appreciable. But the point to which I am directing attention is that in this bill, which I understand the Senator and others are supporting, you are leaving the tariff on the flour and taking it off of the wheat. You are not reducing the price of the loaf of bread one penny.

Mr. REED. If the placing of a dollar and twelve cents tariff on the wheat necessary to make a barrel of flour does raise the price, then will not the reduction to 50 cents have a tendency to lower the price?

Mr. CRAWFORD. It would.

Mr. REED. If you lower the price of flour, does the Senator contend, in view of his concession that not all of the mills are in the Milling Trust, if there be one, that that will not reduce the price of flour in the sack that is purchased by the heads of families and manufactured into bread in the households of the land?

Mr. CRAWFORD. The amount in that case would be infinitesimal.

Mr. REED. If the benefit will be infinitesimal to the consumer, will not the injury be infinitesimal to the farmer?

Mr. CRAWFORD. But the trouble is that the Senator is supporting a bill here which is singling out the farmer and applying to him the principle of free trade—absolute free trade—and the injustice of it, to which I am calling attention, is in the fact that he is expected to buy in a protected market and yield the advantage which the present tariff gives him.

Mr. REED. Does the Senator claim that in buying in a protected market the purchaser has to pay a greater price?

Mr. CRAWFORD. Undoubtedly, in many cases where competition is destroyed.

Mr. REED. Then, what becomes of the argument on which the Senator's party has stood for 30 years, that the foreigner pays the tax?

Mr. CRAWFORD. That argument is very sound where you can mantain healthy competition at home, but in the face of a large array of trusts such as these it is very greatly weakened.

Mr. REED. I understand the Senator to say that the trusts so stand astride this land now that there is in fact no real competition.

Mr. CRAWFORD. In many lines that is true.

Mr. REED. And that has all grown up under the protective policy and under the protecting control of your party.

Mr. CRAWFORD. I am perfectly satisfied with the declaration of our platform to discriminate to the extent of the difference in cost and to pay that difference in cost in the interests of American industry, and the American people are willing to pay it. But we want it to be distributed fairly.

Mr. REED. I want to say this, in conclusion——

The VICE PRESIDENT. Does the Senator from South Dakota further yield to the Senator from Missouri?

Mr. CRAWFORD. I hope the Senator will conclude, because I want to proceed.

Mr. REED. I wish to make one matter clear and then will not disturb the Senator longer. I would not have interrupted him, but he referred to me personally. The Senator refers to this as my bill, or a bill that I am supporting.

Mr. CRAWFORD. Its chief support comes from that side of the Chamber.

Mr. REED. I want to file a disclaimer. It is neither my bill nor a Democratic bill.

Mr. CRAWFORD. I am very glad to hear that. I thought it was a Democratic bill. Its chief support comes from the Democratic Party just now.

Mr. REED. It appears to be a bill drawn or dictated by a very distinguished gentleman whom your party nominated and elected to the Presidency.

Mr. CRAWFORD. A most excellent President, but in this one instance the company he keeps is very amazing to me.

The American farmer was unjustly discriminated against in the Payne tariff law when it removed the duty from hides and left a protective rate upon boots and shoes and leather products, a proceeding which subsequent trade shows did not reduce prices a penny to the consumer, but helped the Leather Trust. Shall we now make a similar present to the Miller Trust?

The American Hide & Leather Co. is a consolidation of 21 large companies and controls 75 per cent of the trade in upper leather. It also is one of these New Jersey concerns, with common stock, $11,274,100; preferred stock, $12,548,300, paying 7 per cent; bonds, $7,194,000 paying 6 per cent interest.

Its companion in monopoly is the Central Leather Co., a New Jersey concern, which is a consolidation of 70 per cent of the tanneries of the United States: Common stock, $38,409,800; preferred stock, $31,061,000, paying 7 per cent; and bonds, $39,062,000, paying 5 per cent interest.

Under the Payne law these trusts secured the benefit of free hides at the expense of the American farmer. I have shown elsewhere how he is compelled to pay many million dollars a year for fertilizers to restore his land and maintain cultivation. He pays his money to the Fertilizer Trust, such as the American Agricultural Chemical Co., a consolidation of 25 fertilizer plants, with common stock, $17,114,100; preferred stock, $18,382,000, paying 6 per cent; bonds, $2,500,000, paying 4½ per cent interest.

Mr. President these great trusts employ many men, and in recent years the cry has been made by their employees that the cost of living is oppressive. Instead of raising the wages of their employees they attempt to satisfy the demand by securing the passage of this law, which will deceive the masses temporarily but will not bring relief from high prices. At the same time, under the pretense that this law will reduce the cost of living, they are securing a still greater monopoly than that they have heretofore enjoyed, and, as usual, the American farmer will have to foot the bill.

The junior Senator from Missouri [Mr. REED] disclaims it, but I am glad that the Democratic Party is willing to bear the responsibility for the passage of this law. Republicans should be willing to let them have the credit for it. Under this proposed law, at every turn, after a product leaves the farm, it comes under the influence of the trust. The Corn Products Refining Co., capitalized at $87,000,000; the American Woolen Co., with a capitalization of $94,000,000; the American Tin Can Trust, in which 123 different plants have been merged, with a capitalization of $82,000,000; the Lumber Trust and timber barons, with their control of the standing timber—all these are organized to control and can largely determine prices and limit output. The farmer alone runs a single-handed business, his farm and farm stock and implements being his capital, his hired man and the members of his own family supplying his labor. This bill proposes to protect the others and require him to compete with the world, because free trade with Canada in farm products amounts to that.

The Canadians refused to throw down the bars and take an equal chance with the people of the United States by a mutual remission of tariff duties on all manufactured articles, because they know that they can not compete on equal terms with the American manufacturer. But they are eager to do this with the products of the farm, because they know that with cheaper land and greater productivity of soil they can successfully compete with our farmers in the raising of cereals and many other farm products.

The speech which Sir Wilfrid Laurier made in the Canadian Parliament on the 7th day of March last shows how they look at it. He said:

> We are exporters, not of manufactured products, but of natural products, and we are large importers of manufactured products; and we have given the Americans a free entrance into our markets for their natural products, as they have given us a free entrance into their markets for our natural products. It is not a great effort of imagination to suppose that the Americans were far more concerned about obtaining reciprocity in manufactured products; but our negotiators would not consent to any reciprocity in manufactured products, but insisted on limiting the agreement simply to such manufactured products as agricultural implements.

We have allowed Canada to tickle the adherents of Gov. Foss, of Massachusetts, and the selfish and highly protected manufacturers of New England, through this treaty, into a cold-blooded betrayal of the American farmer.

In 1904 Mr. Foss delivered an address which was put in the CONGRESSIONAL RECORD the other day as representing the sentiment of the people of Massachusetts, in which he advocated the removal of the tariff from the following, when imported from Canada: Horses, sheep, breadstuffs, eggs, hay, fish, fruits, hides, dairy products, vegetables, wood pulp, and unmanufactured wood. In this speech Mr. Foss said:

> It is now fully recognized among those whose opinion is worth anything that we must either make wheat free or prepare to suffer disaster in our milling interests. As to barley, the outrageous duty upon that, and upon the malt made from it, is the heaviest burden our great brewing industries are called upon to bear.

Mr. President, it was not so much the securing of cheaper bread that Mr. Foss wanted, because he was not proposing to remove the duty from flour; it was the Massachusetts Millers' Trust he was concerned about. It was not because he wanted to secure beer at a smaller price per glass to the consumer that he wanted the "outrageous tariff" removed from barley and barley malt; it was the precious Brewing Trust of Massachusetts he was anxious to serve by sacrificing the American farmer. This is the kind of patriotism now manifesting itself in Massachusetts under the Democratic leadership of Gov. Foss. To save her millers and her brewers they are willing to proclaim free trade in the two staple cereals raised on the farms of the United States, even though doing so will not reduce the cost of living a single mill—just as two years ago they succeeded in putting hides on the free list without reducing a particle the price of the manufactures of leather, which was left on the protected list.

To show more in detail how this bill discriminates in favor of the trusts and against the farmer of the United States, I ask leave to print as a part of my remarks the following table, prepared by Hon. A. E. Chamberlain, superintendent of farmers' institutes, held under the supervision of the South Dakota College of Agriculture and Mechanic Arts.

The VICE PRESIDENT. Without objection, leave is granted.

The table referred to is as follows:

Articles.	Present duty—		Duty under reciprocity.	Year ended June 30, 1910.	
	Entering United States.	Entering Canada.		Imports from Canada.	Exports to Canada.
Horses under 1 year worth $50 or less.	$30 each.	$12.50 each	Free	2,615 head; value, $484,560.	6,604 head; value, $401,503.
Other horses worth $150 or less	do	25 per cent	do		
Other horses worth over $150	25 per cent	do	do		
Cattle under 1 year	$2 each	do	do	5,168 head; value, $109,772.	1,012 head; value, $25,150.
Other cattle worth not over $14	$3.75 each	do	do		
Other cattle worth over $14	27½ per cent	do	do		
Hogs	$1.50 each	1½ cents per pound	do	205 head; value, $6,088	2,760 pounds; value, $214.
Sheep, lambs	75 cents each	25 per cent	do	103,519 head; value, $527,687.	35,844 head; value, $131,492.
Sheep over 1 year old	$1.50 each	do	do		
Fresh meats	1½ cents per pound	3 cents per pound	1½ cents per pound	Of all these, we imported only $84,704 worth from Canada.	993,407 pounds.
Bacon and hams	4 cents per pound	2 cents per pound	do		5,453,257 pounds.
Lard	1½ cents per pound	do	do		10,915,679 pounds.
Dried and salted meat other than above	25 per cent	do	do		11,341,230 pounds.
Canned meats	do	27½ per cent	20 per cent		278,058 pounds.
Poultry, dead	5 cents per pound	20 per cent	Free	Value, $3,576	Value, $52,597.
Poultry, alive	3 cents per pound	do	do		
Butter	6 cents per pound	4 cents per pound	do	980,036 pounds	61,081 pounds.
Cheese	do	3 cents per pound	do	163,350 pounds	215,681 pounds.
Eggs	5 cents per dozen	3 cents per dozen	do	39,810 dozen	750,476 dozen.
Wheat	25 cents per bushel	12 cents per bushel	do	152,383 bushels (On which duty was paid.)	54,964 bushels.
Flour	25 per cent	60 cents per barrel	50 cents per barrel	143,830 barrels	31,398 barrels.
Bran and middlings	20 per cent	17½ per cent	12½ cents per hundredweight.	Value, $323,487	Value, $218,222.
Oats	15 cents per bushel	10 cents per bushel	Free	946,479 bushels	23,361 bushels.
Oatmeal and rolled oats	$1 per hundredweight	60 cents per hundredweight.	50 cents per hundredweight.	56,989 pounds	9,260 pounds.

Articles.	Present duty—		Duty under reciprocity.	Year ended June 30, 1910.	
	Entering United States.	Entering Canada.		Imports from Canada.	Exports to Canada.
Barley	30 cents per bushel	15 cents per bushel	Free	2,420 bushels	164,532 bushels.
Barley malt	45 cents per bushel	45 cents per hundredweight.	45 cents per hundredweight.	None	2,184,463 pounds.
Corn, except into Canada for distillation.	15 cents per bushel	Free	Free	4,357 bushels	6,583,893 bushels.
Corn meal	40 cents per hundredweight.	25 cents per barrel	12½ cents per hundredweight.	None	33,291 barrels.
Hay	$4 per ton	$2 per ton	Free	96,507 tons	7,680 tons.
Potatoes	25 cents per bushel	20 cents per bushel	do	About 90,000 bushels	15,228 bushels.
Flaxseed	do	10 cents per bushel	do	1,410,398 bushels	1,806 bushels.
Timber, hewn or sawed	½ cent per cubic foot	Free	do	Value, $23,431	Value, $53,178.
Boards, planks, and deals, sawed only.	$1.25 per M feet	do	do	983,282 feet	106,344,126 feet.
Same, planed on one side	$1 to $1.75 per M feet	Not given	50 cents per M feet	Not given	Not given.
Same, planed on one side and tongued and grooved or planed on two sides.	$1.25 to $2 per M feet	do	75 cents per M feet	do	Do.
Same, planed on three sides	$1.62½ to $2.37½ per M feet.	do	$1.12½ per M feet	do	Do.
Same, planed on four sides	$2 to $2.75 per M feet	do	$1.50 per M feet	do	Do.
Cream separators and parts thereof	45 per cent	Free	Free	Not given, but small	Value, $487,261.
Cast-steel wire	Not less than 35 per cent.	5 per cent	do	Practically none	51,989 pounds.
Galvanized wire	1.2 cents per pound	Free	do	do	641,413 hundredweight.
Barbed fencing wire	⅜ cent per pound	do	do	do	326,817 hundredweight.
Farm wagons	35 per cent	25 per cent	22½ per cent	do	5,379.
Coal, bituminous, run of mine	45 cents per ton	53 cents per ton	45 cents per ton	Not given, but insignificant.	5,690,576 tons.

Mr. CRAWFORD. This table is made from the schedules submitted with the President's message accompanying the trade agreement. The table is confined to articles in which the American farmer is most directly interested. As shown by Mr. Chamberlain, the present duty on plows, harrows, disks, harvesters, seed drills, mowers, horserakes, cultivators, and thrashing machines coming into the United States from Canada is 15 per cent ad valorem; going from the United States into Canada, 20 per cent ad valorem. Under the proposed law, the duty will be 15 per cent ad valorem each way, which is a reduction of from 2½ to 5 per cent ad valorem on the present Canadian rate. Last year we imported $74,618 worth of agricultural implements from Canada and our manufacturers shipped $2,579,597 worth into Canada. The proposed law would have made no reduction on the implements coming this way, but would have saved to our manufacturers $123,052.38 on the duty paid on the implements they shipped to Canada. This would have helped the great International Harvester Trust and the Canadian farmer, but not the American farmer.

The present duty on portable and traction engines and horsepowers for farm use is 30 per cent ad valorem on the articles coming from Canada into the United States, and 20 per cent on the articles going from the United States into Canada. Under the proposed law it would be 20 per cent ad valorem each way. We did not import any of these articles from Canada last year, but we exported $1,803,792 worth to Canada. Had the reduced rate been in force our manufacturers would have saved $18,037.92, and some gain might have accrued to the Canadian consumer, but none to the American farmer.

On hay loaders, potato diggers, hay tedders, feed cutters, grain crushers, fanning mills, and field and road rollers the present duty on the articles coming from Canada into the United States is 45 per cent ad valorem; on the same articles going from the United States into Canada 25 per cent ad valorem. We do not import any of these articles from Canada, and the 5 per cent reduction on the Canadian duty will inure solely to the benefit of our American manufacturers. There is nothing in that for a consumer on this side of the line.

On clocks, watches, and parts thereof, the present duty on the articles coming from Canada into the United States is 40 per cent ad valorem (average); on the articles going from the United States into Canada, 30 per cent. Under the proposed law the duty would be 27½ per cent ad valorem either way. Last year we exported $294,442 worth of these articles to Canada and imported from Canada only $1,090 worth. This change can not be expected to enlarge the trade either way or be of any consequence, even to Connecticut.

With a higher duty on horses, cattle, sheep, and hogs than Canada imposed, we imported from there $1,128,100 worth during the last fiscal year, and only exported $560,285 in animals to them, a difference of $567,815. Placing them on the free list both ways will, no doubt, increase the number we shall export considerably.

Of wheat, we imported 152,383 bushels that paid a duty of 25 cents per bushel, and we exported to Canada only 54,964 bushels; the duty imposed by them was only 12 cents per bushel. With the duty on wheat removed by both countries, the American flour mills will undoubtedly import from Canada millions of bushels each year for milling purposes, and thus Canadian wheat will come into direct competition with wheat raised by the American farmer in every milling center in the United States. The miller's price is not controlled by Liverpool. Local competition is very potential.

We imported 946,479 bushels of oats from Canada last year upon which there was paid to the United States a duty of 15 cents per bushel. We exported to Canada 23,361 bushels, upon which there was paid to the Canadians a duty of 10 cents per bushel. With oats on the free list each way, and with prepared cereals, such as Quaker Oats, oatmeal, and hulled oats, on the protected list, the importation of oats from Canada will, no doubt, increase very materially.

Our corn, under present law, is admitted into Canada free; so the proposed law will not enlarge the market for our surplus corn crop. Corn and cotton are the only staple crops in which Canada can not compete with us, and they are now on the free list in Canada.

Of flaxseed, with a duty of 25 cents per bushel, last year we imported from Canada 1,410,398 bushels, and with a Canadian duty of only 10 cents per bushel, we exported to Canada less than 2,000 bushels. We do not fully supply the home demand. If the tariff is removed entirely the American Linseed Oil Trust will use the Canadian flaxseed supply to beat down the price charged by the American farmer. This is plain enough. Under the present duty of 6 cents a pound we import more cheese and butter than we export. If Canadian cheese and butter are put on the free list the American farmer will certainly feel the effect of the competition.

Mr. Chamberlain calls attention to the fact that the moment the manufacturer touches one of these "natural products" it is protected in the proposed law. The free list is so formed as to practically prevent an article, coming in duty free, from reaching the ultimate consumer. It goes first and always to the manufacturer. The packer, under this proposed law, may send his agent to Canada and buy a trainload of cattle, sheep, or hogs; the whole lot, 1 trainload or 20 trainloads, can come in free; "but if a citizen of Detroit should buy a mutton chop, a pail of lard, a ham, or a pig's ear in Windsor, Canada, and bring it home for use at his family table in Detroit, he would have to pay the United States custom officer 1¼ cents per pound duty."

Under the present duty on meat products we exported into Canada from the United States, during the last fiscal year, $3,587,044 worth of meats, lard, and tallow, on which the American packers paid a duty of $626,355.14. Under the proposed law they would have paid on the same products only $378,040.85, and would thereby have saved $230,314.29. The saving would have gone to the packer. The consumer would have received none of it.

We imported from Canada during the same period $84,704 worth of meat, on which a duty of $16,941 was collected by the United States. Under the proposed law this would be

reduced only $4,236. In other words, the American packer now dominates the Canadian market after paying, in advance, 2 cents per pound duty on his product. What will he be able to do if this duty is reduced 37½ per cent, as proposed by this bill? And how will the American consumer be benefited? The Canadian can not compete with the American packer in his own market, which he has attempted to protect against him; how then can we hope that he will be able to pay 1¼ cents per pound duty to the United States and compete against the Packing House Trust in the United States?

With a duty of from $2 on a veal calf up to $22 on an $80 steer, we imported from Canada 4,156 head of cattle more than we exported to Canada last year. With a duty of $1.50 per head on hogs, we imported from Canada about $4,000 worth more than we exported to her. With a duty of 75 cents on a lamb and $1.50 on a sheep, we imported from Canada 67,675 head more than we exported to her. The packer kills them and ships them back to Canada, paying the Canadian Government 2 cents per pound duty, or $626,355, and thus does a business in that country of about $4,000,000 a year—and does that at a profit. If we reduce the duty he is required to pay Canada, $239,314, and allow him also to import these animals from Canada free of duty, he will make much more on his Canadian business than he does now; but he will not reduce the price; neither here nor there. This is a good proposal for the American packer and the Canadian stock farmer. It is a bad one for the Canadian packer and American farmer, and it gives no relief whatever to the American consumer.

Mr. Chamberlain also confirms the statement I have made that it takes approximately 4½ bushels of wheat to make a barrel of flour, and that there are 74 pounds of bran and middlings left.

We imported from Canada during the last year 143,830 barrels of flour and $105,265 of bran and middlings more than we exported to Canada. This was approximately equal to 505,944 bushels of wheat. We also imported 97,419 bushels of wheat from there in excess of our importation to Canada. When wheat is worth $1 per bushel, flour usually sells at $5 per barrel, and bran and shorts at a little more than $20 per ton. When the American miller, under the present duty, goes to Canada and buys 4½ bushels of wheat to make a barrel of flour and 74 pounds of bran and shorts, he pays $1.12½ duty on the wheat. If the Canadian miller takes another 4½ bushels of wheat and makes from it one barrel of flour and 74 pounds of bran and shorts and brings it to the United States to sell, he must pay $1.25 duty on the flour and 15 cents on the bran and middlings, or a total of $1.40. But under the present law the American miller is protected against the Canadian miller to the amount of 27½ cents per barrel of flour and the by-products, if both barrels are made of Canadian wheat. Under the proposed treaty he would be protected to the amount of 50 cents on the flour and 9 cents on the bran and shorts, or 59 cents in all, an increase of over 100 per cent. This will add to the profits of the Millers' Trust, but will not reduce the cost of a loaf of bread to the consumer.

Rough lumber, right from the saw, is placed on the free list by the pending bill, but the farmer does not use rough lumber. To avail himself of this provision he would have to unload his car in transit at a planing mill, have the lumber finished, and then reload and reship it. The expense involved would be far more than what he saves by the remission of the tariff. The manufacturer bringing from Canada large quantities of rough lumber to his own mill in the United States is the only person who could profit by the placing of rough lumber on the free list. The reduction of the tariff on lath, shingles, and finished lumber is well, as far as it goes, but is not likely to result in a reduction in price by the retailer of lumber. The proposed bill reduces the Canadian duty on coal coming into Canada from the United States, and if our exports of coal to that country continue as large as they were last year our coal barons will save $455,246.08 per annum by the reduction; but there is nothing in this to compensate the American farmer for the removal of all duties on farm products, nor to reduce the price he pays for coal.

The American Implement Trust now sells to the Canadian farmer every implement which he uses. The Canadian manufacturer can not hold the Canadian market against the American manufacturer of farm tools and machinery under the rates as they now exist, to say nothing of undertaking to compete with him in the United States.

It will be noted, however, that in the proposed bill no reduction of duty is proposed on these farm implements, necessary on every farm, when imported into this country, but there is a material reduction of the duty on almost every article of that character entering Canada. This tends to help the Canadian farmer, but does not help the American farmer. It is difficult to conceive how a bill more discriminatory and unjust to a great producing class could be devised. The Republican Party has declared in favor of a protective tariff that would measure the difference in the cost of production at home and abroad and secure to American industry a reasonable profit. To ascertain this cost in production it has favored, and does favor, the creation of a nonpartisan tariff board. We have such a board now, and it has spent many months in patient and faithful and efficient investigation. Strange to say, its investigations as to the cost of production of pulp wood, wood pulp, news-print paper, and as to the difference in value of farm lands, farm labor, and amount of crop yield per acre in Canada and in the United States have been completely ignored in these negotiations with Canada and in this proposed legislation.

The Report of the Tariff Board, page 32, shows that in Canada the average cost per ton of wood pulp and news-print paper is $28.39; in the United States, $32.53, a difference against us of $4.14 per ton. The present tariff is not sufficient to cover this difference, being only about $3.12½ per ton. But the purpose of the present bill is, so far as it can be done by act of the Canadian Parliament and a contemporaneous act of the Congress of the United States, to ignore this difference in cost of production entirely and to put news-print paper and wood pulp on the free list.

Why? Simply because the great newspapers and the great magazines of the United States, as a special class—aggressively organized for the purpose—demand it, and propose to get it as a special privilege.

The American farmer is not organized. He does not control these great instrumentalities for molding public opinion, so his right to a square deal is set aside instantly when a powerful organization like that of the American Newspaper Union or of the New England manufacturers, who, under the leadership of the Democratic governor of Massachusetts, want free raw material, decide that agriculture is no longer one of the great industries in the United States entitled to consideration by the Government. Mr. President, why, if the imposition of tariff duties is restricted to the sole purpose of raising revenues, should the importers of wood pulp and news-print paper, as a class, be exempt from taxation? I hold no brief for the paper manufacturers; we have no paper mills in the State I, in part, represent, and I am simply trying to look at this matter from the standpoint of simple justice; but I confess that I can not see anything fair in a proposal which bestows a special privilege upon one great class well able to bear its fair share of the burden of taxation.

If the tariff is restricted to the sole purpose of raising revenue, there will, nevertheless, be a substantial discrimination in favor of our home market in the very fact that import duties to the extent of $300,000,000 are levied each year. That discrimination will help somebody in the United States. Is it not fair and reasonable that the American farmer, as well as the manufacturers in Connecticut, Rhode Island, and Massachusetts, should have some of the benefits by having a part of this revenue duty laid upon those products of the farm sent into this great market by his Canadian competitor? To refuse even this much is a discrimination against him for which no reasonable excuse can be given.

If, on the other hand, we must submit, and every product of the farm produced by his Canadian competitor must come into the United States free of duty, why not enlarge the list, so that Canada may send her manufactured products into this market free of duty also? It seems clear that we can do this, if we make it a part of the reciprocal act, without involving the favored-nation clause in treaties with other countries. An amendment of that kind certainly would not annul the agreement. The bill pending before the Canadian Parliament to carry out the proposed reciprocal agreement is printed on page 195 of the hearings before the House Committee on Ways and Means. It contains the following clause:

* * * The act proposed * * * shall not come into operation until a date to be named by the governor in council in a proclamation to be published in the Canadian Gazette, and that such proclamation may be issued whenever it appears to the satisfaction of the governor in council that the United States has enacted, or will forthwith enact, such legislation as will grant to Canada the reciprocal advantages provided for in certain correspondence dated Washington, January 21, 1911, between the Hon. P. C. Knox, Secretary of State for the United States, and the Hon. W. S. Fielding, minister of finance for Canada, and the Hon. William Patterson, minister of commerce for Canada.

Mr. President, the intention of this language is plain. This Canadian bill simply requires that it shall not become operative until the United States has enacted a law granting to Canada the reciprocal advantages provided for in the agreement. When

the United States has done that, the Canadian act will go into effect. It will not prevent its taking effect if the act of the United States not only grants to Canada the reciprocal advantages named in the agreement, but does more, and, without asking anything further from her, gives to Canada other concessions, which will not only benefit her, but which will be of benefit to the consumers of the United States.

If it is a good thing for us to favor the Canadian farmer for the purpose of "cementing our friendly relations" with the Dominion, it is a still better thing to favor the Canadian manufacturer for a like reason; and by favoring him we may be able to restore to some extent the competition which our great trusts have destroyed in the United States; in other words, actually reduce the cost of living to the masses.

The Canadian Yearbooks for 1908 and 1909 show marked progress in the manufacture of food products in Canada from 1871 to 1906.

In 1871 there were 3,922 establishments for the manufacture of food products in the Dominion, with a capital employed of $12,532,202, in which 10,728 persons were employed; $2,413,701 paid annually as wages for labor, $45,911,827 for raw materials, and the value of the output that year was $56,689,227.

In 1906 there were 5,012 establishments in the Dominion engaged in manufacturing food products, as follows: Twenty-nine, baking powder and flavoring extracts; 456, bread and biscuits; 2,958, butter and cheese; 4, chewing gum; 4, cocoa and chocolate; 33, coffee and spices; 5, condensed milk; 3, confectioners' supplies; 41, evaporated fruits and vegetables; 465, preserved fish; 832, flouring and grist mill products; 59, fruit and vegetable canning; 61, slaughtering and meat packing; 7, slaughtering, not including packing; 8 sugar refineries; 3 tallow refineries; 34 vinegar and pickle factories; 10 other food-product establishments. The capital employed was $89,880,145; the amount paid out that year in these plants for wages was $12,025,927. The number of wage earners employed was 45,520. The value of the output was $173,359,431.

This is one line of manufacturing only—food products. If the products of the Canadian farms must be admitted free to promote good will with our Canadian neighbors and to check the tendency in the cost of living to increase, why should we not admit these manufactured food products from the Canadian factories into the United States free of duty for the same reason? Who, except the American trust and the American manufacturer—who seems to think the country exists for his sole benefit—can be opposed to it? Why give free trade to the Canadian farmer and refuse to remit duties to the Canadian manufacturer?

The United States Crop Reporter for January, 1911, shows clearly that the American farmer is capable for years to come, if given a square deal with other classes, of increasing the production of farm lands to meet all the demands of an ever-increasing population. I read from page 5:

> The foregoing presentation of the information that is possessed concerning the trend of agricultural production in this country, in comparison with population, makes it plain that in spite of the fact that the United States is now passing through some of the early and middle phases of agricultural land exploitation, it nevertheless appears that the final stage of better agriculture and increased production per acre has been reached in many States for a varying number of crops, and that production per acre is not only beginning to exceed normal increase of population, but really to exceed the actual increase. The ability of the soil and of the agricultural arts and sciences to produce crops at a rate greater than either the normal rate of increase of population or the normal as temporarily influenced by immigration has been demonstrated times innumerable by the Department of Agriculture, by the experiment stations, and by intelligent farmers all over the country. The potentiality of agricultural production as a national achievement sufficient for growth of population has been so numerously and so thoroughly demonstrated as to be now beyond intelligent question. * * *
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> Quietly the farmer has been rising from the depths into which he was cast by the ruinously low prices in the early nineties until now he has reached a plane where he receives a well-deserved recompense for his labors. Probably never before has the average farmer been in better condition than in recent years. Farmers are rapidly acquiring the modern conveniences formerly possessed only by those living in the cities, such as furnace-heated houses, water and bath facilities, free mail delivery, telephones, etc., and, with good crops commanding remunerative prices, he is becoming more and more able to secure such conveniences and to indulge in many luxuries enjoyed previously only by the prosperous urban communities.
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> Within the past 10 years the purchasing power of the farmer has increased more than 50 per cent. Such conditions are having, and will continue to have, more force in keeping the rising generation of farmers' children upon the farm than volumes upon volumes of printed advice to stay there. When there was hardship and no profit in farming, such advice was useless; now farm life is becoming profitable and more attractive, and such advice is becoming unnecessary.

Mr. President, that situation gives us the solution of the puzzling social problems growing out of the congestion in our great cities. It is a situation that should be safeguarded and encouraged. There is the pure fragrance of the clover field and new-mown hay about it. Why should it be disturbed by the nightmare of free trade in Canadian farm products? Why should we break down the work of the agricultural college in the United States by a retrograde policy?

The profits made by the farmer are not inordinate. Some ridiculously false statements are being circulated about them. The claim has been made recently that the Crop Reporter, from which I have been reading, shows that while the price of 85 articles purchased by the farmer during the period from 1899 to 1909 increased only 12.1 per cent, the money return per acre in the United States in crops of corn, oats, wheat, barley, rye, buckwheat, potatoes, hay, tobacco, and cotton increased 72.7 per cent. The figures quoted were tabulated by Victor H. Olmsted, Chief of the Bureau of Statistics, from replies received by the bureau from a circular letter mailed by it to a large number of retail dealers. These replies were such as would be voluntarily made by mail, under such circumstances, and were not shown to be based upon book entries, nor given under oath. It is undoubtedly true that farm products advanced very materially in price between 1899 and 1909, but it is utterly ridiculous to make the assertion based upon letters written by retailers that the articles the farmer buys increased in price during the same period only 12.1 per cent.

The figures presented by Mr. HINDS the other day show how absurd the figures given by these retailers are. He compared the "consumer's price" and the "farmer's price" in New York for one year. The figures show that the consumers paid $8,212,000 for onions, for which the farmer received only $821,000; $60,000,000 for potatoes, for which the farmer received only $8,437,000; $9,125,000 for cabbages, for which he was paid only $1,825,000; $48,880,000 for milk, for which he received only $22,912,000; also, $28,730,000 for eggs, for which the farmer was paid only $17,238,000.

The senior Senator from North Dakota [Mr. MCCUMBER] in the remarkably able address he delivered on this subject recently left nothing to be said upon the claim that the farmer is receiving an excessive price for the products of his farm. Bulletin No. 75 of the Bureau of Labor shows that during the eight years from 1899 to 1908 there was an increase of three and four times 12.1 per cent in the price of cloths and clothing, fuel and lighting, metals and implements, lumber and building materials, as well as in the price of farm products, and that when we consider the unusually low prices of farm products for ten years prior to 1899, the increase in the price of this class of commodities since then is not at all disproportionate to that in other lines. The majority report of the select committee appointed by the Senate last year to investigate wages and the prices of commodities, although it was never able to carry on an exhaustive examination because the Democratic Members of this body defeated the consideration of an appropriation to pay the expenses of the investigation, found that during the period from 1900 to 1909 the natural products of the farm in crude form advanced in price 36.1 per cent, while the products of the forest advanced 40.3 per cent, and manufactured farm products advanced 24.2 per cent.

The Massachusetts commission to investigate the cost of living in 1910 (p. 64) gives the following percentages, showing increase in average prices paid for food products during the period from 1897 to 1910:

	Per cent.
Beef (roasting) increased	37.0
Pork (fresh) increased	79.0
Pork (salt) increased	92.0
Flour (wheat) increased	28.6
Bacon increased	71.4
Eggs increased	25.1
Butter increased	46.1
Milk increased	37.5
Potatoes decreased	33.4
Coal increased	30.2
Cotton goods:	
Sheeting, 9–8, brown, increased	49.4
Sheeting, 9–8, bleached, increased	54.1
Cotton flannel increased	20.0
Ticking increased	70.0
Prints increased	38.5
Boots, men's heavy, increased	30.9

The investigation of the Massachusetts commission was strictly nonpartisan and very exhaustive.

In the face of such facts as these, as well as in the face of facts universally known to all, how absurd it is for a few retailers to attempt to convince the public that the articles which the farmer buys have only increased in price 12.1 per cent during the last 10 years. Mr. President, it seems to me that the attitude of the highly protected manufacturers of New England and the Middle and Eastern States in joining in this movement to put the American farmer on a free-trade basis is extremely narrow and selfish. They have, over and over again, demanded and received protection for their industries against all the other countries of the world, until they have become rich and powerful. During the last 10 years, by combination, they

have crushed out competition in their own country, and now, having done that, they want special privileges further extended to them by taking away from the only independent individual in this country, the American farmer, protection on the material produced by him. Hides, wheat, barley, rye, flaxseed, rough lumber, dairy products, cattle, wool, vegetables, eggs, and poultry must be admitted from an alien country free of tax, to help these great trusts in the United States who have crushed out competition at home, who will pocket the increased profit, and the consumer will go on paying the same old prices. Of course, these patriots make their demands on the ground that they want to more firmly cement the friendly relations existing between the two nations. But you all know what old Dr. Johnson said about patriotism being the last refuge of the scoundrel.

Let me not be misunderstood here. I have no doubt about the sincerity and patriotism of the President. I accept with full credit his purpose to view the proposed enactment from a high plane, without attempting to determine the exact balance of financial gain; and that, as it appears to him, "no yardstick can measure the benefits of the two peoples of this freer commercial intercourse and no trade agreement should be judged wholly by customhouse statistics." But I refuse to credit the manufacturers, who have fattened to excess under the privilege of excessive tariff protection, with the same disinterestedness, when they—in order to escape paying their employees better wages, and in order to make still greater profits for themselves by securing free raw materials while retaining a protective rate on their manufactured products—join in the movement against the American farmer. Experience is the great teacher, Mr. President, and fortunately we have had some experience with Canadian reciprocity.

A proposal of almost identically the same character, even in detail, was enacted by both countries in 1854 and remained in force until 1865. The act approved August 5, 1854, was to become operative whenever the President received satisfactory evidence that the Parliament of Great Britain and the Provincial Canadian Parliaments had passed laws on their part giving full effect to the provisions of the treaty between the United States and Great Britain. It admitted free of duty the following articles, being the growth and produce of the Canadian Provinces:

Grain; flour and breadstuffs of all kinds; animals of all kinds; fresh, smoked, and salted meats; cotton wool; seeds and vegetables; undried fruits; dried fruits; fish of all kinds; products of fish and all other creatures living in the water; poultry; eggs; hides; furs, skins, or tails, undressed; stone or marble in its crude or unwrought state; slate; butter; cheese; tallow; lard; hams; manures; ores of metals of all kinds; coal, pitch, and tar; turpentine; ashes; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; firewood; plants, shrubs, and trees; pelts; wool; fish oil; rice; broom corn and bark; gypsum, ground or unground; hewn or wrought or unwrought burr or grindstones; dyestuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco; rags.

Article 5 of the Elgin-Marcy treaty of 1854 provided that it should take effect as soon as the laws required to carry it into operation shall have become passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American colonies which are affected by this treaty, on the one hand, and by the Congress of the United States, on the other. "Such assent having been given, the treaty shall remain in force for 10 years from the date at which it may come into operation, and, further, until the expiration of 12 months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of 10 years or at any time afterwards. It is clearly understood, however, that this stipulation is not intended to affect the reservation made by article 4 of the present treaty with regard to the right of temporarily suspending the operation of articles 3 and 4 thereof."

In 1860 the Secretary of the Treasury, Mr. Cobb, submitted to Congress the reports of two agents of the United States Government, Mr. Israel T. Hatch and Mr. James W. Taylor, who had made investigations of the operation of this law since its enactment. The report of Mr. Hatch was decidedly unfavorable. He quotes with approval the following from the letter of Mr. Van Buren, Secretary of State under President Jackson, in regard to trade with the British Colonies in North America:

> The policy of the United States in relation to their commercial intercourse with other nations is founded on principles of perfect equality and reciprocity. By the adoption of these principles they have endeavored to relieve themselves from the discussions, discontents, and embarrassments inseparable from the imposition of burdensome discriminations. These principles were avowed while they were yet struggling for their independence, are recorded in the first treaty, and have been adhered to with the most scrupulous fidelity.

In the same connection he quotes the following from the report of Thomas Jefferson, as Secretary of the Treasury, in 1793:

> Should any nation, contrary to our wishes, suppose it may better find its advantages by continuing the system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce, and navigation by counter prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce relaxation of them.

Speaking of the Elgin treaty of 1854, Mr. Hatch then adds:

> The leading idea of the treaty itself was to permit the introduction of the products of one country into the other free of duty, and consequent reciprocal benefits were expected to follow both. * * * No statesmanship could, however, foretell the workings of the treaty, or had a right to anticipate legislation adverse to the spirit. Correct in principle as the treaty itself was, the perversion of its spirit and the disregard of its substance on the part of Canada have produced results it is the province of this report to exhibit.

Mr. Hatch shows that after the provisions of the treaty went into effect the value of the free imports from Canada to the United States increased from $380.041 in 1854 to $13.703.748 in 1859, while the imports paying duty decreased from $6,341,498 in 1854 to only $313,953 in 1858. He also shows that the value of goods exported by the United States into Canada, and paying a duty, fell from $13,449,341 in 1854 to $8,473,607 in 1858, while the value of goods going free of duty from the United States into Canada increased from $2.083.756 in 1854 to $7,161,958 in 1858. He shows also that Canada, pending the life of the Elgin treaty, violated its spirit, if not its letter, by increasing the Canadian duties imposed upon manufactured goods from the United States very materially, and observes:

> This legislation occurred at a time when, without asking for any equivalent, we had reduced our duties on Canadian manufactures 20 per cent. Before this, desirous of rendering "our commercial relations reciprocally beneficial and satisfactory," we have conferred upon Canada benefits shared by all classes of her people. We gave to her farmers highly remunerative prices, and brought their lands and productions upon an equality with our own, and thus greatly increased the value of their homesteads. Through their agriculture, we aided every branch of their industrial occupation, though we thereby left the most important points of our trade in the hands of those among whom hostile traditions are not yet wholly distinct. * * *
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> The increase in the profits of the Canadian farmer, since the treaty, is well known on both sides of the frontier. The large amount which would have accrued to the United States in the form of duties has gone to his benefit in the increased value of his products and real estate. The production of many articles has been greatly stimulated, much to his advantage, and their importations have been severely felt by our own producers along all that line of frontier through which access is naturally sought in an eastward course to our cities, manufacturing districts, and the great highway of the world. * * *
>
> Contrary to the belief commonly held at the date of the treaty, the Liverpool market does not determine the standard of value for breadstuffs on this side of the Atlantic. European prices are now far from being remunerative to the American producer. They have seldom been profitable to us since the termination of the Crimean War. Reopening the Russian granaries threw the Russian serf into close competition with the American farmer, who can only sustain himself by his superior intelligence and the application of modern labor-saving implements of agriculture. * * * All the wheat and flour sent by us in 1858–59 to England, where flour is charged with a duty of 4½ pence per hundredweight, or about 16 cents a barrel, and a corresponding duty is levied on grain, was only $1,736,152 in value, or less than half of $3,665,502, the amount thrown on our market from Canada, notwithstanding the failure of her crop.
>
> The grain-growing regions of the Northwestern States have suffered more than other parts of the Union from a depression of prices in our Atlantic cities, thus caused by the influx of Canadian products.
>
> A temporary cheapness of transportation will not compensate for reduction in the value of grain; and Canada, by virtually prohibiting the importation of American manufactures, prevents, so far as she is able, an increased demand and consumption of breadstuffs within the limits of our confederacy.

I have been reading from the report of the special commissioner made after a full investigation of the effects of the Elgin treaty, dated March 28, 1860, published in Congressional Document No. 1350, printed under an order made February 2, 1911.

The treaty of 1854 secured freedom of navigation on the St. Lawrence River to citizens of the United States and a recognition of their right to fish on the coasts of the British North American Provinces, but those features, which aided that law, have no place in the trade agreement of 1911.

On December 14, 1863, Hon. Justin S. Morrill, of Vermont, one of the ablest and most distinguished friends the American farmer ever had, introduced in the House of Representatives a joint resolution giving notice of the termination of the Elgin treaty. It was referred to the Committee on Foreign Affairs and favorably reported on April 1, 1864. Mr. Ward, of New York, who made the report, on presenting it to the House, among other things, said:

> General dissatisfaction with the treaty exists along the whole of our northern frontier near Canada, and the moral and political effects which it hoped would result from it have been destroyed, the effect of

the Canadian tariffs exacted since 1855 having been to decrease very materially the amount of manufactures and goods of foreign origin sold by the people of this country to those of the Provinces. * * * During the past five years the export of manufactures of the United States to Canada have in the aggregate decreased from $4,185,516 in 1858–9 to $1,510,802 in 1862–3.

Mr. Pike, a Member of Congress from Maine, spoke thus of the treaty:

I confess I am impatient of delay. I desire this treaty to draw its last breath as soon as possible. Had it much longer to live in order to die a natural death, if that be not paradoxical, I should be disposed to use violence and destroy a life which, in my judgment, has been productive of so much injury. It was a creature of mistaken views and of expectations which had no basis in fact. Its workings have been a continuous and protracted disappointment. It has achieved no considerable result which was predicted for it, and I ask attention of the House for a short time while I exhibit its utter failure in all particulars which should render a commercial arrangement with a foreign country desirable to us.

Mr. Baxter, of Illinois:

Within 12 months after this reciprocity treaty—as by an infamous misnomer it is called—went into operation real estate in Canada rose 25 per cent, and within 12 months thereafter it rose 50 per cent. And why? Because my neighbor from the Canadas could go to our market any morning with me in the same car and receive the same price that I could get for my produce, without incurring any of the burdens which I have to bear.

The joint resolution terminating the treaty passed the House December 13, 1864. Allison, Blaine, Henry Winter Davis, Lott M. Morrill, Thaddeus Stevens, and Elihu B. Washburne voted for it. There were 85 yeas and 57 nays.

On December 18, 1864, the joint resolution was reported favorably by Mr. Sumner in the Senate for the Committee on Foreign Relations.

Mr. Sumner said:

The people of the United States have been uneasy under the reciprocity treaty for several years; I may almost say from its date. There was a feeling that it was more advantageous to Canada than to the United States; that, in short, it was unilateral. This feeling has of late ripened into conviction.

Mr. Sherman favored the termination of the treaty. With his accustomed good sense and practical wisdom he remarked:

My vote shall be controlled by one idea alone; and that is that it is now the interest of the United States, in a pecuniary sense, to terminate this treaty. * * * Nations in their commercial intercourse are always governed by their interests, and especially is this so with Great Britain. It is admitted to be so by all her distinguished statesmen. She has always been guided by her interests as a nation, precisely as an individual in the ordinary affairs of life would be guided by his interests. * * * When the reciprocity treaty was adopted in 1855, there was then a state of things along the border which induced both parties to cultivate kindly relations and the exchange of commodities between them.

I have no doubt that Great Britain got a great deal the best of the bargain, especially in the schedule of articles named which should be exchanged free of duty. The treaty has operated from the beginning against our interests; and it can be plainly demonstrated by the tables which are furnished by the Secretary of the Treasury that from the beginning our trade has fallen off and theirs increased, comparatively.

The amount of goods exported to Canada in 1855, subject to duty, was $11,449,472, and in 1862 no more than $6,128,783. * * * While the goods we received from Canada came to us duty free, except a very insignificant amount, they charge us duty on more than half of what we send them. Can that be said to be reciprocal? * * * While this treaty stands it is a discrimination against every farmer and against every mechanic and every industrial interest in the Western States. The farmer in Canada may raise his grain and produce and send it to our markets free of duty, and it pays no tax. We can not reach their railroads; we can not tax their transportation; we can not affect them in the least; and yet every interest of our farmers is taxed. It is manifest therefore that while we maintain our present system of internal taxation the reciprocity treaty is a direct benefit to the Canadian producer, farmer, and mechanic, and it is a discrimination against our own farmers and mechanics.

The resolution terminating the treaty passed the Senate January 12, 1865. Senators Chandler, Collamer, Doolittle, Grimes, Harlan, Lane of Indiana, Morrill, Sherman, Sumner, Trumbull, Ben Wade, and Henry Wilson voted for it. There were 33 yeas and only 8 nays.

And so, Mr. President, after trying a similar arrangement with Canada for 10 years, the Congress of the United States by overwhelming majorities in each House terminated it by joint resolution, which was approved by President Lincoln January 18, 1865.

The decree of history and experience has been of record against this proposal for 46 years. It is true that the United States has grown and that she has taken her proud place as a "world power" since then. But the Dominion of Canada has grown also, and is seeing the first dim outlines of a great empire growing rapidly under her northern skies. It was found that the admission of farm products from the Provinces of the Dominion into the United States was a one-sided agreement, detrimental to the best interests of the United States then.

The changes which have occurred since 1865 make such an agreement equally unfair and discriminatory against us now.

In 1892 President Harrison refused to entertain a similar proposal by Canada, because, he said:

A reciprocity treaty limited to the exchange of natural products would have been such only in form. The benefits of such a treaty would have inured almost wholly to Canada. Previous experiments on this line have been unsatisfactory to this country. A treaty that should be reciprocal in fact and of mutual advantage must necessarily have embraced an important list of manufactured articles and have secured to the United States a free and favored introduction of these articles into Canada as against the world, but it was not believed that the Canadian ministry was ready to propose or assent to such an arrangement. * * * It must be accepted, I think, as the statement of a condition which places an insuperable barrier in the way of that large and beneficial intercourse and reciprocal trade which might otherwise be developed between the United States and the Dominion.

This was the opinion of President Harrison against a similar proposal of Canada in 1892. The changes which have occurred since 1865 and 1892 have strengthened rather than weakened the objections so potent as to defeat it then.

Mr. President, it has been hinted in some places that the opposition of the farmer to the enactment of this law is an artificial one, caused by interests other than his own, and that it is the result of a systematic and organized effort of politicians, of lumbermen, and of certain corporations, who have deceived and misled the farmer. No claim could possibly be more unjust. I have received many letters from actual farmers in South Dakota protesting against this law and only a very few favoring it. The letters opposing it do not come from politicians nor corporations, but from actual farmers, who state their objections in their own way.

I ask permission to print in connection with my remarks some tables based upon the census of 1910, from which I have made quotations, and some of the protesting letters and petitions I have received.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. CRAWFORD. In order that this bill may be really and truly reciprocal, rather than a one-sided law, which will allow the trusts of the United States to profit at the expense of the farmers of the United States, it should be so amended as to admit the manufactured products of Canada free of duty along with the natural products. To accept less is to discriminate unjustly against the American farmer and in favor of the American manufacturer and the American trust. I offer such an amendment and ask that it be referred to the Committee on Finance.

A law like the one which has been proposed here, except that it was a better one, because it put flour on the free list, and secured the free use of the St. Lawrence River, and the right to fish in the waters adjacent to the Canadian Provinces by citizens of the United States, was found, after 10 years trial, to be so unfair to the people of the United States that it was repealed by a decisive vote in 1865.

Now, why should we undertake to repeat in 1911 the error of 1854—46 years later?

During these 46 years the modern monopolistic trust has come into our commercial life; it has crushed out competition; it will appropriate all the benefits that can flow from this law if enacted in its present form; no relief will come to the ultimate consumer; it will depress American agriculture and intensify the congestion of our population in great cities. The opposite course should be taken.

The trust should be held in check; congestion in the cities should be relieved; the open spaces in the country should be occupied and made to yield harvests and support homes. Profitable returns in the pursuit of agriculture will take our people back to the farm. Profitable returns will keep them there. Nothing else will. The great Department of Agriculture and the State agricultural colleges, assisted by Federal appropriations and the work of experimental stations, have made the pursuit of agriculture a science where brain, as well as muscle, is essential to its mastery. With profitable returns for the labor and intellect bestowed, the calling of the farmer becomes dignified as well as independent. But all depends upon its yielding him a fair profit. Unless it does that, his sons will yield to the lure of the city. We are at the parting of the ways. The policy of the Government is now to be definitely determined. The issues are momentous. If this is to be henceforth an urban Nation—living as England lives, where 26,000,000 of her 38,000,000 live on imported wheat, and 13,000,000 live on imported meat, which, put in other words, means, as Mr. Mallock tells us, that her whole population lives on imported meat for nearly five months of the year, and on imported wheat for eight months of the year—if we are ready to admit that this is to be our destiny in the United States, and that we shall ransack the world for our food and not depend upon the American

farms for it, then I say agriculture will go down in this country, and with it will begin the permanent decay of our civilization. And if we have decided to maintain a protective tariff upon manufactured products, while exposing the products of our farms to free trade with their greatest world competitor, our conduct is the strongest possible admission that we have reached that melancholy conclusion.

I protest against it because, in my opinion, it is a cowardly abandonment of a grave duty and obligation we owe to the future as well as to ourselves. Necessity has not yet pushed us so far. We owe much to the soil of this favored land. We must not fail to give it our allegiance now. The farmer has fought a good fight, and is always and ever pushing on. By drainage and by irrigation, by intensive processes, and by reclamation, through crop rotation and the use of fertilizers, he is opening new fields and restoring waste places. He is always working at the base of the triangle. He was the Nation builder. He is the home builder. When he fails, all is lost. These great cities, these vast railways, these enormous combinations of wealth, these stock and commission gamblers will not remain long when the American farmer gives up the fight. How, then, can we make so fundamental a change in our policy toward the farmer with such seeming indifference? How do we dare do it when it is clear that the trusts, and the trusts only, will profit by the change?

The farmer will resent it, and the workingman, when he finds that it has given no relief to him, will resent it. Those who believe that a policy should be followed which will protect the American producer against foreign competition to the extent of the difference in cost of production at home and abroad by tariff duties will find that a fatal breach has been made in the system they would maintain and that it will speedily fall into disuse.

Instead of leading in the system which is developing an empire in Canada, and which enables Germany and France to keep first place in the world of agriculture, commerce, and manufactures, the United States will follow England in a policy which, in many ways, is adapted to the needs of the two small islands known as Great Britain, but which is not adapted to the needs of a nation like ours, the possessor of half a continent, with infinite possibilities in the yet undeveloped resources of its soil; the adoption of a policy in which the country is to yield forever the scepter of power and influence to the city; a policy which will soon change the entire character of our institutions and the quality of our citizenship.

I hope the attempt may fail now, but should it succeed, temporarily, I can not believe that the American people will permanently abandon the policies which, in three generations, have witnessed her advancement from a feeble beginning to the first place among the nations and peoples of the earth.

APPENDIX.

Increase in number of farms, 1910 over 1900.

[+ (increase); — (decrease).]

States.	1910	1900	Percentage.
Colorado	45,839	24,700	+86
Connecticut	26,431	26,948	− 2
District of Columbia	214	269	−20
Idaho	30,741	17,471	+76
Illinois	250,853	264,151	− 5
Indiana	214,741	221,897	− 3
Iowa	216,807	228,622	− 5
Kansas	177,299	173,000	+ 2
Maine	59,773	59,299	+ 1
Maryland	48,769	46,012	+ 6
Massachusetts	36,512	37,715	− 3
Michigan	206,376	203,261	+ 2
Minnesota	155,759	154,659	+ 0.7
Missouri	276,081	284,886	− 3
Montana	25,946	13,370	+94
Nebraska	129,419	121,525	+ 6
Nevada	2,660	2,184	+22
New Hampshire	26,913	29,324	− 8
New Jersey	33,161	34,650	− 4
New York	214,650	226,720	− 5
North Dakota	74,165	45,332	+64
Oregon	45,128	35,837	+26
Pennsylvania	218,394	224,248	− 3
Rhode Island	5,191	5,498	− 6
South Dakota	77,314	52,622	+47
Vermont	32,598	33,104	− 2
West Virginia	95,876	92,874	+ 3
Wisconsin	176,546	169,795	+ 2
Washington	55,744	33,202	−68
Ohio	271,383	276,719	− 2
Total	3,231,283	3,139,894	+ 2.5

Cash paid out for labor upon farms in 1910 and 1900 and rate of interest.

States.	1910	1900	Increase.
			Per cent.
Colorado	$10,723,000	$4,101,000	161
Connecticut	6,652,000	4,103,000	62
District of Columbia	221,000	197,000	12
Idaho	6,677,000	2,250,000	197
Illinois	35,675,000	22,183,000	61
Indiana	17,903,000	9,686,000	85
Iowa	24,732,000	16,376,000	57
Kansas	20,474,000	10,793,000	90
Maine	5,591,000	2,667,000	110
Maryland	8,720,000	5,716,000	53
Massachusetts	11,747,000	7,487,000	57
Michigan	18,905,000	10,717,000	76
Minnesota	22,186,000	16,658,000	33
Missouri	18,526,000	9,804,000	89
Montana	10,874,000	5,077,000	114
Nebraska	14,942,000	7,399,000	102
Nevada	2,978,000	1,387,000	115
New Hampshire	3,340,000	2,305,000	45
New Jersey	10,530,000	6,720,000	57
New York	40,483,000	27,102,000	49
North Dakota	21,715,000	9,207,000	136
Oregon	11,011,000	4,843,000	127
Pennsylvania	25,079,000	16,648,000	51
Rhode Island	1,675,000	1,632,000	62
South Dakota	12,821,000	5,528,000	132
Vermont	4,739,000	3,133,000	51
West Virginia	3,981,000	2,042,000	95
Wisconsin	19,044,000	10,469,000	82
Washington	15,223,000	5,280,000	188
Ohio	25,314,000	14,503,000	74
Total	432,481,000	245,413,000	76

Proportion of total area in wheat.

States.	1870–1879	1900–1909
	Per cent.	*Per cent.*
Maine	0.1	1.6
Pennsylvania	4.4	5.6
Delaware	5.0	8.9
Maryland	7.5	12.3
West Virginia	1.9	2.5
North Carolina	1.4	1.9
South Carolina	.6	1.5
Ohio	6.4	7.2
Indiana	8.0	9.0
Minnesota	3.3	10.5
Missouri	2.7	4.5
Nebraska	.9	5.1
Kansas	1.5	10.5
Texas	.1	.6
Arkansas	.4	.7
Oregon	.4	1.3
California	.2	1.7

Expenditures for fertilizers, and increase, years 1910 and 1900.

[+ (increase); − (decrease).]

States.	1910	1900	Percentage.
Colorado	$58,000	$23,000	+152
Connecticut	1,930,000	1,078,000	+ 79
District of Columbia	16,000	23,000	− 30
Idaho	21,000	17,000	+ 24
Illinois	571,000	831,000	− 31
Indiana	2,181,000	1,554,000	+ 40
Iowa	107,000	337,000	− 70
Kansas	73,000	268,000	− 73
Maine	4,063,000	820,000	+395
Maryland	3,375,000	2,619,000	+ 29
Massachusetts	1,931,000	1,321,000	+ 46
Michigan	936,000	492,000	+ 90
Minnesota	63,000	251,000	− 75
Missouri	662,000	371,000	+ 78
Montana	10,000	4,000	+150
Nebraska	29,000	153,000	− 81
Nevada	8,000	(1)	(1)
New Hampshire	510,000	368,000	+ 39
New Jersey	4,206,000	2,165,000	+ 94
New York	7,057,000	4,493,000	+ 57
North Dakota	9,000	14,000	− 36
Oregon	63,000	27,000	+133
Pennsylvania	6,756,000	4,686,000	+ 44
Rhode Island	309,000	264,000	+ 17
South Dakota	11,000	13,000	− 15
Vermont	570,000	447,000	+ 28
West Virginia	520,000	405,000	+ 28
Wisconsin	122,000	294,000	− 59
Washington	79,000	29,000	+172
Ohio	4,163,000	2,695,000	+ 54
Total	40,409,000	26,062,000	+ 51

[1] No figures.

Increase in value of buildings on farms during 10 years from 1900 to 1910.

	Per cent.
Colorado	183
Connecticut	45
District of Columbia (decrease)	88½
Idaho	267
Illinois	71
Indiana	89
Iowa	89
Kansas	79
Maine	54
Maryland	42
Massachusetts	22
Michigan	79
Minnesota	120
Missouri	81
Montana	164
Nebraska	118
Nevada	83
New Hampshire	25
New Jersey	31
New York	40
North Dakota	262
Oregon	127
Pennsylvania	26
Rhode Island	30
South Dakota	231
Vermont	45
West Virginia	67
Wisconsin	85
Washington	233
Ohio	67

Average wages of agricultural labor, with board, in specified States, eastern Canada, and British Columbia, 1909.

	By the month.		In harvest.
	Hiring by the season.	Hiring by the year.	
United States:[1]			
Maine	$27.60	$23.17	[2] $1.63
New York	26.00	22.08	1.77
Michigan	25.10	21.57	1.75
Minnesota	29.25	23.98	2.23
Wisconsin	28.57	24.39	1.79
North Dakota	33.34	27.01	2.58
Iowa	28.93	25.63	2.08
Ohio	22.11	19.19	1.67
Vermont	26.86	24.03	1.73
Montana	39.29	35.00	2.23
Washington	36.39	31.32	2.34
Missouri	21.10	18.85	1.50
Canada:[3]			
Prince Edward Island	17.25	10.87	[4]
Nova Scotia	21.20	15.90	.40 / .50
New Brunswick	22.59	9.96	
Quebec	23.33	17.58	.30 / .35
Ontario	21.52	17.63	.20 / .35
British Columbia	30.50	20.69	[5] .35 / .50

[1] Advance figures from unpublished bulletin on agricultural wages by Department of Agriculture.
[2] Wages by the day.
[3] From Canadian Census and Statistics Monthly, Jan., 1911, p. 2.
[4] Wages by the month.
[5] Includes only lodging.

Production and farm price per ton of hay in specified States compared with Canada in 1910.

	Production.	Yield per acre.	Farm price per ton.
UNITED STATES.			
	Tons.	*Tons.*	
Maine	1,750,000	1.25	$12.80
New Hampshire	768,000	1.20	15.80
Vermont	1,256,000	1.35	12.40
New York	6,351,000	1.32	13.70
Illinois	3,717,000	1.33	12.00
Michigan	3,370,000	1.30	13.60
Wisconsin	2,260,000	1.00	15.10
Minnesota	908,000	1.00	9.10
Iowa	3,780,000	1.05	9.60
North Dakota	103,000	.55	7.60
South Dakota	408,000	.80	7.10
Montana	840,000	1.40	12.50
Total	60,978,000	1.33	12.26
CANADA (HAY AND CLOVER).			
Prince Edward Island	495,000	2.02	8.30
Nova Scotia	1,284,000	1.94	9.70
New Brunswick	1,261,000	1.84	8.56
Quebec	5,502,000	1.78	9.29
Ontario	6,749,000	1.84	10.21
Manitoba	135,000	1.15	10.21
Saskatchewan	23,000	1.34	9.56
Alberta	57,000	.87	14.58
Total	15,497,000	1.82	9.66

Comparative values of farm lands in Canada and the United States.

	Average value per acre of improved land.		Increase.
	1909	1910	
UNITED STATES.			*Per cent.*
Maine	$15	$25	67
New Hampshire	19	26	37
Vermont	18	24	33
Rhode Island	51	62	22
Connecticut	42	63	50
Pennsylvania	46	56	20
Delaware	32	51	59
Illinois	54	108	101
Indiana	39	75	92
Missouri	25	50	100
Iowa	50	109	117
Wisconsin	35	57	63
Michigan	33	46	39
Minnesota	26	46	77
CANADA.			
British Columbia	55	73	33
Manitoba	13	29	123
New Brunswick	11	24	120
Nova Scotia	11	31	181
Ontario	35	50	43
Prince Edward Island	19	32	70
Quebec	24	43	80
Saskatchewan	7	22	201
Alberta	7	20	185

Production and farm price per bushel of oats in specified States compared with Canada in 1910.

	Production.	Average yield per acre.	Farm price per bushel.
UNITED STATES.			
	Bushels.	*Bushels.*	
Maine	5,554,000	42.4	$0.48
New Hampshire	599,000	42.8	.51
Vermont	3,528,000	41.5	.50
New York	46,161,000	34.5	.42
Indiana	65,490,000	35.4	.31
Illinois	171,000,000	38.0	.30
Michigan	51,170,000	34.0	.35
Wisconsin	69,136,000	29.8	.34
Minnesota	78,523,000	28.7	.32
Iowa	181,440,000	37.8	.27
Missouri	26,208,000	33.6	.32
North Dakota	11,396,000	7.0	.37
South Dakota	35,075,000	23.0	.30
Montana	13,300,000	38.0	.46
Kansas	46,620,000	33.3	.34
Washington	8,817,000	42.8	.48
Total	1,126,765,000	31.9	.34
CANADA.			
Prince Edward Island	6,778,000	36.48	.365
Nova Scotia	5,723,000	39.52	.488
New Brunswick	651,000	29.69	.452
Quebec	48,927,000	29.66	.442
Ontario	128,917,000	39.40	.36
Manitoba	41,742,000	28.76	.31
Saskatchewan	61,367,000	31.10	.285
Alberta	23,644,000	24.27	.324
Total	323,449,000	32.79	.354

Production and farm price per bushel of flaxseed in specified States compared with Canada in 1910.

	Production.	Yield per acre.	Farm price per bushel.
UNITED STATES.	*Bushels.*	*Bushels.*	
Wisconsin	180,000	10	$2.20
Minnesota	5,540,000	7.5	2.30
Iowa	195,000	12.2	2.20
Missouri	168,000	8.4	2.10
North Dakota	5,778,000	3.6	2.35
South Dakota	3,300,000	5	2.29
Nebraska	80,000	8	2.25
Kansas	410,000	8.2	2.10
Montana	420,000	7	2.40
Total	14,116,000	4.8	2.30
CANADA.			
Prince Edward Island			
Manitoba	290,000	11.79	2.09
Saskatchewan	3,448,000	7.87	2.08
Alberta	64,000	4.48	1.87
Total	3,802,000	7.97	2.07

Farm acreage and wheat acreage, 1850–1900.

Years.	Farms.		Improved.		Wheat.	
	Acreage.	Percentage.	Acreage.	Percentage.	Acreage.	Percentage.
1900	838,591,774	44.1	414,498,487	21.8	41,971,000	2.2
1890	623,218,619	32.8	357,616,755	18.8	37,275,000	2.0
1880	536,081,835	28.2	284,771,042	15.0	31,912,000	1.7
1870	407,735,041	21.4	188,921,099	9.9	18,386,000	1.0
1860	417,212,538	21.4	163,110,720	8.6	[1] 15,424,496	.8
1850	293,560,614	15.4	113,032,614	6.0	.....	.....

[1] This sum is the acreage for 1866.

Years.	Population.	Home consumption.	Per capita consumption.
		Bushels.	*Bushels.*
1870	38,558,371	193,698,324	5.02
1880	50,189,209	276,864,727	5.52
1890	62,979,766	345,602,279	5.49
1900	76,149,386	389,331,530	5.11
1906	[1] 84,024,026	536,706,866	6.39
1908	[1] 87,000,000	551,801,954	6.34

[1] Estimated.

Increase in total value of farm land alone from 1900 to 1910.

[Bureau of Census, 1900, 1910.]

	Per cent.
Colorado	300
Idaho	518
Illinois	106
Connecticut	36
Indiana	93
Iowa	122.7
Kansas	188
Maine	74
Maryland	35
Massachusetts	32
Michigan	45
Minnesota	82
Missouri	104
Montana	394
Nebraska	231
Nevada	163
New Hampshire	25
New Jersey	31
New York	28
North Dakota	321
Oregon	262
Pennsylvania	9
Rhode Island	11
South Dakota	376
Vermont	27
West Virginia	53
Wisconsin	71
Washington	419
Ohio	57
District of Columbia (decrease)	57

Cash value of implements upon farms in 1900 and 1910.

States.	1910	1900	Percentage.
Colorado	$12,761,000	$4,747,000	169
Connecticut	6,865,000	4,948,000	39
District of Columbia	62,000	136,000	[1] 119
Idaho	11,459,000	3,295,000	217
Illinois	73,533,000	44,977,000	64
Indiana	40,880,000	27,330,000	50
Iowa	95,273,000	57,961,000	65
Kansas	48,244,000	29,491,000	64
Maine	14,476,000	8,803,000	64
Maryland	11,845,000	8,611,000	38
Massachusetts	11,512,000	8,829,000	30
Michigan	49,771,000	28,795,000	73
Minnesota	52,243,000	30,099,000	74
Missouri	50,769,000	28,603,000	78
Montana	10,522,000	3,672,000	187
Nebraska	44,215,000	24,940,000	77
Nevada	1,558,000	889,000	75
New Hampshire	5,870,000	5,163,000	14
New Jersey	12,955,000	9,330,000	39
New York	83,330,000	56,006,000	49
North Dakota	43,887,000	14,056,000	212
Oregon	13,135,000	6,507,000	102
Pennsylvania	70,547,000	50,917,000	39
Rhode Island	1,753,000	1,270,000	38
South Dakota	33,762,000	12,219,000	176
Vermont	10,162,000	7,538,000	35
West Virginia	6,962,000	5,040,000	38
Wisconsin	52,783,000	29,237,000	81
Washington	16,653,000	6,272,000	166
Ohio	51,115,000	36,354,000	62
Total	938,902,000	556,035,000	50.7

[1] Decrease.

United States production and price of barley under specified duties.

[Reports of Department of Agriculture.]

	Acreage.	Average yield per acre.	Production.	Average farm price.	Farm value.
DUTY 30 CENTS PER BUSHEL (OCT. 1, 1890, TO AUG. 27, 1894).					
		Bushels.	*Bushels.*	*Cents.*	
1890	3,135,302	21.4	67,168,344	62.7	$42,140,502
1891	3,352,579	25.9	86,839,153	52.4	45,470,342
1892	3,400,361	23.6	80,096,762	47.5	38,026,062
1893	3,220,371	21.7	69,869,495	41.1	28,729,386
1894	3,170,602	19.4	61,400,465	44.2	27,134,127
DUTY 30 PER CENT AD VALOREM (AUG. 27, 1894, TO JULY 24, 1897).					
1895	3,299,973	26.4	87,072,744	33.7	29,312,413
1896	2,950,539	23.6	69,695,223	32.3	22,491,241
1897	2,719,116	24.5	66,685,127	37.7	25,142,139
DUTY 30 CENTS PER BUSHEL (JULY 24, 1897, TO PRESENT).					
1898	2,583,125	21.6	55,792,257	41.3	23,064,359
1899	2,878,229	25.5	73,381,563	40.3	29,594,254
1900	2,894,282	20.4	58,925,833	40.9	24,075,271
1901	4,295,744	25.6	109,932,924	45.2	49,705,163
1902	4,661,063	29.0	134,954,023	45.9	61,898,634
1903	4,993,137	26.4	131,861,391	45.6	60,166,313
1904	5,145,878	27.2	139,748,958	42.0	58,651,807
1905	5,095,528	26.8	136,651,020	40.3	55,047,166
1906	6,323,757	28.3	178,916,484	41.5	74,235,997
1907	6,448,000	23.8	153,597,000	66.6	102,290,000
1908	6,646,000	25.1	166,756,000	55.4	92,442,000
1909	7,011,000	24.3	170,284,000	55.2	93,971,000
1910	7,257,000	22.4	162,227,000	57.8	93,785,000

PETITIONS OF PROTEST.

Petition from Dempster Grange No. 4, dated at Dempster, S. Dak., March 22, 1911, requesting delegation to vote against reciprocity bill and use every effort to prevent ratification of same. Signed: A. J. Loats, jr., master; Mrs. E. V. St. John, secretary.

Petition against reciprocity signed by 103 farmers of Coleman, S. Dak. Petition is based upon the following grounds:

1. The schedule proposed provides for free trade on all that the northwestern farmer produces, while retaining almost full protection, as heretofore, on all that farmers have to buy. Practically all the concessions that have been made to Canada are made at the direct expense of the American farmer.

2. The schedule gives Canadian competition free trade in American markets for grain, but still protects flour; free trade for live stock, but still protects the packers in their meat; free trade on all the farmer's crops, but still protects the Canadian manufacturers against American competition in Canada. (See Schedule B.)

3. The immediate effect of the proposed law would be to encourage American farmers to move into Canada, where the virgin soil still produces greater crops of grain with less labor than can be produced on our farms in the Northwest. The result will be to decrease land values in the United States and to enhance land values in Canada at the expense of United States investments. It will result in many localities in creating abandoned farms in northwestern States and will retard the development of Wisconsin, Minnesota, North and South Dakota, Montana, and Idaho, causing a loss in land values in these States amounting to millions of dollars.

4. More than half of the tillable land in all of these States yet remains uncultivated, and we declare to the American Congress that so long as the policy of protective tariff continues to be the policy of this country the agricultural interests have just as much right to protection of home industry and home investments against unequal foreign competition as have the manufacturers or any other interests. Signed: J. P. Renge, Coleman, S. Dak., and over 100 farmers.

Also resolutions of protest by 200 farmers and business men of Clark County, S. Dak., protesting against the passage of the proposed Canadian trade agreement bill as unfair to the farming interests of the State and country.

Also, petition setting out the same grounds, and signed by C. E. Withan and 20 farmers of Amherst, S. Dak.

Also, petition from the Black Hills Pomona Grange, of Whitewood, S. Dak., signed by Charles C. Maas, master; Elvina Benoit, secretary.

This petition and protest declares that the members of Black Hills Pomona Grange are opposed to the reciprocity treaty with Canada, which is directly against its interest, and declares in favor of "a tariff for all or a tariff for none"; that it puts and extra burden on the shoulders of the farmer by allowing Canada to compete with him in the open market with her raw agricultural products, putting a tax upon all finished products, which will in no way aid the consumer, but which shows a spirit of paternal favoritism toward the manufacturing class and a most flagrant disregard for the welfare of the agricultural class. Requests United States Senators to use every reasonable effort to prevent the passage of the law.

A petition to the same effect from the White Grange, White, S. Dak., signed by Charles Gile, master; S. L. Gile, secretary.

Also, protest against the passage of the reciprocity bill, signed by Herbert Watzek and 18 farmers of Crandon, S. Dak.

Also, protest signed by Otto Johnson and 152 farmers of Redfield, S. Dak. This protest reads as follows:

REDFIELD, S. DAK., *March 3, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

SIR: Are we farmers helpless, or will we get a square deal in the Senate in this reciprocity bill? When we elect our Senators we expect them to be fair to farmers as well as to the trusts and railroads. Why is the farmer citizen of the United States more prosperous than the

farmers of the foreign countries? Because the American farmers are protected by the high tariff.

The last few years the Government has been trying to teach farmers to conserve the natural resources of the soil. Now they are working in an opposite direction. The farmers will not hire as much help as usual if the prices of farm products are lowered, and consequently our farms will not be worked as they ought to be.

And also of late years there has been a great deal said about going back to the farm, and which was coming fast, but if this reciprocity bill will pass the Senate there will be a check to the movement.

Why do we want grain from Canada when we are an exporting country ourselves? Some will claim that the farmer will be benefited by it, but they can not pull the wool over the farmers' eyes with such a flimsy argument as that.

Now we know that the Canadian farmer can produce a bushel of grain cheaper than we can, for the reason their land is cheaper and their yield larger and the quality is better, so we object to competition with them.

Now we trust that you will do all you can to get a square deal for us. We the undersigned farmers and citizens of Spink County are opposed to the passage of the reciprocity bill. If it should be passed at all, we are in favor that everything will be put on the free list as it is between the different States and not only be favoring the trusts and railroads.

We are also in favor that Mr. Taft and all other men favoring reciprocity with Canada, should they want an office in 1912 we believe their names would appear better on the Democratic ticket.

Also protest against the passage of the law by Watertown Grange, No. 3, of Watertown, S. Dak., signed by George W. Dixon, master; Ellen Poor, secretary.

The grounds upon which the protest is made are the following:

1. The bill provides for the admission free of duty of all Canadian farm products. Since Canada is the only country from which any considerable quantity of these products can, under any circumstances, be imported, this would result in practically free trade in everything the farmer produces.

2. While putting farm products on the free list the reciprocity bill makes no material reduction in the high tariff rates on all the manufactured articles the farmer buys, and therefore gives no relief from the heavy burden of taxation imposed by these duties.

3. The theory on which our protective policy has always been defended is that all classes and interests are equally entitled to protection. The farmers, however, receive much less protection than the manufacturers, for while farm products are taxed on the average about 25 per cent, manufactured articles are taxed on an average about 45 per cent.

4. The enactment of the Canadian reciprocity bill would still further discriminate against the farmers by abolishing the comparatively slight protection now given them, while leaving the high protective duties on manufactures practically untouched.

5. The Canadian farmers, by reason of their lower general tariff and their preferential trade arrangements, can buy manufactured goods at lower prices than those prevailing in this country. The prices of farm lands in Canada are also much lower than in the United States. These conditions give the Canadian farmers an advantage over us, and the free admission of their products will subject us to unfair competition.

6. We hold that the farmers should receive exactly the same measure of protection as is given the manufacturers, and that there must be no reduction of duties on farm products, either by reciprocity or tariff revision, unless the duties on all manufactured articles are at the same time correspondingly reduced.

7. To show that this reciprocity measure is not an honest effort to reduce the cost of living in the interest of the consumer, it is sufficient to point out that while wheat is on the free list, flour is taxed 50 cents per barrel, and that while cattle, sheep, and hogs are free, meats, both fresh and cured, are taxed 1¼ cents per pound for the benefit of the Meat Trust.

As the adoption of the proposed reciprocity law would be a serious injury to the farming interests of this country and would greatly reduce the value of our farm lands, while increasing the value of Canadian farms, we earnestly protest against its enactment.

Protest in the same manner is also made by the following farmers: A. Brink, Frankfort; C. R. Walworth, Westport; Henry Dalgaard, Beresford; O. R. Schmeling, Watertown; and John Bottcher, ———.

Protest from Erwin Grange, No. 5, Erwin, S. D., which reads as follows:

We, the Patrons of Husbandry, implore you to vote for the revocation of the Canadian reciprocity treaty made by our Executive and Canadian officials. As a faithful servant of the people of this State you are by duty bound to cause this treaty to be revoked, firstly, because its burdens fall most heavily on this and other agricultural States, and, secondly, because it is unjust to the people as a whole, in so far as it is an unjust and partial regulation of commerce between the States and Canada. We will not detain you by going into details, as you have the original treaty before you. Thanking you in advance for your prompt action upon this matter, we remain,

J. F. WOLKOW, *Committeeman.*
Mrs. CLARA B. HODGES, *Master.*
F. G. LARSON, *Secretary.*

Also, protest from Florence Grange, of Florence, S. Dak., signed by George Moody, master; W. R. Hayden, Secretary.

Also, protest signed by C. G. Loriks and 55 farmers of Oldham, S. Dak. This protest states that the reciprocity act with Canada would mean an immense blow to the present market of the farmer for our largest asset, the production of small grains. Canadian grain has almost direct access to the large milling and grain market of Minneapolis.

Protest signed by N. L. Sateren and 62 farmers of Roberts County, S. Dak. This protest sets forth the following grounds of objection:

1. The bill provides for the admission free of duty of all Canadian farm products. Since Canada is the only country from which a considerable quantity of these products can under any circumstances be imported, this would result in practically free trade in everything the farmer produces.

2. While putting farm products on the free list, the reciprocity bill makes no material reduction in the high tariff rates on all the manufactured articles the farmer buys, and therefore gives no relief from the heavy burden of taxation imposed by these duties.

3. The theory on which our protective policy has always been defended is that all classes and interests are equally entitled to protection. The farmers, however, receive much less protection than the manufacturers, for while farm products are taxed on the average about 25 per cent, manufactured articles are taxed on an average about 45 per cent.

4. The enactment of the Canadian reciprocity bill would still further discriminate against the farmers by abolishing the comparatively slight protection now given them, while leaving the high protective duties on manufactures practically untouched.

5. We hold that the farmer should receive exactly the same measure of protection as is given the manufacturers, and that there must be no reduction of duties on farm products, either by reciprocity or tariff revision, unless the duties on all manufactured articles are at the same time correspondingly reduced.

The farmers have been the last to feel any direct benefit from protective tariffs. Why should the protective party expect the farmers to be the first to suffer the loss of the protective policy?

6. To show that this reciprocity measure is not an honest effort to reduce the cost of living in the interest of the consumer, it is sufficient to point out that while wheat is on the free list flour is taxed 50 cents per barrel, and that while cattle, sheep, and hogs are free, meats, both fresh and cured, are taxed 1¼ cents per pound for the benefit of the Meat Trust.

We, the undersigned, therefore earnestly appeal to our Senators and Representatives in Congress to defend the agricultural interests of the Northwest against this unfair and misnamed species of reciprocity, at least until the same principle of free trade can be applied to what the American farmers have to buy that is now proposed upon what American farmers have to sell.

Protest in identically the same language as above and signed by Joseph Pleet and 6 farmers of Roberts County.

Protest of the American National Livestock Association, Murdo McKenzie, president, and T. W. Tomlinson, secretary, of Denver, Colo., dated February 13, 1911. The executive committee of this association is composed of 70 men who are leading cattle and ranch men and stock raisers in that part of the United States west of Chicago. The members of this committee are scattered through the States and Territories of Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, and Wyoming.

The association favors a nonpartisan permanent tariff commission and opposes the tariff agreement with Canada.

CANADIAN RECIPROCITY PROPOSAL—LETTERS FROM SOUTH DAKOTA FARMERS AGAINST IT.

OLDHAM, S. DAK., *February 11, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I am inclosing you herewith a petition regarding the reciprocity act now in session, and you will note that the farmers of this vicinity are rather of the opinion that it will affect their markets for small grain and that it should be taken into consideration. Kindly advise me what you think of our petition and if you will be able to assist us in the matter.

Yours, truly,

———— ————,
Farmer.

HERREID, S. DAK., *February 20, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SENATOR: The inclosed clippings from Up-to-Date Farming, of Indianapolis, Ind., express my views and also of other citizens of this county in regard to the impending reciprocity law between the United States and Canada. I heard you make a speech at Pollock, S. Dak., at the time you were candidate for Senator, and from your speech I took it that you were a sincere friend of the farmer, and I hope you will be able to see that there will be a great wrong done to the poor or working people of the whole United States, not alone the farmer, if this reciprocity bill becomes a law. It is an open-faced fact that very few farmers become millionaires, even with the little protection that we have had so far, and now that it is about to be of some benefit to us, steps are to be taken to deprive us of it. We have had a very hard time of it here so far, with the prices which we have been receiving for our farm produce. This year in Campbell County, S. Dak., we had a short all-around crop on account of the drouth, and it is making it hard already for the farmers to make ends meet even after having had three quite successful years and good prices besides.

Some people tell us that farming is the most independent occupation on the face of the earth. It may be, but let those people try farming, and they will find that there are quite a few expenses attached to farming. When one piece of machinery is paid for, another one has to be replaced, and so it goes on. We are compelled to produce more than we consume ourselves or lose our homes, and if we can not get good enough prices when seasons are good to help us through a poor year, then we go backward.

I have been farming for 20 years and have worked hard, not loafed, and have not spent money foolishly, and part of the time my wife has been our hired man, so as to make ends meet, and still we have not been able to put anything by for that rainy day.

Now, I am not against this reciprocity bill from a selfish interest, just because I am a farmer and would benefit us, but I am sure it would benefit all, even the big millionaires, if this bill does not become a law, because if a farmer is not able to buy all other business must in time come to a standstill also, and the wage earners would not be able to eat bread even if wheat were only 25 cents per bushel, and all other stuff in proportion.

How is it in China, India, and other countries where people can live on less than half or one-fourth what it costs here in the United States? They starve by the millions with plenty around them, simply because they do not have the price to buy with. I understand that this is a so-called pet bill of our Hon. President William H. Taft, and I hope he is not trying his best to get this bill passed because he has any special grudge against the farmers and wants to kill them off; if so, he might better bunch us all up and turn a few of the modern guns loose on us, as we would rather be put out of existence at once than in the miserable way the reciprocity law would. Well, we are hoping for the best and expect you people that have us in your hands to use us right, and if in any way you see that it is best to favor that bill be dead sure of it before making so serious a mistake.

Respectfully,

———— ————,
Farmer.

HIGHMORE, S. DAK., *February 22, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I inclose a signed clipping from the Breeders' Gazette and trust you will do all in your power to defeat that reciprocity bill in the Senate. I am one of the county commissioners of Hyde County, and there are thousands of farmers throughout the Northwest that do not want to see that bill passed. If passed, it would be a detriment to the entire Northwest, as we can not compete with Canada raising grain. While it probably would not hurt us much this year, there would be years when it would affect the price of wheat at least 15 or 20 cents per bushel.

Yours, truly, ——— ———, *Farmer.*

HURON, S. DAK., *February 13, 1911.*

To Senator COE I. CRAWFORD, Senator ROBERT GAMBLE, Representative CHARLES H. BURKE, Representative EBEN MARTIN, *of the South Dakota delegation in Congress.*

HONORABLE SIRS: Your constituents have been taught that protection was a justifiable policy of this Government; that this market was "ours"; that the products of the farm were entitled to equal protection with the manufactured article; that one was a necessity to the other.

As we understand the proposed reciprocity treaty, we will divide this market with others who do not contribute toward our revenues, all to furnish a market for the finished article of manufactured enterprises fostered and protected at our expense. If wheat is admitted free, the dealers in flour can't expect nor receive the protection the unfinished product is deprived of. If cattle, hogs, sheep, etc., are to be admitted free, why should the Meat Trust receive protection? If logs and rough lumber be admitted free, why protect the Lumber Trust on finished lumber? If free trade (or what is practically the same) should prevail on raw material, causing the farmer of the United States to share his loaf—his market—with the Canadian farmer, why not relieve the farmer from the tax on manufactured articles? Knock off excessive duties upon trust-made articles and destroy illegal combines.

Respectfully, yours,

———— ————, *Retired farmer.*

MITCHELL, S. DAK., *February 6, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: We are very much in hopes that you will vote against the measure which contemplates removing the tariff on farm products between the United States and Canada, and we hope you will not only vote against it, but use your best efforts to defeat it.

If the tariff is removed it will mean that the farmers of South Dakota will be compelled to market their butter at 6 cents per pound less than they would otherwise secure for it, as the Canadian farmers have a big advantage over the producers in the West and Central West. The eastern portion of the Provinces of Ontario and Quebec, where dairying is carried on more extensively than in any State in the Union, are very close to our leading markets, therefore they can deliver their butter in New York, Boston, etc., in about half the time required to deliver butter to those points from South Dakota. Consequently the Canadian butter would arrive in a much fresher condition and at a very much lower transportation expense; and, if I am not mistaken, farm lands and farm labor are not nearly as high in Canada as in South Dakota. Therefore the Canadians will be able to outsell your constituents, not only on butter, but numerous other farm products, and the result will be that South Dakota farmers will suffer severely and the value of their lands will be lowered materially.

If I understand it correctly, each Representative in Congress looks after his own constituents, and I am very sure that you appreciate the fact if you could interview every farmer or, in fact, every voter in South Dakota that you would find that 95 per cent of them would be unalterably opposed to the removal of this tariff.

I know it is an utter impossibility to induce a farmer to write a letter to his Representative in Congress expressing his desires; therefore it is not likely that you will hear from many of your constituents on this subject. At the same time these same farmers will spend an hour on the street corner condemning a measure of this kind, but would not take 10 minutes to express their views to you in a letter; but the writer is sure that if you will take the welfare of your constituents into consideration that you will agree with me that your efforts should be directed toward defeating this bill, and I will be pleased to have you advise me whether we can depend upon your assistance in this matter.

Very truly, yours, ——— ———,

Manufacturers of Fancy Creamery Butter and Wholesale Dealers in Butter, Eggs, and Poultry.

DOLAND, S. DAK., *February 14, 1911.*

COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I hope you can vote against the Canadian reciprocity pact now pending before Congress as it now reads. While it admits all farm products free of duty it makes no material reduction in articles manufactured. The supporters of the bill claim it will help the high cost of living by admitting farm products free and at the same time say it won't hurt the farmer. The farmer fails to see this. While the farmer has been protected on an average of 25 per cent the manufacturers were on an average of 45 per cent. The Canadian reciprocity removes the farmers' protection while leaving the manufacturers' protection practically untouched. I do not see where it will help the high cost of living much to the consumer. It will, no doubt, help the manufacturers. They put wheat on the free list and 50 cents per barrel on flour, live stock on the free list and 1¼ cents per pound on fresh meats, 2 cents per pound on bacon, 15 per cent ad valorem on farm machinery, etc.

The farmers should receive the same measure of protection as the manufacturers. There should be no reduction on the duties of farm products unless duties on all manufactured articles are at the same time correspondingly reduced. The farmers emphatically protest against the present Canadian reciprocity pact. I hope you will use your influence to defeat this measure. If the farmer prospers, others prosper with him. I thank you for voting against the ship-subsidy bill.

Very respectfully,

———— ————, *Farmer.*

GROTON, S. DAK., *February 15, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR FRIEND: The farmers hereabout are greatly alarmed to think that reciprocity with Canada might be established, the result of which would be to reduce the price of all small grain, especially wheat, from 5 to 12 cents a bushel in the Dakotas, for the Minneapolis and other mills now need this wheat to make good flour.

While it temporarily might help Minneapolis manufacturers and the railroads it certainly will seriously injure the farmers of the Northwest. Some claim it would reduce the price of living, yet the people of the Northwest were never better fed and clothed than they are now. We now can and do employ more labor at $30 to $45 a month than we did when wheat was from 40 cents to 50 cents a bushel at $15 to $25 per month. As the welfare of the State depends on the farmers, we hope to find you on our side.

Respectfully, ——— ———, *Farmer.*

HANKINSON, N. DAK., *February 15, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

To our honorable Senator in Congress, COE I. CRAWFORD:

I take the liberty in writing you in regard to reciprocity treaty with Canada, as such an act, should it pass and become a law, would harm us farmers of your State and also bordering State, where we depend on grain and agriculture to a very great extent.

Trusting that you will use your influence and endeavor to do all in your power to prevent said treaty from becoming a law. You are no doubt familiar with our conditions, as we are getting poorly paid now for our work. As you are aware, my post office is Hankinson, N. Dak., but my home is in South Dakota.

———— ————, *Farmer.*

SELBY, S. DAK., *February 1, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: In regard to Canadian reciprocity, am strictly opposed to it in the form as now proposed. I am a farmer. Tariff has never protected us before, and just as we are to derive some benefit from same, and right after passing one of the most unjust tariff laws, it looks kind of rank. We farmers, as a whole, were in favor of downward revision, and would have taken any and all such revision without a kick. But now, after protecting the trusts, then turn around and hit us like that. Looks like you were trying to hit us little fellows because you are afraid of the big fellows. You throw us a lumber bone to make us chaw and choke on. Why, bless you, we have never seen a piece of Canuck lumber, and that $1.25 should not have prohibited them from showing us what it looks like. No; give us a square deal and you bet we will stuff our pipe in the sack and keep it there. I see one of the dailies proposed that we farmers better take this because it would give us the whip. Such rotgut as that seems pretty small to a fellow up in a tree. It ain't a decent business proposition. Give us a decent deal and we won't squeal.

Yours, very truly, ——— ———, *Farmer.*

MADISON, S. DAK., *February 4, 1911.*

HONORABLE SIR: The neighbors around here asked me to write you that we would like a square deal in the tariff. If what we grow has to be free, all what we have to buy should be free, too. A farmer works hard for what he gets. Why take it from him? Also would like parcels post.

Yours, respectfully, ——— ———,
Farmer.

WHEATLAND, N. DAK., *February 10, 1911.*

Senator COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I inclose a statement about farming and a resolution. Please read it carefully over. I suppose you are on our side. We farmers need the same protection as the manufacturers. We pay the same high wages and have the same competition, and more so. We have the board of trade and gamblers on our neck, from which the manufacturers don't suffer. If this Canadian treaty goes through, it will be the worst blow we as farmers and a nation ever received from our party. We want equal rights and justice.

Yours, very truly, ——— ———,
Farmer.

IRENE, S. DAK., *February 7, 1911.*

Hon. Mr. CRAWFORD, *Washington, D. C.*

DEAR SIR: There is now pending before the House a treaty with Canada providing for the removal of duty on grain, cattle, and hogs, placing the northwestern farmer on a free-trade basis in competition with foreign countries. I, as a citizen and voter of South Dakota, ask you to vote against this measure.

Yours, truly, ——— ———,
Farmer.

R. 2, CASTLEWOOD, S. DAK., *February 11, 1911.*

Senator CRAWFORD, *Washington, D. C.*

DEAR FRIEND: All these years since the beginning of the settlement the farmers have been paying high tariff, with all its results, on everything we had to buy. Now, when the time comes that we may expect some benefit of the tariff on farm products, it is proposed to put all such things on the free list. It is the most unfair thing in the history of American politics. Hoping you will see fit to fight for us, I am,

Sincerely, yours,

N. E. KNIGHT, *Farmer.*

(No date.)

Hon. C. I. CRAWFORD, *Washington, D. C.*

MY DEAR FRIEND: I and the rest of the farmers see with regret that President Taft tries to force through a free trade between Canada and the United States on certain articles, of which all grains are the principal ones. The reduction on lumber to our advantage would not amount to $1 a year to the average farmer, and on every load of grain we sell he will receive several dollars less. He will thereby sacrifice and cripple the interest of the farmers of the Northwest, and he will not deserve a vote for his renomination from us. I hope you will work with all your might to defeat and modify that measure. I know your fighting qualities, and I hope you will use them in our interest.

Yours, truly, ——— ———, *Farmer.*

COLMAN, S. DAK., *February 17, 1911.*

Hon. COE I. CRAWFORD, *United States Senate.*

DEAR SIR: Since all eyes are now turned on the Senate of the United States, I take the liberty to write you for your encouragement the views of a South Dakota farmer on the reciprocity agreement between the United States and Canada. These views I have taken from every conceivable angle and drawn my conclusions accordingly.

What will we gain by opening our markets to the Canadian farmers who produce the same things as we do? In looking over the list of things placed on the free list we discover but one article—lumber—which, if placed on the free list, might come cheaper to the farmer after passing through the hands of the Lumber Trust by perhaps a dollar a thousand feet, and as the average farmer will not use to exceed a thousand feet per year, he might save from that source a dollar a year, while on the other hand all his products would be cheapened by increased competition, President Taft's statement to the contrary notwithstanding, for is it not the avowed purpose of this agreement to reduce the cost of living, which means a reduced price for farm products? As I understand this agreement, the American farm-implement manufacturer is permitted to ship farm machinery into Canada duty free, to be sold to the Canadian farmer cheaper than we buy them at home, yet at a larger profit to the manufacturer than he now obtains. The Canadian farmer, on cheap land with cheap machinery, comes in open competition with the farmer on this side on high-priced land with high-priced machinery.

The people of South Dakota do not want free trade and are quite satisfied with conditions as they are now, as well they may be, because they never were more prosperous, as, indeed, are the people of the whole country.

Then, why do anything that will at once change this prosperity to adversity? To be sure the prices of farm products are high, not too high; so also is labor high and well employed, as is proven by the high cost of living, for if the laborer, who is the principal consumer of farm products, had not the money to buy with we could not get good prices and consequently could not prosper—a condition which we too well remember obtained back in the nineties, caused by the same experiment that is now being proposed in this Canadian agreement. Who wants a repetition of those times?

Quotation from a speech delivered by Coe I. Crawford at Brookings in 1896: "This free-trade experiment (referring to the Wilson bill) has cost the farmers of this country, in decline in value of farm animals and farm crops, the enormous sum of $1,483,829,574."

Now, then, is it any wonder we are alarmed and afraid of anything that looks like another experiment in free trade? "It is a fool who won't learn from experience."

I do not need to remind you that had we wanted free trade, or partial free trade, we would have voted the Democratic ticket. If the manufacturing interests think they can deal the farmer such a body blow without hurting themselves, they are mistaken, for as our products cheapen our power to buy goods from them diminishes, and as the western farmer is the best customer of American factories, demand for their goods decreases, which would soon lead to closing factories and putting labor out of employment, while the Canadian farmer, with his increased power to buy, would still buy most of his goods from old England.

The adoption of this agreement or anything else at this time would materially reduce the price of farm products, would spell "r-u-i-n" to a great many farmers of the Northwest—I mean those who have recently bought farms on the present high-priced basis, paying from one-fifth to one-third down (all their hard-earned savings), expecting by hard work and saving habits to sell enough products at present prices to make a living and meet future payments. Failing in this, they would be compelled to seek new homes in Canada, where land is cheaper and farmers more favored.

We are opposed to this agreement because it places all our products on the free list, while everything we have to buy is still protected. By placing barley on the free list brewers will be able to buy our barley dutyless; the Canadian farmer will not be benefited any, but American brewers will, at our expense. (Score one for millionaire brewers.) Live stock free listed, cured meats still protected. (Score one for the millionaire packer.)

We are opposed to this agreement because it seems to be one step toward a well-laid scheme to increase the purchasing power of the rich man's dollar at the expense of the poor man's labor, for when the price of a product is lowered the price of the labor required to obtain that product is lowered.

On reading comments of different advocates of the "pact," we notice that while some claim it will not injure the farming interests, none of them have the nerve to claim that it will benefit it.

President Taft, in his Springfield speech, defending his position, says: "This form of agreement can be withdrawn at any time by changing the statute by legislation." One thing sure, Canada won't want to withdraw, as they have everything to gain and nothing to lose. As to this country withdrawing, imagine, if you can, a Republican President asking a Democratic Congress to repeal a Democratic measure, which the Republican President has advocated and caused to be enacted, then you will have an idea how long we would be recovering from such an experiment.

Then, I say, if this free-trade experiment must be tried, let the Democrats try it, shoulder the responsibility, and abide by the consequences, for I do not see how any party or faction could remain long in power after committing such a blunder. I will close by saying that this community is of one mind in expecting our Senators to do all they can to protect the farming interests of South Dakota. Fair play and a square deal is all we want.

Yours, truly,

———— ————, *Farmer.*

GROTON, S. DAK., *April 8, 1911.*

United States Senator COE I. CRAWFORD,
Senate, Washington, D. C.

A mass convention of about 300 farmers unanimously passed resolutions unalterably opposed to proposed reciprocity pact with Canada. Letter and resolutions follow.

———— ————, *Chairman.*

HOLMQUIST, S. DAK., *April 4, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR FRIEND: I see your hard labor is again beginning. We appreciate very much your great work in the interest of the producers of our great Northwest. I regret very much that Gov. Vessey did not have a resolution passed in our State legislature against the proposed reciprocity, as it does not give us one penny advantage to the farmers of the Northwest. It would be far better to have everything on the free list with Canada than is now proposed. President Taft is taking away the only advantage of protection the Northwest has, and is giving us nothing in return. The West and the Northwest will demand that if they are forced to sell their products in an open and free market, they will also ask the privilege of buying in a competitive or free market. It is a staggering blow to the producers of the soil and the development of our own great Northwest, which can not compete with Canada, which has less taxes, cheaper labor, material, and land. We write this in the view to encourage you in your struggle for our cause.

Yours, very truly,

———— ————, *Farmer.*

ELLIS, S. DAK., *April 2, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

MY DEAR SENATOR: Although I know and see you are against reciprocity, I understand you would support it under certain amendments of your own. Whether this is true or not, I do not know. As a resident of South Dakota for 33 years and a careful student of its great resources and undreamt of wealth as an agricultural State, I, with thousands of my fellow farmers and tillers of the soil, are against any such move at this or any other time, and we can see no necessity for such. As a member of the legislature as State senator I know if such a resolution would have come to a vote in either house of that body it would have been overwhelmingly defeated, as the sentiment of the common people of our fair young State is opposed to Canadian reciprocity. Now, as an agricultural State we excel. But it is impossible for us or any other State to compete with Canada's cheaper products. Dealers in every commodity will buy in the cheaper markets. Canada is just across the road, as one might say, and the cost of transportation will be even less than from remote points within our own trade territory, and Canadian farmers are bound to shut us out, or compel us to sell at a lower price the products of our farms which are identically the same as that which the Canadian farmer raises, for Canada can in every instance produce cheaper than we can. *It is* the American farmer that has brought the products of the farm up to the standard of what it is to-day, and we must in every instance—cost what it may—be protected. As farmers we have toiled a lifetime, and when the evening sun begins to shine upon the white-capped cerebrum of us makers of empires, we—few of us—can retire from active work and toil and live comfortably the declining days of the life allotted to us.

We find as we investigate that by arts known to skilled manipulators that the cost of bread, pork, and other necessaries of life remain substantially the same to those that have to buy. These are facts that can not be disputed and have shown up more distinctly in late years.

Here we can plainly see it is capital, and capital alone, that will be benefited by reciprocity, and no one else.

And now, my dear Senator, I could say much on this subject, but you know it is against our wishes, and hope it can be stopped and killed forever. Town meetings, board meetings, and bodies of various kinds have signed petitions, and thousands of names will be sent in protesting against it. But now I will stop and hope you will be on the firing lines against anything that will come up over the Canadian line to take the place of our own. Wishing you success, I am,

Yours, respectfully,

———— ————, *Farmer.*

ALBEE, S. DAK., *March 21, 1911.*

Senator COE I. CRAWFORD, *Huron.*

DEAR SIR: Allow me to congratulate you upon the stand you have taken against reciprocity with Canada. All I have seen in Grant County congratulate you, especially the farmers. In its present form it is a great thing for the millers of Minneapolis. We began to prosper and get good prices for our produce and land raised in value. If reciprocity passes Congress, wheat will go down to 50–65 cents per bushel, barley 30 and 40 cents, and we will have to struggle for our existence and support the rich, and this comes from a Republican President to work for a bill to sit down on the common people and help the rich. Mr. CRAWFORD, continue in the path you have taken and the people will be on your side.

Very respectfully,

———— ————, *Farmer.*

SISSETON, S. DAK., *March 20, 1911.*

Hon. COE I. CRAWFORD.

DEAR SIR: I write to ask you to do all you can to defeat Taft's reciprocity treaty with Canada. We, as farmers, are very much opposed to this treaty, and every farmer we meet has the same talk. We are very much opposed to this treaty that intends to put us against the cheap wheat and barley of Canada and makes us buy our groceries, clothes, and machinery under high protection. The farmers never did have a square deal, and this treaty will only drive more boys and girls to the cities to become factory slaves. I inclose some letters clipped from the farm papers. Hoping that this treaty can be defeated, I am,

Yours, truly,

———— ————,
Agent agricultural newspapers.

LEOLA, S. DAK., *March 4, 1911.*

COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I wish to tell you of something I should like the Government to do. First, I should like very much to see Canadian lumber on the free list, as I think lumber companies are charging enormous profits; have not made up my mind on reciprocity, as I have so far been unable to find statistics on same.

Second. Should like to see subexperiment station established about center of each county, which should be used as county farm also.

Yours, etc.,

———— ————, *Farmer.*

DE SMET, S. DAK., *April —, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

I am writing you to ask you to help us out on the reciprocity treaty between the United States and Canada by casting your vote against it. In asking you to do this I am not only giving you my opinion, but am

voicing the sentiment of every farmer that I have discussed the matter with. I see nothing but the grossest discrimination in the agreement. Nearly every article mentioned in the list becomes protected after leaving the hands of the producer. Give us absolute free trade with Canada and we will take our medicine. I might mention several other reasons, but will not take your valuable time, but feel certain you will see the sense of our position and help us to defeat this unreasonable compact. Thanking you in advance, I am,

Yours, truly,

——— ———,
Special Correspondent Dakota Farmer.

ERWIN, S. DAK., *April 3, 1911.*

Mr. COE I. CRAWFORD, *Senator of South Dakota.*

DEAR SENATOR: Knowing that the special session of Congress called for April 4, 1911, is for the purpose of acting on the reciprocity treaty with Canada, it is a great injustice to the farmers of the Northwest, in fact, to all producers and consumers of foodstuffs.

Our doctrine is, "A tariff for all, or a tariff for none." We ask you to use your influence and vote to help defeat the said treaty.

Very respectfully, yours,

——— ———,
Master Erwin Grange.

BRYANT, S. DAK., *April 1, 1911.*

To the honorable United States Senator CRAWFORD,
Washington, D. C.

DEAR SIR: In regard to the reciprocity treaty with Canada I wish you would do all in your power to defeat it. I am sure you will. If it should pass, it will make a worse panic than 1893. We feel the effects of it now. Business has come to a standstill. I do not see why Taft ever proposed such a treaty, unless it is to favor the trusts. If the farmer does not prosper, how is the rest of the world going to prosper? J. J. Hill says anyone that is opposed to it is a demagogue. Now, if I understand the word, he is a genuine demagogue of the first water. He says there is only a few cents difference in price of grain here and Canada. I was talking with a man from Canada, and he says the most they ever paid for 1911 wheat was 85 cents, when we got $1.05. Why is it that the only time the farmer was benefited by the tariff they are taking the bars down? We have been contributing to the trusts so long that they have got so strong that it is hard to down them. Now, if they would take the duty off manufactured products, it would do lots more good than to take it off of farm products. I do not think Taft could get a single vote in the Northwest, nor any of his fellows. Hoping the treaty will be defeated, I remain, as ever,

——— ———, *Farmer.*

VALLEY SPRINGS, *April 5, 1911.*

Hon. COE I. CRAWFORD,
United States Senate, Washington, D. C.

DEAR SIR: I wish to enter my protest against the passage of the so-called Canadian reciprocity treaty, also any lowering of the tariff on wool. This Canadian deal is certainly rank. If we farmers can't have a square deal, I am in favor of free trade with the world. If this bill becomes a law, President Taft and the Republican Party are "goners" just as sure as the sun shines. I can get you a petition signed by practically every man in my township protesting against this treaty. Trusting that you will use every honorable means in your power to defeat this unfair measure, I am,

Respectfully,

——— ———, *Farmer.*

DOLAND, S. DAK., *April 3, 1911.*

COE I. CRAWFORD, *Washington, D. C.:*

Inclosed find clipping from the Dakota Farmer, showing the injustice of the proposed reciprocity treaty with Canada, which about fits the Northwest, especially South Dakota. Hope you will stay by us, as you have done in the past, and oblige.

Yours, etc.,

——— ———, *Farmer.*

MITCHELL, S. DAK., *March 17, 1911.*

Hon. COE I. CRAWFORD, *Huron, S. Dak.*

DEAR SIR: The writer has understood that if Canada removes the duty on farm products which now exists between Canada and the United States that they will be compelled to remove the duty on farm products coming from other countries as well. If that statement is correct, it would seem to me as though the passage of the reciprocity agreement would create havoc with the dairy industry of the United States.

I had it figured out that if the statement made at the beginning of this letter is true that the Canadians could import butter from New Zealand, Denmark, Australia, Siberia, and elsewhere for their own consumption and ship the products of their dairies into the United States, which would virtually amount to the same thing as though the duty on butter was removed between the United States and the countries above named.

It is a well-known fact that Denmark, New Zealand, and Australia can produce butter at a very much lower cost than can the farmers in the United States, and if the butter market in the United States should be high enough to pay the farmer to produce it the Canadians would import cheap butter for their own use, take advantage of the markets in the United States for the butter which they produce in Canada, and thereby shut off the American farmers' outlet for this product. This, of course, wouldn't be likely to take place if the United States market were around 15 to 18 cents per pound, but if the market should get that low the farmer could not produce it without sustaining a loss, and consequently he would be driven out of business.

I am inclosing a clipping herewith, which is along the same line of reasoning, which has been occupying my mind for some time, and it is possibly a new feature to you, and I trust you will give it some attention and thought, and it seems to the writer that every Senator who has the slightest desire to see the dairy business prosper, even to a reasonable degree, can not but realize that the passage of the reciprocity agreement would simply ruin the dairy interests of this country.

Yours, truly,

——— ———,
Manufacturers and Dealers in Butter.

SIOUX FALLS, S. DAK., *February 11, 1911.*

DEAR SENATOR: I inclose herewith clippings from the Argus Leader, containing two letters of mine on the subject of Canadian reciprocity. I am pleased to see that the South Dakota delegation in Congress will oppose the treaty. Its passage, in my opinion, would be a calamity to the Northwest. Wishing you success in the fight, I remain,

Yours, truly,

——— ———,
Lawyer and landowner.

CHAMBERLAIN, S. DAK.

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I am opposed to the Canadian reciprocity treaty. It does not deal fairly by all classes.

Yours, truly,

——— ———,
Farmer.

SIOUX FALLS, S. DAK.

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: In regard to the treaty with Canada, I think it is very bad for the farmers. In Mr. Hill's speech in Chicago he says that the treaty with Canada would not and could not affect the price of wheat, as we have to compete with the markets of the world. Mr. Hill—does he forget the speeches that he has been making for the last two years, where he says that the farmers of the Northwest would have to improve their method of farming or they would not be able to feed the people of the United States at the rate they are increasing? In other words, just at the moment that the farmers of the United States could derive some benefit from the existing tariff Mr. Taft would have it removed. This would be an insult to the farmers; still, would make Mr. Hill millions, could the tariff be removed, by hauling Canadian wheat into Minneapolis.

Yours, truly,

——— ———,
Farmer.

HAMBURG, S. DAK., *February 9, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: Allow us to make this statement in regard to proposed reciprocity: Seemingly we all like to be protected, though only our own production. The other party's industry may see how it comes along. High-living prices without doubt point to speculative manipulation in farm products, as far as they are concerned. Our wheat and barley products, which are marketed two-thirds to three-fourths in September to November around 50 cents and 70 cents, later in the season, when on the other side of the mill and big elevator, get well up, but have passed the producer. Beef sold in cities averaging twelve and fifteen is sold by the producer here at two and a half and three and a half. Pork is up until we have a new supply. Butter and eggs product down one-half. Reason evident. While labor, tax, mode of production, supplies keep fairly pace with principle of protection, though for the sake of that principle we are asked to let our protection drop.

Now, is there anything in the line of tariff protection from the soft, warm wool to the hard, cold steel that the farmer, living as he does in this latitude, could get along without and so shirk his end of the burden?

And now only one season, with only local drought, has swept these States, and another more general, and where is our imaginary prosperity? To reason, luxury and exaggerated high fly are poor signs of prosperity. Deterioration by either crop failure or legislation for this country spells exodus, impetus to the city and to Canada.

Yours, truly,

——— ———, *Farmer.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: I come to you in an humble way and ask you to try and put your power against the reciprocity treaty between the United States and Canada, for it would fail to do any good to the farmers of the Northwest.

Yours, truly,

——— ———, *Farmer.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SIR: How do you like the President's position on Canadian reciprocity bill? He thinks all cereals should be admitted free of duty, but holds that manufactures should have duty about as high as they now enjoy. I suppose he is influenced somewhat, because his own State is more interested in manufactures than it is in agriculture. If it is good to help the Canadian farmer by admitting his wheat and other products free of duty, why not give their manufacturers the same good?

The motive back of the whole thing is the interest of our manufacturers. They want cheaper food for their labor and conclude the way to get it is to admit Canada's agricultural products free. It is shown by a careful investigation of the cost of production that the average price of wheat is not equal to the cost of producing it.

Now, on this showing, is it right or just to force the American farmer to a lower price? Again, see what an impetus the additional price would be to the Canadians. Their wheat lands are very much cheaper than ours are, hence the very material difference in the cost of production to them. There may come a time in the distant future when the difference in the cost of production will not be so great as now. It will then be soon enough to come to their rescue by lowering the duties on their cereals.

This notion of sympathy that the manufacturers are trying to work up as between the two countries is all nonsense. We have our own interests to care for, just as Canada has, and let us see that they are cared for. We have succeeded as a Nation by keeping up our own interests and letting other people do the same. Why not continue in the good work? The farmers are not ready to take the duty off their products yet.

Why should they not be permitted to choose the time of the removal of the duty and not permit the manufacturers to choose for them? Treat all interests alike.

Yours,

——— ———, *Farmer.*

ASHTON, S. DAK., *April 4, 1911.*

Hon. COE I. CRAWFORD, *Washington, D. C.*

DEAR SENATOR: * * * I hope that our delegation in Congress will do what they can to defeat the reciprocity pact, at least in its present form. If passed, it will not only be a hard blow on the Dakota farmers, but also will greatly endanger the Republican policy of protection. The manufacturing interests—labor as well as owner—must not expect

that the largest body of workers will stand for the cutting off of duties on everything that they produce and not result in similar action as regards articles which they must buy.

Yours, truly, ——— ———, *Farmer.*

SINAI, S. DAK., *April 7, 1911.*

Hon. COE I. CRAWFORD,
United States Senate, Washington, D. C.

DEAR SIR: Inclosed find a petition against the proposed Canadian reciprocity. The farmers are opposed to it to a man. Some of the reasons for same are given in the petition. These signatures were obtained in less than two days. Not a man refused to sign. The same sentiment, I believe, prevails throughout the State and the entire Northwest. Hoping that your interest and ability will be used in fighting this unjust measure, I remain,

Yours, truly, ——— ———, *Farmer.*

LEOLA, S. DAK., *April 7, 1911.*

COE I. CRAWFORD, Esq., *Washington, D. C.*

DEAR SIR: Since receiving yours of March 12 have seen considerable in the newspaper concerning Canadian reciprocity. Now, I am selfish, as well as most other men, and as I am a farmer I should be pleased to have you do all you can to keep everything off the free list that would be detrimental to farmers. You speak of our being an exporting country of wheat, hence no harm to put that on the free list, but since this reciprocity treaty has been talked I notice wheat has gone down about 10 cents per bushel in Minneapolis. Fall, I think, caused by reciprocity. I should like to see the tariff remain on wheat, horses, cattle, sheep, hogs, and meats. Let farmers have their innings awhile. They have been the under dog long enough. I should like also to see a parcels-post law passed.

Yours, respectfully, ——— ———, *Farmer.*

The PRESIDING OFFICER (Mr. CURTIS in the chair). The amendment submitted by the Senator from South Dakota to House bill 4412 will be referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, May 22, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1911.

APPOINTMENTS IN THE ARMY.

Contract dental surgeons herein named for appointment as dental surgeons with the rank of first lieutenant, each to rank from the date set opposite his name:

John Sayre Marshall, April 13, 1911.
Robert Todd Oliver, April 14, 1911.
Seibert Davis Boak, April 15, 1911.
Clarence Edward Lauderdale, April 16, 1911.
Franklin Fearing Wing, April 17, 1911.
George Lemuel Mason, April 18, 1911.
Frank Homer Wolven, April 19, 1911.
John Henry Hess, April 20, 1911.
Hugh Gordon Voorhies, April 21, 1911.
William Henry Chambers, April 22, 1911.
Alden Carpenter, April 23, 1911.
Charles James Long, April 24, 1911.
Edwin Payne Tignor, April 25, 1911.
John Archibald McAlister, April 26, 1911.
George Harry Casaday, April 27, 1911.
Julien Rex Bernheim, April 28, 1911.
Rex Hays Rhoades, April 29, 1911.
George Edward Stallman, April 30, 1911.
George Irvin Gunckel, May 1, 1911.
Frank Powell Stone, May 2, 1911.
Raymond Eugene Ingalls, May 3, 1911.
Harold O. Scott, May 4, 1911.
John Richard Ames, May 5, 1911.
Edward Pressley Rhea Ryan, May 6, 1911.
Robert Hilliard Mills, May 7, 1911.
Frank Leonard Kemner Laflamme, May 8, 1911.
Minot Everson Scott, May 9, 1911.
George Dudley Graham, May 10, 1911.
Robert Fulton Patterson, May 11, 1911.
Samuel Hunter Leslie, May 12, 1911.

PROMOTIONS IN THE NAVY.

Commander Reuben O. Bitler to be a captain in the Navy from the 29th day of January, 1911, to fill a vacancy.

Lieut. Commander Reginald R. Belknap to be a commander in the Navy from the 4th day of March, 1911, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Leigh Noyes,
Walter B. Decker,
Isaac C. Bogart,
Harvey Delano,
Roland M. Brainard, and
Lynn B. Bernheim.

SURVEYOR OF CUSTOMS.

Frank B. Posey, of Indiana, to be surveyor of customs for the port of Evansville, in the State of Indiana. (Reappointment.)

POSTMASTERS.

MINNESOTA.

Thomas T. Gronlund to be postmaster at Tyler, Minn., in place of Thomas T. Gronlund. Incumbent's commission expired January 31, 1911.

NEVADA.

Mary E. Langwith to be postmaster at Golconda, Nev., in place of Alice F. Langwith, resigned.

OHIO.

Erwin G. Chamberlin to be postmaster at Caldwell, Ohio, in place of Erwin G. Chamberlin. Incumbent's commission expired January 29, 1911.

PENNSYLVANIA.

Edwin I. Parry to be postmaster at Langhorne, Pa., in place of Sallie P. Gillingham, removed.

SOUTH CAROLINA.

James O. Ladd to be postmaster at Summerville, S. C., in place of James O. Ladd. Incumbent's commission expired June 22, 1910.

VIRGINIA.

John Henry Scott to be postmaster at Saltville, Va., in place of Verlin M. Scott, resigned.

WEST VIRGINIA.

Harry H. Bodley to be postmaster at Elm Grove, W. Va., in place of George W. Smith, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1911.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Charles Stevens Root to be first lieutenant of engineers.

First Lieut. of Engineers Andrew Jackson Howison to be senior engineer.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

Stephen W. Wallace and
Robert A. White.

Asst. Surg. Egbert Mackenzie to be a passed assistant surgeon.

Acting Asst. Surg. Edward E. Woodland and Penlie B. Ledbetter to be assistant surgeons.

Lieut. Commander George G. Mitchell to be a commander.

Lieut. Joseph K. Taussig to be a lieutenant commander.

Lieut. (Junior Grade) George B. Wright to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

George B. Wright and
William H. Booth.

Passed Asst. Paymaster Ervin A. McMillan to be a paymaster.

The following-named machinists to be chief machinists:

Walter S. Falk,
John P. Richter,
Charles Franz, and
Frank O. Wells.

POSTMASTERS.

IDAHO.

Daniel J. Featherston, Bovill.

MISSISSIPPI.

Sallie Millsaps, Hazlehurst.

MISSOURI.

George W. Reed, Albany.

NEW MEXICO.

Austin A. Ball, Farmington.

PORTO RICO.

Mario Belaval, Ponce.

WASHINGTON.

Bert Mills, Oroville.

WYOMING.

Ida Fowkes, Cumberland.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 18, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Almighty God, our heavenly Father, we thank Thee for that silent yet potent influence ever going out from Thee to Thy children, leading them onward and upward to the things which make for Godliness in thought and action. Make us more susceptible until we all come unto the measure of the stature of the fullness of Christ; for Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

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

ARIZONA AND NEW MEXICO.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, approving the constitutions of Arizona and New Mexico as amended.

The question was taken, and 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 House joint resolution 14, with Mr. GARRETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 14, of which the Clerk will report the title.

The Clerk read as follows:

Joint resolution approving the constitutions formed by the constitutional conventions of the Territories of Arizona and New Mexico.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I rise for the purpose only of putting into the RECORD what I consider to be a very strong statement in favor of Canadian reciprocity by Mr. H. E. Miles, of Racine, Wis., secretary of the National Association of Manufacturers. While I by no means agree to all the conclusions reached by the gentleman whose article I shall put in the RECORD, yet it is a very strong and striking statement of the case, from one standpoint at least, in favor of Canadian reciprocity. I now ask leave to extend my remarks in the RECORD in this regard.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

CANADIAN RECIPROCITY AND THE TARIFF.

FOREIGN TRADE, RECIPROCITY, AND CANADA.

RACINE, WIS., *March 29, 1911.*

Good as is the proposed treaty of reciprocity with Canada, it is a mistake to think of it only in itself. Rather it is to be considered as the first definite step in a program of international trade expansion quite beyond present calculations.

M'KINLEY RATES EXCESSIVE.

The McKinley tariff was in many respects the highest our country has ever known. Said Col. George Tichenor, general appraiser, and right-hand man of McKinley in the shaping of the McKinley bill: "The controlling idea in the preparation of the McKinley bill was to dispose of and prevent the accumulation of surplus revenue. It was in that view that duties upon certain articles were made prohibitive, upon others higher than they otherwise would have been." The actual rates in the bill support this statement. The marvelous development of our great industrial aggregations and their profits confirm it. The defeat of McKinley's party in the next election showed what the people thought of it. This action by McKinley forms an interesting answer to those ultra protectionists who urge high rates as necessary to the securing of necessary revenue. McKinley knew that high rates (excessive rates) decrease revenue by decreasing imports, in many cases to the extent of prohibition.

DINGLEY RATES ESPECIALLY PROVIDED FOR RECIPROCITY.

Notwithstanding the McKinley rates were excessive, the Dingley rates were made much higher. Mr. John Ball Osborne, head of the treaty-making division of the State Department, has said that the Dingley rates were made just 20 per cent higher than the McKinley for the purpose of trading them off in treaties of reciprocity. The statement is not quite exact, however, as I found by an exhaustive comparison of all rates in both bills. The Dingley law did, however, provide that the President might negotiate treaties of reciprocity with all nations and lower the Dingley rates at his discretion up to 20 per cent in those treaties. The Dingley law was made with that in view. Senator Dolliver declared upon the floor of the Senate, in substance: "The Dingley rates were made high for the purpose of trading them off. I was a member of the committee that framed the bill and know whereof I speak." Confirmation is unnecessary, for the text of the law specifically so provided.

M'KINLEY SOUGHT RECIPROCITY.

With these Dingley rates unnecessarily high, Mr. McKinley, then President, entered eagerly upon a program of trade expansion. He declared that he expected that these trade treaties and the consequent enormous increase of our foreign trade would be the chief accomplishment of his administration. He was greatly grieved and disappointed when the Senate refused to confirm the several treaties which he submitted, known as the Kasson treaties, and especially as he found no reason to believe that other attempts, however successful, would be ratified by the Senate. The overprotected interests, having gotten the 20 per cent increase, were unwilling to return any part of it to the people for any consideration. The Dingley law limited to two years from the time of its enactment the period within which the treaties could be made. The interests had, therefore, only to prevent ratification in the Senate for these two years in order to benefit by the unintended increase from that time to this.

Few utterances in our history will be longer remembered than McKinley's last pathetic plea for reciprocity, at Buffalo, immediately preceding his assassination. A century hence it will be better appreciated than to-day, as will also the greed of those who have stayed the Nation's progress these 15 years.

THE PAYNE LAW AMPLY PROVIDES FOR RECIPROCITY.

The Payne law is, in substance, the Dingley law reenacted. The changes, whether "upward" or "downward," are mostly immaterial, like the reduction on sugar, from 72 per cent to 71 per cent. We are substantially on the Dingley basis of 15 years ago, with the 20 per cent still in, though our manufacturing efficiency is greater and our need of high rates is less and our need of foreign outlets is greater.

On the other hand, our population has wonderfully increased, while our natural resources have been much depleted. At this particular moment our factories are running short-handed and many of them short hours. This is no time for aught but confidence and optimism. It is nevertheless true that our factories need orders and their operatives will be short in wages this year by hundreds of millions of dollars.

For these and other reasons President Taft, and with McKinley's later and broader vision, and quite of his own motion, has opened again the door of opportunity, and it is inconceivable that Congress and the people will for a moment think of closing it again.

CANADA FIRST.

It is particularly fortunate that the first treaty is with Canada, which best deserves it. With only 8,000,000 population she is our third best customer, and if cotton is excepted she is our second best, surpassed only by Great Britain with its 50,000,000 of people. Mr. Osborne estimates that this treaty will almost immediately increase our trade with Canada some $200,000,000.

THE OVERPROTECTED INTERESTS OBJECT.

There are only two objections made to this treaty. The first comes from the overprotected manufacturers who see in this beginning a release of the American people from exploitation through excessive rates, that are not protective in any fair sense, but are discriminatory and unfair. The present treaty touches no such rate and the objection is therefore only because of the notice they get between the lines that those rates will be protected when opportunity offers. Indeed, President Taft offered to lower such excessive rates upon finished products of manufacture in this treaty.

THE AGRICULTURAL SCHEDULE.

The second and more interesting objection comes from our farmers. Our farmers seem not to know that they sell their products on a free-trade market and that their advantage from protection comes wholly from the diversification of our industries and the development of an enormous home market through the demands of the factories and their operatives for farm products. This is compensation enough for the granting of a reasonable and adequate protection.

So far as the agricultural rates in the tariff go our farmers have been bought with counterfeit money these many years. A vast amount of their products go abroad, as wheat, flour, meat, etc., and the price of grain on every farm in the United States, and equally in Canada, Russia, and South America, our competitors, is the Liverpool price, the price in that common market where the produce of all export countries meet—it is this Liverpool price, less freight and sundry profits and charges from each and every farm to that common market. The difference in price of wheat, for instance, between Winnipeg and Minneapolis, is not greater than the difference in price between many American States and other States immediately adjacent, as, for instance, Oregon and California, Missouri and Arkansas, differences explained as above, further modify in our country occasionally by the great local demand of millers and brewers, this latter modification, however, by no means great enough to affect international conditions. The extent to which the farmer has been fooled in the rates given him is amusing when reduced to figures. In 1907, for instance, as I remember, we had a billion-dollar corn crop. Our agricultural population of 40,000,000,000 souls was protected on that crop by duties collected on imported corn in the munificent sum of $1,450—not enough to build an average good farmhouse for a newly married couple, much less to equip the average farm with the power conveyers, cream separators, gasoline engines, and other labor-saving devices that now make farming a science and a delight.

Meat may be described as "condensed corn." What our farmers want is not protection against the very limited production of corn and food animals in Canada, but a reciprocity treaty with Germany and other European countries whereby the latter countries will admit enormous quantities of our cheaper grades of meat to their market. With what grace can we ask Germany, for instance, to accept our cattle when the German rates are not one-fifth as high as our own on imported cattle? Germany is ready any day to negotiate, with a prospect of doubling her orders for our food products.

In 1907 we produced more than 735,000,000 bushels of wheat. During the same year we exported $60,000,000 worth of wheat, and during that year we imported only $16,000 worth, or less than enough to feed one-fourth of the population of the city of New York one day. With those facts before him, and the Dingley tariff providing for a duty of 25 cents a bushel, Mr. Aldrich, who appreciates a good joke, proposed to raise the Dingley duty to 30 cents in the Payne bill.

In that year (1907) we produced nearly 3,000,000,000 bushels of corn, or more than 78 per cent of the entire world's supply, with exports exceeding $44,000,000 worth of this cereal, and another vast amount in the form of meat, and we imported less than $8,000 worth, and the farmer was tickled by the idea that he was protected by a duty of 15 cents a bushel. The extent to which we may dread Canadian competition is indicated by the fact that she produces only one-sixteenth of 1 per cent as much corn as we.

So with oats. In 1907 we exported $1,670,000, our exports rising as high as $10,000,000 to $20,000,000 when we can spare it, and our imports in 1907 were valued at $17,000, or not enough to feed the horses of a small town, and yet Mr. Aldrich proposed to raise the Dingley duty from 15 cents a bushel to 20 cents.

Buckwheat: With a domestic production of buckwheat flour of about $4,500,000 in 1904, and imports in 1907 of $683, or less than a month's supply of a good-sized bakery, it was proposed to raise the Dingley rate of 20 per cent, which no one needs and still less cares for, to 25 per cent.

Rye: Production in 1907, 31,000,000 bushels, and imports valued at $125, or about enough to supply a boarding house. Mr. Aldrich proposed to raise the duty 100 per cent, from 10 cents a bushel to 20 cents.

Take eggs: Duty 5 cents per dozen, domestic production in 1904 estimated at over $144,000,000. Our exports in 1907 exceeded $1,500,000; on the other hand, we imported a mere handful of $26,000.

No one objects to giving the farmer the benefit of such protection as he may need, but a joke is a joke, and it's time the farmer caught onto this one. As I remember, the Dingley duties on agricultural products was substantially unchanged in the Payne bill. There has been, however, always the thought in Washington in some quarters of giving the farmers foolishly high rates which he can not use, by way of inducing him to permit of similar excessive rates to other interests that can use excessive rates to the limit.

And so we might go through the whole list. Says Senator NELSON, of Minnesota, a lifelong Republican and protectionist, who owes his seat in the Senate to a constituency of farmers:

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

"Mr. NELSON. I do not recall the millions of bushels produced in the State of Minnesota, but I desire to tell these Senators that the tariff on wheat which is on the statute book has not done us a particle of good. It would be like a tariff on cotton, because up to this time we have been exporting from 150,000,000 to 250,000,000 bushels of wheat a year. The price of our wheat is fixed by the Liverpool price, the export price, and no duty up to this time has helped us. (CONGRESSIONAL RECORD, May 10, 1909, p. 1949)."

WE SHOULD NOT INSIST UPON MODIFICATIONS.

The newspapers tell us that Senator CUMMINS will insist upon a modification of the treaty so as to admit highly finished manufactures like woolens, cottons, and agricultural implements free to our market. Such a modification would doubtless be in line with President Taft's first endeavor. As a manufacturer of agricultural implements, I know the cost to be the same substantially in both countries. The second largest manufacturer of these implements in Canada tells me his cost is lower than the cost in the States. The third largest says the cost is the same. The Canadian farmer pays about 20 per cent more for his implements than the farmers south of the boundary. This is a great injustice to the Canadian users, and a handicap to those hardy men who are opening up Canada's outer Provinces.

The American makers will welcome reciprocal reductions to any extent; but to admit the Canadians free to the States and leave the Americans paying 15 per cent entry into Canada would be the height of impolicy and injustice. The Canadians make too little to affect our prices by their importations. They charge higher prices than we. Beyond making clear representations, we must await Canada's action and the time when the Canadian farmer will force relief for himself from those very exactions on his implements, which Senator CUMMINS and others of us object to when practiced by some American manufacturers upon American consumers.

So in other manufactures, as many countries have waited patiently and with unbelievable courtesy for reasonable action on our part in the interest of our consumers, we must accept an altogether just and helpful treaty, although there are further extensions to be desired and to be expected. To reject this treaty is to lose all prospect of later betterment as well as the advantages now clearly offered. Canada has too great self-respect to be again rebuffed.

And we must respect Canada, too, if she is overcareful of her manufacturing interest, as we also must ever be, for revision must never rush to the point of possible injury of great industries.

WE ARE NOVICES IN INTERNATIONAL TRADE—OUR MANUFACTURERS DO NOT GET THEIR SHARE.

There are only four great manufacturing nations in the world—England, France, Germany, and the United States. In volume of product the United States is far and away in the lead. Outside these four nations there are one and one-half billion human souls who look to these nations for their manufactured supplies. The rewards offered in this world trade are beyond comprehension. They are to be measured in money, in intellectual advancement, in national spirit, in heightened civilization, and yet in this world trade the United States has, until now, refused to participate. We have made our tariffs not protective, but prohibitive, in the majority of items, and in many ways we have served notice upon the nations that it is our policy to restrict international trade, rather than to promote it.

The total production of mine, soil, and factory in the United States is of the yearly value of $26,000,000,000; the production of manufacturers only is about $15,000,000,000; of this $16,000,000,000 of manufactures we exported in the year 1907–8 a total of $1,082,000,000; of this $1,082,000,000, the greater part, or 63 per cent, consisted of crude and semicrude materials to the total of $680,000,000;[1] there is left as our exports of more highly finished manufactured products $402,000,000. This is only one-sixtieth of our toal production and about one-fortieth of our manufactured product.

NATURAL RESOURCES DEPLETED.

We are not in the race. As a people we are ignorant of foreign trade. Lost in the by-places of England, I have learned more of world trade from notices on the walls of little post offices than I could from the officials of some of our largest cities.

It has been aptly said that America is little else than a huge stevedore—bearing down to the ships of the sea crude and semicrude materials for the employment of the capital, labor, and intellect of foreign nations. Exportation of these partly manufactured materials is a depletion of our natural resources, the heritage of the ages in mine, forest, and soil fertility, never to be restored. Those who are best informed see within a period, which to the far-sighted is only as a day, our wonderful country importing these same materials and our producers handicapped by excessive cost.

We have been proud of our great agricultural exportations, but our scientists now give us reason to question to what extent even those exportations have permanently enriched us. We are told that every bushel of wheat exported carries 27 cents' worth of phosphorus, every bushel of corn 13 cents, and each pound of cotton 3 cents. These figures fairly represent the supposed profits. To-day our best agricultural States, even those only 50 years under cultivation, yield only half as much per acre as the 1,000-year-old soils of Europe. We have been capitalizing soil values to an extreme and hurtful extent, where we thought we were making real and substantial profits. There were reasons in the past for these exportations of various raw and semicrude products, and we have, on the whole, splendidly prospered, but those reasons are no longer effective.

WE MUST EXPORT MORE OF FINISHED PRODUCTS.

Now, we must use every effort to send our products abroad ready for consumption, carrying the maximum and not the minimum of American labor and skill. Think of the difference in the amount of labor carried by a typewriter and a bar of iron, a planter and a billet. We ship our cotton abroad raw at 14 cents per pound. We buy some of it back in fine handkerchiefs from the thrifty Swiss at $40 per pound, all labor. The exports of England, Germany, and France are finished products, mostly labor; most of ours carry only enough labor to make them fit for ship's cargo.

Our labor is in many respects the most efficient in the world. We are proud of our "men behind the guns"; their brothers, the men behind the machines in our factories, have no less of ability and the courage of accomplishment. There is brains in a Remington typewriter, a Singer sewing machine, and in American shoes. These are already exported in volume and point the way for tens of thousands of other products which can be made as welcome in foreign markets. These show, too, that high-paid American wages are cheap wages.

As then-President Roosevelt said to the writer three years ago, "We have become an industrial Nation and must acquire world markets for our finished products." Such markets broaden the industrial base of operations and will infinitely lessen the hurt of domestic stringencies and panics, which in the world sense are often local.

As says President Farrell, of the United States Steel Corporation:

"The producing capacity of this country has reached a point far exceeding the consumption, and the ratio of cases is assuming greater proportions each year. It is therefore imperative for the manufacturers of this country to look beyond its borders for markets wherein they can profitably dispose of their manufactures. The possibilities for the consumption of American products in the markets of the world have long been realized by the greatest statesmen as well as the leaders in the economic and commercial enterprises of our country. To everyone engaged in foreign commerce there comes a broader knowledge of human affairs and a better understanding of the relations of men and of nations and their relations to each other than comes to those who are solely engaged in domestic or local enterprises."

THE OCEAN NO BARRIER.

The ocean is not a barrier to trade. Rather, it is the easiest, cheapest, and freest of all highways. Instead of separating the nations, it now makes them all neighbors.

Freight has been carried from Pittsburg to Liverpool as cheaply as from Pittsburg to Chicago. Mr. Hill has carried foodstuffs from Minnesota to Japan at as low charge as from Minnesota to New York. Coal is carried from Cardiff to Port Said for 75 cents per ton, some 6,000 miles. Ocean charges are about one-fifth those of the railways.

Governments all barter through trade treaties—or, as we call them, treaties of reciprocity—for nations now invariably assist their citizens in these ways. Germany is the perfect example, which we are the last of all her competitors to follow. She made a high tariff (one-fourth as high as ours) and then, by special treaties of 12 years' duration, she secured special trade privileges in all countries, and she has had peace with honor and great prosperity ever since.

The English alternative of free trade is impossible to us and abhorrent.

Let us to a man support the administration in this tardy action and make it impossible for unfriendly influences to again shut the doors of opportunity.

Mr. FLOOD of Virginia. Mr. Speaker, I would ask the gentleman from Pennsylvania [Mr. LANGHAM] to use some time now.

Mr. LANGHAM. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, after the very interesting and profitable display of fireworks yesterday, it will seem like coming from the sublime to the ridiculous to come to the consideration of such a subject as this, and yet I dare say, Mr. Chairman, that there has not been before this House or will not be before this House at this session of Congress any measure of more vital importance than the one now under consideration; and for fear I should forget to say this later on in my remarks, I want to say, Mr. Chairman, that I am here to speak in favor of the admission of the Territory of New Mexico as a State, and I am here to speak in favor of the admission of Arizona as a State. I believe that the American people are weary of the methods that have been followed out in Congress for the last 40 or 50 years with reference to these Territories, and particularly with reference to the Territory of New Mexico. Some 60 years ago the people of this Territory made application for admission into the Union as a State, and from time to time that application has been renewed. They have been knocking at the doors of Congress, and finally an enabling act was passed, and Members here know much more about that than I do, because it was not my good fortune to be here. However, an enabling act was passed, and under the direction of that enabling act a constitution was formed by the people of New Mexico, and that constitution was reported back to the last session of the preceding Con-

[1] These semicrude materials included the following:

Foodstuffs partly or wholly manufactured, flour, etc	$331,968,382
Manufactures of copper in bars, wire, etc	104,064,580
Manufactures of iron and steel, like bars, billets, and rails	48,118,682
Petroleum and other mineral oils	97,651,326
Crude manufactures of wood	62,706,194
Crude manufactures of leather, furs, and fur skins	34,682,482

gress, and, as I am informed, received the absolutely unanimous support of this House.

NEW MEXICO AND ARIZONA SHOULD BE ADMITTED NOW.

I have read with great interest the eloquent speeches which were made by distinguished Members of this body in favor of the admission of New Mexico with the constitution as it existed then and as it exists now, and I say, Mr. Chairman, that for one I am opposed to any action by this body that will further delay the admission of this Territory as a State into this splendid Union. [Applause.] I said a moment ago I was in favor of the admission of Arizona as a State. I am. I hope that before this session of Congress comes to an end we shall have two more great States added to this splendid galaxy. [Applause.] And I hope, sirs, that both of those States will be added in such a manner and with such constitutions as not to be out of harmony with the spirit of American institutions, and for that reason, Mr. Chairman and gentlemen—and I refer to this now not with the idea of discussing it, because other and much abler Members are to discuss that phase of it, but simply to make my position clear—I am for the admission of Arizona now, and I am in favor of the admission of that State with a constitution that shall be in harmony with the spirit of American institutions as they have been shown by a century of experience, and therefore I am opposed to the recognition and approval by this distinguished body of any such un-American institution as the recall of judges. [Applause.]

For that reason I am heartily in favor of the report that is made to this body by the minority of the Committee on Territories. Now, Mr. Chairman, I want to say something about the constitution of New Mexico. I shall direct my remarks particularly to that subject. It has been attacked here. It has been attacked in committee. As I say, I supposed when I came here that there would not be any question about the admission of that State. The constitution has been passed upon by the preceding Congress, and able and distinguished gentlemen now upon this floor upon the other side of the House have made speeches in favor of the admission of that State, and I supposed there would be no opposition to it. And that idea was carried out, I might say, still further when I saw a copy of the resolution that was introduced here by the distinguished chairman of this committee, and with whom I want to say that I regret very much to have to disagree, because as a new member of that committee I feel under particular obligations to the chairman for the consideration he has given to the "baby" members of the committee—my distinguished friend from Michigan, here, and myself.

Mr. RAKER. As one of the members of the committee, I understand the reason you are opposed to the admission of Arizona is because of the recall of judges?

Mr. WILLIS. Now, let me answer that part of the question——

Mr. RAKER. I have not finished my question.

Mr. WILLIS. I beg pardon. Proceed, then.

Mr. RAKER. Are you in favor of Arizona recalling all other officers save and excepting the judiciary?

Mr. WILLIS. I will say to the gentleman, as I have said before, that I am in favor of the admission of Arizona as a State when it has provided by amendment to its constitution that the recall shall not apply to judges.

Mr. RAKER. Now, will the gentleman yield to this question? The first thing to determine is, Are you opposed to the recall of the other officers?

Mr. WILLIS. Oh, well, I will say to the gentleman that I am not on the witness stand. It does not make any difference what my personal views are upon this, or what the views of the gentleman are.

Mr. RAKER. The only reason I want to make the distinction is, if you are not in favor of the recall of the rest of the officers, what distinction do you make in the recall of the judges?

Mr. WILLIS. I will say to the gentleman that I will reach that in due time. But I think that I make my position sufficiently clear when I say to him, whether I like every provision in the Arizona constitution or not, I am willing to admit Arizona; I want to vote for the bill to admit Arizona, with the single exception of the recall of judges. I do not believe in the recall of judges. [Applause.] I believe it will make a weak judiciary when a man sitting on the bench, instead of considering the law and the facts, is put in the position where he has to find out what is being said about this proposition in the corner groceries and at the pink teas all over the country. Therefore, I am opposed to the recall of judges. Now, if I have made my position clear, I would like to go on.

Mr. RAKER. Are you in favor of the election of judges?

Mr. WILLIS. The gentleman can figure that up for himself. I have said twice, and I thought I said it in a tone of voice loud enough to be heard, though possibly not, to my friend from California, in perfect good nature, without going into his preferences or my preferences, that the question at issue is not what any Member thinks on any question of constitutional law, but the question is, what are we going to do for these Territories? And I am in favor of New Mexico just as it stands, just as it has been ratified by unanimous vote of this House, and without playing politics. New Mexico ought to come into the Union.

Mr. RAKER. Are you in favor of the election of judges?

Mr. WILLIS. If the gentleman will kindly come to me I will give him instruction on that point. It does not make any difference whether I am in favor of the election of judges or not. I am in favor of the admission of New Mexico as a State now and the admission of Arizona as a State now, with the exception of the recall of judges. Now, if that does not make it clear, that is all there is to it.

MAJORITY FOR NEW MEXICO'S CONSTITUTION.

Now, then, a question was asked here the other day that I think ought to be answered by somebody. That question had to do with the vote on this question. The idea had been held out here that there has been some hocus-pocus about this business, that the people of New Mexico are not qualified for statehood, and that this thing has been foisted upon them. I am here to speak in behalf, so far as I can, of the good people of New Mexico and the work they have done in making a constitution, and here is good evidence of what they think about it. Here is the statement of Gov. Mills before the committee in the preceding House. Copies of this are obtainable, and I want to say to the gentlemen on the other side that it could not possibly be that there is any unfairness in this constitutional convention. That could not have been. Perish the thought! And by the way, I want to tell you this, because some one will say before this discussion is concluded that this is a boss-ridden and corporation-ridden Territory, and they will give as an illustration of that the fact that some one who was once connected with a railroad in the capacity of an attorney was the president of the convention.

I call the attention of gentlemen on the other side of the House to the fact that there could not possibly have been any wrong, there could not possibly have been any corruption, there could not possibly have been any friction or wrongdoing of any kind because this constitutional convention in New Mexico did not allow its chairman to appoint the committees. These committees were selected by a committee on committees, and consequently everything must have been fair and right [laughter and applause on the Republican side], just as in this House we have had it exemplified upon this floor in the pyrotechnics across the aisle. [Laughter.]

Now, I am going to give what is said here by the governor of New Mexico. Here is an election in which something over 45,000 votes were polled, as is shown in the certificate already before the committee. The number of votes cast in favor of the constitution was 31,041 and the number cast against the constitution was 13,399, making the majority in favor of the adoption of the constitution 18,000 out of a total vote of about 45,000. Here you have a majority of 18,000. That is an expression of the will of the people of New Mexico, and I want to say to Members that there was brought out in the hearings before this committee, and they were very extensive hearings——

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

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

Mr. WILLIS. I yield to my friend from Mississippi always.

Mr. HUMPHREYS of Mississippi. Will the gentleman object to stating just here what the expression of the people of Arizona was on that constitution?

Mr. WILLIS. I would be delighted to inform the gentleman on that point, but I do not happen to have that in mind. The gentleman can state that in his own speech when he comes to it. I am not talking about Arizona just at this moment. I am talking about New Mexico.

Mr. HUMPHREYS of Mississippi. I understand the gentleman is not in favor of ratifying the Arizona constitution and allowing that Territory to come in unless she makes a change in her constitution, notwithstanding the fact that her people have ratified it.

Mr. WILLIS. That is not the only reason. I do not think a wrong is made a right because a lot of people happen to vote for it. Does the gentleman think so?

Mr. HUMPHREYS of Mississippi. No; but I understood that was the reason the gentleman was assigning; that it was because they had ratified it by a tremendous majority.

Mr. MANN. Does the gentleman think that is not a good reason?

Mr. HUMPHREYS of Mississippi. No.

Mr. MANN. Then, why does the gentleman criticize it as not being a proper reason?

Mr. HUMPHREYS of Mississippi. The gentleman from Mississippi is farthest from criticizing the gentleman. The gentleman from Mississippi was simply criticizing his argument.

Mr. WILLIS. That is all received in a perfectly kindly and Christian spirit. [Laughter.]

Now, the argument I was proceeding to make, and I will continue on that line, is in reference to the constitution of New Mexico. Very distinguished and able gentlemen appeared before the committee. I have no criticism of those gentlemen. I want to say just in passing that one of the strongest arguments that I have in my mind in favor of the admission of both of these Territories is the character of the men that we had before our committee, speaking for the constitution and against the constitution. It shows that they are men of ability, men who are able to differentiate on great public questions. I am not informed as to what takes place in Democratic caucuses or Democratic conferences, if they may be so called, but I do know that the first day of this session a resolution was introduced by the distinguished chairman of this committee providing for the admission of New Mexico just as it stands, and also for the admission of Arizona, I am frank to admit.

But somehow or other our friends have seen a light. They have obtained a different idea of this thing, and this resolution that was introduced so promptly and, as I supposed as a party measure, has been modified. Why, bless you, we are more in favor of the resolution introduced by the distinguished chairman than is the chairman himself. We are in favor of what he said about New Mexico absolutely. But during the progress of the hearings various gentlemen appeared before the committee, and they brought up this question and that question, some of which have been referred to ably by my friend from Colorado, and in one way or another—I do not accuse anybody of playing politics; I do not suppose anybody ever does it——

Mr. HAMILTON of Michigan. I do.

Mr. WILLIS. My friend from Michigan says that he does; perhaps he has better information. This situation which had been gone over and concurred in as being satisfactory was found to be terrible in the estimation of some people. We are told that the State is corporation ridden and that people are coming to this Congress and asking for relief.

How is this? I call attention to the fact that out of 45,000 votes there was a majority of 18,000 in favor of this constitution. I call attention to the further fact that in the canvass before the people of New Mexico the party lines were not drawn at all.

If politics is injected into this thing now it comes, I think, not from New Mexico, because the Democratic Party of New Mexico went out into the open upon the stump with the Republicans; party lines were not recognized at all, but Democrats and Republicans were all in favor of this constitution. But for some reason, political or otherwise, charges are trumped up and a fight is made on this constitution.

RECALL OF JUDGES.

Let me tell you what is the effect. I warn Members now that if they agree with me that New Mexico ought to come into the Union and come in now, you ought to vote down any amendment that is offered to the constitution that has already been made by the people of New Mexico. I will tell you why. New Mexico is almost in the Union now, because, according to the act adopted by this House, it was provided that when the President should approve this State should come in, provided Congress did not disapprove. I call attention to what the situation will be if we seek to amend the constitution. The President has approved the constitution of New Mexico, and a great many people are sorry he did not approve the constitution of Arizona. I myself believe it was a duty that the great Chief Executive owed the American people to draw the line upon the proposition and to make it clear where the American people stand—whether they want their judges independent and free to apply the law, or whether they want them to be the mere creatures of the passing gusts of public opinion. For that reason I think the action of the President is very commendable in that respect.

Mr. CALLAWAY. Will the gentleman yield?

Mr. WILLIS. I will.

Mr. CALLAWAY. The gentleman wants to remove the judges from the influence of public sentiment by refusing to subject them to recall. He admits, by that, he fears their decisions would be influenced by public sentiment. He can not remove them from other influences, yet he would shield them from public sentiment that might protect the public by combating other influences to which judges are subjected.

Mr. WILLIS. That is the gentleman's speech, not mine.

Mr. CALLAWAY. I ask the gentleman if he does not admit by his position that the judges would be influenced by public opinion?

Mr. WILLIS. I think I understand the gentleman's question, and will answer it the best I can.

Mr. CALLAWAY. Having admitted that, does he fear the evil influences from the people, but have no fear of anything but good influences upon the courts from other sources?

Mr. WILLIS. I have not admitted anything. The gentleman has been doing all the talking. I will tell the gentleman what I think of that when he gets through with his question. My opinion of that is this—and it is covered, in fact, by another question which the gentleman asked about an elective judiciary. I will say that, so far as I am concerned, I am not disposed to start on any crusade on this subject. We have an elective judiciary in the great State that I have the honor in part to represent, and it is a judiciary of which we are proud.

I want to say to the gentleman that I would not be at all willing to take a step that I regard as a long way from merely electing a judge. Electing a judge for 6 years or 10 years or 4 years is quite a different proposition from having a plan whereby every decision that a judge makes renders him subject to a recall, and under the provision of this Arizona constitution 25 per cent of the electors of the district from which the judge is elected can recall him, and he then has five days in which to resign; and if he does not resign, then the election is held, and the charges against him are made in 200 words.

Mr. CARTER. Mr. Chairman, the gentleman surely does not mean to say that the decision of a judge will be recalled under this constitution.

Mr. WILLIS. Oh, not at all. I am talking about the judge; and if the gentleman understood me to say the decision, then I was unfortunate in my language. It is the judge that I am talking about.

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

Mr. WILLIS. Certainly.

Mr. GRAHAM. Does the gentleman believe, as I understand him to say, that it is any business whatever of the American people as to what the people of Arizona put in their constitution if that constitution gives a republican form of government? Is it a question of public policy that the people of the country or the President of the country has anything whatever to do with, if they have a constitution which gives them a republican form of government?

Mr. WILLIS. Very well, I will undertake to answer that question. The gentleman is doing what gentlemen on this side did with my friend from Colorado [Mr. MARTIN] the other day—changing the order of his remarks somewhat—but it does not make any difference.

Mr. MANN. I would suggest to the gentleman that he proceed with his argument. We will not have a week's more time of debate on this bill.

POWER OF CONGRESS OVER ADMISSION OF STATES.

Mr. WILLIS. I think that suggestion is a very good one. Mr. Chairman, I do not know whether anybody else will agree with this view; but since he has asked the question, I want to say to the gentleman from Illinois that my understanding of the power of Congress relative to the admission of States is this: From discussions that have been had it seems that some people think that the only ground upon which Congress can refuse to admit a State is the fact that its government is not republican in form. I do not mean to say that that is the gentleman's idea, but a great many people have that idea. I will say to him that my understanding of that proposition is that that is not the only ground. The Constitution of the United States says that new States may be admitted into this Union by Congress. I understand that this Congress can give any reason that it pleases. It does not need to say that its government is not republican in form. It can simply refuse for any reason or for no reason. The American Congress has absolute power. Therefore I think it is simply a question of policy. Does that answer the gentleman's question?

Mr. GRAHAM. It does; but it puts the gentleman from Ohio, as I understand him, in an inconsistent position. If I misunderstood him, I am sorry. I understood him to say that he accorded in his views with the views of the minority in their

report. They put it squarely on other ground, not on the ground the gentleman from Ohio now suggests—that it should be kept out of the Union as a matter of public policy, and not because it is a republican form of government.

Mr. WILLIS. I want to say to the gentleman that I think there is no inconsistency whatever in that, and no lack of harmony with the minority of the committee. The minority of the committee did not undertake in its report to make a complete statement of the reasons, but that is given as one of the reasons. I am giving you now another reason why I think Congress has power to do that, and I will say further to the gentleman——

Mr. CULLOP. Now, Mr. Chairman——

Mr. WILLIS. If the gentleman from Indiana will wait, I want to finish this subject and take one at a time, and I think they will last longer. I want to say to the gentleman that my understanding about the effect of limitations that we put upon the constitution of any State is not that which some gentlemen seem to have.

You notice the minority views say that we are in favor of the admission of Arizona provided that at the same election at which they choose their officers this question shall be voted on and the recall stricken out. I am perfectly frank to say to the gentleman if the people of Arizona want to do it hereafter, they can put their recall back into their constitution. I will say to him that any compact that is made between this Government and a Territory becomes practically of no force the moment the Territory is admitted, except in two particulars, and those are, first, if it be something that is within the power of Congress under the Federal Constitution, and then it is not because of the compact, but because of the constitutional power; and, secondly, if it is something related to property.

Mr. GRAHAM. Does the gentleman think they would have the right to put into their constitution a provision that judges should be elected for only a term of one year, and would it then meet his approval——

Mr. WILLIS. I do——

Mr. GRAHAM. What, then, would be the difference between the present provision and that one? Practically it would take a year to oust a judge now——

Mr. WILLIS. I have already stated my understanding of that matter. I think that there is a vast difference, sir, between the election of a judge for a certain definite term and the election of that judge with the understanding——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I suggest the gentleman have some time to use of his own.

Mr. LANGHAM. I yield the gentleman 30 minutes additional.

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana?

Mr. WILLIS. Yes; but I would like to be allowed to proceed for a few minutes, as I want to get——

Mr. CULLOP. Just a moment ago the gentleman paid a high tribute to the judiciary of Ohio. Is that correct?

Mr. WILLIS. I did not get the gentleman's statement.

Mr. CULLOP. In the gentleman's remarks a few moments ago he paid a high tribute to the judiciary of Ohio.

Mr. WILLIS. I do not know whether I did or not, but I am willing to do so so far as I have the ability to do it.

Mr. CULLOP. Have not you had the removal in your constitution of judges in Ohio since 1851?

Mr. WILLIS. Yes.

Mr. CULLOP. Well, it has not been abused there, has it?

Mr. WILLIS. No.

Mr. CULLOP. Now, the difference between that and this is the difference of the application of the law that has been in the constitution in every State in the Union as long as they have been States. Now, in your State a judge can be removed on complaint of one person, can he not?

Mr. WILLIS. Now, if the gentleman wants to make a speech I will be glad if he will get some time to do so——

Mr. CULLOP. I am simply asking a question.

Mr. WILLIS. Because I like to get on. However, I want to say to the gentleman I think there is a very distinct difference between the recall of a judge and election of a judge for a definite term with the power vested in the legislature to impeach that judge or remove him from office. There is a very distinct difference between that process wherein a judge is to have notice of the charges against him, is to have opportunity to appear by counsel, to have a dignified trial in the name of the great State of Ohio; as I say, there is a distinct difference between that and the proposition submitting that judge to a recall. [Applause.] Now, if the gentleman wants to make a speech I wish he would get some time, as I wish to proceed with what I have to say and I do not wish to be cut out of so much of my time.

Mr. CULLOP. Just one more question.

Mr. WILLIS. Go on.

Mr. CULLOP. In the constitution of your State, paragraph 17 of the judiciary article provides for the removal or recall of judges.

Mr. WILLIS. I am familiar with that.

Mr. CULLOP. There the judge can be removed upon the application of one person.

Mr. WILLIS. But on a two-thirds vote of the legislature. I want to say to the gentleman there is a big difference between two-thirds of the legislature and——

Mr. CULLOP. In one case you go to a partisan legislature to be tried by a partisan tribunal instead of going to the whole people where your case can be passed upon without prejudice or partiality.

Mr. WILLIS. If the gentleman wants to make a speech on that side, I would be glad to have him do so, but I have made my position clear. I want to see to some of the things taken up by my friend from Colorado in his remarks. A great deal of discussion has been had here and elsewhere about this method of amendment. It is said that it is necessary that the constitution of New Mexico shall be very seriously and vitally changed because of the method of amendment which is provided.

AMENDMENT OF NEW MEXICO'S CONSTITUTION.

I want to say, Mr. Chairman, that I have given a little study to this subject. I have here the constitutions of all the States of the Union. I do not pretend to say that I know about all the constitutions of the various States in the Union, not at all, but I have given the subject of the method of amendment such attention as I have been able to do. And I want to say, Mr. Chairman, that not only is the constitution of New Mexico not the most difficult one to amend, but I want to say that it is one of the easiest constitutions to amend anywhere in the United States of America. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Colorado?

Mr. WILLIS. I will.

Mr. MARTIN of Colorado. The gentleman has heard the proponents of the New Mexico constitution say that they sought to render it difficult of amendment, did he not?

Mr. WILLIS. I believe they said that.

Mr. MARTIN of Colorado. Then, according to the opinion of the gentleman from Ohio, they fell down lamentably in their purpose, did they not?

Mr. WILLIS. I am not saying anything about what anyone from New Mexico said. I am talking about this constitution as it is.

Now, I am going to call attention to that somewhat in detail. I do not know whether Members have the constitution on their desks. If they have, and if they will turn to Article XIX, they will find this amendment:

> Any amendment or amendments to this constitution may be proposed in either house of the legislature in any session thereof, and if two-thirds of all the members elected to each of the two houses, voting separately, shall vote in favor of it, such proposed amendment or amendments shall be entered on the respective journals with the yeas and nays thereon.

In other words, amendments can be proposed by a two-thirds vote of the legislature.

Now, going on:

> Or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter.

In other words, then, what are the methods of proposing amendments? They can be proposed either by two-thirds vote of the legislature, and the first legislature that meets after New Mexico shall have been admitted can propose amendments by a majority vote, and the legislature every eighth year thereafter can propose amendments by a majority vote. That is the way now that amendments are proposed.

Now, I have taken some pains to investigate how amendments are proposed in the constitutions in the States as they exist now. We gathered from the remarks of my friend from Colorado [Mr. MARTIN], and from discussion before the committee, that it is very difficult to propose amendments in New Mexico as compared with other States in the Union. I want to say to you, gentlemen, that there are only two States in the Union—just two—that allow a majority of the legislature, in one session, to propose an amendment, and a majority vote of the people voting

thereon to ratify the amendment. Those two States are Missouri and South Dakota. With great respect to the distinguished Member from the State of Missouri, who is a member of this Committee, I want to say that it seems to me that it is bad policy, whether in the constitution of his or any other State, to allow the majority of the legislature to propose amendments to the constitution and then a majority of those voting thereon to ratify them. I call attention to the fact that that is exactly what is proposed in this amendment that is offered by the majority of the committee.

Mr. ALEXANDER. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Missouri?

Mr. WILLIS. I yield to the gentleman from Missouri.

Mr. ALEXANDER. Can the gentleman cite from any knowledge of the operation of that provision in the constitution of Missouri that it is a bad thing?

Mr. WILLIS. No, sir; I have no personal knowledge of it.

Mr. ALEXANDER. I will say that I have been familiar with that provision since it was written into the constitution in 1875, and I wish to say to the gentleman that it has never worked badly. It has proved desirable.

Mr. WILLIS. I am glad to hear that, and I want to say further that I think that is because of the good sense of the people of Missouri and not because of the constitution. They have gotten along well, not because of the provision in the constitution but in spite of it.

Mr. BOOHER. Does not the gentleman know that because the people of Missouri have such good sense, New Mexico, having been peopled largely by Missourians, that the people of New Mexico exhibit the same good sense, and do you not think they are worthy of emulation?

Mr. WILLIS. Yes; and I think the provision whereby a majority of the people who have been elected to the legislature can propose an amendment every eight years is ample.

Mr. MANN. Does not the gentleman think that it is a proof of good sense that they moved out of Missouri into New Mexico?

Mr. WILLIS. I repeat that there are only two States in this Union that allow their constitutions to be amended in that way, and I repeat, with the greatest deference to the opinions of gentlemen on the other side, if you are going to have a constitution in which the legislature can amend the constitution at any time, very well and good, but that is not our American system.

I have always supposed that the object of a written constitution was to give some degree of stability in government, and if you allow a majority of the members elected to the legislature to propose amendments and then a majority of those voting thereon to ratify the amendments, you put it within the power of a very small minority to change your fundamental law.

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

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

Mr. WILLIS. Yes; I yield with pleasure. It will give me a chance to take a sip of water. [Laughter.]

Mr. FOWLER. Does not the constitution of New Mexico provide, as it is now written, that the whole of it may be adopted by the majority vote of the people of that Territory?

Mr. WILLIS. Yes. Very well.

Mr. FOWLER. Then what is the difference between amending it by a majority vote and adopting it by a majority vote?

Mr. WILLIS. I will say to the gentleman that there is a good deal of difference between the adoption of a constitution in the first place and its amendment—a constitution that has been gone over carefully in a constitutional convention, as has been done in the case of New Mexico, where the people have been working on it for 60 years, and where, but for such trifling objections as are being made here to-day, that Territory would now be in the Union and would have been in the Union 25 years ago. This is simply a continuance of the old political game of holding it up. When the people have considered the subject, as they have in this case, for 50 or 60 years, and it has been before two or three Congresses, I say to my friend from Illinois that there is quite a distinct difference between the adoption of that and the offering of amendments to the constitution.

Now, I want to proceed in regard to this method of amendment: First, it is provided that by a two-thirds vote of the legislature at any time amendments may be proposed; and, second, by a majority vote every eight years. I have already called attention to the fact that there are only two States in the Union that allow their constitutions to be amended in that way.

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

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

Mr. WILLIS. Yes.

Mr. SAUNDERS. I think the gentleman will find that that is a mistake. The State of Virginia provides in its constitution for the amendment of the constitution by a majority vote, and I think, therefore, you should add Virginia to the others.

Mr. WILLIS. Very well. That may be true; but I want to see about this. In Virginia, as you will find in the seventh volume of American Charters and Constitutions, page 3955, it is provided that the amendment shall be proposed by a majority elected to each house, referred to the next assembly to be chosen, and if agreed to by the majority elected to that house, then it is to be submitted to a vote.

Mr. SAUNDERS. Where is the two-thirds proposition in there, may I ask the gentleman?

Mr. WILLIS. The gentleman was talking about the majority proposition.

Mr. SAUNDERS. There it is—a majority of the members elected to each house.

Mr. WILLIS. The point I make is this, that in the gentleman's State of Virginia the amendment has to be passed upon by two succeeding legislatures. But according to the constitution of New Mexico that is not provided for, and the constitution of New Mexico is therefore more easily amended than that of Virginia.

Mr. SAUNDERS. I will say, in reply to the gentleman, that that was not the distinction which the gentleman started out to make.

Mr. MANN. It was the precise distinction.

Mr. WILLIS. I said there are only two States, and the gentleman's State can not be added to that number, because in that State, if I read the constitution of Virginia correctly—and I would be glad to be corrected if I am mistaken—the amendment must be referred to two succeeding legislatures, and that is a very different thing. Therefore the statement I have made is absolutely correct, so far as that is concerned, that there are only two States in the Union where that applies, the States of Missouri and South Dakota. [Applause on the Republican side.]

Now, let us see about the other States. From the tremendous outbursts of eloquence from my distinguished friend from Colorado [Mr. MARTIN]—and nobody knows better than he how to let those outbursts out, and also how, in the interest of party harmony, to quell his wrath and swallow his indignity and let it all go, as he did yesterday, when he had a good case that I hoped he would fight to the bitter end [applause and laughter]—I say, to hear my eloquent friend from Colorado you would suppose that this was an unusual thing, this provision that two-thirds of the legislature, as in the case of New Mexico, should be required to pass upon an amendment, and——

Mr. MARTIN of Colorado. Will the gentleman pardon me for a moment?

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

Mr. WILLIS. Certainly.

Mr. MARTIN of Colorado. I said that I found no particular quarrel with that proposition. I yielded my judgment on that point. I said I would be satisfied to leave the precedent as to submitting amendments just as it stands now. But I am interested in that 40 per cent proposition in at least one-half of the counties.

Mr. WILLIS. I recognize that the gentleman yielded his judgment. That is the quarrel I have with him. He yielded it yesterday when he was right. He yields his judgment when he is right and he stands up for it when he is wrong. [Laughter and applause.] Now, then, a three-fifths vote or a two-thirds vote of the legislature is required to propose an amendment to the constitutions of the following States: Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Kansas, and so on; I will not read them all. I believe there are 27 or 28 of them in all. More than a majority of all the States of this great Union have similar provisions requiring three-fifths or two thirds of the legislature to propose an amendment to the constitution.

But that is not all. The half has not been told. In at least 14 or 15 States of this Union action is required in some form, not by one legislature, as is provided in the constitution of New Mexico, but in two succeeding legislatures. The States so requiring action in two succeeding legislatures in order to get an amendment proposed to the constitution are Connecticut, Delaware, Indiana, South Carolina, Iowa, Rhode Island, Massachusetts, Pennsylvania, Nevada, and North Dakota, some 14 in all, in which action is required by two succeeding legisla-

tures. There is no such provision as that in the constitution of New Mexico.

I submit, gentlemen, in view of these facts, is it not true that it is as easy to propose an amendment under the constitution of New Mexico as it is in the country at large, when, as I say, we have 27 or 28 that require the same vote and 14 or 15 that require a heavier vote, in that they require action in two succeeding sessions of the general assembly?

Now, there is another point I want to bring up before I forget it. Some one asked a question the other day which the gentleman from Colorado would have been able to answer if he had had a little more time, but he was tremendously crowded by questions, and so this escaped his attention. Some one—I think it was the gentleman from Illinois—asked him about the limitation as to the number of amendments, whether there were any States that had provisions in their constitutions limiting the number of amendments. I have taken pains to dig that out. The committee proposes to strike out the clause that says that not more than three amendments shall be proposed at once. I have taken pains to inquire how many States in this Union require a limitation as to the number of amendments. There are seven States of this Union that have limitations in the constitution as to the number of amendments—Arkansas, not more than three at one time; Colorado, not more than one at each session of the legislature——

Mr. MARTIN of Colorado. We can amend six articles now at one time. We have modified that provision in the constitution.

Mr. WILLIS. I am glad to have that correction made. It does not appear in the Constitutions and Charters. Kentucky not more than two at one session; Montana, New Jersey, Pennsylvania, and Vermont. There are seven, in all, having this very provision. Some of them have it in more stringent form, but the point I am making is that it is not anything new or unusual to have a limitation as to the number of amendments that shall be offered.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. MARTIN of Colorado. The gentleman has found that in 39 States out of 46 there are no limitations as to the number of amendments that may be submitted at one time.

Mr. WILLIS. I have not made the subtraction, but I have no doubt the gentleman is correct. The point I am making is to counteract the proposition that this is something new and strange and will overthrow the liberties of the people. Why, gentlemen, in Arkansas the liberties of the people are protected. In Colorado, sun kissed, with her peaks rising into the skies and the snows resting everlasting thereon, the rights of the people are protected there. [Applause.] And so in Kentucky, the great State where the farmers have the "emptiness of ages in their countenance" and the "burdens of the world upon their back," why, in Kentucky the rights of the people are generally protected. The point I am seeking to make with my friend from Colorado is that this is not anything unusual—this is not anything dangerous at all.

Mr. MARTIN of Colorado. Mr. Chairman, the only point I was seeking to make was to argue the reasonableness of the recommendation of the majority of the committee, and I think I am fully sustained by the fact that in 39 of the 46 States in the Union there is no limitation in the constitution as to the number of amendments that may be submitted and acted upon at one time. I think the gentleman will concede that.

Mr. WILLIS. I did not make the subtraction. It is a matter of arithmetic. Well, then, what is good sauce for the gander is good sauce for the goose. If the gentleman argues that because there are 36 or 37 States that do not have limitations, then when I show him that there are 28 that require a two-thirds vote to propose amendments he is bound to accept that by the same logic. [Applause on the Republican side.]

Mr. MARTIN of Colorado. Mr. Chairman, I do not want any erroneous statement of mine to stand in the RECORD. We were furnished with a table by the clerk of the committee over there, and my understanding of that table is that in 28 of the 46 States of the Union a majority of the people can ratify an amendment.

Mr. WILLIS. Oh, I am not talking about the ratification of amendments at all. I have been talking about the proposal of amendments.

Mr. FLOOD of Virginia. Mr. Chairman, I want to say to the gentleman that he certainly is mistaken when he makes the statement that there are only two States in the Union that permit the submission of amendments by a majority of the legislature, for an investigation will show that 18 States of the Union allow an amendment to be submitted by a majority of the legislature, 7 States by a three-fifths vote, and 21 States by two-thirds.

Mr. WILLIS. Now, if the gentleman will do me the favor, I desire to state that there are two States now where a majority of the legislature can propose the amendment, and a majority of the people voting thereon can ratify it.

Mr. KENDALL. At one session of the legislature?

Mr. WILLIS. Yes. I shall be obliged to the gentleman if he will name me one other State. I have the constitutions right here.

Mr. MANN. Name it.

Mr. FLOOD of Virginia. Well, Nevada.

Mr. WILLIS. We will look for that. If I am wrong I shall be glad to make the correction, because I want to get this thing right. Nevada we will find in volume 4, page 2423. Nevada—proposed by a majority of the members elected to each house, submitted to the legislature next elected thereafter, and then adopted by the people—just exactly what I said. [Applause on the Republican side.] Name another one.

Mr. FLOOD of Virginia. It takes a majority——

Mr. WILLIS. In two successive legislatures, just exactly as I said.

Mr. FLOOD of Virginia. A majority of the legislature and a majority of the people can put an amendment in the constitution.

Mr. WILLIS. Oh, no.

Mr. MANN. Of two legislatures.

Mr. FLOOD of Virginia. Two legislatures; but still it is a majority of the legislature. [Laughter on the Republican side.]

Mr. WILLIS. I submit to the House that I made that statement as clear as I could, and I walked clear down to my friend the chairman of the committee so as to make it clear. My statement is that there are only two States that allow a majority of the legislature, and then my friend from Iowa [Mr. KENDALL] put in that it was at one session of the legislature, and I accepted that, to submit to a majority of the people to ratify. Now, name another State.

Mr. FLOOD of Virginia. Why, there are a great number of States.

Mr. WILLIS. Name just one of them.

Mr. FLOOD of Virginia. Try Michigan.

Mr. WILLIS. Got her! [Laughter.] We might as well have information on this subject. Michigan you will find in Volume IV, page 1969, American Charters and Constitutions, and the gentleman can look at the volume, if he wishes—

proposed by two-thirds of the members elected to each house, submitted to a general election, and adopted by a majority—

bearing out my statement exactly. A majority of the legislature can not propose. Name another.

Mr. FLOOD of Virginia. Why, the gentleman is mistaken about Michigan.

Mr. WILLIS. I am not.

Mr. FLOOD of Virginia. I have not got the book here.

Mr. WILLIS. But I have. [Laughter.]

Mr. FLOOD of Virginia. The gentleman's books are like his facts as to Colorado. He stated that Colorado could submit but one amendment by a legislature, and it turns out that it can submit amendments to six articles of its constitution. His books are antiquated, like the gentleman's information is. [Applause on the Democratic side.]

Mr. WILLIS. Mr. Chairman, I leave my good friend, the chairman of the committee, to settle his dispute with this authority. I can not go and write a book, though I am here for the purpose of instructing him. I have too limited a time to write a book for that purpose, but I take this out of American Charters, Constitutions, and Organic Laws.

Mr. FLOOD of Virginia. But the gentleman has just failed to make his investigation go far enough. I will have time later on and show that the gentleman is entirely mistaken in his statement. [Applause on the Democratic side.]

Mr. WILLIS. Mr. Chairman, I have not any objection at all to having the gentleman show us those things. I am enjoying this. See the State of Michigan, page 1916, volume 4:

Any amendment or amendments to this constitution may be proposed in the senate or house of representatives if the same shall be agreed to by two-thirds of the members.

Now, that is right; there is no doubt about it; and I shall be glad to have the gentleman name another case. I want to get at the truth of this matter.

Mr. FLOOD of Virginia. I will bring the gentleman the books and authorities——

Mr. WILLIS. When the gentleman comes to make his speech I will see to it that he has the books and authorities; I will caution him on that point.

Mr. MANN. He will never bring them.

Mr. WILLIS. I do not think he will.

Mr. MARTIN of Colorado. Before this question goes further——

Mr. WILLIS. I do not want to be driven too far afield, but go on.

Mr. MARTIN of Colorado. Leaving Colorado out of the seven States that have a limitation, Colorado's limitation being six articles, I want to ask the gentleman if he can just tell me offhand whether or not in those other six States the limitation is as to the number of articles that may be amended or as to the number of amendments that may be submitted, because I want to say to him I object to the use of the word "amendments" in the New Mexico constitution even more than to the other limitation as to the number—three.

Mr. WILLIS. I will say to the gentleman, so far as my investigation went on that line, that I think in all this the limitation was as to the number of amendments.

Mr. MARTIN of Colorado. And not articles.

Mr. WILLIS. So far as my investigation has gone.

Mr. MARTIN of Colorado. I consider the use of the word "amendments" much more objectionable than I do the limitation "three."

Mr. FLOOD of Virginia. Will the gentleman allow me to interrupt him?

Mr. WILLIS. I yield to the chairman of the committee.

Mr. MANN. Will the gentleman first allow me one question; does the Colorado constitution provide that the amendments may be submitted to six articles at one time?

Mr. MARTIN of Colorado. Yes.

Mr. MANN. Did the gentleman hear his colleague from Colorado state that the Colorado constitution was originally based upon the Illinois constitution which originally provided for amendment to only one article? That is the present Illinois constitution.

Mr. MARTIN of Colorado. To one article.

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

Mr. LANGHAM. I yield 30 minutes additional to the gentleman.

Mr. MARTIN of Colorado. If the gentleman will just pardon me here. We added a new article to our constitution and we have had one of the greatest legal battles in that State upon the ground that that one article amended more than six articles, the number now permitted. Now, New Mexico will be up against the same proposition in much worse form. They can only submit three amendments, and it might be claimed that the number was exhausted in amending one section of one article in three particulars. That is the reason the committee has not seen fit to adopt this limitation. The idea is that it is more or less a joker in the constitution.

Mr. MANN. The gentleman absolutely confuses the proposition.

Mr. FLOOD of Virginia. I would like to ask the gentleman which two States he named as the States where the constitution provided an amendment could be submitted on a majority vote of the legislature?

Mr. WILLIS. Majority vote of the legislature and ratified by a majority voting thereon. Just one legislature; not two succeeding ones. The two States are Missouri and South Dakota, as I recall it.

Mr. FLOOD of Virginia. Missouri and South Dakota?

Mr. WILLIS. Yes, sir.

Mr. KENDALL. Will the gentleman yield?

Mr. WILLIS. I do.

Mr. KENDALL. And in all other States of the Union except Missouri and South Dakota an amendment must be proposed by a majority, or two-thirds or three-fifths, in two succeeding general assemblies.

Mr. WILLIS. There are some 27 or 28 that require an amendment to be proposed by a two-thirds vote and some 14 that require two succeeding legislatures. The point that I am seeking to make is that the amending of the constitution of New Mexico is not unusual, is not more difficult than it is in any other State of the Union, and it certainly is not unrepublican or undemocratic or un-American. But my friend from Colorado [Mr. MARTIN] raises some question about another point here, and that is one about which a great deal of discussion has been raised, and that is the provision as to ratification. It is said here:

> If the same be ratified by a majority of the electors voting thereon and by an affirmative vote equal to at least 40 per cent of all the votes cast at said election in the State and in at least one-half of the counties thereof.

Now, that is the point to which the most serious objection has been raised. I want to say, Mr. Chairman, in discussing that feature, that it seems to me that absolutely the best authority and the best precedent for that proposition is the method of amending the Constitution of the United States. That is well understood. Amendments must be ratified by three-fourths of the State legislatures or by convention in three-fourths of the States, as one method or the other shall be provided by Congress. In other words, it was believed to be a necessary and proper limitation in the making of amendments to the Federal Constitution that not mere numbers shall count, but that the people living in certain, definite, distinct political units, in separate and distinct jurisdictions, should be recognized as such, and therefore the requirement that amendments should be ratified by three-fourths of the States.

Mr. MARTIN of Colorado. I wish to ask whether the gentleman has found in the constitution of any other State in the Union a provision requiring a certain percentage of the votes cast in at least half of the counties in the State as necessary to ratify amendments?

Mr. WILLIS. Will the gentleman repeat his question? I was interrupted.

Mr. MARTIN of Colorado. I will ask the gentleman if he found in the constitution of any other State in the Union a requirement for a certain percentage of the votes in at least one-half of the counties in the State for the ratification of the constitution?

Mr. WILLIS. I will say to the gentleman frankly that I did not.

Mr. MARTIN of Colorado. The gentleman learned in the committee that New Mexico is to be equally divided between Americans and Mexicans; that the Americans control some counties and the Mexicans control some counties; and does not the gentleman know that that identical proposition was put into that constitution to hog-tie it, because of the almost absolute certainty of the differences that would arise between the American and Mexican people of that Territory over amendments to the constitution?

Mr. WILLIS. I do not know that, and I do not think the gentleman knows that. I do know this, however, that that provision was put into the constitution of New Mexico, in part, to do what he says, namely, to guarantee that there should never be a time in the history of that State when the incoming population should be able absolutely to control and to destroy the rights and privileges of the original people of New Mexico. That was one idea. As he correctly states, there are some counties——

Mr. POWERS rose.

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

Mr. WILLIS. I do.

Mr. POWERS. I just wanted to make this suggestion, that the majority of the Territorial Committee, in the joint resolution which they have proposed, embodies the same objection which the gentleman from Colorado raises to the argument made by the gentleman from Ohio. In other words, they say in this resolution:

> *Provided*, That no amendment shall apply to or affect the provisions of sections 1 and 3 of article 7 hereof, on elective franchise, and sections 8 and 10 of article 12 hereof, on education, unless it be proposed by vote——

Mr. MARTIN of Colorado. Now, the gentleman has proceeded far enough, so that I can answer——

Mr. POWERS (continuing)—

> unless it be proposed by vote of three-fourths of the members elected to each house and be ratified by a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county in the State shall vote for such amendment.

Mr. WILLIS. Mr. Chairman, I will state to the gentleman from Kentucky that I will respond to that briefly, and if the gentleman from Colorado [Mr. MARTIN] wishes to take it up later he can do so in his own time. I will state in fairness to the committee, with the majority of which I disagree absolutely on this proposition, that they made a fair effort, in the clause which the gentleman has just read, to carry out the provision of the enabling act and the constitution, so far as it exists here in regard to education and the elective franchise.

Mr. MARTIN of Colorado. And a majority of the people of New Mexico, regardless of politics, want that provision of the constitution to remain just as it is.

Mr. WILLIS. The gentleman can explain that in his own time.

It is provided here that there must be at least 40 per cent of the total votes, and a majority of those voting thereon. Now, I wonder if there is anything unfair about that? Is it the idea that constitutions can be so easily amended that a few people can run together somewhere on a rainy election day and change the fundamental law of the State? Is that the idea? I am informed by a credible authority, namely, Stimson on Con-

stitutions, that there is a case in one great State of this Union—and it is a State, by the way, which allows the amendments to be ratified by a majority of those voting thereon—in one great State of this Union less than one-fifth of the qualified electors absolutely changed the fundamental law of the State. Half of the people did not go to the election.

Gentlemen, I say to you that that is not a safe provision; it is not a wise provision to allow a small minority to change the fundamental law.

Now, then, this is an attempt—I think an honest attempt—to meet that difficulty; and, as the gentleman from Colorado suggested, the 40 per cent clause is intended to protect absolutely the different nationalties and different classes of people who live in this great Territory of New Mexico.

Now, then, the provision as to the number of amendments I have already discussed. There are some seven States that have limitations as to the number of amendments. That is all I care to say, I think, on the subject of amendments, except to summarize it in this way: Taking it both ways, taking the method of proposing amendments and the method of ratifying amendments, consider them both together, and you will find that the people of New Mexico have provided a fair and reasonable and honest method of amending their constitution. And I want to say to you that, judging from the character of men who have come before this committee, both in favor of the constitution and against it, if experience shows that there is anything in this constitution that ought not to be there, there is enough virility and enough intellectual power and enough political independence in the Territory of New Mexico to amend its constitution whenever it ought to be amended under the present provisions pertaining to amendments. [Applause on the Republican side.]

Now, it is said——

Mr. McGUIRE of Oklahoma. Mr. Chairman, will the gentleman permit a question?

Mr. WILLIS. Yes. I yield to the gentleman from Oklahoma.

Mr. McGUIRE of Oklahoma. The President of the United States and other parties who, it is said, have criticized parts of the Arizona constitution or the proposed constitution, have been severely criticized in turn by persons here on the floor after it had received an overwhelming majority of the votes of that Territory. I would like to know if the gentleman has made any inquiry as to what the majority was, as expressed by the people in New Mexico, for the proposed New Mexico constitution?

Mr. WILLIS. I will say to the gentleman from Oklahoma that I have been over that before.

Mr. McGUIRE of Oklahoma. I beg the gentleman's pardon, I was not in at the time.

Mr. WILLIS. As I recall the figures, in a vote of 45,000 there was 18,000 majority for it.

Mr. HUMPHREYS of Mississippi. And how much in Arizona?

Mr. WILLIS. I told the gentleman before that I had not investigated that. When the gentleman from Mississippi comes to make his speech he can put that in, and I have no doubt he will make a good speech, although it will be faulty in logic.

Mr. HUMPHREYS of Mississippi. The gentleman does not object to my putting it in here?

Mr. WILLIS. The gentleman can put it in when he makes his speech, but not while I am making my speech.

Mr. FLOOD of Virginia. Will the gentleman yield to me?

Mr. WILLIS. Certainly.

Mr. FLOOD of Virginia. The gentleman stated that there were only two States in the Union in which a majority of the general assembly could submit an amendment and that amendment be voted on by the people. I stated to the gentleman that I thought he was mistaken, that he was reading from antiquated books, and as soon as I could get up-to-date books I would show that he was mistaken. Now I have here the constitution of the State of Oklahoma, and it reads this way:

Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals, and referred by the secretary of state to the people for their approval or rejection at the next regular general election—

Mr. WILLIS. Read on.

Mr. MANN. Read the balance of it.

Mr. FLOOD of Virginia. I will read the balance.

except when the legislature, by two-thirds vote of each house, shall order a special election for that purpose.

Mr. WILLIS. That is sufficient; I am satisfied; let that go in the RECORD.

Mr. FLOOD of Virginia. I will leave it to the committee to say whether the gentleman from Ohio is mistaken.

Mr. WILLIS. Well, I will leave it to the House. I am very much obliged to the distinguished chairman for substantiating what I said. I said, and have said repeatedly, that there are only two States where a majority of the legislature could propose an amendment and a majority vote thereon could ratify it. I have said that half a dozen times. Now, then, what the gentleman read proved that exactly. The last clause said that if a majority of all the electors voting at such election—not voting thereon—and the gentleman will have to get another book.

Mr. FLOOD of Virginia. That refers to a special election held for that purpose.

Mr. WILLIS. I am satisfied to let that go in the RECORD. The more authorities the gentleman brings in the better it is. Bring in some more books; it proves exactly what I said.

Mr. FLOOD of Virginia. If it is at a general election, it takes a majority of the people voting thereon.

Mr. WILLIS. But if the gentleman will permit me to suggest, the provision requires that a special election is to be called by a two-thirds vote.

Mr. FLOOD of Virginia. But the gentleman said there was no State in this Union except two at which a majority of the legislature could submit an amendment and a majority voting on it could adopt it. Here is a third. I will get more books and show the gentleman that he is wrong.

Mr. WILLIS. Mr. Chairman, I am perfectly willing to let it go in the RECORD, and I want to read this provision in my own time and let the country judge who is right in this matter. The constitution of Oklahoma, article 24, section 1, provides:

Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the secretary of state to the people for their approval or rejection at the next regular general election, except when the legislature by a two-thirds vote—

That carries out the proposition I laid down precisely, that a majority can not do it—

except when the legislature by a two-thirds vote of each house shall order a special election for that purpose.

Then it goes on to say that if a majority of all the electors vote at such election—not a majority voting thereon.

Mr. MARTIN of Colorado. Who else would be voting at a special election on a constitutional matter?

Mr. WILLIS. At a special election two-thirds of the legislature has acted. That proves what I said and disproves absolutely what the gentleman from Virginia said.

Mr. MARTIN of Colorado. I do not agree with the gentleman. The constitution of Arizona has simply provided for a special election on amendments.

Mr. WILLIS. I yield to a question, but not for a speech.

Mr. MARTIN of Colorado. I have to differ with the gentleman's construction of this language.

Mr. WILLIS. I can not help that. If the gentleman wants to differ with a fact——

Mr. MARTIN of Colorado. I am not differing about the facts.

The CHAIRMAN. The gentleman declines to yield.

Mr. WILLIS. The constitution says that a majority may submit, and a majority voting thereon may adopt, if at a general election, but if they want a special election, it takes two-thirds to submit.

Mr. FLOOD of Virginia. My friend is just mistaken. But we will thrash that out in my time.

Mr. WILLIS. Mr. Chairman, I have read this into the RECORD, and I should be glad when the gentleman makes his speech, and I know it will be an able and eloquent one, to have him cite the appropriate page of the RECORD and point out the matter in regard to which I am mistaken. I challenge him and the gentleman from Colorado now to do that, and on that occasion I will be here with the books. [Applause on the Republican side.]

Mr. MARTIN of Colorado. It looks as though we might thrash this matter out now.

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIS. I will make one more statement, and then I am going to leave this proposition.

Mr. MARTIN of Colorado. Oh, let us thrash it out now.

Mr. YOUNG of Michigan. It has been thrashed out.

Mr. WILLIS. It has been thrashed out. There are none so blind as those who will not see.

Mr. MARTIN of Colorado. Let me ask the gentleman a question.

Mr. WILLIS. Let me make one more statement and I will yield to the gentleman for a question. I stated distinctly that there are only two States where a majority of the legislature could propose an amendment——

Mr. WEDEMEYER. At one session.

Mr. WILLIS. At one session, and a majority of those voting thereon could ratify it, and I stated that so many times that I know the House is tired of it. The gentleman brings up Oklahoma as a supposed exception to that rule, and by what he himself read, and by what will appear in the RECORD, he states that a majority can propose, but it shall be ratified by a majority of those voting at that election.

Mr. FLOOD of Virginia. Mr. Chairman——

Mr. WILLIS. Oh, I am going to say that—just be calm. But I will allow the gentleman to say his after a time. I want to say mine now. [Laughter.] I decline to yield for the present. I said then that a majority could not propose an amendment. Now, then, in what the gentleman has read he himself has shown as clearly as the English language will permit of it that you can not have a special election except by a two-thirds vote of the legislature, and therefore a majority could not get an amendment so proposed that a majority voting thereon could ratify. Now I will yield to the gentleman.

Mr. FLOOD of Virginia. Now, Mr. Chairman, to make this matter clear, the gentleman has stated his position, and that position was that there was no State in the Union, excepting these two, a majority of the members of both houses of the legislature of which at one legislature could submit amendments and a majority of the people could adopt them.

Mr. MANN. That is not what he said.

Mr. FLOOD of Virginia. A majority at one session of the legislature.

Mr. MANN. That is not what he said.

Mr. FLOOD of Virginia. Yes; it was. The gentleman stated this, that there were only two States in the Union in which a majority of the legislature could at one session submit amendments to the people and have those amendments ratified by a majority of the people.

Mr. MANN. Well, that is not what the gentleman said.

Mr. FLOOD of Virginia. Voting on the amendment, a majority of the people voting on the amendment. Now, here is the constitution of Oklahoma——

Mr. HAMILTON of Michigan. Voting at that election.

Mr. FLOOD of Virginia. The constitution of Oklahoma, which provides that a majority of the members of both houses of the Oklahoma Legislature can submit an amendment at a general election, and at that general election it only takes a majority voting upon the amendment to adopt it.

Mr. MANN. No; the gentleman is mistaken about that——

Mr. HAMILTON of Michigan. Voting in that election.

Mr. FLOOD of Virginia. That is not what it says.

SEVERAL MEMBERS. Read your book.

Mr. FLOOD of Virginia. I have read it. It takes two-thirds of the legislature to submit amendments to a special election, and those amendments—those submitted at a special election—must be ratified by a majority of the electors voting at that election, but amendments submitted at general election are ratified by a majority; but if the legislature, by a majority vote of both houses, submits an amendment to the people of Oklahoma at a general election, a majority of the voters voting upon the amendment at their general election adopts the amendment, and that is in direct contradiction of the statement made by the gentleman from Ohio.

Mr. WILLIS. Mr. Chairman, I have given the gentleman time to make a statement, and now I am going to make one more statement about that and then leave it.

Mr. MANN. The gentleman does not need to do so; everybody else understands it.

Mr. WILLIS. Well, the gentleman himself will understand it when he reads this over himself and studies it a little bit.

Mr. FLOOD of Virginia. I will not see any such thing, because I have read it.

Mr. McGUIRE of Oklahoma. Will the gentleman yield for a question?

Mr. WILLIS. Yes; I will yield.

Mr. McGUIRE of Oklahoma. I desire to say to the gentleman we have been over that ground in Oklahoma. I do not want to say definitely right now, but my recollection is that a majority of the people voted for the proposed amendment who voted on it at the general election, but a majority of the votes cast in the State at that general election did not favor the proposed amendment, and it failed.

Mr. HAMILTON of Michigan. That is the distinction; that is the exact distinction.

Mr. McGUIRE of Oklahoma. Now, I am not quite certain I am right, but that is correct, so my colleague [Mr. CARTER] says.

Mr. HAMILTON of Michigan. The constitution says that.

APPORTIONMENT.

Mr. WILLIS. Mr. Chairman, I am told by the gentleman who has charge of the time on this side that I must hurry, and I think that is wise, and I will be much obliged if I shall be allowed to proceed very briefly now. There is another thing about which considerable controversy has arisen, and that is the method of apportionment. A great deal of discussion was had before the committee, and before we get through here you are going to hear a great deal about the method of apportionment. It will be claimed that it is absolutely and unqualifiedly unfair, and all that sort of thing. Now, I have not the time, nor has the House the inclination, I am sure, to go into that with a great deal of detail. I have taken the pains to take up these different districts which are outlined here in the constitution of New Mexico, at page 10 in this copy I have, and then the senatorial districts, and I have taken the vote for Delegates in Congress the last time an election was had, and I have gone over those districts very carefully, and I find—and I have the figures before me—that among those districts—24 in all—there are 11 that will be Democratic and there are 13 that will be Republican. Now, I submit as a fair proposition, gentlemen, it will be pretty difficult to make a much more equitable distribution than that. We are men here, all of us, who know somewhat about how those things go in politics, and there is no use of men on one side or the other arrogating to themselves any special credit or virtue about this. To be perfectly frank, this constitutional convention of New Mexico was Republican.

And I sincerely hope that every legislative body that shall meet in that State or Territory for a long while will continue to be Republican. [Applause on the Republican side.] And I want to say that, measuring these things from a party standpoint, I believe that this apportionment was unusually fair. As I say, I have the figures, but I shall not take time to quote them, but if anyone desires to see them, I will make out a table and put it in the RECORD. Thirteen of those districts will be Republican and 11 of them will be Democratic on the basis of the votes cast for Delegate in Congress at the last election. If the Members will turn to the report of the majority of the committee——

Mr. POWERS. I want to ask the gentleman if there is any Democratic congressional district in that State as now apportioned by the new constitution, or otherwise, which will contain twice as large a population as any Republican district, following the principle as laid down in Kentucky, where one Republican district contains more population than two Democratic districts?

Mr. WILLIS. I will say to the gentleman that not only is that not so, but the districts are almost exactly equal in population. There will not be in the State of New Mexico any such outrage as was shown by the gentleman from Kentucky here on the floor of this House a few days ago in the apportionment of districts and counties in his State, and when the gentleman from Kentucky offered an amendment to provide that there should not be more than 75,000 difference in the districts, gentlemen on that side——

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WILLIS] has expired.

Mr. LANGHAM. Mr. Chairman, I yield 15 minutes additional to the gentleman.

Mr. WILLIS. What I started to say, Mr. Chairman, was that under this constitution as it stands there can not be any such outrage as the gentleman called attention to when he offered the amendment to provide that these congressional districts should not have a difference of more than 75,000 in population, and gentlemen on that side voted the amendment down. And then he offered one at 50,000 and one at 20,000, and those were voted down by gentlemen that are the very personification of fairness and are objecting to this constitution as unfair. [Applause on the Republican side.]

Mr. RAKER rose.

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from California?

Mr. WILLIS. I yield.

Mr. RAKER. I understand you to say that you consider the constitution of New Mexico republican in form?

Mr. WILLIS. I had not said that, but that is a very eloquent thing to say. I will say it for the sake of argument; yes, sir.

Mr. RAKER. Then the constitution of Arizona, where it provides for the referendum, is republican in form?

Mr. WILLIS. Probably so. I have said to the gentleman just as clearly as I could that I was not here raising any objection to that. I will vote to admit Arizona with the exception of the recall of judges.

Mr. O'SHAUNESSY rose.

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Rhode Island?

Mr. WILLIS. I will, inasmuch as he is over on our side. [Laughter.]

Mr. O'SHAUNESSY. I wanted to ask the gentleman when he was elaborating his argument relative to the proportionate counties that would have to vote in favor of an amendment, that I understood him to say that that was proposed in order that old citizens might be protected against the new citizens?

Mr. WILLIS. Both ways, I think, my friend. You see, there are——

Mr. O'SHAUNESSY. I will ask you another question: What do you mean by protecting the old citizens against the new citizens?

Mr. WILLIS. That is a very fair question, and I think it is asked in perfect good faith. I am glad for the interruption. The proposition is just this, and I am glad that my attention has been called to that feature of it. The gentleman must understand that in this Territory of New Mexico there are two great classes of people. There are the old New Mexicans, who have lived there for two or three hundred years, perhaps not so long as that, but they have lived there for a century or so, but in certain counties there are people who have come in from other States, from the great State of Texas, for example, from the State of Colorado, and other States.

The gentleman can readily understand that there is somewhat of friction between those two classes. For instance, the main population there have a certain system of irrigation law; for example, a certain system as to the descent of property and other things of that kind quite different from that offered by the new population coming from other States. The point is to protect, as far as possible, those people, and I think that was put in the constitution in a perfectly fair way.

Now, Mr. Chairman, I call attention very briefly again to what is said here about these counties. It is stated in the report, on page 3, that the four counties of Colfax, San Miguel, Bernalillo, and Socorro have an aggregate population of 77,000, the idea being that being put there they will be able to control the legislature and prevent the submission of amendments.

Well, now, that can not possibly be. There is no party advantage in that. For example, the county of Colfax is Democratic by 52. The county of Bernalillo is Republican, I am glad to say. Socorro is a county concerning which a great deal of argument has been made. It is said that Socorro County has been yoked up with other counties in order that it may be able to control them. The majority in Socorro County is only 143. The fact is, without going into detail in this matter, that the apportionment provided for in this constitution is fair. It protects all sections and all interests and all classes, and was intended so to do.

Now I pass to another division of the subject. It is said that——

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

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

Mr. WILLIS. Certainly.

Mr. BOOHER. I just want to know on what vote the gentleman based his statement of the majorities.

Mr. WILLIS. The gentleman was not present when I mentioned this before, I am sure. I made my computations on the vote at the last election for Delegate.

Mr. BOOHER. Will the gentleman allow me to call his attention to the evidence before the committee on that?

Mr. WILLIS. I am familiar with that. I thought the fairest way to all the counties would be to take the last vote on national questions, when the division indicated by the vote was a division on party lines.

Mr. BOOHER. Let me call the attention of the gentleman to the fact that all the witnesses before the committee agreed that it was more of a personal contest than a political contest. And was it not agreed by all parties that the fair way would be to take the votes of each county on some county officer, where the standing of the candidates was about equal? I will ask the gentleman from Ohio whether everybody before the committee did not agree that the Territory was Republican by 5,000?

Mr. WILLIS. Yes; they said it was Republican, and I am extremely glad they did.

Now, I will state to the gentleman, in further reply to his question, that I took that method of computation because it seemed that there was absolutely no other way to get at it. The gentleman from Missouri and myself and other people in this House know nothing about the probate clerk or the county clerk. Nobody knows anything about that. When a man is voting for county officers the personal element enters more largely into the election than it does when he votes for Delegates to Congress. I took that vote because it was the only one obtainable. I think that is perfectly fair.

Mr. BOOHER. Does not the gentleman admit that it was agreed before the committee, when the Delegate was present from that Territory, that the majority, as figured out, was a majority of about 5,000 Republican?

Mr. WILLIS. I understand that general remarks to that effect were made. I took as my authority the Blue Book of the Territory of New Mexico. If the gentleman from Missouri has any other authority, or better authority, I would be glad to have him call it up.

Mr. BOOHER. The Delegate was elected by something like three or four hundred majority.

Mr. WILLIS. Three hundred and eighty-eight.

Mr. BOOHER. I want to be absolutely fair. Every witness before the committee, when we came to the discussion of that part of the proposition, said it would not be fair to take that vote as showing the political complexion of the Territory, because of the personal character of the contest. It was a personal contest and not a political one.

Mr. WILLIS. There is no way of getting at any better figures.

CONTROL OF CORPORATIONS.

But I want to say, Mr. Chairman, that another charge here is that this constitution was dictated by the corporations; that this is a tremendously corporation-ridden State, and all that sort of thing; and that the people must be protected against the unholy conspiracies of these corporations. Now, if that charge is true, it ought to be investigated, and investigated very carefully. But I want to call the attention of gentlemen to a few provisions of this constitution which were certainly not written in there by these corporations that were supposed to control. For example, I have before me section 12, on page 20, which provides—

> Lands held in large tracts shall not be assessed for taxation at any lower value per acre than lands of the same character or quality and similarly situated held in smaller tracts.

Did some corporation lawyer write that into the constitution? Then, take the provision in relation to the corporation commission. Three men are to be elected in the State, elected by a vote of the people, and these three men are to have charge of the organization of corporations, the regulation of railroad rates, and things of that sort.

It is provided—and I speak very hastily upon this point—it is provided that whenever a case is taken up by that corporation commission, whenever an order is issued to a railroad company as to a rate, if that order is not obeyed immediately, instead of the litigant having to go to tremendous trouble and expense to carry his case before the supreme court, it acts automatically. The case is transferred to the supreme court. Now, I am frank to say, so far as my observation has gone, there is not any such provision as that in any constitution of any other State in this Union. This is an attempt, and I believe an attempt in good faith, to make it impossible to have the kind of litigation that this country has witnessed so much in the past 10 years. There comes in some administrative body, a corporation commission, an Interstate Commerce Commission, or something of that kind, and issues an order. Then the difficulty has been that a restraining order will issue from a court and the whole thing be tied up. What is the object of this provision? To make it so far as possible self-executing, so that the case is carried immediately to the supreme court of the State; and this corporation commission is charged with the duty of protecting the rights and the interests of the people. It is charged with the duty of carrying cases, if necessary, before the Commerce Court. My personal opinion is that it is the best and the wisest provision that has ever been made in any State of this Union to meet that very glaring evil that has existed for some time.

Mr. BOOHER. Will the gentleman yield to me?

Mr. WILLIS. I will yield to the gentleman from Missouri.

Mr. BOOHER. In that corporation article there is no provision for the order of the supreme court being carried into effect, is there?

Mr. WILLIS. I do not know whether that is distinctly provided or not.

Mr. BOOHER. Absolutely not. A writ of error lies to the Circuit Court of Appeals of the United States, and the appeal itself acts as a supersedeas, because there is no provision of the constitution putting that provision in force. Hence they do not need a restraining order. They have got it in the constitution itself.

Mr. WILLIS. I do not agree with the gentleman.

Mr. BOOHER. The appeal simply does that, does it not?

Mr. WILLIS. No; I do not think it does.

Mr. BOOHER. Well, but there is no provision, if you will read it carefully, for the order to become effective.

Mr. WILLIS. I will say to the gentleman that if there is no provision in that respect, I do not assume that this grant of power here to this corporation commission is exclusive. I understand the legislature has the power, if there is any defect, to remedy that defect.

Mr. BOOHER. Do you not remember that Judge Fall, the author of that provision, stated to the committee time and again that they had deprived the legislature of all power to change it?

Mr. WILLIS. I do not remember any such statement as that; and I want to say that if Judge Fall or anybody else said that, the language in this constitution is not susceptible of any such interpretation, and that power is not exclusive.

Mr. MARTIN of Colorado. I want to say to the gentleman that there is nothing in the New Mexico constitution prohibiting the legislature from legislating, but the powers of the corporation commission are so fully and specifically defined that the legislature has nothing left to legislate on. The constitution itself legislates. That is the trouble with that provision in the constitution of New Mexico, and I want to corroborate what the gentleman from Missouri [Mr. BOOHER] has said, that it was stated to this committee that it was the purpose of that article in the New Mexico constitution, absolutely to deprive the legislature of power to legislate with reference to such corporations in that State.

Mr. WILLIS. Mr. Chairman, I want to proceed here, because I have occupied too much time already. Another point to which attention is called in the committee report is relative to the election laws of New Mexico. It is claimed that New Mexico does not have any good election laws. I have taken pains to study the New Mexico election laws. They are not in every respect as I should like them. I do not think they are perfect. I do not think the election laws of any State are perfect, but I want to say that New Mexico has a fairly good election law. You will find it in the Laws of New Mexico of 1909 at page 285. Briefly, here are some of the things you will find provided there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGHAM. I yield 15 minutes to the gentleman.

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

Mr. WILLIS. The election laws of New Mexico provide for the secrecy of the ballot, for minority representation on the election board, for public notice, by publication, not less than 10 days before the election, giving full notice of the object of the election; prohibiting anyone but the person voting, the election officers, and a challenger from each political party coming within 30 feet of the polls on election day.

Providing for a fine or jail sentence, for misleading, directly or indirectly, or bribing, or in any manner interfering with any voter. Providing that such ballots shall be folded so as not to be seen, and so on. I will not weary you with them.

Mr. DYER. Will the gentleman yield?

Mr. WILLIS. I will yield to the gentleman from Missouri.

Mr. DYER. Is it not a fact that these election laws proposed for New Merico are similar to those now in force in the State of Missouri?

Mr. WILLIS. If that is true, I am much obliged to the gentleman for the suggestion.

Mr. DYER. I understand from the gentleman from Missouri [Mr. BOOHER] that that is a fact, and that New Mexico is made up in great part of former Missourians, for which we are all thankful, and thankful that they did not go from Chicago to New Mexico. [Laughter.]

Mr. WILLIS. Now, I want to say to my good old friend from Missouri——

Mr. BOOHER. I am not any older than you are. [Laughter.]

Mr. WILLIS. Well, then I will say to my good young friend from Missouri that that is one of the highest recommendations the people of New Mexico could possibly have, that a large part of them came away from Missouri. [Laughter.]

Mr. BOOHER. I want to ask my friend if he will please enlighten the House why it was that when the enabling act was passed, and when these excellent election laws were in force, the enabling act did not permit the people to elect delegates under that law?

Mr. WILLIS. I have not gone into that matter, and I do not know why. It was not my fault that I was not here; I tried hard to get here. However, I am not going into that.

Mr. BOOHER. The enabling act provided that the election should be held under a law that had been repealed by the Territorial Legislature of New Mexico, a law that provided that all of the election officers might be taken from one party, and one of the witnesses before the Committee on Territories said that they were absolutely all taken from one party or from one gang of politicians.

Mr. WILLIS. I want to say to my young friend from Missouri that if he will turn to the laws of the Territory of New Mexico in 1909, he will find exactly the provision that I have been quoting.

Mr. BOOHER. Yes; but that was passed before the enabling act was passed by Congress, and you did not hold the election under that law.

Mr. WILLIS. The point I am making is that it is absurd to provide election laws that are not half so good——

Mr. BOOHER. The gentleman from Ohio mistakes my object. I say that they have an excellent election law, but why was it, if the gentleman knows, that they did not hold the election of delegates and the adoption of the constitution under this excellent law?

Mr. WILLIS. I do not know. I was not in Congress then. The gentleman undoubtedly was and voted for the bill. Let him explain it when he comes to make his speech.

Mr. BOOHER. I do not know.

Mr. CANNON. If the gentleman will allow me——

Mr. WILLIS. Certainly.

Mr. CANNON. The gentleman from Missouri [Mr. BOOHER] was in the last Congress when a joint resolution passed approving the New Mexico constitution by a unanimous vote.

Mr. BOOHER. I thank the gentleman from Illinois. I voted for it then and I am going to vote for it now; but I want to say to the gentleman from Illinois that I propose to vote for an amendment that will enable the people of the State of New Mexico to amend their constitution. [Applause on the Democratic side.]

Mr. DYER. Will the gentleman from Ohio yield?

Mr. WILLIS. Yes.

Mr. DYER. The gentleman, in answer to my question, says that the people of New Mexico who came from Missouri were to be congratulated that they left the State.

Mr. WILLIS. Oh, I did not mean it in an offensive way; I meant it as a compliment.

Mr. DYER. The gentleman spoke of commending certain counties in New Mexico for being Republican. I want to say to him that Missouri is a Republican State and has been for 12 years, and that we have a Republican governor, which is a great deal better than the gentleman can say of his own State. [Laughter.]

ELECTION LAWS.

Mr. WILLIS. Now, Mr. Chairman, I have enjoyed this colloquy highly, but I am going to finish. I want to call attention to the election law that a majority of the committee, in its infinite wisdom, has prepared. Look at it face to face. It is said that the election law of New Mexico is not sufficient, and so the committee makes one. Now, look at it, on page 8 of this House joint resolution, and I just want to show how it is going to work out. Beginning on line 1, page 8, this is provided by the committee, and I do not say this at all offensively, but I think the committee has made a tremendous mistake:

Said separate ballots shall be delivered only to the election officers authorized by law to receive and have the custody of the ballot boxes for use at said election and shall be delivered by them only to the individual voter at his request.

Do you not see this thing is loaded? I do not mean that offensively or corruptly, but I mean to say that it is unfair. Men are to be given an opportunity to vote on this thing only when, as they go into the booths at the time of the general election, they shall make a special personal request that they have one of these ballots. Now, then, I appeal to the sense of the membership of this House. You all know how men go into the voting places. You know how they vote. How many men will go in there and make that request? If there should happen to be election judges who are corrupt and who want this thing to go in a certain way, do you not see how easily they could work that? They could suggest to a man, "Do you not want to vote on the constitutional amendments?" and to some other man they thought was not going to vote right they would hand out another ballot and let it go at that. But look at this further—

And shall be delivered by them only to the individual voter at his request at the time he offers to vote at the said general election.

Now look at this further—

And shall have the initials of two election officers of opposite political parties written by them upon the back thereof.

Why, gentlemen, if you wanted to make a plan—and I know the committee did not want to do any such thing—for they are moved by as high a purpose in this as I am or any other man—if they wanted to make a plan whereby you would

allow an election officer to put his initials on the ballot, do not gentlemen recognize that there you have the best possible way open to injustice and corruption in the election? This does not say how the initials shall be put on. If the officer wants to know how a man votes, all he has to do is to put his initials on in a certain way—with a little period here or a comma there, and he could have that understanding with himself, and there would be opened a way to perpetrate the grossest fraud under this provision.

Mr. FLOOD of Virginia. Mr. Chairman, I would like to ask the gentleman if that provision which he has just been criticizing was not incorporated in this resolution upon the motion of the gentleman from Kansas [Mr. YOUNG], a Republican member of the committee, and voted for solidly by the committee, the gentleman himself included?

Mr. MANN. Mr. Chairman, the chairman of a committee ought to know better than to make such a statement, in violation of the rules of the House.

Mr. FLOOD of Virginia. The chairman does know that that is a violation of the rules of the House, but it has been going on all through this debate, and the gentleman from Illinois has not objected until now.

Mr. MANN. The gentleman misunderstands the point. It is not the interruption, but it is the reference to divulging the action of the committee.

Mr. FLOOD of Virginia. I do not misunderstand the point. All day long allusion has been made to what has taken place in the committee, and the gentleman from Illinois does not object to a statement of what went on there until now, when his friend is in a hole.

Mr. MANN. Oh, Mr. Chairman, I decline to enter into a personal controversy that is so ridiculous as that suggested by the gentleman from Virginia.

Mr. FLOOD of Virginia. And I do not want to enter into a personal controversy with a gentleman who is so insolent as to use language of that character.

Mr. MANN. Mr. Chairman, I insist on the point of order. The gentleman from Virginia, and he ought to know it, referred to the transactions of the committee in violation of the rule.

The CHAIRMAN. The Chair understands that to be the rule.

Mr. MARTIN of Colorado. Mr. Chairman, I do not think the gentleman from Ohio has any desire to misrepresent the purpose of the committee in framing up this special ballot and providing for its initialing.

Mr. WILLIS. Mr. Chairman, let me suggest to the gentleman that I desire to finish, and then the gentleman can get some time in his own right.

The CHAIRMAN. The gentleman declines to yield.

THE PEOPLE OF NEW MEXICO.

Mr. WILLIS. I do not mean that in any discourteous sense, but I have gone on here long enough. I want to say, Mr. Chairman, that it seems to me, in view of the things that I have discussed here, that this action ought to be had—that the Territory of New Mexico ought to be admitted as a State, and ought to be admitted now without any further amendment or conditions.

I warn gentlemen that if you are going to tie this thing up with amendments you will do again what we have been doing for 50 or 60 years, and the result will be these people will be kept out of the Union. I want New Mexico, with her splendid people, her magnificent resources, to come into the Union and to come in now.

I tell you the people of that Territory have a magnificent history. Do not think of them as Mexicans, for they are not. They never were Mexicans. They were ruled for a hundred years directly from Spain, with no connection with Mexico, and then, when the Mexican Republic was established, there was only nominal control over the people of this Territory; and remember that in 1846—at any rate, at the time of the Mexican War—when Gen. Kearny went down into that country he carried a sword in one hand, he carried his commission as governor in the other, and in his mouth a promise to the people of that Territory that they should come into this great American Union. The people of New Mexico are part of our national life. In the great Civil War, when the men of the North and the men of the South were struggling and fighting as men never struggled and fought before, New Mexico contributed of the best of her blood to both sides of that conflict——

Mr. McGUIRE of Oklahoma. And the Spanish-American War.

Mr. WILLIS. And in the Spanish-American War, as my friend from Oklahoma suggests, there were no braver men who shouldered their muskets and marched away to that war in 1898 than the boys who came from New Mexico.

In the great Civil War, I want men to remember, in the great army that wore the gray and which fought so magnificently, an army that was exemplified by the splendid 18,000 who went charging up the hillside yonder at Gettysburg, there were men from New Mexico; and in the lines of blue that met and repulsed the charge, not only at Gettysburg, but on many other battle fields, there were men from New Mexico. They are part of our national life, and they ought to be a part of this great Nation. They ought to be part of it now. I say nothing unkind of Arizona. I believe the people of Arizona, while they have a constitution that may not be entirely satisfactory to you or to me, ought to be in the American Union; but there is one thing that to me seems to be so subversive of the American principle of the independence of the judiciary that I should not be willing to admit that State with that provision in its constitution. This minority report provides that the people of the Territory of Arizona shall vote on the question of the recall of judges and shall not come in until that is stricken out of the constitution, and I say that knowing that the day after, if they want to do so, as a State of this American Union, they have a right to put that clause back into their constitution.

I am in favor, Mr. Chairman, of bringing in those two States, I am in favor of bringing them in now. I am in favor of putting two more stars yonder in that flag, and it is a great flag.

> Your flag and my flag, O how much it holds;
> Your land and my land, safe beneath its folds;
> Your heart and my heart beats quicker at the sight,
> Sun-kissed and wind-tossed, the red, the blue, and white.
> The one flag, the great flag, the flag for me and you;
> Glorified, all else beside, the red, the white, and blue.

Put two more stars in that flag by admitting New Mexico and Arizona into this splendid galaxy of Commonwealths. [Loud applause.]

Mr. LANGHAM. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON of Minnesota. Mr. Chairman, I would not take the time of the House to discuss this bill were it not for the fact that the principles involved are fundamental, and that the passage or defeat of the bill involves the preservation or denial of natural rights which are inherent in the citizen and form a large part of the very foundation and structure of free government.

At the very outset, let me say that any discussion of the provisions of either the constitution of New Mexico or Arizona is beside the question, for while it must be admitted that Congress of the United States has the power to admit these Territories to the Union or to refuse to admit them, it is not necessary that Congress should give any reason for its refusal to admit them, should it so determine.

I believe that both should be admitted to the Union if the conditions, environments, and civilization that exists in each reasonably conduces to the conclusion that the inhabitants thereof are capable of self-government.

No question has been raised or can be raised upon that proposition, and, conceding the capacity of the citizens of these Territories for self-government, the conclusion seems to me necessarily to follow that they should be permitted to adopt and establish constitutions in conformity with the judgment of the composite citizenship.

Such constitutions must necessarily conform to the conditions, institutions, and stage of civilization which are best known and appreciated by the citizens of the Territories themselves.

But certain objections to specific provisions in these constitutions have been made the basis of the opposition to the admission of one or the other of these Territories to the Union, and inasmuch as these issues have been raised and are the basis upon which the admission of the Territories is to be determined under the pending bill, it is proper to discuss these objections in their relation to government.

The opposition to the admission of Arizona as a State centers upon the proposition that the provisions of the proposed constitution of Arizona contained in articles 4 and 8 and providing for the initiative, referendum, and recall are in violation of section 4 of Article IV of the Constitution of the United States, which provides that "the United States shall guarantee to every State in this Union a republican form of government."

The provisions of articles 4 and 8 of the constitution of Arizona provide for three distinct reservations of power to the people of that State:

First, the right to initiate or propose legislation upon a petition of 10 per cent of the voters, and amendments to the constitution upon petition of 15 per cent of the voters.

Second, the right to require that laws passed by the legislature, except emergency measures, shall be referred to the peo-

ple for approval or rejection upon the petition of 5 per cent of the voters.

Third, the right to require that the question of the recall of an elective official shall be referred to the people upon the petition of 25 per cent of the legal voters.

The proposed provisions constitute the foundation upon which will be erected a system of popular government which is in all essential particulars identical with what is popularly known as the Oregon system. This system provides not only for the initiative, referendum, and recall, but provides as well for the issuance of books or pamphlets containing the text of all proposed laws and amendments to the constitution and the arguments for and against them. It also provides adequate legislation for the secret ballot and the registration of voters, and to prevent corrupt practices in the use of money or patronage in elections.

It must be conceded that if the provisions of the Arizona constitution just referred to are violative of the Constitution of the United States, that the same provisions contained in the fundamental law of Oregon, Arkansas, Washington, South Dakota, and other States are likewise in violation of the Constitution.

The supreme courts of Oregon and South Dakota have held that the provisions for the initiative and referendum do not violate section 4 of Article IV of the Constitution. In addition, the Congress of the United States has, in effect at least, recognized the validity of these provisions by admitting Oklahoma into the Union, the constitution of that State providing for the initiative and referendum at the time of its admission.

The proposition advanced by the opposition is in effect tantamount to the charge that the provisions for the initiative, referendum, and recall are incompatible with the institutions of a republican form of government.

I shall restrict what I have to say upon the subject to an effort to demonstrate that the provisions referred to are in complete harmony with a republican form of government as conformed to the history, development, and evolution of our industrial and political institutions, and that in addition they offer the only practical and reasonable safeguard of the inherent and natural right of the people to govern themselves and provide the only remedy against a system of domination of political parties by selfish interests, acting through a political boss, which has almost annihilated and abrogated the power of the people to make effective the composite will of the majority.

Since the very beginning of history there has existed in the politics of government a reactionary force and a progressive force. The reactionary force has always claimed and sought to assert the autocratic assumption and usurpation by the few of the power and authority of government. The progressive force has tended toward a lodgement of political power finding expression in the purpose and will of the people.

Progress has been the result of long-continued protest by the people against the usurpation by the few of governmental power. There never has been and never will be any progress which does not have its inception in the common people. History confirms the belief that progress is effected only where the specific reform has come from and received the warrant of the mandate of the people, and this regardless of what is claimed to be the leadership of the period.

The old feudal barons never left their castles on the summit of some high mountain peak to come down in the valleys and lift the people out of the bondage of slavery, but the people with the heart throb of liberty in their breasts climbed the mountain heights and bore down the feudal walls to wrest from the mailed hands of the oppressor the priceless boon of human freedom.

In the very beginning of society political power and leadership was established by the force of superior physical strength. Men submitted to the power of superior strength, but did not concede its authority.

But from time to time, as the chains of reaction bore backward too heavily, they revolted against the established forms of government and leadership and established a new system of varying degree less despotic than the old.

As society became more complicated and as the people became more enlightened, as they slowly progressed against the reactionary force and tendency of despotic leadership, it became necessary to find some more potent warrant for the assumption of governmental power than the mere authority of superior strength.

The reactionary force met this condition with a new theory. Basing its foundation upon alleged divine authority, it gave birth to the claim of divine right of kings and the right of succession and the theory that political power was a God-given gift.

It was to escape this dogmatic assumption and claim of authority that our forefathers turned their faces to the west and came across the seemingly boundless deep to the unknown continent of the west and established through the revolution a new nation, founded upon the principle that governments derive their just powers from the consent of the governed.

In connection with the doctrine of the consent of the governed, Prof. Lester Ward says:

> It is no longer the consent, but the positively known will of the governed from which government now derives its power.

I call your particular attention to this statement because it measures with extreme accuracy the difference between the conditions and environment of the period immediately following the Revolution and those of the present, and because it spans exactly the progress and evolution of our political and industrial institutions.

The doctrine of the consent of the governed is distinctly Hamiltonian. It conforms perfectly with that period in our national history when the balance between success and failure of the republican form of government was extremely delicate, when our people and our institutions were only by a generation removed from tyranny and despotism of monarchical and aristocratic forms of government. It is in complete harmony with the system of delegated government. It harmonizes perfectly with that period of our history when the sending of a letter was a matter of considerable concern and no small expense, when communication was by word of mouth or by letter of hand, when transportation was by stage coach, when a journey from Philadelphia to New York was a matter of days, when the whole population of the colonies scattered along the entire Atlantic coast was less than the present population of my native State of Minnesota. The art of printing was in its infancy and the newspaper a luxury. Education was the peculiar privilege of the well to do.

By the same analogy and logic it is entirely out of harmony with the spirit, conditions, and environment of the present day, when railroad, telegraph, and telephone have annihilated time and space, when news of to-day of Tokyo, Paris, London, New York, and San Francisco will be upon every man's breakfast table to-morrow, when education has reached a high stage of development, when 90 persons out of every 100 are able to read and write.

Interpreted in the light of the development of the boss system of government and the present stage of civilization and development of our industrial institutions, government by consent of the governed in the place of government by participation of the governed is bad government. It means, as it did 135 years ago, delegated government. It means remoteness of responsibility to the people and consequently lack of accountability to the composite citizen.

And above all, it means the lack of this participation in government by the people which is the only means of attaining the best that is possible of attainment in free government.

Under this system the politician or party boss, who is always alert in the service of his master, the special interest—the campaign contributor, and the special interest itself—dominates and directs political activity. It gives to the legislator an irrevocable power of attorney during his term to establish the rules and laws by which the composite citizen must regulate his conduct, and this without any right on the part of the citizen to approve or reject his action.

It permits the executive to exercise a corrupt and unfaithful judgment in the administration of the law, while it subjects the judiciary to the charge, justly or unjustly, of domination and influence of special and privileged classes.

It widens the breach between classes and tends toward a lack of sympathy and understanding between them by setting the rights of one class in opposition to the special privileges of the others.

On the other hand, popular government is the necessary sequence of the development and evolution of the citizen and of our institutions. It is a government by the people for the people, not by consent, but by participation.

Under this system of popular government the corrupt use of money is minimized, the political boss practically eliminated, and the accountability of the official to the individual or the special interests is removed. Organization is effected for the purpose of advocacy of principle and the advancement of the general welfare.

The claim that the proposed constitution of Arizona, enlarging popular government as it does by the initiative, referendum, and recall, is violative of the provision of the Federal Constitution which declares that "the United States shall guarantee to every State in this Union a republican form of government" has no real foundation in fact.

Not only is the popular government proposed in the Arizona constitution absolutely in harmony with the spirit of a "republican form of government," but the provisions in the American Constitution which provide that the General Government shall guarantee to the States a republican form of government was not intended as a limitation upon the power of the people to develop along lines of free government, but was intended to insure against a relapse from free government and as a guaranty against the development of systems and conditions designed to abridge the right of the people to govern themselves.

The motive which moved the framers of the Constitution of the United States and of the several colonies to depart from the custom of their fathers and to establish a written and permanent Constitution was not the fear that the people would become incapable of self-government, but, on the contrary, it was the fear that systems and devices would be evolved whereby the composite will of the people would be thwarted and the very machinery provided to make certain the ascertainment of the will of the majority should be so perverted as to establish as the law the will of the few in the place of the purpose of the many.

The very language of the constitutional provisions of the original States established absolutely the purpose of the people to reserve to themselves the absolute right of government.

A proposed constitution of the Commonwealth of Massachusetts was rejected by its people because it failed to include the reservation of the right of self-government.

Subsequently, in 1780, a constitution was adopted by the Commonwealth of Massachusetts, ratified by the direct vote of the people at town meetings, which provided:

> The people of the Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

A Virginia bill of rights of 1776 declared "that all power is vested in and consequently derived from the people."

Similar provisions are to be found in the bills of rights in practically every State in the Union.

The test of whether a government is republican in form or not is, in the final analysis, determined by the recognition or failure to recognize the people as the source of political power and provide adequate and appropriate machinery whereby they may direct and participate in the making of the rules and laws under which they are to live.

Mr. Madison describes a republican form of government as one—

> which derives all its powers, directly or indirectly, from the great body of the people, and is administered by persons holding their offices, during pleasure, for a limited period or during good behavior.

It will hardly be contended that the initiative, referendum, and recall will not provide adequate means for the ascertainment of the will of the majority or that it fails in recognition of the people as the source of political power.

That the fear of the forefathers that systems would be devised whereby the machinery of government for ascertaining and carrying out the composite will of the people would be subverted has proven to be a well-grounded fear is sufficiently demonstrated by the experience in this country, under the system of delegated government which prevails in most of our States.

Under the system of delegated government the official is responsible only to the party boss, and through him to the selfish interests which he serves. Under this system the special interests, campaign contributor, and party boss, under the guise of organization, dominate political action, while under the popular government the responsibility of the official is directly to the composite citizen. Organization under popular government is the coming together of those seeking the several welfare and the advocacy of principle.

This system secures equality of opportunity and of political rights. It establishes the composite citizen as the master, to whom alone the public servant is accountable.

Now, reduced to the last analysis the object and purpose of government, and this is of course axiomatic, is to accomplish the greatest good for the greatest number or, perhaps more accurately, to preserve the common welfare.

Hence the efficiency and excellence of a government must be determined first by the agencies, instrumentalities, and facilities which it offers for developing the interest of and affording the opportunity for direct participation by the people, as this alone insures general welfare as the goal of political and governmental activities.

Second, the adequacy and directness of the machinery provided for determining the will and purpose of the people, and, finally, the sufficiency of the guaranty that these desires thus ascertained will be carried into effect by those in authority.

To my mind no system has ever been devised which so nearly approximates the ideal of efficiency and excellence that I have just referred to as does the Oregon system, providing as it does a special method by which the laws proposed, and the arguments for and against them, are placed in the hands of the voters before the election in the shape of a book or pamphlet, thereby affording them the information upon which an intelligent opinion can be formed, and providing a simple and direct method by which the composite judgment of the voters upon measures and principles can be ascertained, at the same time providing a guaranty in the recall that the will and purpose thus ascertained will be carried into effect.

It is, of course, essential in the administration of these features that they be accompanied by adequate election and registration laws and by efficient legislation to prevent corrupt practices, as is accomplished under the Oregon system. This system does away with all graft and boss rule. It fixes a direct responsibility for the laws upon the people who are to live under them. It tends to discourage controversy because of its known results in establishing the laws by a clear and uncorrupted majority.

Now, it will be claimed, as it always has been by those who advocate boss rule, that the people are not competent to legislate directly.

If this is the fact, which I would not for one moment concede, it is not a very pleasing commentary upon the educational efficiency of more than 100 years of boss, delegate, and convention rule, but, on the contrary, proves that government by the boss or delegate system under guise of organization is a failure as an educator in public affairs.

It points conclusively to our inability to make progress in government under that system, and of the necessity of adopting some other and more direct system which will bring the people into closer relations with public affairs, and into a more intimate acquaintance and sympathy with the needs and requirements of the many.

The initiative and referendum conduces to this understanding and mutual forbearance by promoting a familiarity with measures, principles, and conditions by guaranteeing an equality of political opportunity and political rights and by providing a swift and sure remedy for official infidelity and malfeasance.

While many accept the initiative and referendum as a logical sequence of government by the people, some hesitate to accept the recall, especially as applied to the judiciary.

I yield to no one in my respect for individuals who compose the judiciary, but I contend that the recall is no more intended for the just and upright judge than the law against theft is intended for the just and honest citizen. There is just as much reason and the same foundation for the one law as for the other.

One argument advanced against the recall of the judiciary is the claim that it will destroy the fearlessness of judges. This is a tacit admission that independence is not necessary in other officials. The absurdity of this distinction is at once apparent. The judge no more has the several and material welfare of the people in his keeping than has the legislator. The reductio ad absurdum is reached when it is declared that the recall destroys the independence of an official and hence ought not to apply to the judicial office, leaving it to be implied that no harm can come from destroying the independence of other officials. In fact, it does not destroy the fearlessness or independence of any official. A judge who decides a case because he feels that he is not accountable to anyone is not fearless. The fearless judge is one who acts only from a regard to duty. The absolute and unaccountable power is the immemorial refuge of him who is afraid. A responsible power can only be properly wielded by him who knows no fear save the fear that he may fail in the performance of duty.

Again, as courts deal more and more with political questions, making and unmaking laws, their function becomes political. While they act through the medium of the court, the making or unmaking of law is nevertheless a legislative function, and should be just as much subject to final control by the people as though they legislated through the medium of the legislature.

Fundamentally there can be no place in free government for an absolute and irresponsible power. To transfer such a power from the throne to the bench makes a travesty of the sacrifice the effort for free government has cost. Free government in the last analysis admits of no power anywhere above the people, not responsible to the people.

I hold that the tenure of office of a public servant is a matter of but little importance viewed from the standpoint of the

inability of the Government to do without his services. I hold that no man's tenure of office as an individual is necessary to the life of the Republic, but viewed from the standpoint of the inability of the people to remove that public servant, if his service be unfaithful, by some direct and efficient method, it becomes of the highest importance.

I believe that the lack of a reasonable and efficient method of machinery for removing the corrupt or inefficient public official, presents a much more serious danger than is presented by the possibility that the people might, in a moment of passion and unreason, unjustly recall the officer.

There is every reason why we should remove the judiciary from any possible domination of or responsibility to the special interest. There is no reason why the judiciary should not be responsive to the progress and evolution of the composite citizen.

I desire here to say just a word for the benefit of those who pretend to find in these measures the vain visionings and insane workings of diseased and disordered minds, who profess to believe that their adoption by the States of the Union will lead at once to the ruin of our republican institutions and ultimate political chaos.

These measures are not novelties. The initiative and referendum were adopted in Switzerland in 1874, after a long conflict covering a period of 60 years between reactionary forces contending for a centralized government and the people contending for the power of self-government. These measures have been in use in Switzerland for more than 35 years. To-day the Government of Switzerland is acknowledged to be the least corrupt and its people the most tranquil in the world.

Eight States have adopted the initiative and referendum; more than 20 are committed to their adoption. More than 100 cities in the United States have adopted the recall in connection with the commission form of government.

I commend the following statement of Numa Droz, an eminent conservative Swiss writer, to those who pretend to fear that the initiative and referendum will result in anarchy:

> It may be affirmed that on the whole the Swiss people have used their new powers with moderation. The optional referendum has often hindered, but it has never destroyed; it is not within its scope to do so. It is an instrument of conservation, not of demolition. It acts as a restraint on the authorities; it obliges them to govern with caution; but it does not make government impossible, for it is not in its power to disorganize the State.

The further development of popular government is but the logical sequence of the operation of the forces of free government itself.

Our fathers could not agree to the people voting directly for President, and made provision in the Constitution for an indirect method. This method provided that the people should elect presidential electors, who in turn should elect a President. This violated a natural law—the law that free government is destined to be popular government. The people soon began to hold conventions and nominate a candidate for President and to vote for him, until to-day, while the elector is retained, he simply executes the will of the voters, and so automatic has this become that the voter often does not even know who the elector is. In fact, in the State which I have the honor, in part, to represent we have gone so far as to provide by law that a mark placed after the name of the candidate for President carries with it the vote for all the electors.

Obedient to the same law of development, the day is not far distant when the people will provide means through a presidential preference law for direct expression of their choice for party candidates, and thus themselves practically nominate their candidates for President. In fact, some States already have this law in force. Its general adoption is inevitable, for it is repugnant to the spirit of free government that a man should, through the power of patronage or appointment, dictate who his successor should be or force his own renomination.

The strength of the demand for popular election of United States Senators is but another illustration of the trend to popular government.

The initiative, referendum, and recall are but sequential steps in the evolution of free government, for a government of the people must of necessity be a government by the people.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 40 minutes to the gentleman from North Carolina [Mr. STEDMAN].

Mr. STEDMAN. Mr. Chairman, I can make no statement of facts to which attention has not already been directed during the discussion of this resolution. The law with reference thereto is plain, direct, and unchallenged. My strong conviction that both the Territories of New Mexico and Arizona are entitled to be admitted to the Union as States upon the terms proposed in the report of the majority of the committee, and not the necessity for any such advocacy, alone prompts me to address the House.

It has never been questioned that the territory embraced within the limits of New Mexico and Arizona, and, in fact, all territory acquired by the United States, could be admitted into the Union only upon the condition of compliance with the provisions of the Constitution of the United States and the ordinance of 1787. And it is equally true that the people of any State have a right to change their fundamental laws to suit their conditions and to make them conform to what they deem best for their interests, prosperity, and happiness, provided a republican form of government is maintained. The majority of the Committee on Territories has reported favorably as to the admission of both New Mexico and Arizona, with a proviso as to Arizona that article 8, which embraces the feature including the recall of judges, shall be resubmitted to a vote of its people; and, as to New Mexico, that article 19, which, in the opinion of the committee and in my opinion, makes it exceedingly difficult to amend its constitution, and almost impossible to do so, shall be resubmitted to a vote of the people of New Mexico.

I speak by authority of no one, but after having heard the report of the majority of the committee read and having listened to the discussion which has taken place in reference to this resolution, I venture the opinion that the recommendation that article 8 be resubmitted to the people of Arizona is because of the fact that the people of that Territory are anxious to avoid any further delay as to their entrance into the Union and because of the well-known views of President Taft as to the recall of judges and doubt as to what his attitude may be.

No further reason need be sought for the resubmission of article 19 to the people of New Mexico than one founded upon the dictates of humanity. It gives those people the opportunity to change in fundamental respects a constitution which, though republican in form, has the brand of the trusts stamped upon the instrument as distinctly as has the Texas pony that of its owner upon its body.

The minority of the committee recommend without qualification and unconditionally the admission of New Mexico, and they recommend the admission of Arizona upon the condition that article 8 be resubmitted to a vote of the people, and that it shall be so construed as to exclude judges from the recall feature, and that the people of Arizona shall consent to that construction by their vote. The resubmission to a vote of article 19 is an event which should be hailed with delight by the people of New Mexico. It is sincerely to be hoped that they will avail themselves of the opportunity to be rid of a feature in their constitution which must necessarily in the future hinder their advancement and retard their prosperity and happiness. The student of the histories of republics will search in vain for an article in the constitution of any one of them more calculated to excite suspicion and distrust. In fact, he will find nothing like it. It can serve no good purpose. It should be destroyed by the vote of the people of New Mexico, who might with propriety preserve a copy of it in a museum to be shown to their youth in the years to come as something to be shunned by a people living under a republican form of Government who wish to enjoy its privileges and blessings.

Neither the Constitution of the United States nor any act of Congress made it necessary that legislation be enacted which should authorize the people of the two Territories to apply for admission to the Union. Many States have been admitted without enabling acts. The method of procedure was left by Congress to them and the requisite initial steps adopted and perfected by them. By authority given by section 3, Article IV, of the Constitution, the question of admission of a State to the Union is left to the discretion of Congress, and by virtue of that power the act to enable the Territories of Arizona and New Mexico to adopt constitutions, to frame State governments, and to apply for admission into the Union was passed by the Sixty-first Congress and approved by President Taft on the 20th of June, 1910. The constitution of New Mexico was adopted on the 21st of January, 1911.

The constitution of Arizona was adopted on the 7th day of February, 1911. Both are republican in form. The enabling act made as a prerequisite to admission as States that the constitutions of these Territories should be republican in form and that they should make no distinction on account of race or color as to civil or political rights, and that they should not be repugnant to the Constitution of the United States, nor to the principles of the Declaration of Independence. The requirements of and limitations upon each Territory are the same. Although no legislation was necessary to enable these Territories to apply for admission, inasmuch as Congress has seen fit to pass the enabling act of June 20, 1910, beyond all doubt that act will be fully considered in every respect. The constitution of New Mexico is republican in form, but it has features which do not accord with the sentiments of those who wish to enjoy

the blessings of free men and also who realize the supreme importance of education to a free people. I shall notice these objectionable features before I conclude.

It is urged against the admission of Arizona into the Union, not that its territory is insufficient, not that its population is not large enough, not that its people are not loyal and true, not that it has not fulfilled every requirement of the enabling act, not for any reason, only save and except that it violates the Constitution of the United States, Article IV, section 4, in that there is embraced in its constitution the system of the initiative, the referendum, and the recall.

This objection can be sustained neither by reason nor authority. Article IV, section 4, of the Constitution of the United States provides that "The United States shall guarantee to every State in this Union a republican form of government."

It was repeatedly asked here when this discussion first commenced, What is a legal definition of a republican form of government? There is no definition given of a republican form of government in our National Constitution, but it is defined elsewhere by authority so high and in terms so plain and simple that no one can misunderstand. The Supreme Court of the United States, in an opinion rendered in Second Dallas, page 419, which you will find reported there, thus defines it:

One so constructed in principle that the supreme power resides in the body of the people.

The Supreme Court of the State of Oregon says:

A republican form of government is administered by representatives chosen or appointed by the people or by their authority.

In another opinion rendered by the same court will be found these words:

Under a republican form of government representatives are responsible to the will of the people, and the closer the power to enact laws and control officials lies with the people the more certain it is republican in form and principle.

With these definitions as a guide, a close and impartial scrutiny of the constitution of Arizona will show not only that it violates neither Article IV, section 4, of the Constitution of the United States nor any provision of the Constitution of the United States in any respect. And I go further and say that a system of government embodying the features of the initiative and referendum is vitalized in its very life, and that the principle for which that system stands—that all power is vested in and derived from the people—is made more enduring and secure.

The features of the constitution of Arizona which are objectionable to some will be found in articles 4 and 8, which, by permission, will be printed with my remarks.

ARTICLE 4.—LEGISLATIVE DEPARTMENT.

1. INITIATIVE AND REFERENDUM.

SEC. 1. (1) The legislative authority of the State shall be vested in a legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature, and they also reserve, for use at their own option, the power to approve or reject at the polls any act or item, section, or part of any act of the legislature.

(2) The first of these reserved powers is the initiative. Under this power 10 per cent of the qualified electors shall have the right to propose any measure, and 15 per cent shall have the right to propose any amendment to the constitution.

(3) The second of these reserved powers is the referendum. Under this power the legislature, or 5 per cent of the qualified electors, may order the submission to the people at the polls of any measure or item, section, or part of any measure enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State government and State institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for 90 days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of State and of State institutions: *Provided*, That no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.

(4) All petitions submitted under the power of the initiative shall be known as initiative petitions, and shall be filed with the secretary of state not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the secretary of state not more than 90 days after the final adjournment of the session of the legislature which shall have passed the measure to which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

(5) Any measure of amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.

(6) The veto power of the governor shall not extend to initiative or referendum measures approved by a majority of the qualified electors.

(7) The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a State or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said power within the restrictions of general laws. Under the power of the initiative 15 per cent of the qualified electors may propose measures on such local, city, town, or county matters, and 10 per cent of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on State measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the State (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his post-office address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant, and that in the belief of the affiant each signer was a qualified elector of the State, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot of the next regular general election the title and number of said measure, together with the words "Yes" and "No" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) The text of all measures to be submitted shall be published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is a conflict.

(13) It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within 30 days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) This section shall not be construed to deprive the legislature of the right to enact any measure.

(15) This section of the constitution shall be, in all respects, self-executing.

SEC. 2. The legislature shall provide a penalty for any willful violation of any of the provisions of the preceding section.

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ARTICLE 8.—REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

SECTION 1. Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

SEC. 2. Every recall petition must contain a general statement in not more than 200 words of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet that the signatures thereon are genuine.

SEC. 3. If said officer shall offer his resignation, it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed, a special election shall be ordered to be held, not less than 20 nor more than 30 days after such order, to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons, as set forth in the petition, for demanding his recall, and, in not more than 200 words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who shall receive the highest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receive the highest number of votes, he shall be deemed to be removed from office, upon qualification of his successor. In the event that his successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

SEC. 5. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. After one

recall petition and election no further recall petition shall be filed against the same officer during the term for which he was elected, unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses all expenses of the preceding election.

SEC. 6. The general election laws shall apply to recall elections in so far as applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

When the people of Arizona adopted a constitution embracing the features of the initiative and referendum they reserved to themselves powers which have belonged to the people of this country from the day that the Republic was formed. They discovered no new doctrine. They simply reserved in a written constitution powers which had been recognized and asserted from colonial days. Many States have adopted constitutions with the initiative and referendum, and their representatives have been admitted to Congress without dispute. What penalties shall those splendid Commonwealths pay for adopting constitutions which recognize the sovereignty of the people instead of the sovereignty of money? [Applause on the Democratic side.] Who will say that a system is wrong which makes its representatives responsible to the will of the people and forces them to pass laws demanded by their wants and necessities, and if the representative refuses so to do, gives the opportunity to redress the wrongs of omission and commission? Shall the great truths written in the Constitution of the United States, in the Declaration of Independence, in the bills of rights of many of the sovereign States, be trampled under foot and forgotten and the dicta of corporate power substituted therefor? [Applause on the Democratic side.]

When the people of Arizona adopted the features of the initiative and referendum they made plutocracy impossible within the borders of that Territory so long as the people remain honest and incorruptible. When a people become venal and corrupt, then no constitution will save them, and they tread the paths followed by the cities and States of other days, now remembered only for their vices, their follies, and their crimes. [Applause on the Democratic side.]

The reassertion by the people of Arizona and other States of powers which have from the commencement of this Government belonged to the people, but which too long have been allowed to remain dormant, was simply a revolt against conditions existing in different portions of this Republic.

They had seen elections bought and legislatures debauched with money extorted from a struggling people, with the hideous specter of bribery and corruption walking unabashed throughout the land. The brave and manly people who dwell in that great region of our country known as the Northwest sounded the bugle blast of freedom against the unjust and cruel exactions of money, against corrupt practices in high places, and against graft in all its varied forms. [Applause.] And the music of that clarion call is resounding through every portion of this land, and day by day it grows more distinct and clear, carrying with it the tidings of a mighty and crowning triumph soon to be won, and with that triumph the redemption of a people from a burden of grievous wrongs. [Applause.]

The issue has been made whether this country shall be governed according to the will of the people, untrammeled by the power of money, or whether it shall be surrendered to the Cossacks of greed, self-styled kings of finance. [Applause.] This fight will never end until the right of the people to govern is recognized from ocean to ocean, and in the struggle the flag of the Democratic Party will be seen, where it ever has been in every contest for the supremacy of the rights of the people, far to the front [applause], upon its brilliant folds written in letters of everlasting light, "Our common country, one and indivisible, now and forever; equal rights for all and special privileges to none." [Applause.]

In my opinion the most objectionable feature, as has been stated, in the constitution of Arizona is the recall of judges. I was born and reared in a State where a supreme reverence for the judiciary is one of the earliest lessons taught our youth, and I have always thought it was well that it was so.

North Carolina, my home, has furnished many illustrious names which have illumined the judicial history of this land. Chief Justice Ruffin was, by common consent, one of the greatest equity lawyers who ever sat upon the bench in this or any other country. He ranked with Story, and his decisions have been read with approval in Westminster Hall. Our present Chief Justice, Walter Clark, is one of the greatest common-law judges in this era of distinguished lawyers.

It may be that my environments influence my judgment, but I can not but conclude that the recall of judges has a tendency to degrade the judiciary and to affect injuriously its independence. [Applause.] Others differ from me; distinguished lawyers and judges, I am told. It is sufficient to say, however, that so far as the proper determination of the question at issue is involved, the admission of Arizona into the Union, it makes no difference whether their opinion is correct or mine. [Applause.] Arizona had a perfect moral and legal right to frame her constitution. If the people of Arizona made a mistake, it is their mistake and not ours, and it in no way affects the right of Arizona to admission to the Union. I undertake to say, with all deference, that no authority from a respectable court can be shown to the contrary. [Applause.]

It is remarkable that the only opposition to the admission of Arizona comes from those who favor the admission of New Mexico. The constitutions of both are republican in form, and both are entitled to admission when the terms imposed by the majority of the committee have been complied with. But inasmuch as the constitution of Arizona has been criticized, I think it is fair and just to call your attention very briefly to some of the features of the constitution of New Mexico.

Without morality and education no free republic can live. And yet, with this everlasting truth confronting them, the people of New Mexico adopted a constitution which, by section 3, article 7, makes an educational qualification for the right to vote, to sit on a jury, or to hold office impossible; and to perpetuate this burden it further provides that it shall require the vote of three-fourths of all the electors in the State and of two-thirds in each county to carry an amendment.

You will be consternated also when you consider the vast power that is conferred upon the State corporation commission by section 7, article 11, of the constitution of New Mexico, especially when you realize that the danger which is liable to arise from the misuse of that power can not be corrected by legislative enactment. And to hold this power securely article 19, section 1, makes an amendment to the constitution of New Mexico practically impossible, or, at least, exceedingly difficult.

ARTICLE 11.

SEC. 7. The commission shall have power, and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping car, and other transportation and transmission companies and common carriers within the State; to require railway companies to provide and maintain adequate depots, stock pens, station buildings, agents, and facilities for the accommodation of passengers and for receiving and delivering freight and express; and to provide and maintain necessary crossings, culverts, and sidings upon and alongside of their roadbeds whenever in the judgment of the commission the public interests demand, and as may be reasonable and just. The commission shall also have power and be charged with the duty to make and enforce reasonable and just rules requiring the supplying of cars and equipment for the use of shippers and passengers, and to require all intrastate railways, transportation companies, or common carriers to provide such reasonable safety appliances in connection with all equipment as may be necessary and proper for the safety of its employees and the public, and as are now and may be required by the Federal laws, rules, and regulations governing interstate commerce. The commission shall have power to change or alter such rates, to change, alter, or amend its orders, rules, regulations, or determinations, and to enforce the same in the manner prescribed herein: *Provided*, That in the matter of fixing rates of telephone and telegraph companies due consideration shall be given to the earnings, investment, and expenditure as a whole within the State.

The commission shall have power to subpœna witnesses and enforce their attendance before the commission through any district courts or the supreme court of the State, and through such court to punish for contempt, and it shall have power, upon a hearing, to determine and decide any question given to it herein, and in case of failure or refusal of any person, company, or corporation to comply with any order within the time limit therein, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this State, it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case, to the supreme court of this State. Any company, corporation, or common carrier which does not comply with the order of the commission within the time limited therefor may file with the commission a petition to remove such cause to the supreme court, and in the event of such removal by the company, corporation, or common carrier or other party to such hearing, the supreme court may, upon application, in its discretion or of its own motion, require or authorize additional evidence to be taken in such cause, but in the event of removal by the commission, upon failure of the company, corporation, or common carrier, no additional evidence shall be allowed. The supreme court, for the consideration of such causes arising hereunder, shall be in session at all times and shall give precedence to such causes. Any party to such hearing before the commission shall have the same right to remove the order entered therein to the supreme court of the State as given under the provisions hereof to the company or corporation against which such order is directed.

In addition to the other powers vested in the supreme court by this constitution and the laws of the State, the said court shall have the power, and it shall be its duty, to decide such cases on their merits and carry into effect its judgments, orders, and decrees made in such cases by fine, forfeiture, mandamus, injunction, and contempt or any other appropriate proceedings.

ARTICLE 19.—AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature at any regular session thereof, and if two-thirds of all members elected to each of the two houses voting separately shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon; or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature

convening each eighth year thereafter, and if a majority of all the members elected to each of the two houses voting separately at said sessions shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon. The secretary of state shall cause any such amendment or amendments to be published in at least one newspaper in every county of the State where a newspaper is published, once each week, for four consecutive weeks, the last publication to be not less than two weeks prior to the next general election, at which time the said amendment or amendments shall be submitted to the electors of the State for their *approval or rejection.*

If the same be ratified by a majority of the electors voting thereon and by an affirmative vote equal to at least 40 per cent of all the votes cast at said election in the State and in at least one-half of the counties thereof, then, and not otherwise, such amendment or amendments shall become part of this constitution. Not more than three amendments shall be submitted at one election, and if two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately; provided, that no amendment shall apply to or affect the provisions of sections 1 and 3 of article 7 hereof on elective franchise and sections 8 and 10 of article 12 hereof on education unless it be proposed by vote of three-fourths of the members elected to each house.

No cunning hand of skillful expert, hired by corporate power, ever drafted an instrument more calculated to hold the people of New Mexico in subjection to the demands and orders of its masters than is done by that instrument called its constitution. I regret that it is so, for I shall always have gratification in the prosperity, happiness, and renown of all citizens in this great Republic, it matters not what section they may claim as their home.

These remarkable features in the constitution of New Mexico suggest the inquiry, Wherein lies the genuine success of a State? It will be found in the possession of those qualities which constitute success in those who control and inhabit it. It is created by that moral grandeur of government which is evidenced by the diffusion of its blessings amongst all the people committed to its care, giving to them an equal opportunity for advancement in life unfettered by unjust and unwise laws. [Applause.]

No system of government where the wealth and emoluments of office and special privileges are conferred upon a few at the expense of the many can long exist. Such a system of government creates a multiplication of artificial desires and selfish wants on the part of those having those emoluments and privileges which tend to vice and luxury and the destruction of morality, virtue, and self-denial, without which no free republic can long exist. All history shows the truth of this statement. In Athens and Sparta a few held all the emoluments of office, substantially all the wealth, while the great mass of their brethren were held in servitude; hence liberty was short-lived in the Grecian commonwealths.

The same causes which destroyed the commonwealths of Greece brought about the downfall of the Italian Republics. In Genoa, Florence, Venice, and Pisa a few of the privileged class held all the wealth and emoluments of office, whilst the prosperity of the people was destroyed by mercantile monopoly.

On such a foundation can be built no structure for a free republic. Rome pursued a different policy. The rights of citizenship were granted to all her people alike, and her marvelous growth, vast dominion, and long duration of power attest the wisdom of her policy. The victories of Hannibal only urged her senate to greater exertions.

Trebia, Thrasymene, and Cannae failed to shake the foundation of that mighty structure, which was cemented by the fidelity of all its people, and when Rome fell it was due to the evil of domestic slavery and the vices and luxury of its nobles, who were thereby made unfit to stem the tide of decay and decline of that mighty empire.

What constitutes the greatness of our Republic? Not alone its vast and unparalleled wealth; not its mines of gold and silver, of iron and copper; not the palaces of the rich and powerful which adorn and beautify our great cities; not its boundless western plains, where there is gathered food for the world's consumption; not the fields of the South white with cotton which is shipped to Japan, China, and Africa to clothe their people; not its mighty rivers nor its great lakes; not its favored climate, which attracts the traveler from every land and invites him to pleasure and repose; not its mountains in their grandeur and solemnity. Great and wonderful as are the material and natural resources of our country, its chief excellence will not be found in them, but it will be discovered in the Constitution of our common country and in its legal institutions, which give to every man the same advantages and opportunities for advancement in life. [Applause.] This is its chief excellence, the most radiant jewel in its crown of glory.

There is no citizen of this country who loves its prosperity and its renown who can fail to discern that the same causes which destroyed the republics of other days now threaten the institutions which protect him. The vast accumulation of money by a few at the expense of the many, the insatiate greed of corporate power, the insane desire for wealth to be used for personal advantage, all threaten the institutions of this country and foreshadow, if not checked, the commencement of the decline of this Republic whilst it is yet in its infancy and before its work has been accomplished. Against this specter of evil I place the manifest destiny of our great Republic and the fortitude of its people in the hour of peril and its disaster. Long may it survive, and may its greatness in the ages to come be recognized by the equal diffusion of its blessings amongst all its people, by its justice in dealing with weaker nationalities, by the good it has wrought, and by the happiness it has brought to all humanity. [Applause.]

Mr. LANGHAM. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. HOWLAND].

Mr. HOWLAND. Mr. Chairman, under the terms of the pending resolution it is proposed to admit the Territories of New Mexico and Arizona into the Union unconditionally. It is provided in the resolution that certain amendments shall be submitted to the people of each of these Territories respectively. The amendment to be submitted to the people of the Territory of Arizona provides that the judiciary shall not be subject to the operation of the recall as it now is in the proposed constitution. This amendment, however, is not mandatory, and it is possible, therefore, if the amendment be not agreed to by the people of Arizona, that that Territory may come into the Union with the recall of judges in its constitution. The question is, therefore, squarely presented to the Congress of the United States, and each one of us must go upon record as to whether or not we believe in the recall of judges as a principle. I do not propose to spend time in the discussion of the question of whether these respective constitutions are republican in form or not, for I hold it to be within our power, I hold it to be a necessary duty on our part, conceding that the form of the provisional constitutions may be republican, to go beyond the question of form and examine very carefully the question of substance.

There are many questions in these proposed constitutions which should receive our careful consideration, but I propose to address myself exclusively to that article in the constitution of Arizona which provides for the recall of judges.

I take it, Mr. Chairman, there can be no difference of opinion among us as to the soundness of three propositions. First, every citizen of this Republic is interested in obtaining and maintaining the highest standard in the judiciary of his own State as well as in every other State; second, every State in this Union is deeply interested in maintaining such standards within its own jurisdiction as well as in having them maintained within the jurisdiction of sister States; and third, the Federal Government is vitally interested in maintaining the highest standards in the Federal judiciary and in their maintenance in every one of the sovereign States of this Union. [Applause.]

We are asked in the pending resolution to give our consent to the admission into this Union of a State having in its proposed constitution a provision for the recall of judges on substantially 30 days' notice after six months of the elective term has elapsed, and we should inquire very carefully whether a provision of this character will have a tendency to raise or lower the standard of the judiciary. If it will raise the standard, it should be adopted; if it will lower the standard, it should not be adopted. [Applause.]

Mr. Chairman, we are experiencing in this country to-day a peculiar phenomenon which manifests itself on the part of some of our people in a hostile attitude toward the established order. Years ago a certain school of teachers laid down the proposition that "whatever is, is right." To-day the converse of that proposition seems to be true, and as we *listen to the* storm of criticism of the established order we are justified in saying that a certain school to-day stands for the proposition that "whatever is, is wrong." I give my support to neither one of these schools. I refuse to join with the fatalist, on the one hand, wedded to his idols; and neither will I join with the iconoclast, on the other, and tear down the temple. Between these two extremes we must choose the middle course, guiding our steps, if you please, by the lamp of experience and listening attentively to the teachings of the fathers. With these guides we must apply all the intelligence, all the judgment, all the wisdom that we can command in an attempt to solve present-day problems, firm in the determination to "prove all things and hold fast that which is good."

It is not strange, Mr. Chairman, that old things should appear new to the person who beholds them for the first time. This whole question of the judicial tenure is as old as civilization itself and was thrashed out in all its phases in the Athenian democracy, where the Archons were chosen for a year, and their chief duty was to call a jury, to which was sub-

mitted all questions of law and fact. Unlearned in the law, to be sure, but in that pure democracy each Athenian citizen was presumed to know as much as every other. Under such a system it was possible to condemn Socrates to death for teaching the youth of Athens his doctrine of the immortality of the soul, and to banish Aristides because he was known as the "Just." Under such conditions where life, liberty, and property were subject to the whim of the hour, the inevitable happened and the Government perished. The utter failure of democracy to provide an independent judiciary capable of protecting the rights of the individual drove the people to the other extreme of absolute monarchy, where the judges were appointed by the monarch and of course, subject to removal at his pleasure. In the history of the English people the glaring defects of this system early became apparent, for the judges were mere puppets of the King and were unable, and in many cases unwilling, to protect the individual against the encroachments of the Crown. This situation became intolerable to the English people and it was remedied by an act of Parliament which provided that judges should not be removed during good behavior, and that was the condition of affairs in England at the time of the adoption of our Constitution.

The framers of the Constitution were perfectly familiar with the complete failure of democracy on the one hand and monarchy on the other to provide an independent judiciary, and they realized that the rights of individuals could not be protected so long as the judiciary was subservient to or dependent on the executive arm of the Government, whether that executive arm was a pure democracy on the one hand or an absolute monarchy on the other. They therefore adopted the republican form of government, as distinguished from a democracy or a monarchy, hoping thereby to avoid the well-known dangers incident to each and to create a judicial system capable of protecting the rights of the individual even against the Government itself.

In view of the radical proposition contained in this constitution providing for a recall of judges, a proposition which gives a judge a legal title to his term for six months only and makes him a tenant at will for the balance of the elective term, I would inquire whether the history of the judiciary of our country lays a foundation for or argues the necessity of such a change, which renders uncertain and indefinite the judicial tenure.

I make bold to assert that it does not, but on the contrary argues in most eloquent and convincing language in favor of a stable tenure of office for the judiciary. The judges of our country, from the foundation of our Government to the present time; from the nisi prius judges of the various States to the judges of the Supreme Court of the United States, almost with no exception, have been men of the highest integrity, noble character, courageous, and incorruptible; and even to-day, when criticism is so rampant, few there are who even whisper that the decisions of our courts are governed by ulterior motives.

Mr. Chairman, I lay it down as a fundamental proposition that a judge in the administration of justice must be absolutely independent of the power that creates him. Otherwise, whenever the interest of that power is involved in litigation before that court, you have no judge. There are those who contend that the judge should not be independent of the power that creates him, but should be responsive to the will of the majority that elects him.

If that means that the judge should be responsive to the will of the majority that elects him as that will is expressed and crystallized in the organic and statute law, then it is an accurate and correct statement; but if it means, and I fear it does in some instances, that the judge must be responsive to the will of the majority which elects him as that will is expressed in party platforms, in the town meeting, or on the street, then it is utterly antagonistic to any rational conception of law and order and enforces the whim of the hour instead of the deliberate judgment of the people as expressed and recorded through their duly established institutions. [Applause.]

Judges are elected by majorities or selected by the people through an intermediate appointing power. Suppose, Mr. Chairman, the majority which elected the judge, or the appointing power, wished him to hand down a decision contrary to law, and in compliance with that wish he did so. Under those circumstances there is no judge. The contention that the judge should be responsive to the whim of the hour and voice it in judicial decree is more dangerous and more destructive to American institutions than that of the red-shirted anarchist, who, animated with a fiendish desire to destroy the established order, hurls the bomb.

The judge knows no constituents, knows no party, knows no friends, and knows no enemies; and if every member of the electorate, save one, that placed the judicial ermine on his shoulders should be present in the court room demanding that he turn over to them the life or property of the remaining one of his constituents contrary to law, he must refuse to do so or he is not a judge. If all the wealth of his district is on one side of the trial table without justice and equity and a pauper on the other with justice and equity, he must decide for the pauper or there is no judge.

We create judges and clothe them with power, to do what? To pass judgment upon us—each and every one of us—to interpret and to decree the enforcement of the law which we have made and which we can change at will. If we who create the judge and clothe him with power insist that he is our creature, to decree our will, regardless of the law, we have placed a phonograph on the bench, but not a judge. [Applause.] To do this is to attach such subservient and humiliating conditions to the judicial office that no broad-minded, self-respecting man could possibly consent to them. In this connection, Mr. Chairman—and I know it is not in vogue in these days to pay much attention to the teachings of wise men of bygone ages, because this generation has become sufficient unto itself and knows more than all the generations that have preceded us—I propose to read, without making any apology, a short quotation from Alexander Hamilton in No. 78 of the Federalist, as follows:

> The independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men or the influence of particular conjunctures sometimes disseminate among the people themselves, and which, though they speedily give place to better information and more deliberate reflection, have a tendency in the meantime to occasion dangerous innovations in the Government and serious oppressions of the minor party in the community.

Hamilton is here arguing against the elective system and in favor of the appointive system during good behavior, but the argument is in favor of an independent, stable judiciary, and is in point in the present discussion.

And with the indulgence of the House I propose to read also in this connection a quotation from the speech of Mr. Justice Marshall in the constitutional convention of the State of Virginia in 1829. Mr. Justice Marshall said, among other things, the following:

> The argument of the gentleman goes to prove not only that there is no such thing as judicial independence, but that there ought to be no such thing; that it is unwise and improvident to make the tenure of the judge's office to continue during good behavior. Advert, sir, to the duties of a judge. He has to pass between the Government and the man whom that Governmest is prosecuting—between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance that in the performance of these duties he should observe the utmost fairness. Need I press the necessity of this? Does not every man feel that his own personal security and the security of his property depend upon that fairness? The judicial department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not to the last degree important that he should be rendered perfectly and completely independent, with nothing to control him but God and his conscience? * * * I acknowledge that, in my judgment, the whole good which may grow out of this convention, be it what it may, will never compensate for the evil of changing the judicial tenure of office. * * * I have always thought from my earliest youth till now that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary.

Mr. Chairman, as I read these words from the great Chief Justice I can almost imagine that he is present in person speaking against the recall of judges, so squarely does he hit the present case. We all know that if the power had existed John Marshall would have been recalled. Yet to-day, with one accord, we are glad to pay him homage as the great expounder of the Constitution.

Sir, when I read the history of my country I am proud of the heroic men who have maintained the national honor on the land and on the sea. I give my unbounded admiration to the great lawgivers of our people, but I am imbued with a sense of the deepest gratitude when I contemplate the results which have been accomplished by an independent judiciary. [Applause.] We might adopt a new Constitution every other day, guaranteeing in the strongest language life, liberty, property, and the pursuit of happiness, and philosophizing on the rights of man, but if those guaranties are not enforced by judicial decree, we have not added one iota to the rights of man or promoted in the slightest degree the liberties of the people. "Oh," but the demagogue cries, "you are afraid to trust the people to choose their own judges," thereby hoping to win their confidence and gain advantage for himself. This is the same charge that was hurled at Rufus Choate in the constitutional convention in Massachusetts in 1853, and in replying to that charge, and in further replying to the charge that a stable tenure of office was unrepublican, he used the following language:

> It seems to me that such an argument forgets that our political system, while it is purely and intensely republican, within all theories aims to accomplish a twofold object, to wit, liberty and security. To accomplish this twofold object we have established a twofold set of

institutions and instrumentalities—some of them designed to develop and give utterance to one; some of them designed to provide permanently and constantly for the other; some of them designed to bring out the popular will in its utmost intensity of utterance; some of them designed to secure life and liberty and character and happiness and property and equal and exact justice against all will and against all power.

Then again, on page 309, he says:

You assign to Liberty her place, her stage, her emotions, her ceremonies. You assign to Law and Justice theirs. The stage, the emotions, the visible presence of Liberty are in the mass meeting, the procession by torch light, at the polls, in the halls of legislation, in the voices of the press, in the freedom of political speech, in the energy, intelligence, and hope which pervade the mass; in the silent unreturning tide of progression. But there is another apartment, smaller, humbler, more quiet, down in the basement story of our Capitol, appropriated to justice, to security, to reason, to restraint, where there is no respect of persons; where there is no high nor low, no strong nor weak; where will is nothing and power is nothing, and numbers are nothing, and all are equal, and all secure before the law.

Mr. Chairman, I entertain no doubt, sir, of the ability of the people of Arizona to select their own judges. I insist that they shall do it, but for a definite fixed period; that period to be determined by themselves. But when they have selected their judges, I insist that they shall be free and untrammeled in the administration of justice during their term of office, subject only to impeachment for malfeasance in office. [Applause on the Republican side.]

This very proposition for a recall of judges—just analyze it for a moment—this very proposition for a recall of judges after six months of the elective term have expired carries with it, by implication and of necessity, the most flagrant distrust of the ability of the people of Arizona to select competent judges for their superior and supreme courts for the limited periods of four and six years, respectively. I therefore charge, Mr. Chairman, that those who are advocating the recall are the ones who are afraid to trust the people to select competent judges, and I insist that it is an insult to the intelligence of the people of Arizona and a reflection on their ability to select competent judges for stated periods.

Oh, but you say, "The people might make a mistake in the selection of a judge, and, in that event, there ought to be machinery provided to give relief and cover that particular case." I am forced to admit that possibly now and then the people might make a mistake in the selection of a judge. But this contingency in this proposed constitution is very carefully provided for in two ways. In the first place, the supreme court is clothed with the broadest appellate jurisdiction, for it is expressly provided that no reversal shall be had for any technical error; and, in the second place, in article 8, the very article that provides for this recall, provision is made for the impeachment by the legislature of a judge for crimes, misdemeanors, and malfeasance in office. The proposed constitution has provided very carefully for the case of malfeasance in office, and the penalty is removal from office and disqualification to hold office in the future. The proposed constitution has very carefully provided for the correction of errors and mistrials in the lower court on appeal. The corrupt judge can be impeached. The mediocre judge can be reversed.

It is perfectly apparent that the recall is inserted in this constitution in order to reach the case of the unpopular judge, to reach a case of dissatisfaction and unpopularity that may for any reason be prevalent in the community. So it is provided, so it is made possible, that whenever an unpopular decision is handed down by the judge a petition may be filed, signed by 25 per cent of the electorate, and bring on an election within 30 days after the filing of the petition. Judges are elected by a majority. Most of the elective offices are filled without the successful candidate receiving 75 per cent of the total vote. The vote of the opposition will always as a rule amount to more than 25 per cent of the total vote, and how easy it would be for a disappointed litigant, an unsuccessful candidate, or an ambitious rival to secure a petition signed by 25 per cent of the electorate and bring on an election for a recall! It is perfectly apparent, Mr. Chairman, that this provision for the recall is inserted in this constitution for the very purpose of rendering the judge amenable to the temporary public sentiment in his district and controlling his decrees in accordance with that temporary public sentiment, regardless of the established law.

The point is this: Under the recall a special election might be had, a special election will be had, when feeling in the community is intense, when excitement runs high, when passions are inflamed, and when, possibly, only the judge and the law stand between the individual and vengeance. I insist, sir, that the power shall never be granted to call a special election at such a time as that. [Applause.] I insist that judges shall be elected at regular intervals, for definite periods, fixed by law and known beforehand of all men, when, as a rule, with excitement over, passion subsided, and reason enthroned in the community, the people can register their calm, deliberate judgment, and from that judgment in this country there can, and ought to be, no appeal.

Mr. Chairman, the fact that such a provision for the recall of judges is contained in the proposed constitution of a Territory knocking at our doors for admission into this Union; the fact, sir, that such heresies are entertained in other and, perhaps, more influential quarters, arouses in my mind the gravest doubts as to the future. Against this proposition, with all the energy that I can command, I enter my most emphatic protest.

In my judgment it is fundamentally wrong. It is dangerous to and destructive of American institutions. It is contrary to the experience of our people for more than a century. It is contrary to the teachings of the fathers who, amid storm and stress, framed the fabric of this Government; framed it, sir, with the avowed purpose of escaping the well-known dangers of a turbulent and unrestrained democracy on the one hand and monarchy and its tyrannies on the other. [Applause.]

I refuse, sir, to lay profane hands on the temple of justice that has sheltered and protected us throughout our national life, and I shall vote against the pending resolution for these reasons. [Prolonged applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOUSTON 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 bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes.

ARIZONA AND NEW MEXICO.

The committee resumed its session.

Mr. LANGHAM. I yield one hour and a half to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, it is with sincere regret that I feel compelled to vote against the admission of Arizona as a State into the Federal Union under the terms of the proposed constitution which has been submitted to the President and the Congress of the United States for ratification and approval.

I have been a consistent friend of the Territory of Arizona ever since I have been a Member of this House. I believe Arizona has a glorious future. I have been anxious to see her represented by a bright star in the brilliant galaxy that is the crowning glory of the starry banner of this great Nation. But I do not believe that under the proposed constitution, which has been adopted by about 12,000 of her people out of a voting population of over 37,000, and which recently has been submitted to us for ratification and approval, she can reach that splendid destiny which every one of her true friends hopes to see her attain.

In my opinion Arizona is the one section of the Union in which there should be no doubt as to the advantages of representative government; for she herself has reaped the benefit and reward of representative government. Beyond question it is due solely to the efforts of representatives of republican government that she is able, at this time, even to offer a constitution, which, if it should be approved, will give her individual autonomy as a State in the Union.

It will be recalled by those who are familiar with the comparatively recent history of the Territories of Arizona and New Mexico that a determined effort was made, in the Fifty-ninth Congress, to unite them and admit them as one State in the Federal Union.

The then President of the United States strongly recommended their union and their admission as one State. He brought all the powerful influence of his great office to bear upon many of the representatives of the people to cause them to enact the necessary legislation that should consummate this unholy alliance. But despite this powerful influence, which was exerted by one of the most popular Presidents that ever occupied the White House, despite the great pressure that was brought to bear upon the Members on this floor and on the floor of the coordinate branch of the legislative body of this Government, there were representatives of the people who still had the courage and the fortitude to withstand that pressure, and who, by their firmness in the cause of a square deal for Arizona, succeeded, ultimately, in preventing the passage of that legislation. Do the people of Arizona doubt that if the matter had been submitted by initiative or referendum to the votes of the people of the United States that the great majority of the votes would

have favored the amalgamation of the two Territories as one State?

If we had had a national initiative and referendum law at that time, the proponents of the one-State idea, in my humble judgment, undoubtedly would have been able by the means of the initiative or the referendum to have carried out their plans to consolidate these two great Territories as one State. So far as a national initiative or referendum vote could have decided the matter, the people of Arizona would have found themselves in a hopeless minority. But our present system of government recognizes the rights of minorities in the enactment of laws as the initiative or referendum never can.

In those populous sections of our country where the great masses of votes are to be found the sentiment was strongly in favor of such a union. Arguments were made upon this floor that it was unfair to the populous States, with their great and diversified interests, to give each one of these Territories, when admitted as a State, an equal representation in the United States Senate with the more populous Commonwealths. Did the people of Arizona find that the representatives of the people of many of the States of the Union proved recreant to their trusts? Did the people of Arizona find that, in having adopted means to prevent their union with New Mexico, representative government was a failure, and that new and unusual methods ought to be employed to compel the representatives of the people to do their duty? Why, sir, in the light of these events, in the light of these experiences, which must have demonstrated the fact that under existing laws the rights of minorities in legislation are much more thoroughly safeguarded than under the initiative and referendum, one is all the more surprised to find that the constitutional convention of Arizona insisted on inserting these unusual and experimental provisions in the proposed organic law of the proposed State.

Mr. Chairman, there is a disposition among some of our public officials, aided and abetted by a certain class of theorists in government, to materially change the character of our Government.

Mr. FLOOD of Virginia. Will the gentleman permit me to ask him a question?

Mr. KAHN. When I have finished my direct address I will be very glad indeed to reply to any questions that may be asked me, but just now I prefer not to be interrupted.

To my mind they are treading on dangerous ground. Our country is too vast in extent for a pure democracy. Most of the States in the Union are too vast in extent for a pure democracy. Prof. Garner, in his work, "Introduction to Political Science," differentiates a pure democracy, such as the initiative, the referendum, and the recall, would lead to, and a representative democracy, which is the republican form of Government contemplated by the Constitution of our country, in this language:

> Democracies are of two kinds—pure, or direct, and representative, or indirect. A pure democracy is one in which the will of the state is formulated and expressed directly and immediately through the people acting in their primary capacity. A representative democracy is one in which the state will is ascertained and expressed through the agency of a small and select number, who act as the representatives of the people. *A pure democracy is practicable only in small states, where the voting population may be assembled for purposes of legislation and where the collective needs of the people are few and simple. In large and complex societies, where the legislative wants of the people are numerous, the very necessities of the situation make government by the whole body of citizens a physical impossibility.*

And the distinguished author approves the distinction drawn between the two forms of government, as enunciated by Madison, as follows:

> It was, he said, a government which derives all its powers, directly or indirectly, from the great body of the people, and is administered by persons holding their office during pleasure, for a limited period, or during good behavior. "The two great points of difference," said Madison, "between a republic and a democracy are: First, the governing power in a republic is delegated to a small number of citizens elected by the rest; and, second, *a republic is capable of embracing a larger population and of extending over a wider area of territory than is a democracy. In a democracy the people meet and exercise the government in person; in a republic they assemble and administer it by their representative agents.*"

The question as to whether this country of ours should be a pure democracy or a representative democracy was fully considered at the time of the formation of our Government. The framers of the Constitution were men who were thoroughly versed in the principles of government. They were familiar with the history of every government that had ever existed since the dawn of recorded time. They remembered that the pure democracies of ancient Greece had had their rise, their zenith, and their decay. The difference between a pure democracy and a representative republic was plainly pointed out by Hamilton, Madison, Marshall, Randolph, Rutledge, Wilson, Mason, and other distinguished patriots of the period immediately succeeding the American Revolution. It was pointed out by these men, who were all skilled in statecraft, that the ancient democracies had fallen by reason of the turbulence and passion that were so often manifested among the masses; they pointed out the fact that in the great market places it was impossible to debate proposed laws as they should have been debated; they pointed out the despotism of majorities, and the danger of the ultimate debauchery of the masses. In differentiating republics from pure democracies Hamilton, in "The Federalist," said:

> The difference most relied upon between the American and other republics consists in the principle of representation; which is the pivot on which the former moves, and which is supposed to be unknown to the latter, or, at least, to the ancient part of them.

Gerry, in discussing the form of government that should be adopted by the Constitutional Convention of 1787, made a powerful argument in favor of a representative democracy as against a pure democracy. He feared the pretended patriot more than he did the people. He said:

> The evils we experience flow from the excess of democracy. The people do not want (lack) virtue, but are the dupes of pretended patriots.

And Jefferson said:

> Modern times have * * * discovered the only device by which the (equal) rights (of man) can be secured, to wit: *Government by the people, acting not in person, but by representatives chosen by themselves.*

So that when the founders of our Republic adopted the Federal Constitution they purposely tried to get away from pure democracy; and, so far as they were able to form a republican government, they accomplished their task exceedingly well. It is also a matter of the political history of our country that the party of which Jefferson became the undoubted leader did not attempt to call itself the Democratic Party.

It was designated the Republican Party. It continued under that designation during the entire life of Thomas Jefferson, and that designation was never changed until after his death in 1826. Under this republican form of government our country has advanced and developed and prospered as no other country in the world's history. The Constitution, as had been predicted, was able to expand to meet new conditions as they arose without the necessity of frequent or serious amendment. As measures were presented to the representatives of the people in the Congress of the United States for their consideration these measures were thoroughly discussed, and oftentimes they were materially amended before they were finally enacted into law. It was soon found that in a large country like ours, with many conflicting interests and diversified industries, it would be necessary to compromise differences in order that the proposed law might meet the conflicting demands of the different sections, and this spirit of compromise has generally proved efficacious in accomplishing the desired results. By these compromises the rights of minorities invariably have been respected. Practically our whole history is a history of compromise legislation, and as a rule the people have been content with the legislation that has been enacted. And when they have not been content, they have not hesitated to manifest their displeasure by defeating the majority, thus making the minority a majority, with all the responsibilities that accompany majority rule.

It is true that at times men have been elected to office who were unworthy of the confidence that the people had reposed in them, but does that show that the system of representative government is at fault? Does it not rather prove that the people themselves were to blame for having elected inefficient or corrupt officials?

It is a matter of record in our country's history that whenever the people have made mistakes they have not hesitated to rectify them at the earliest possible opportunity. Up to the present time they have been able, invariably, to mend their faults of yesterday with wisdom of to-day, under our Constitution and our laws as they have stood, lo, these many years.

But it is charged by those who so strongly favor the initiative, the referendum, and the recall that the opponents of these methods of legislation and election of public officials are "afraid of the people." As a matter of fact, the shoe is on the other foot. Those who favor the recall in effect convict the people of being incompetent in the selection of their officials. It seems to me that it is they who are "afraid of the people." They contend that the people go to the polls and make such egregious mistakes in the election of officials that a minority of the voting population ought to be given an opportunity to attempt to correct the blunders of the majority by recalling the official who has fallen under the displeasure of that minority. The logical effect of their reasoning is to admit that the people are incompetent to elect able or honest officers. And yet these same advocates of these new "nostrums" in a republican form of government expect the same people, who have failed in their

efforts to elect the right kind of officeholders, to go to the polls under the doctrine of the initiative and the referendum and adopt, perhaps, a comprehensive system of new laws, such as only a Supreme Court would be able to interpret.

It shows the inconsistency of these self-styled "friends of the people," for they practically admit in one breath that the people are incompetent to elect the right kind of public officials and in the next breath they want to clothe the same people with a still more arduous duty, namely, the duty of adopting, by ballot, and without the power of amendment, some intricate proposition of law, the adoption of which might have the most far-reaching results, for good or for evil, on the future of the entire community.

Sir, the people of this country have always shown their capacity for self-government under the existing methods, and I apprehend that they will continue to govern themselves admirably under existing methods without resorting to those that may be considered as experimental and unrepublican.

Mr. Chairman, at one time I was rather inclined to the belief that the initiative, the referendum, and the recall would prove the panacea for all our political ailments. Initiative, referendum, recall! It certainly sounds good, and in theory it looks just as good as it sounds. But the more I have studied the subject the more thoroughly I have become convinced that they would ultimately be found dangerous experiments in the field of representative government, and that, as a matter of fact, they are entirely unnecessary. Our existing constitutions and laws, with such occasional changes, additions, and corrections as the legislative branches of our national, State, or municipal governments might find it necessary to enact from time to time, will probably meet every emergency as it arises. We have abundant evidence that such is the case.

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

The CHAIRMAN. Does the gentleman from California yield to his colleague?

Mr. KAHN. I decline to yield. If I have any time after I have finished my speech, I shall be glad to answer questions, but at present I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. KAHN. And so long as we continue along the safe lines that we have been following for over a century the danger of becoming a law-ridden people, with laws, laws, laws to regulate the every action of every individual resident of this great country, will be materially kept in check. We are in danger of having too much law, and too much law will lead eventually to contempt for all law. [Applause.]

I think it may be asserted as an axiom that every community, whether it be a municipality or a State, gets just such an administration as its people are willing to stand for, no better and no worse. All students of American history agree that the weak spot of our system is our form of municipal government. And yet it has been demonstrated time and again that whenever conditions have become intolerable, whenever graft and corruption have become a stench in the public nostrils, whenever the public conscience has really become thoroughly aroused, the people—without the aid of initiative, referendum, or recall—have been able to drive the thieves from office and put honest men in their places. [Applause.] Dozens of our cities have demonstrated the undoubted ability of their citizens to purge their communities of corruption whenever the voters wanted to assert themselves. But unfortunately, in most instances the spasms of virtue and righteous indignation have been rather short-lived. I have often wondered why the people who have the strength and the capacity to drive out public plunderers whenever they want to assert themselves, all too frequently allow the political bosses to resume control within a comparatively brief space of years after the reform movement has triumphed over the corruptionists.

In giving the subject some thought I have come to the conclusion that the swinging back of the pendulum in so many instances is due to the fact that the reformers, instead of adopting a liberal policy in construing and enforcing the laws, invariably go to the other extreme and enforce all ordinances—especially such as may be considered in the nature of sumptuary laws—with such harshness and severity that the average citizen begins to rebel at a condition that he considers intolerable, and losing all interest in the general welfare of his community, he allows either the old boss, or perchance a new one, to take possession again of the local administrations. For a little time the reinstated boss, or his successor, as the case may be, slowly and carefully feels his way along, but ultimately the old conditions again prevail. It is unfortunate that such conditions should exist. But it is utterly impossible to change human nature by man-made law, for human nature has been the same in all ages. We are familiar with the story of how in ancient Athens it was proposed to take a referendum as to whether Aristides, called "The Just," should be banished or not. He had been an excellent administrator. He had won the confidence of his people, but he had made some powerful enemies. Going into the market place, he was met by a citizen who asked him to write his (the citizen's) ballot for the banishment of Aristides. The latter asked the Anthenian citizen what objection he had to Aristides. "Oh, none," said the citizen, "but I am tired of hearing him called 'The Just.'" One can never tell what motive will actuate the citizen in the course he may pursue. However, the point I want to emphasize is this, namely, that it rests within the power of the citizens of every municipality to have a good, clean, orderly, honest, and efficient administration of its own affairs if the people of that municipality want such an administration, and that the old republican form of government is ample to guarantee such an administration without the necessity of having to resort to the unusual expediency of the initiative, referendum, and recall.

And what is true of the municipality in this regard is equally true of the State. Take my own State—the State of California—as an instance. Last November the people went to the ballot box and elected a complete set of State officials, as well as Members of Congress and members of the State legislature. The course of the legislature that was elected at that time has been generally commended. The various officials of the State government that were elected at that time have likewise been commended. And, as a matter of fact, all these results were accomplished under our existing constitution and laws, without invoking initiative, referendum, or recall. If, therefore, the existing laws of a State can be enforced so as to satisfy the citizens of that State, why should the voters of that State resort to experiments of a new and doubtful nature—experiments that have only had a trial in a few communities and that have never been invoked in any of the populous and progressive Commonwealths of our country?

Mr. Chairman, as a matter of historic interest it may be well to note at this time that the downfall of the first and second French Republics was accomplished through the medium of the referendum.

Napoleon Bonaparte was elected Consul for life in 1802 through a plebiscite or referendum submitted to the people of France in this form: "Shall Napoleon Bonaparte be Consul for life?" Three and one-half million votes were cast in the affirmative and only a few thousand in the negative. That vote really marked the beginning of the Empire under Napoleon the First.

Later on, during the period of the second Republic, which had been inaugurated in 1848, the nephew of Napoleon Bonaparte, Louis Napoleon, in 1852 was elected Emperor of France through the medium of another plebiscite or referendum submitted to the voters of that country. At this election more than 7,000,000 citizens voted in favor of the proposition, with only a few thousand in the negative.

And, Mr. Chairman, it is a noticeable fact in both instances that immediately before the submission of these plebiscites or referenda to the people of France such of their representatives in the Senate or in the Legislative Assembly who could have been relied upon to denounce and thwart the conspirators who sought the ruin of the Republic were summarily arrested and exiled before the plebiscites were submitted.

I merely mention these historic instances to emphasize the fact that the people themselves are just as prone to make mistakes and fall into error as are their chosen representatives.

Mr. Chairman, what is the history of the initiative and referendum? They were first brought to light in the little Republic of Switzerland about the year 1850. During all the years that have intervened since then they have been invoked there but a few times. The Swiss people are a pastoral people. They do not have the many or the diversified industries that are found in this great Republic of ours. Indeed, one could place the entire Republic of Switzerland in some one of the counties of some of our Western States and still have room to spare. It approximates in size more nearly the old Grecian democracies, in which the people were wont to gather in the market places and there publicly discuss matters of legislation and the election of officials. But in most of our States, with their extensive areas, their populous cities and metropolitan districts, in my judgment, these Swiss importations are absolutely impracticable.

But there are many students of the system who have declared that even in Switzerland, the original home of the initiative and the referendum, those innovations have not worked as satisfactorily as the friends of these experiments in popular government anticipated. Mr. Albert Bushnell Hart, who is con-

ceded to be a moderate and an impartial observer and critic, in his article, "Vox Populi in Switzerland," says:

I must own to disappointment over the use made by the Swiss of their envied opportunity. On the 20 referenda between 1879 and 1891 the average vote in proportion to the voters was but 58.5 per cent; in only one case did it reach 67 per cent; and in one case, the patent law of 1887, it fell to about 40 per cent in the Confederation and to 9 per cent in the Canton Schwyz. On the serious and dangerous question of recognizing the right to employment * * * only 56 per cent participated.

* * * The result of the small vote is that laws duly considered by the national legislature and passed by considerable majorities are often reversed by a minority of the voters. The most probable reason for this apathy is that there are too many elections * * *. Whatever the cause, Swiss voters are less interested in referenda than Swiss legislators in framing bills.

And Mr. Simon Deploige, a Belgian critic, in his "The Referendum in Switzerland" (Trevelyan's translation), says of the conditions that prevail in the Alpine Republic:

It is a little ridiculous to talk of legislation by the people when more than one-half of the citizens refuse to exercise their legislative rights.

Mr. A. Lawrence Lowell, in an article entitled "The Referendum in Switzerland and in America," makes this criticism:

The relation of the executive and legislative in Switzerland are very different from what they are in this country, for a great deal of what we should consider legislation falls into the province of the Swiss executive. The laws are passed in a comparatively simple and general form, and the executive has authority to complete their details and provide for their application by means of decrees and ordinances. Partly for this reason and partly on account of the small size of the country the number of laws passed in a year is far less than with us.

In the same article, Mr. Lowell draws an important, as well as an interesting, distinction between constitutional amendments and legislative enactments, and clearly points out the danger of lessening the high regard in which the fundamental principles are held in the estimation of the people. He says:

Our whole political system rests on the distinction between constitutional and other laws. The former are the solemn principles laid down by the people in its ultimate sovereignty; the latter are regulations made by its representatives within the limits of their authority, and the courts can hold unauthorized and void any act which exceeds those limits. The courts can do this because they are maintaining against the legislature the fundamental principles which the people themselves have determined to support, and they can do it only so long as the people feel that the Constitution is something more sacred and enduring than ordinary laws; something that derives its force from a higher authority. Now, if all laws received their sanction from a direct popular vote, this distinction would disappear. There would cease to be any reason for considering one law more sacred than another, and hence our courts would soon lose their power to pass upon the constitutionality of statutes.

Dr. Woodrow Wilson, in his able work "The State," draws a similar conclusion.

In criticizing the tendency to adopt nonconstitutional provisions in our constitutions, he says:

The objections to the practice are as obvious as they are weighty. General outlines of organization, such as the Constitution of the United States contains, may be made to stand without essential alteration for long periods together; but in proportion, as constitutions make provisions for interests whose aspects must change from time to time with changing circumstances, they enter the domain of such law as must be subject to constant modification and adaptation. Not only must the distinctions between constitutional and ordinary law, hitherto recognized and valued, tend to be fatally obscured, but the much-to-be-desired stability of constitutional provisions must in great part be sacrificed. Those constitutions which contain the largest amount of extraneous matter, which does not concern at all the structure or functions of government, but only private or particular interests, must, of course, however carefully drawn, prove subject to most frequent change. In some of our States, accordingly, constitutions have been as often changed as important statutes. The danger is that constitution making will become with us only a cumbrous mode of legislation.

In this very connection it may be well to call attention to the fact that the people of the United States hold the Constitution of the United States in the very highest reverence. "It is the palladium of our liberties" has been a favorite expression in the discussion of the force and the power of the organic law of the land. Mr. Bryce, in his "The American Commonwealth," has admirably described the sentiment of the American people regarding their Constitution. He says:

The Federal Constitution is to their eyes an almost sacred thing, an Ark of the Covenant, whereon no man may lay rash hands.

I believe this characterization is universally conceded to be correct. Sir, the Constitution ought to be maintained "an almost sacred thing." To be able to amend it frequently and easily by the popular vote of the people would soon destroy that spirit of reverence in which it is now held.

And it is even so with the constitutions of the various States. They ought not to be subject to change with the ease that regulations made by the legislatures, within the limits of their authority, may be changed by subsequent amendment if they require amendment, or absolute repeal where they prove ineffective or even detrimental to the public welfare.

To diminish the powerful influence of the Constitution by subjecting it to easy change through the medium of the initiative is, to my mind at least, a serious blow to the love of law and order so prevalent in our Republic; and law and order are the surest safeguards of our liberties. Sir, republican governments owe their very existence to that love of law and order that prompts every patriotic impulse of the individuals who compose the State. It seems to me that to make it comparatively easy to change the organic law of the States by such dubious devices as the initiative and the referendum is really a defiance of all the teachings of history. [Applause.]

But, Mr. Chairman, as between the initiative and the referendum, I think the former is much the more dangerous of the two. Under existing methods the legislature passes upon measures as they are reported from its committees. There is generally a full and free discussion of the merits or demerits of the proposition that is under consideration, and when it is finally passed by the legislature it is, as a rule, a well-digested, completed piece of legislation. On the other hand, the initiative does not give any opportunity for discussion or amendment whatever.

The proposed measure must be adopted in its entirety as it comes from its proposers without the dotting of an "i" or the crossing of a "t." The legislature must pass it just as it was framed by the author. The governor has no right to veto it as he may the measures that are passed by the legislature. Under the initiative, the fundamental principles of republican government can be set aside and new and unusual ones can be adopted without much debate and without full knowledge of the great change that might be contemplated under the provisions of the proposed new legislation. Therein lies its great danger. Thus "a successful faction may erect a tyranny on the ruins of law and order." [Applause.] Under the initiative or direct legislation the minority is overwhelmed by sheer force of numbers. In our legislatures the minority has an opportunity to discuss and modify the legislation proposed by the majority. I believe that the initiative strikes at the very vitals of republican government. It means the absolute tyranny of the majority—and all history teaches us that no tyranny is worse than that of majorities drunk with power.

The proponents of the initiative and referendum point with pride to the fact that they have worked successfully in a number of the cities of the country. It may be that in some cities they have worked successfully, but there is a vast difference between the affairs of a city and the affairs of a whole State. The State, just like the Union, has many diversified industries and many conflicting interests. What may work excellently for one section of the State may spell ruination for another section. Under the initiative the rights of minorities in legislation can be completely ignored. And all true statesmen recognize the fact that minorities have certain rights which majorities are in duty bound to respect.

And so, Mr. Chairman, I am free to admit that, to my mind, it is an exceedingly hazardous experiment to attempt legislation for a great Commonwealth through the experimental expediency of the initiative and referendum.

But the feature of the Arizona constitution that is most repugnant, in my judgment, is the recall. Let me submit the provision as embodied in the proposed constitution of Arizona to this House:

ARTICLE VIII.—REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

SECTION 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

SEC. 2. Every recall petition must contain a general statement, in not more than 200 words, of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet that the signatures thereon are genuine.

SEC. 3. If said officer shall offer his resignation, it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed, a special election shall be ordered to be held not less than 20 nor more than 30 days after such order to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition for demanding his recall, and, in not more than 200 words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who shall receive the highest number of votes shall be declared elected for the remainder of the term. Unless the

incumbent receive the highest number of votes he shall be deemed to be removed from office upon qualification of his successor. In the event that his successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant and may be filled as provided by law.

SEC. 5. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. After one recall petition and election no further recall petition shall be filed against the same officer during the term for which he was elected unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses, all expenses of the preceding election.

SEC. 6. The general election laws shall apply to recall elections in so far as applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special-election campaign expenses of such officer.

Under this Article VIII, subdivision 1, sections 1 to 6, inclusive, every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office; and such electoral district may include the whole State. These provisions are so broad that they include even the judiciary of the State within their scope. To my mind the provision stands for little short of anarchy. It means the turning over of the judiciary to the agitator and the mob. The history of our country is replete with instances where the courts have handed down decisions that were unpopular at the time they were rendered, but those decisions were in accordance with the Constitution and the laws of the land as construed by the judges who rendered the decision. To have recalled the judges who rendered them would have meant the triumph of mob rule over representative government. Our entire system of jurisprudence rests upon our constitutions, our treaties, our codes, the common law, statutes of the legislature, and precedents established by the courts. In construing laws the courts are governed by all of these instrumentalities. The judges render their decisions in accordance with their construction of these various instrumentalities, as applied to the case at bar. The judges, being human, may sometimes err, but there is usually an appeal to a higher tribunal, and, as a general proposition, the law when finally construed is promptly accepted by the people as the rule of action for all individuals affected by the decision. But what must happen in any community where the judge, when he decides the case according to the law as he construes it, if that construction be unpopular, must be divested of the ermine, must be pulled down from his seat upon the bench?

If that condition is to prevail in the new State of Arizona, or in any State of this Union, the constitution of that State, the codes of that State, all law textbooks, and the law colleges of that State should all be entirely abolished. They would be entirely superfluous and unnecessary. The judge must decide the case according to the popular demand or else he must be recalled from his position. It is unthinkable that any such condition can be allowed to prevail in this country. It would inevitably lead to anarchy and to the destruction of all government. [Applause.] High-minded lawyers would no longer seek a seat upon the bench. In fact, it would not be at all necessary to have a lawyer on the bench. Anybody would do just as well if decisions are to be rendered in accordance with the passing fancy of the multitude, rather than in accordance with the organic law and legislative acts of the State.

Mr. Cooley, in his work on "Constitutional Limitations," discussing the power of the people to amend or revise their constitution, says that it—

is limited by the Constitution of the United States.

(1) It must not abolish the representative form of government, since such act would be revolutionary in its character, and would call for and demand direct intervention on the part of the Government of the United States.

(2) It must not provide for titles of nobility, or assume to violate the obligation of any contract, or attaint persons of crime, or provide ex post facto for the punishment of acts by the courts which were innocent when committed, or contain any other provision which would, in effect, amount to the exercise of any power expressly or impliedly prohibited to the States by the Constitution of the Union; *for while such provision would not call for the direct and forcible intervention of the Government of the Union, it would be the duty of the courts, both State and national, to refuse to enforce them and to declare them altogether void, as much when enacted by the people in their primary capacity as makers of the fundamental law as when enacted in the form of statutes through the delegated power of their legislatures.*

If this be the true limitation on the power of the people to amend or revise their constitutions as contemplated by the framers of the Federal Constitution, the will of the framers would be entirely subverted if the doctrines of the initiative and the recall of the judiciary were allowed to stand in this proposed constitution of the proposed State of Arizona. Under the provision of Article IV, subdivision 1, section 2, of that proposed constitution, 10 per cent of the qualified electors shall have the right to propose any measure and 15 per cent shall have the right to propose any amendment to the constitution. Suppose 15 per cent of the qualified electors should propose an amendment to the constitution of that State, which amendment was entirely repugnant to some provision of the Constitution of the United States. Say the amendment is proposed at a period of great popular excitement and is adopted by a majority of the votes cast thereon, and upon proclamation of the governor it is declared to be the law, as provided in section 5 of Article IV, subdivision 1, of the said proposed constitution. The question of the constitutionality of this amendment is then taken to the courts of Arizona for adjudication. The judges, bound by their oaths to support the Constitution of the United States and the laws of our country, decide that the proposed amendment is, in fact, unconstitutional. Immediately petitions for the recall of these judges are circulated, and at a subsequent election, held in conformity with the provision of the recall article of this proposed constitution, these judges are recalled and their places are filled by men who are apparently in sympathy with the popular demand of the people.

New initiative petitions are circulated, and in four months there is another election on these same questions—questions that may be absolutely antagonistic to some of the provisions of the Constitution of the United States. This time the newly elected judges declare them constitutional, in conformity with the popular demand. Does anyone think for a single moment that a republican form of government can truly continue to exist under such conditions? Would such conditions not lead to anarchy? Ah, but some of the friends of the initiative and the recall will say that I have stated an extreme case. Let me remind them that governments are put to severe tests on many occasions. When the founders of our Government framed the Constitution in order to establish a more perfect union they did not realize that within 75 years millions of men would be found under arms to determine by the arbitrament of war that the Government which they had launched in the expectation that it would bestow untold blessings upon the millions who would come after them would be put to such a terrible test. [Applause.] It is much safer to prevent any possible contingencies of the character that I have suggested. And if nothing else be done by this House in the matter of approving this proposed constitution, it would be the part of wisdom and safety to compel the people of Arizona to eliminate from their constitution the recall provisions at least so far as they relate to the judiciary, and to guarantee that no such provision should at any time be adopted by the electors of the proposed State.

If judges who render opinions that do not meet with popular approval had been subject to recall under some provision of the Federal Constitution, John Marshall, Roger B. Taney, and many other judges of the Federal courts would have had to defend their titles to their places on the Federal bench. As a matter of fact our Federal judges have always stood high in the estimation of their countrymen as men of unquestioned probity and sterling integrity. [Applause.] Invariably they have had the confidence of our citizens, and the cases in which that confidence has been misplaced are so few that they may be considered a negligible quantity.

It is undoubtedly true that the chief reason why these jurists have been held in such high esteem is that they were appointed during good behavior, or practically for life, and were not subject to change by reason of a change in political conditions.

Madison, who is universally recognized as having been one of the ablest men in that convention of able men who framed the Constitution, speaking of the judiciary, says in The Federalist:

According to the provisions of most of the constitutions, as well as according to the most respectable and received opinions on the subject, the members of the judiciary department are to retain their offices by the firm tenure of good behavior.

* * * * * * *

The tenure by which the judges are to hold their places is, as it unquestionably ought to be, that of good behavior.

Does anyone seriously contend that the same high standard could be maintained if these judges were to become subject to the recall? To my mind it is ridiculous to think so. Instead of jurists absolutely independent in thought and action the bench would be occupied by weak and pliant creatures of the popular will, who would ever have their ears to the ground to find out which would prove the most popular way to decide questions of great public import.

I think the situation was admirably stated by the junior Senator from the State of California [Mr. WORKS] when he was the Senator-elect, in a letter to one of his friends in the California Legislature while this very question was pending before that

body. It was printed in the CONGRESSIONAL RECORD of April 27 last, and reads as follows:

I am glad you had the courage and good judgment to oppose the application of the recall to judges. The future of this country is greatly dependent upon a fearless and independent judiciary. Any conscientious man, who has served as judge, will tell you that he has been compelled by his oath and his sense of duty to render decisions that were unpopular with him, and if left free to exercise his own desires no such decisions would have been rendered. Indeed, the most difficult thing a judge has to do is to control his own feelings and decide cases according to law and not according to his own feelings of sympathy or the reverse.

Such a judge will, of necessity, render decisions that are unpopular with the public as well as himself in the performance of his imperative duty. It will be just such unpopular decisions that will arouse public resentment and induce the recall of the judge who has the honesty and the courage to do his duty, often against his own feelings. The judge who will bow to his own feelings or to public clamor, often ill founded, will never be recalled, while the judge who does his duty will fall a victim to the public indignation, based on wholly false ideas of the duty of a judge. We will still have judges that will do their duty fearlessly in spite of the big stick in the form of the recall. I hope we have courageous men enough in the legislature to resist the public clamor that is pressing for this legislation, that will make the weak judge weaker and encourage the dishonest judge to decide cases in such way as to secure public favor instead of deciding the law without fear, favor, or affection. It will be a sorry day to this State when a law is passed that must, in the nature of things, degrade the judiciary and make it less honest, less fearless, less independent. No possible good can come of such legislation, while much harm may, and almost certainly will, result if any such law is enacted and attempted to be enforced.

[Applause.]

Mr. RAKER. Right in that connection will the gentleman yield?

Mr. KAHN. I decline to yield at present. I will answer all questions when I have concluded my speech.

Mr. RAKER. It is so appropriate right here.

Mr. KAHN. I decline to yield.

Mr. Chairman, I thoroughly concur in these sentiments, and, as I stated before, the people of California have found that under existing laws, without having had to resort to such dangerous and doubtful experiments in popular government as the initiative, referendum, and recall, they were able to elect honest officials who have proved faithful to the trust that has been imposed upon them by the people of that State. But, under section 5 of Article VIII of the proposed Arizona constitution, only one recall petition shall be filed against the same official during the term for which he was elected "unless"—mark this language—"unless petitioners signing such petition shall first pay into the public treasury, which has paid such election expenses, all expenses of the preceding election." The judges of every State are called upon at times to decide questions where great interests are involved and where big stakes hang in the balance. Suppose, for the sake of argument, a conscientious judge decides a case according to the law as he construes it and against some powerful corporate interests. Perhaps in its scope the decision affects millions of dollars' worth of property.

The corporation, feeling incensed at the decision of the judge, gets out petitions for his recall. The recall election takes place, and the judge is sustained by his constituency. The corporation being soulless and possessed of large means determines to harass and worry the judge. It can easily afford to pay the expenses of the preceding election, and in a brief period of time it does so and starts out to secure new recall petitions against this very judge. There is no inhibition in Article VIII against such a course, always provided, however, that the petitioners "pay all of the expense of the preceding election." And unless a law were passed under the provisions of section 6 of Article VIII of the proposed constitution which would allow the payment by the public treasury of the reasonable special-election campaign expenses of the officer, the judge would have to bear the burden of these expenses out of his annual salary of $3,000, $3,500, or $4,000, according to the judicial district in which the court is located. But aside from this question of paying the special-election campaign expenses of the judge, would not the attempt to recall him harass, worry, and annoy the conscientious official?

I dare say that very few able, honest, and efficient jurists would want to continue on the bench under such circumstances and conditions. In the very nature of things justice would be throttled ultimately, and men of character and ability would never aspire to judicial office in that State. [Applause.]

Indeed, it is my firm belief that in those States in which the recall of officials may be adopted the corporations and powerful interests will attempt to utilize those provisions to harass and worry those public officials whom they can not control. It is a most dangerous weapon against honest officials. Heretofore such corporations have tried to defeat the officer, who had refused to yield to their blandishments, for renomination, or failing in that, at the polls.

Under the recall they will not have to wait so long as formerly to wreak their vengeance upon the man who has proved faithful to his trust, and who has refused to succumb to the demands of these corporations or powerful interests. Under our present system they have to wait until the offending official's term of office is about to expire. Under the new dispensation they can seek to oust him immediately, and, failing the first time, they can keep up the contest against the faithful official until he will give up his position in sheer disgust. [Applause.]

It has been contended by some of those favoring the recall that it is not a new proposition, but that it was in vogue before our Federal Constitution was adopted. Article V of the Articles of Confederation provided that—

For the more convenient management of the general interest of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year. * * *

This provision was entirely omitted from the Constitution of 1787, no doubt because it was found to be harmful and impractical. The Articles of Confederation, soon after their adoption, were found to be weak and unsatisfactory in many particulars. Probably one of the very sources of weakness was this very provision for the recall of delegates by the legislature of a State at any time within the year and the sending in their places of new delegates. It does not require any great stretch of the imagination to realize what might happen if an important measure were under consideration, a measure that had been thoroughly discussed for a long period of time, and just before the vote was to be taken on its rejection or adoption the delegates of any State should be confronted by a new set of delegates who brought with them the authority of the legislature of their State for the recall of the sitting delegates. How could these new delegates, not being familiar with the discussion on the merits or demerits of the proposed law, vote intelligently thereon? The situation is obvious, and I need hardly pursue the subject further.

And it is a matter of record that frequently the States failed to send any delegates at all to the Congress during the days of the Articles of Confederation.

"But," say some of those who favor the recall, "when the Constitution of 1787 was framed the reactionaries were in control and th— provided that the several States should no longer be able to recall their representatives."

Saints of heaven, the reactionaries were in control! George Washington, Edmund Randolph, James Madison, George Mason, Francis Dana, Elbridge Gerry, Rufus King, Caleb Strong, Roger Sherman, Oliver Ellsworth, Robert Yates, Alexander Hamilton, David Brearly, William Patterson, Thomas Mifflin, Robert Morris, Gouverneur Morris, George Clymer, Jared Ingersoll, James Wilson, John Dickinson, Daniel Carroll, Richard Caswell, Charles Pinckney, Charles Cotesworth Pinckney, John Rutledge, Nathaniel Pendleton, William Houston, and all their patriotic colleagues who spent so many weary weeks and months in framing a Federal Constitution that would help "to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defense, promote the general Welfare, and secure the Blessings of Liberty" to themselves and their posterity, branded by these overzealous heralds of the new dispensation as reactionaries. [Laughter and applause.] It simply illustrates the limits to which men will go in order to bolster up an unworthy cause.

Now, it must be remembered that John Dickinson, who planned the Articles of Confederation, was also a member of the convention which framed the Federal Constitution and which omitted the recall from its provisions. Evidently John Dickinson, the author of the Articles of Confederation in 1776, must have been captured, body and soul, by the reactionaries of the Constitutional Convention of 1787 and converted to their cause, for he unhesitatingly gave his entire approval to the new Constitution, notwithstanding the elimination therefrom of the sacred recall provision of the Articles of Confederation. On September 17, 1787, he joined with his colleagues in signing the historic instrument.

Nor did the legislature of his State or the citizens of his State deprecate his action in so doing, for John Dickinson was a delegate to the convention from the State of Delaware, and Delaware was the very first of the original 13 States to ratify the Constitution.

According to the logic of some of the advocates of the recall, the constituents of John Dickinson must all have become reactionaries, for they promptly placed the stamp of their approval upon the work of their delegate, John Dickinson, even though he had consented to the omission of the recall from the provisions of the proposed new Constitution.

Some of those who favor this legislation may believe that it would be a difficult thing to secure the necessary signatures to a petition for a recall, unless the people were aroused against some particular official. But let me call these facts to their attention. Election contests are usually rather close. In the total vote of a State like Arizona, there may be a difference of only 300 or 400 votes between the successful candidate and his opponent. As a matter of fact there was only a difference of 708 votes between the present Delegate from Arizona [Mr. CAMERON] and his opponent, Mr. Smith, in a total vote for Delegate of 26,367, at the general election held in the Territory on November 2, 1908.

It has been frequently asserted that our Government is a government by parties. I believe that to be true. If party spirit should run high—and it mostly always does—does anyone feel that it would be difficult to get the signatures of 25 per cent of the electors for a recall petition? And there is not a Member on this floor that is not thoroughly familiar with the fact that hundreds of people sign petitions without even looking to see what they are signing. I feel that, as a general rule, there would be mighty little difficulty in securing the necessary number of signatures.

And right now let me observe that I believe these questions of the adoption or the rejection of the initiative, the referendum, and the recall as a part of our legislative system and our election system, to be highly important ones. They ought to be discussed frankly, freely, fully, and without asperity. I have read much upon these subjects, and in the course of my reading I have often found that the proponents of these propositions were entirely intolerant of criticism and opposition.

They have frequently indulged in most scathing denunciation of those who honestly and sincerely oppose these new and unusual methods of legislation and election. "Creatures of the corporations," "hirelings of the interests," "enemies of the people" are some of the epithets that have been hurled at those who have had the temerity to array themselves among the "doubting Thomases." In many cases the latter have retorted with "demagogue," "dreamer," "impractical theorist," "fanatic," "fool." It all goes to show the intense interest that has been awakened in the discussion of these questions throughout the country; but villification and abuse never yet settled a controversy. Applying epithets hurts no one except him who indulges in the practice. Every man is entitled to have his own views upon these questions and to express those views freely and openly. It is good that they should be discussed freely and openly in order that the people themselves, who will be the last resort in determining whether they should be tried or rejected, may understand their demerits as well as their merits. And it is certainly not in a captious spirit that I am discussing them from my point of view in connection with the proposed constitution of the proposed State of Arizona.

It certainly is not my purpose to question the motives that actuate those who favor or those who oppose these provisions. I believe that many of the advocates as well as the opponents of these experiments in republican form of government are undoubtedly sincere; but doubtless, too, there are also many who attach themselves to what they consider the popular side of the controversy in the hope of future political preferment.

The latter form a dangerous element in our political system. That fact was pointed out by Alexander Hamilton during the discussion on the adoption of the Federal Constitution. He said in his letter in The Federalist "On the Purpose of the Writer"—

> a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics the greatest number have begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants.

[Applause.]

Mr. Chairman, I have tried to point out the grave danger that would befall the judiciary of that proposed State if this proposed constitution were accepted as it has been presented to us.

But aside from its effects upon the judiciary, I believe that the so-called recall is of doubtful benefit to the people of any State. Why, sir, there is scarcely one of our national heroes against whom a recall petition would not have been filed at some period during his official incumbency if the laws of the land had permitted it. When Washington sent the Jay treaty to the Senate to be ratified, there was such an outburst of disapproval on all sides that within 48 hours after its provisions became known the necessary recall petitions would have been signed by thousands of electors in excess of the required percentage, and the Father of his Country might have been relegated to private life long before his countrymen could have had an opportunity to discover the wisdom and the foresight of that great statesman that prompted him to negotiate the treaty which for a brief period of time was looked upon as being so obnoxious to American interests. And does any Member of this House doubt that the immortal Lincoln would have been put to the task of defending his title as Chief Executive of this Republic if, during the dark days of 1862, the recall had been one of the cardinal principles of our Federal Constitution?

Does anyone doubt that enough signatures could have been procured in New England alone, in 1808, for the recall of President Jefferson when the embargo act began to destroy the commerce of that section?

Does anyone doubt that enough signatures could have been procured for the recall of President Madison in that same New England, in 1813 or 1814, during the progress of the War of 1812?

Does anyone doubt that enough signatures could have been procured in the South for the recall of President Roosevelt immediately after he had invited Booker T. Washington to lunch with him at the White House? [Laughter and applause.]

And so I could keep on enumerating instances where popular feeling ran high in certain localities against public officials, where there would have been no difficulty in securing the signatures of the necessary 15, or 20, or 25 per cent of the voters required by the law to put the official to the task of defending his right to continue in office.

And if the recall be a good thing for a single State, why is it not likewise a good thing for the entire Nation? But, Mr. Chairman, can it even be said that it is a good thing for a municipality? Let me read to you an editorial from the Wilkes-Barre Record of May 5, 1911, on the recall experience of the City of Tacoma, State of Washington:

ONE RECALL EXPERIENCE.

Those who revel in the excitement of a political campaign can wish for nothing more satisfying than the recall system as it is being operated in the city of Tacoma. On the 5th of April an election was held to determine whether the mayor should be ousted before the expiration of his term. None of the candidates received a majority of the votes cast and another election was held ten days later. This time the mayor was deprived of his seat. Two weeks later, on the 2d of May, the required petition having been filed, the four city commissioners were hauled up for the ordeal. The election was not decisive and another election has been ordered for the 16th of May. If this contest does not give a majority the citizens will have to try again. When the commissionership has been disposed of the requisite number of citizens may take it into their heads to petition for the recall of some other officers, if there are any others subject to the law.

With officeholders liable to be called into three or four campaigns during a single term, perhaps on the initiative of political machines whom they offend, how long will Tacoma or any other city that adopts a similar system be able to induce men of the right caliber to run for office? How long will the better class of voters take an interest in this kind of business and go to the polls to give expression to the honest sentiment of the majority whenever a handful of citizens compels an election? The recall may be enticing in theory, but carried out on the Tacoma plan it stands a good chance of defeating the very purpose which it was intended to accomplish.

It is evident that the politicians of Tacoma soon discovered the latent possibilities that lurk in the innocent-looking provisions of the recall law, and they have thus early started to play the game to its logical conclusion. In the meantime the taxpayer is footing the bills. [Applause.]

Mr. Chairman, I believe that the recall has never been tried as a State-wide proposition. It has been tried in a few communities, and there seems to be some difference of opinion as to its efficacy even in municipalities. The experiences of the city of Tacoma may have had their counterpart in other localities. I can not say as to that. But any one familiar with republican institutions must realize that numerous elections are not a good thing. Perhaps one of the great defects in our system is "too much politics" and too many elections. One election, or, at the very outside, two elections, in a year may bring out a fairly large proportion of the voting population.

But as the number of elections increases the number of voters at each succeeding election in that year will decrease materially. That, I believe, has generally been the experience of municipalities. It has been the experience in the country in which the initiative and referendum originated—Switzerland. And thus questions of most vital importance to all the people of a community may be determined by an exceedingly small proportion of the voting population. "But we must pass a law to compel people to vote," some enthusiastic believer in the new cult will proclaim. In fact, I have seen such a proposition mooted on more than one occasion. The citizen must be made to exercise his franchise. It certainly sounds mighty alluring. And some day it may be proposed in some State or in some municipality that already has adopted the initiative. Well, Mr. Chairman, that proposition has also been in vogue in some of the Cantons of Switzerland—that land of beauty and of grandeur, which is also responsible for the referendum and the initiative. But how has it operated in the Canton of

Zurich, for example? It is true the people go to the polls under this compulsory voting law. It is true that they vote, but in thousands of instances they vote blank ballots. Mr. Albert Bushnell Hart, whom I have already quoted, says:

> In Zurich there is a compulsory voting law, of which the curious result is that in both national and cantonal referenda many thousands of blank ballots are cast.

Mr. Chairman, Article VIII, subdivision 2, of the proposed constitution of Arizona provides a second method of removing officials, to wit, by impeachment. It is the method employed in the Federal Constitution and in practically every State constitution as the mode of procedure against any official charged with malfeasance in office. It is seldom invoked, but in those instances where it has been called into requisition it has generally proved sufficiently efficacious to have met the emergencies that had arisen. It is, in my judgment, a much safer and a much firmer base to stand upon than is the insecure and experimental one of the recall. [Applause.]

The framers of the Federal Constitution realized fully the danger of passing laws during periods of great excitement. And so they determined that a considerable length of time should elapse between the election of Members of Congress and the convening of the new Federal legislative body. In most of the States nearly 13 months must elapse between the date of the election of its Representatives to the Congress and their actual induction into office. But the framers also recognized the fact that conditions might arise that would require immediate congressional action, and so they wisely gave the Chief Executive the authority to call an extraordinary session whenever, in his judgment, the circumstances might warrant such a course. And time has fully vindicated the wisdom of the fathers in having framed the organic laws, so that any extraordinary conditions of great excitement at the close of one Congress will be materially allayed by the time the succeeding Congress is called to order.

Mr. Chairman, we have had during the 122 years of our history as a nation many illustrations of the comparative rapidity with which people change their views upon public questions. It is needless for me to go into details. One instance, with respect to the government of municipalities, will suffice. About 25 years ago it was felt throughout the country that the very best form of government for our cities would be found in the election of one responsible head, who should have full power to appoint all commissioners and certain other subordinates. These commissioners and subordinates were to be accountable to the responsible head, and the people, under such conditions, could hold this responsible head to a strict account of his stewardship. Whenever, under this system, the responsible head was himself an honest, efficient official who made good appointments, the plan worked admirably.

But in a number of cases the men elected to the mayoralty proved recreant to the trust the people had imposed upon them. They appointed inefficient or corrupt commissioners and subordinates. In consequence a demand for a change has been growing in all parts of the country. The responsible-head idea in more recent years has been looked upon with more or less disfavor, and to-day the so-called commission plan, is being advocated as the ideal system. That is an apt illustration also of how things that sound well in theory oftentimes work badly in practice. Why, sir, within the past few months I myself witnessed an incident that was indicative of the rapidity with which people sometimes change their opinions. In the latter part of November, 1910, I was a delegate to the Lakes-to-the-Gulf Waterways Convention at the city of St. Louis, Mo. There were some 1,500 delegates in attendance. They came from many sections of the Union. They were men of affairs, merchants, lawyers, doctors, civil engineers, scientists, financiers, farmers, and representative citizens in many other walks of life. They were intensely in earnest. The adoption of their views in regard to the deepening of the Mississippi River to a depth of 14 feet lay near to their hearts. They felt that there was a disposition on the part of the President of the United States to give them much less than they had asked for. The committee on resolutions brought in its report, and in that report there were some rather disparaging remarks about the President. I remember the prolonged cheers that greeted the uncomplimentary references to the Chief Executive. It was some little time before order could be restored.

The resolution evidently echoed the sentiment of a large majority of those present. When quiet had been restored and the question of the adoption of the report was submitted to the delegates, there arose a gentleman who moved to strike out the words which he considered to be a reflection upon the President. There was an uproar immediately, and realizing that he was in a hopeless minority, he withdrew his amendment to strike out the offensive words. Thereupon my distinguished friend and colleague from the State of Missouri, Dr. BARTHOLDT, who was also a delegate, renewed the motion, and in a few well-chosen sentences gave reasons why the objectionable language should be stricken from the resolutions. He was followed immediately by the governor of Illinois, who, in a forceful and vigorous speech of about 20 minutes' duration, completely changed the sentiment of that convention, and the very men who had so vociferously cheered the offensive aspersions a few minutes earlier were cheering just as lustily to have them stricken from the resolutions.

And it is only necessary to recite the historic incident of Marc Antony's oration over the dead body of Julius Ceasar to demonstrate the fickleness of the multitude at times. I need not recite the story here. It is familiar to every schoolboy. And what happened in the Roman forum 2,000 years ago has had its counterpart many times in the progress of human advancement.

The people, in these days of the railroad, the steamship, the telegraph, the telephone, and other methods of speedily disseminating news, are perhaps a little more prone to change their minds than were the people in those days when Rome was mistress of the world. In our everyday life we have learned to realize that the sensation of to-day becomes the "chestnut" of to-morrow. [Laughter and applause.] And all these experiences go to show that mankind are prone to err. Perhaps the most hopeful sign in our present-day civilization is the promptness with which the masses are willing to reverse their judgment when they find that they have been in error. [Applause.]

Mr. Chairman, as it is with cities, so it is with States. What may be found to work admirably in one State by reason of the conditions existing therein may not work at all in some other State. And the people of the latter State may be just as patriotic, just as honest, and just as virtuous as are the people of the former State. The framers of the Constitution realized that governments ought not to be easily changed, nor upon slight provocation. In his Farewell Address, Washington uses this language:

> Toward the preservation of your Government and the permanency of your present happy state it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. *One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what can not be directly overthrown.* In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; *that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion;* and remember especially that from the efficient management of your common interests in a country so extensive as ours, a Government of as much vigor as is consistent with the perfect security of liberty is indispensible.

[Applause.]

These sentiments are replete with political wisdom, and I believe the Congress would be remiss in its duty if it did not heed the splendid advice of the Father of his Country.

I have come to the conclusion that this bill for the admission of Arizona as a State into the Union ought to be recommitted to the Committee on Territories with certain instructions.

There should be a condition precedent to the promulgation of a proclamation admitting Arizona as a State that the people of that Territory must eliminate the article relating to the recall. At any rate, the recall should never be permitted to include the judiciary. Not until such conditions shall have been complied with should the Territory be admitted as a State into the Union. There are numerous instances in the history of this country where certain constitutional provisions have been imposed upon Territories as a condition precedent to their admission into the sisterhood of States.

Thus the act of 1802, under which Ohio was admitted into the Union, prescribed as a fundamental condition that its constitution should not be repugnant to the Ordinance of 1787 for the government of the Northwest Territory. The sixth article of that Ordinance declares that there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted. A similar condition was imposed by the Congress upon the people of Indiana and Illinois. The State of Louisiana before it could be admitted was required by the Congress to provide in its constitution for trial by jury, for the writ of habeas corpus, and for the principles of civil and religious liberty. Said State was also required to keep its records and its judicial and legislative proceedings in the English language. Its people were also required to surrender all claim to all unappro-

priated lands in the Territory, and to prohibit the taxing of any lands of the United States. A condition was imposed upon the people of Missouri, which required that the Territory should take a census and should be admitted only upon condition that the census should disclose the fact that there were 40,000 inhabitants within its borders. The bill was amended by Congress before it became a law so that the constitution of the proposed State of Missouri should prevent the State from taxing lands of the United States situate therein, and also declaring that all navigable waters within the State should remain open to the other States and should be exempt from any tolls and duties. Utah was compelled to insert a stringent provision in her proposed constitution that no law establishing polygamy in the proposed State should ever be enacted. Does anyone doubt the wisdom of Congress in having insisted on such a provision in the organic law of the State of Utah? And have the people of that State ever attempted to defy the Congress by amendment of their constitution in that particular since the inhibition was imposed upon them? Why, of course not. And so I could cite innumerable instances where fundamental conditions have been imposed from time to time upon proposed new States as the price of their admission as States into the Union.

If the Congress had the power heretofore to require such fundamental constitutional provisions as conditions precedent upon which the proposed new States were to be admitted, it seems to me that it has the power to-day to require of any of her Territories that seek admission that the proposed State constitution of that Territory should carry a fundamental provision that the judiciary should never be subject to recall. I believe firmly that such a provision should be insisted upon in this case. It has been argued that even if the present proposed constitution were adopted upon the express condition that the people of the Territory of Arizona should have an opportunity to vote upon the recall provision separately, and if the said provision should, for the time being, be rescinded, that after the admission of the Territory as a State the people therein could still, by amendment of the constitution, reenact the objectionable provisions of the present proposed constitution. That is undoubtedly true. And for that very reason I believe that the Committee on the Territories should be instructed to report the bill back with a fundamental condition so that the constitution of said State shall never be amended so as to provide for the recall of the judiciary of that State. I believe that in practically every instance where such fundamental conditions were imposed the people recognized the sacredness of the obligation and religiously maintained the mandate of Congress as binding upon the proposed State.

It may seem somewhat drastic to insist upon such a condition, but I believe that the situation warrants it.

The enabling act admitting Arizona and New Mexico as separate States is itself an unusual enabling act. That act was passed by Congress with the language that compels the submission of a certified copy of the proposed constitution, and such provisions thereof as have been separately submitted, to the President of the United States and to the Congress for approval. The very purpose of inserting such provisions in the enabling act was to allow the Congress to scrutinize the proposed constitution before the full rights of statehood should be accorded. And having scrutinized the proposed constitution of Arizona and having found provisions which must seem repugnant to our institutions we are justified in insisting upon a condition precedent that the proposed constitution be so amended as to forever preclude the possibility of having the judiciary of the proposed State subject to the doubtful and dangerous expediency of recall. [Loud applause.]

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN (Mr. MURRAY). Does the gentleman from California yield to the gentleman from Illinois?

Mr. KAHN. I do.

Mr. FOWLER. I desire to inquire if it is not a fact that the initiative, referendum, and recall are new elements in American politics?

Mr. KAHN. They have been mooted and discussed for a good many years; they are not altogether new elements.

Mr. FOWLER. In American politics?

Mr. KAHN. Not altogether new elements; no.

Mr. FOWLER. I desire to inquire what the gentleman regards as the cause and growth of the sentiment for initiative, referendum, and recall in America?

Mr. KAHN. They sound good, and a good many agitators, in the hope of being elected to office, have advocated them. A good many of the muckrake magazines of this country have also advocated them. I dare say the gentleman will find that a good many of those who advocate them have never given them careful or serious consideration.

Mr. FOWLER. I ask the gentleman if it is not a fact that these three elements have found their way into American politics because of the abuse of power by those who have been trusted by the people?

Mr. KAHN. I do not believe that that is the fact at all.

Mr. FOWLER. I ask the gentleman if it is not a fact that Great Britain has a recall system in her Parliament which has been in vogue for centuries?

Mr. KAHN. That is not the case. As I understand the British system it is this: The members of Parliament are elected at intervals of seven years. There is a ministry appointed, and this ministry assumes all responsibility for government, and if at any time the ministry is defeated in the Parliament on an important measure that they may have proposed, they resign from office and appeal to the country.

Mr. FOWLER. I ask the gentleman if that system has ever proved detrimental to the British Government?

Mr. KAHN. That is not the system proposed by the initiative and referendum at all. The gentleman does not know what the initiative and referendum are if he tries to couple the British parliamentary system with the system proposed under the referendum and recall. The people of Great Britain never propose bills by initiative, nor do they vote upon them by referendum after Parliament has passed them. Now I will yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. I understand that Oregon has incorporated the recall into its constitution. I suppose the gentleman will admit that every other State in the Union, if the people saw fit to do likewise, could adopt it. If the gentleman concedes that, I want to ask him if it is fair to Arizona to impose upon that State a condition that will forever forbid or prevent the people of that State from incorporating the same provision in their constitution?

Mr. KAHN. If the people of other States make mistakes, let us guard against the people making a similar mistake in Arizona.

Mr. MARTIN of Colorado. New Mexico might incorporate the recall into its constitution in the course of a few years, and they would not be forbidden to do it as would Arizona.

Mr. KAHN. Well, as far as that is concerned, New Mexico had the opportunity to do it, and she showed a rational spirit in the formation of her constitution, and we are willing to trust the wisdom of her people.

Mr. MARTIN of Colorado. Well, she might get irrational like California did.

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

Mr. KAHN. Yes.

Mr. LENROOT. I did not hear all of the gentleman's speech, and for information I would like to know whether he contends that if this recall provision shall remain in the Arizona constitution they would not have a republican form of government?

Mr. KAHN. In the true sense of the word I do not think they would have a republican form of government.

Mr. LENROOT. Then I want to ask the gentleman this question, as to whether he believes the constitutional provision in our Federal Constitution of guaranteeing a republican form of government is not a continuing duty on Congress?

Mr. KAHN. Yes; I think it is.

Mr. LENROOT. Then I want to ask the gentleman whether his State of California has not proposed a constitutional amendment to be submitted to the people for the recall of judges?

Mr. KAHN. I am sorry to say that has been done, but so long as I have voice or breath I shall protest against it with all of the energy and vigor that I can command. [Applause.]

Mr. LENROOT. Just one more question. I want to ask the gentleman this: If his State of California shall adopt that constitutional amendment, whether he believes it will then be the duty of Congress to exclude California from the Union because it has not a republican form of government? [Applause.]

Mr. KAHN. That is up to the courts and the Congress. I thought, however, the gentleman was also referring to the initiative and referendum. I think the initiative is undoubtedly unrepublican. I think it probable that the recall is not unrepublican. Perhaps I may add that I believe the initiative would ultimately lead to the destruction of all government. It would lead to anarchy.

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

Mr. KAHN. Certainly.

Mr. RAKER. Is it not a fact that in the last Republican platform adopted in September by the Republicans of California they adopted the initiative, referendum, and recall?

Mr. KAHN. They did, and I am sorry for that; but the last Democratic national platform provided for free lumber, and yet dozens of Democrats on your side voted against free lumber.

Mr. RAKER. Now, is it not a fact that the gentleman and all those who stood on the Republican side in California stood by the officers to elect them upon the platform of the initiative, referendum, and recall, and upon the same platform and in the same building?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I will ask the gentleman from Pennsylvania to yield me one minute more.

Mr. LANGHAM. Mr. Chairman, I yield the gentleman one minute more.

Mr. KAHN. Mr. Chairman, I believe that the Republican platform did contain such a plank. I was not consulted in the making of that platform, nor was I present at the convention at which the platform was formulated. If I had been, I would probably have opposed it, although I had not given the subject the study and thought that I have given it since then. I stated on this floor awhile ago that I was at one time disposed to favor them. They looked good in theory to me. After having studied these innovations, however, I am entirely opposed to them, and so long as I continue in public life and so long as I live I will keep on raising my voice against those provisions, for I consider them exceedingly detrimental to the continued welfare of the American people. [Applause.]

Mr. RAKER. Will the gentleman yield for one further question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGHAM. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Chairman, in view of the interest manifested by the people of California and the entire Pacific coast in the subject of Japanese immigration, which was widely discussed when the new Japanese treaty was before the Senate for ratification during the last session of Congress, I desire to insert herewith in the RECORD some very significant figures furnished by the Department of Commerce and Labor. These figures show the arrival and departure of Japanese for both the United States proper and the Territory of Hawaii from July 1, 1908, to March 1, 1911. Within this period there arrived at United States ports 7,501 Japanese, while 14,195 sailed for Japan. This does not look like an invasion. In Hawaii, regarding which Territory much concern has been expressed, there were 4,348 arrivals and 6,266 departures. In other words, 6,694 more Japanese left continental United States than arrived, and 1,918 more left Hawaii than came into that Territory.

Mr. NORRIS. Mr. Chairman, during what time was that?

Mr. KNOWLAND. During the period I have just stated, from the 1st of July, 1908, to the 1st of March, 1911. Taking the combined figures of both the continent of the United States and the Territory of Hawaii there were 8,612 more Japanese who took their departure for the Empire of Japan than entered the continent of the United States and the Territory of Hawaii. The letter is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, May 8, 1911.

Hon. JOSEPH R. KNOWLAND, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: In reply to your inquiry of the 28th ultimo you are advised that the records of this bureau show that more Japanese have left the United States during the past three years than have arrived. The arrivals and departures for continental United States and Hawaii since July 1, 1908, were as follows:

Period.	Continental United States.		Hawaii.	
	Arrived.	Departed.	Arrived.	Departed.
Fiscal year ended June 30, 1909	2,432	5,004	1,493	2,378
Fiscal year ended June 30, 1910	2,598	5,024	1,527	2,355
Eight months ended Feb. 28, 1911	2,471	4,167	1,328	1,533

Very truly, yours,

CHARLES EARL, *Acting Secretary.*

Mr. HUMPHREYS of Mississippi. Mr. Chairman, may I ask the gentleman a question? I was interested in his statement. The Japanese who leave the United States or leave Hawaii, have they the right under the law to return?

Mr. KNOWLAND. To return to Hawaii?

Mr. HUMPHREYS of Mississippi. Or to the United States.

Mr. KNOWLAND. Of course, there is no exclusion law to keep them out, but a sort of gentlemen's agreement, which was discussed at the time the Japanese treaty was before the Senate for ratification.

Mr. HUMPHREYS of Mississippi. I understand that. Is it the gentleman's understanding that these——

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

Mr. HUMPHREYS of Mississippi. This is an interesting subject and I desire to get this information, and I would like to have the gentleman's time extended——

Mr. LANGHAM. I will yield the gentleman one minute additional.

Mr. HUMPHREYS of Mississippi. Under this gentlemen's agreement will these Japanese who have returned to their native land have the right to come back to Hawaii and the United States, or will they, under the terms of that agreement, be kept out?

Mr. KNOWLAND. Well, I should judge, if they are laborers, that under the terms of that agreement they would not return.

Mr. LANGHAM. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON of Michigan. Mr. Chairman, in June, 1910, we passed an act to enable the people of the Territory of New Mexico to adopt a constitution and to become a State, and to enable the people of Arizona to adopt a constitution and become a State.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. HAMILTON of Michigan. I did not intend to yield because I wanted to shorten my remarks, but I can not refuse the gentleman.

Mr. TRIBBLE. Did not they adopt the constitutions?

Mr. HAMILTON of Michigan. Yes; they did.

Mr. TRIBBLE. Then what have we got to do with it, so long as they conformed to our requirements?

Mr. HAMILTON of Michigan. I will try to make that plain. I thought perhaps the gentleman had heard these debates.

Mr. TRIBBLE. I heard them.

Mr. HAMILTON of Michigan. Perhaps I may be able to add something to the gentleman's information. In that enabling act we provided for the election of delegates to constitutional conventions to be held in each of the Territories. We provided for the organization of the delegates into constitutional conventions, and then we provided that after these constitutional conventions should have formed constitutions the constitutions should be submitted to the people of the respective Territories for ratification or rejection.

The constitution of New Mexico was ratified by the people of New Mexico in January last. The constitution of Arizona was ratified by the people of Arizona in February last. We provided that if those constitutions were ratified they should be certified to the President of the United States and to the Congress, and then we provided as to each constitution that if Congress should approve and the President should approve, or if the President should approve and Congress should not disapprove during its next regular session, then the President should certify the fact to the governor in each case and State officers might be elected.

Mr. TRIBBLE. One more question.

Mr. HAMILTON of Michigan. Yes.

Mr. TRIBBLE. Do the constitutions that those two Territories ratified conform to a republican form of government?

Mr. HAMILTON of Michigan. I think the constitution of New Mexico does, and I think it would be difficult to say that the constitution of Arizona does not.

Mr. TRIBBLE. That is the very point I am driving at. If it does, what has this Congress to do with it? Are they not capable of judging for themselves?

Mr. HAMILTON of Michigan. I did not propose to go into that, but I will try to make it clear Congress has time and again annexed other conditions than that constitutions should be republican in form, and so forth. In enabling acts heretofore we have not provided that constitutions should be submitted to Congress at all. We have provided that if the constitution permitted to be formed should be republican in form and not repugnant to the Declaration of Independence, and should be in conformity with the enabling act, the President should make proclamation of that fact, and the Territory seeking admission might within a given time become a State. Now, in this enabling act we have departed from that course, and have said that the constitution shall not only be submitted to the President, but to the Congress of the United States, and we have given the power to the President to approve and the power to Congress to approve or disapprove. Now, the very fact that we have set out the power of approval or disapproval separate and apart from the condition that the constitution shall be republican in form and not repugnant to the Declaration of Independence to my mind forms an argument that the President may refuse to approve the constitution or Congress may refuse to approve the constitution for other reasons than those involved in a construction of the terms ordinarily incorporated in enabling acts requiring that constitutions shall be republican in form, and so forth. I know it is contended otherwise, but I think the very

purpose of that clause in the enabling act was to give the President the power to approve or disapprove and the power to Congress to approve or disapprove, outside of whether the constitution is republican in form or repugnant to the Declaration of Independence.

Now, it is a matter of common knowledge that the constitution of Arizona has in it a provision which has challenged the opposition of a good many Members, both of the House and of the Senate, and it is a matter of common knowledge that the President has expressed himself as opposed particularly to the provision permitting the recall of judges.

Mr. HUMPHREYS of Mississippi rose.

The CHAIRMAN. Will the gentleman yield?

Mr. HAMILTON of Michigan. I will yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. Before the gentleman goes to that point I would like to ask his opinion if, under the present situation, he thinks it is necessary to the admission of these States that the President approve these constitutions? Under this resolution pending now, as the gentleman has observed, they do not require the approval of the President——

Mr. HAMILTON of Michigan. I think they do—that is, I think his approval or disapproval of the constitutions is involved.

Mr. HUMPHREYS of Mississippi (continuing). But they will be admitted under the terms prescribed. Does the gentleman think that the acts of the last Congress will still be in force and the President will have to approve?

Mr. HAMILTON of Michigan. While the pending resolution modifies the enabling act in some respects, still the pending resolution can not become a law without the signature of the President, and his signature necessarily operates as approval of the constitutions.

Mr. FLOOD of Virginia. Will the gentleman yield?

Mr. HAMILTON of Michigan. I will.

Mr. FLOOD of Virginia. Does not the gentleman think that this resolution repeals the enabling act, so far as the President having to approve affirmatively all the provisions of the constitutions of Arizona and New Mexico is concerned?

Mr. HAMILTON of Michigan. The President will have to sign this joint resolution if it becomes law.

Mr. FLOOD of Virginia. Of course, he will have to sign as a part of the legislative department of the Government, but I mean, so far as approving the provisions of those constitutions affirmatively, does not the gentleman think this resolution will repeal that portion of the enabling act?

Mr. HAMILTON of Michigan. I would not think so. The joint resolution proposes to admit these Territories as States according to the terms of the enabling act as modified by the joint resolution; but the power of Congress and the power of the President to approve or disapprove is still involved. Let us consider the two constitutions separately. The President has approved the constitution of New Mexico, and he has sent a message to Congress declaring he has done so. Now, if Congress does not disapprove the constitution of New Mexico during the next regular session, New Mexico will become a State without any further procedure.

As to Arizona, the case is different. The Arizona constitution did not arrive here until probably a day or two after the adjournment of the last session of Congress, although I think one gentleman contended that it did arrive sometime in the night of March 3. But I do not believe anybody knows about that. Now, the President has not approved the Arizona constitution, and the enabling act provides that if the President shall approve and Congress shall approve, or if the President shall approve and Congress shall not disapprove during its next regular session, then the people of Arizona may become a State.

By the terms of this joint resolution Congress is approving or disapproving pursuant to the enabling act as modified by the joint resolution, and when the President signs or vetoes this joint resolution he either approves or disapproves the constitutions. In any case, your joint resolution will have to have the signature of the President, and if you have in your joint resolution a provision providing for the recall of judges, you would probably force the President, unless he should retract, to refuse to sign your joint resolution. Then what will be the effect? Arizona will still be a Territory and the position of New Mexico will be anomalous, because, I fear, the fact that you have incorporated certain provisions in your joint resolution might operate so as to enable them to be considered as a disapproval by a man predisposed that way, although it may well be doubted whether the action of the two Houses on a resolution which never became a law could be said to have any force or effect whatever.

Now, I want to say this——

Mr. HUMPHREYS of Mississippi. That is, if the Senate concurs, too?

Mr. HAMILTON of Michigan. Precisely, if the Senate concurs and if it should go to the President.

Mr. TRIBBLE. Now, on that recall proposition, I am not trying to ask a difficult question, but——

Mr. HAMILTON of Michigan. Oh, I had a matter here that was of interest to me, and I was trying to get to it, but I will yield.

Mr. TRIBBLE. Does the gentleman challenge the recall of judges?

Mr. HAMILTON of Michigan. Yes; I do.

Mr. TRIBBLE. And the House challenges that feature. Now, I want to know what right we have to select the judges and challenge that feature and not challenge any of the other elective officers? I am not prepared to say that I am in favor of recalling the judges.

Mr. HAMILTON of Michigan. I doubt if the gentleman is in favor of the recall of judges. It is not a partisan question. I feel that it is one of the biggest questions we have had to consider or will have to consider. I know how my friend from Colorado [Mr. MARTIN] feels about it. But to me it seems to be one of the fundamental questions of our national condition.

Mr. MARTIN of Colorado. Now, let me ask the gentleman a question right there. I am burning to ask it while such good order prevails. The gentleman holds a republican form of government to be a representative form of government, does he not?

Mr. HAMILTON of Michigan. I do, and I will tell the gentleman why. But the gentleman knows why I do, does he not?

Mr. MARTIN of Colorado. Yes. I am satisfied with that answer. The gentleman's principal objection to the Arizona constitution is the recall provision?

Mr. HAMILTON of Michigan. Yes.

Mr. MARTIN of Colorado. Now, is it not the opinion of the gentleman that the initiative and referendum come far closer to the question of representative government than the recall?

Mr. HAMILTON of Michigan. Not the referendum, but the initiative does.

Mr. MARTIN of Colorado. The initiative comes far closer to the question of representative government, which, in the gentleman's opinion, is a republican form of government, than the recall?

Mr. HAMILTON of Michigan. In perfect frankness, that is my judgment, I will say to the gentleman.

Mr. MARTIN of Colorado. And yet the gentleman is directing his attention here to a feature of the Arizona constitution which is less objectionable from the standpoint of a republican form of government than the other feature, about which he is not complaining at all.

Mr. HAMILTON of Michigan. I am not discussing here the *constitutionality* of either the initiative or the recall, but I do propose to discuss the *expediency* of the application of the recall to judges.

Section 1 of article 8 of the Arizona constitution provides that—

> Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State.

This recall is to be set in motion by a petition signed by 25 per cent of the number of votes cast for all the candidates for the office held by the officer sought to be removed at the last general election.

A STABLE CONSTITUTION.

Let us examine this recall proposition so far as it affects the judiciary.

In the first place, Article IV, section 4, of the Federal Constitution requires that the—

> United States shall guarantee to every State in this Union a republican form of government.

That Constitution down to recent years has been held by the people of the United States to be an almost sacred thing—as Bryce says, in his American Commonwealth, "An ark of the covenant whereon no man may lay rash hands"—but recently every upstart for political favor seeks to inflame the public mind with the idea that this instrument, or some State constitution, ought to be overhauled to express his particular theory, and the Constitution is denounced as antiquated and insufficient for modern needs.

Wendell Phillips once said that formerly a man had to serve an apprenticeship of seven years to make a pair of boots, but that in his time a man might talk seven weeks and become the governor of a great State. He does not have to talk seven weeks now. Seven days is enough.

Now, if a statesman of the spot-light, opéra-bouffe, whirling-dervish variety denounces everybody enough, claims all virtue for himself enough, and indicates that the Constitution is a bungling thing anyway, and that he could have made a better one himself at odd times, a large number of people will recognize that the world has been waiting a long time for him, and will invite him into high places to overhaul the work of ages in 30 minutes.

A written constitution is a safeguard of life, liberty, and the pursuit of happiness.

The very rigidity of a written constitution is a protection from commercial power and wealth on the one side and the tyranny and intrigue of official power and ambition on the other.

It is a safeguard against extremes. The first popular impulse, even when right, is apt to swing too far one way and then to swing too far the other way before it reaches equilibrium.

A written constitution means definiteness and stability, and definiteness and stability breed respect for law and order.

Free governments owe their existence to security under the law.

Without constitutional restraint laws themselves may become uncertain and even unjust and cease to command the respect of the governed.

Without respect for law and order frequent changes would become inevitable and law thereby become less and less respectable.

Peace and order and property and liberty and life itself hang on the stability of law.

There is danger in seeking flexibility in the fundamental law that we not only throw away backbone and stability, but that we throw away our liberties.

A constitution too easily changed is no constitution at all, but is a moving picture of passing public opinion.

SOUND LEGISLATION.

Our people are above the average in intelligence and in respect for the rights of persons and the rights of things, but the average man is not a constitutional lawyer, neither is he a lawyer at all. He may think himself the better off for that, but even a little learning is not to be despised, and the more a man knows, the more he knows there is to know, and in this way arrogant ignorance sometimes becomes humble.

Zangwill compares us to a melting pot, in which all nationalities are being fused and transformed here into a new nationality, but we are something more than a melting pot of nationalities. We are a melting pot in which all creeds, cults, denominations, ideas, ideals, and institutions are being fused and transformed, and sometimes the more radical and revolutionary the creed, cult, idea, or ideal the more attention it attracts for a time, until some other creed, cult, idea, or ideal boils to the surface.

Bryce observes that there is always an election going on somewhere in the United States, and this also keeps the pot boiling; and sometimes I think there is too much pot boiling; too much noise of political swashbucklers, swashing upon their bucklers; too many gentlemen standing at the doors of too many political tents, each advertising his own greatest show on earth "just upon the inside"; too many political jugglers and tight-rope walkers and sword swallowers and soothsayers.

The laws enacted by the earlier legislative assemblies were few and fundamental, but now 46 States and 3 Territories are grinding out laws, and the courts of 46 States and 3 Territories and the District of Columbia and the District of Alaska and the Canal Zone are grinding out decisions, until our jurisprudence is becoming more and more complex.

The questions that are presented at each session of each Congress and each session of each legislature are such as require the exercise of ripened judgment and expert experience, and this is so because of our greater density of population, our greater territory, our increasing means of transportation, communication, transmutation, and exchange.

It is so because of our increase of poverty and our increase of wealth.

It is so because of our transition from the simple to the complex life.

It is so because of railroads, steamboats, telegraphs, telephones, electricity, typewriters, automobiles, and flying machines.

In proportion as affairs require more solid knowledge, more judgment, more stability to deal with them, shall we turn them over to fickleness, impulse, and prejudice?

POPULAR SENTIMENT AND JUDICIAL DECISIONS.

Let us consider this proposition to make the judiciary subject to the "recall."

That means that if a judge, in the interpretation of the law, shall decide a cause or instruct a jury in a way which might be unwelcome to the people of his district, a percentage of the party which elected him or a percentage of the party which opposed him, or a percentage of both parties, in all amounting to only one-fourth of the total vote cast for judge at the last general election, may demand his recall.

It means that if there should be mob violence and the leading citizens of a community should be involved, a judge, threatened with the recall, might be inclined to shade the law in favor of the defendants.

It means that a federation of interests which dominated a community might also dominate the courts.

It means that if a question of taxation should be involved and a judge should hold a bond issue valid against which public opinion was inflamed, an inflamed public opinion might recall him.

It means that if a judge should hold a bond issue valid and the case should be appealed, and that pending appeal the judge should be recalled, then, if the cause should be sent back for retrial, the bondholder would be driven to seek justice in a tribunal already committed against him, or seek a change of venue—a condition dangerously close to a denial of justice; a condition dangerously close to interference with due process of law.

The disposition of the people to discipline a judge, whose decisions were just but did not for the time accord with popular sentiment, has had many melancholy illustrations.

A judge of the high court of errors and appeals in Mississippi in 1841, joining in a unanimous decision, held a $15,000,000 issue of State bonds valid which the governor had by proclamation declared void. The policy of repudiation was then a political issue in Mississippi, and the people had indorsed it by electing its advocates to the highest offices in the State. The term of the judge soon expired and he was displaced by a judge whose opinions were known to be in accord with popular sentiment.

In 1859 in Ohio a judge of the supreme court was promptly defeated for reelection because in a case before him he, with a majority of the court, had followed a decision of the Supreme Court of the United States in sustaining the constitutionality of an unpopular law.

WHAT CONSTITUTES A STATE.

We are making States here and guaranteeing their form of government.

What makes a State? Not population alone, nor any prescribed number of people. The population of States differs as widely as their areas differ. Not land alone, although land is necessary. A people not attached to a definite part of the surface of the earth are no more than a wandering horde—a migratory band.

These—population and land—are necessary, but above all is government. A mass of people occupying a piece of ground do not constitute a State until they have organized themselves into a governmental entity.

What is government? Government is power lodged somewhere to run the affairs of a nation, State, or municipality.

Hamilton, in the Federalist, asks: "Why are governments instituted among men?" and then he answers his own question by saying: "Because the passions of men will not conform to the dictates of reason and justice without restraint." That restraint is sovereignty, and sovereignty is the "unlimited power of the State to impose its will upon all persons, associations, and things within its jurisdiction."

Now, in the organization of government—

It is indispensable that there should be a judicial department to decide rights, to punish crime, to administer justice, and to protect the innocent from injury and usurpation. (Rawle on the Constitution.)

Where there is no judicial department to interpret and execute the law, to decide controversies and to enforce rights—

The Government must either perish by its own imbecility or the other departments of Government must usurp powers for the purpose of commanding obedience, to the destruction of liberty. (Kent's Commentaries.)

Since, then, it is necessary to government that there should be a judiciary, is any argument needed to demonstrate that it should be an independent and stable judiciary?

Kent, in his Commentaries, says:

The independence of the judiciary is just as essential to protect the Constitution and laws against the encroachment of party spirit and the tyranny of faction in a republic as it is in a monarchy to protect the rights of the subject against the injustice of the crown.

Story, in his work on the Constitution, says:

Upon no other branch of the Government are the people so dependent for the enjoyment of personal security and the rights of property, and it is hardly necessary to add that the degree of protection thus afforded is conditioned in turn upon the wisdom, stability, and integrity of the courts.

Edmund Burke, in his "Reflections on the French Revolution," says:

Whatever is supreme in a State it ought to have as much as possible its judicial authority so constituted as not only to depend upon it, but in some sort to balance it. It ought to give security to its justice against its power. It ought to make its judicature, as it were, something exterior to the State.

To fulfill its high purpose, Garner in his Introduction to Political Science says,

the judiciary ought therefore to possess learning, faithfulness to the Constitution, independence, and firmness of character.

THE EFFECT OF THE "RECALL" ON THE STABILITY AND INDEPENDENCE OF THE JUDICIARY.

Since learning, independence, and firmness of character are indispensable to a judiciary, let us inquire what effect the "recall" would have upon these essential qualities.

It is clear that the existence of the qualities of learning, independence, and firmness must depend largely upon: First, the mode of selection of judges; second, the permanency of their tenure; third, the adequacy of their compensation.

Judges may be chosen in three ways: By the legislature, by popular election, or by appointment of the executive with or without the concurrence of the legislative branch.

The legislative choice of judges has not commended itself to statesmen in the past, because it renders the judiciary to some extent dependent upon a coordinate department in violation of the principle of the separation of powers.

Furthermore, the system of legislative choice generally means nomination by a party caucus and frequently a parceling out of judicial positions among political divisions with reference to geographical considerations rather than fitness for the judicial office.

In short, as Chancellor Kent has pointed out in his Commentaries, it presents—

too many occasions and too many temptations for intrigue, party prejudice, and local interest, to secure a judiciary best calculated to promote the ends of justice.

Garner, in his introduction to Political Science, says:

Choice by the legislature was a favorite method of selection in the American States for a time after the Revolution, a circumstance due to the prevailing jealousy of the Executive on the one hand and the distrust of popular election on the other. This system, however, has been abandoned in all the States but four (Rhode Island, Vermont, South Carolina, and Virginia), and is not followed by any European country except Switzerland, where the judges of the federal tribunal are chosen by the legislative assembly of the confederation.

The method of popular election is now the rule in the majority of the States.

It can not be denied that the qualities which distinguish an able and fearless judge are not those of the successful politician, and hence judges frequently make poor candidates, and are sometimes defeated by men of less fitness, who are better gifted with the art of winning public favor.

Kent, in his Commentaries, says:

The just and vigorous investigation and punishment of every species of fraud and violence and the exercise of the power of compelling every man to the personal performance of his contracts are grave duties, not of the most popular character, and hence not always calculated to command the calm approval of the popular masses.

The fittest men are likely to have—

too much reservedness of manners and severity of morals to secure an election resting on universal suffrage.

JUDGMENT SHOULD BE UNBIASED AND FEARLESS.

The choice of judges by popular election, however, has become a part of the system of our State governments, and has probably come to stay.

It has resulted, on the whole, in the selection of strong men for judges. This is, in part, due to the length of term and to the almost universal respect which until recently the judicial office has inspired.

But it ought to be axiomatic that no judge should be exposed to the necessity of having to curry popular favor in order to retain his office.

Hamilton, in the Federalist, says:

The Executive not only dispenses the honors, but holds the sword of the community.

The legislative not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated.

The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficiency of its judgments.

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

Mr. LANGHAM. I yield to the gentleman 15 minutes more.

Mr. HAMILTON of Michigan. There are many men here in this House of Representatives who have sat upon the bench, and I know that these quotations from statesmen and jurists who are revered by all who have read, construed, and practiced law must have a profound influence, not only upon the minds of lawyers, but upon the minds of all who respect the reasoned conclusions of men eminent in their professions.

Mr. J. M. C. SMITH. Mr. Chairman, will my colleague yield?

Mr. HAMILTON of Michigan. Yes.

Mr. J. M. C. SMITH. I should like to ask my colleague whether he thinks the legislature could pass an act recalling judges; and if not, why not?

Mr. HAMILTON of Michigan. That is a very difficult question to discuss within the time at my disposal. But I will say by way of preface that certainly, with a constitutional prohibition against the recall of judges, such a statute could not be enacted, and therefore I am in favor of requiring an amendment to the Arizona constitution.

Mr. J. M. C. SMITH. I will say that in our own State of Michigan our constitution provides for the initiative and referendum as to constitutional amendments, and it provides for amending the constitution in the provision for initiative and referendum. It can change the three departments of the State government in every particular. One of those is the executive. That is as important as the judiciary. The legislature is another, and that is as important as the judiciary. They are all republican.

The constitution says that the terms of our supreme court judges shall be fixed as provided by law, but the terms of the circuit judges are fixed in the constitution at six years, and the terms of the probate judges and of justices of the peace are also fixed by the constitution. Now, if the terms of the supreme court judges are to be fixed as provided by law, what is there to prevent the legislature from enacting a law at their first session to recall the judges, unless the constitution expressly prohibits doing it?

Mr. HAMILTON of Michigan. As I remember our constitution of 1909 we provide that an amendment to it may be proposed by two-thirds of the legislature. That is one way.

Mr. J. M. C. SMITH. That is correct.

Mr. HAMILTON of Michigan. Next, an amendment to the constitution may be proposed by a petition signed by 20 per cent of the qualified voters, and upon this petition the legislature may exercise a veto or may take other action prescribed in the constitution.

Mr. J. M. C. SMITH. Yes; and there is one other which I will suggest, with my colleague's consent.

Mr. HAMILTON of Michigan. Yes.

Mr. J. M. C. SMITH. That when there is a petition for a change in our constitution—that is, for the referendum—a majority of the legislature in joint session may submit a substitute or alternative, which is just as important as the original article.

Mr. HAMILTON of Michigan. That gets down to fundamentals. I will try to answer that as briefly as possible, although it is a very large question.

Mr. J. M. C. SMITH. I am very much interested indeed in the gentleman's able discussion of this question.

Mr. HAMILTON of Michigan. Cooley, in his Constitutional Limitations, states the law. I will read from pages 41 and 42 of the sixth edition of Cooley's Constitutional Limitations:

In regard to the formation and amendment of State constitutions the following appear to be settled principles of American constitutional law:

1. The people of the several Territories may form for themselves State constitutions whenever enabling acts for that purpose are passed by Congress, but only in the manner allowed by such enabling acts and through the action of such persons as the enabling acts shall clothe with the elective franchise to that end.

* * * * * * *

There are always in these cases questions of policy as well as of constitutional law to be determined by the Congress before admission becomes a matter of right—whether the constitution formed is republican, whether suitable and proper State boundaries have been fixed upon, whether the population is sufficient, whether the proper qualifications for the exercise of the elective franchise have been agreed to——

Mr. TRIBBLE. The gentleman states as to the referendum and initiative——

Mr. HAMILTON of Michigan. My friend from Michigan stated that in relation to the provision for amendment to the Michigan constitution.

Mr. TRIBBLE. But suppose your State should have the recall provision, do you think the Congress of the United States would interfere with your State?

Mr. HAMILTON of Michigan. I am coming to that question.

Mr. TRIBBLE. I think I am entitled to an answer.

Mr. HAMILTON of Michigan. But the gentleman must first allow me to lay my premises. I will try to answer the gentleman, although he has asked a pretty big question.

Mr. GARDNER of New Jersey. I would like to ask the gentleman from Michigan if he has any idea of admitting that the power of the legislature and the people to change the law of their State, the organic law, as to the terms of judges is in any way related to the recall of a particular judge?

Mr. HAMILTON of Michigan. No; but the gentleman from Michigan and the gentleman from Georgia do not mean that. That is not what they are driving at. I think I understand fully what the two gentlemen have in mind, and it is an important question. Let me finish this quotation from Cooley—

whether any inveterate evil exists in the Territory which is now subject to control, but which might be perpetuated under a State government—these and the like questions, in which the whole country is interested, can not be finally solved by the people of the Territory for themselves, but the final decision must rest with Congress and the judgment must be favorable before admission can be claimed or expected.

11. In the original States and all others subsequently admitted to the Union the power to amend or revise their constitutions resides in the great body of the people as an organized body politic who, being vested with ultimate sovereignty and the source of all State authority, have power to control or alter at will the law which they have made.

Now, to get at the proposition which the gentleman has put forward. A constitution must be republican in form. It goes back to Article IV, section 4, of the Constitution of the United States, where it is said that "the United States shall guarantee to every State in this Union a republican form of government." That obligation of the Federal Government to guarantee a republican form of government is a continuing obligation.

Now, in the law books there is a great deal of discussion as to what constitutes a republican form of government. If I should undertake to discuss that it would take too long. But I simply propose to say that according to the definitions of Madison and Calhoun and according to the definitions of law writers generally a republican form of government is a representative form of government. It is argued that when the framers of the Constitution provided that the United States should guarantee to every State a republican form of government they had in mind the republican form of government which then existed in the original States. Now, when a Territory comes up for admission with a constitution which is not republican in form it is elementary that we must not admit it.

Mr. TRIBBLE. Now, let me ask the gentleman——

Mr. HAMILTON of Michigan. I am going further; and it is elementary that we may annex other conditions than that the constitution shall be republican in form. Now, what my friend from Michigan had in mind, and what I take it the gentleman from Georgia has in mind, is whether, the legislature having the power to submit a constitutional amendment to the people and the people having voted upon and agreed to that constitutional amendment, and it having been found that that amendment embodies a proposition which is not republican in form, what then happens? That is the precise question. Now, it is said somewhere that when that happens it practically constitutes revolution.

I have it here in Cooley (p. 44):

The power of the people to amend or revise their constitutions is limited by the Constitution of the United States in the following particulars:

1. It must not abolish the republican form of government, since such act would be revolutionary in its character and would call for and demand direct intervention on the part of the Government of the United States.

My friend from Michigan inquired as to the possibility of extreme amendments and extreme legislation. That can go on up to a certain limit, but there can be no valid constitutional amendments or no valid legislation as a result of such amendments or otherwise which are unrepublican—that is, unconstitutional.

Mr. TRIBBLE. Here is the point, if I may be permitted: If this Congress could not interfere with another State in adopting a recall act, then why should Congress interfere with these Territories coming in with a recall act?

Mr. HAMILTON of Michigan. That involves a question of policy, not a question of power. We can interfere whenever a State incorporates an unrepublican proposition in its constitution; and when a Territory comes here, as in this case, with a constitution having a provision in it which some believe to be unrepublican, and which many of us consider inexpedient, we have the power to say to the people of the Territory proposing that constitution, "We do not approve of that kind of constitution," and state our reasons for it and refuse to approve it, and I am one of those who believe that that makes for the stability and permanency of our Government.

Mr. FLOOD of Virginia. I would like the gentleman to say whether he thinks if a constitution is republican in form and does not conflict with any of the principles of the Declaration of Independence, and conforms to the enabling act under which the constitutional convention which formed it was called, that then a Member of Congress would have a right, because he did not approve of these specific provisions in the constitution, to keep that State out of the Union.

Mr. HAMILTON of Michigan. If you say just a Member of Congress——

Mr. FLOOD of Virginia. Oh, I mean a Member of Congress and others—enough to keep it out.

Mr. CONNELL. Whence comes the power by which Congress can go beyond?

Mr. HAMILTON of Michigan. Oh, Congress itself has the power.

Mr. NORRIS. Mr. Chairman, I would like to suggest in answer to the various questions here that the question of whether we ought to or can are two different propositions. Congress can prevent a State from coming in and can do it without giving any reason whatever, if it wants to; but while that would be a sufficient reason for one man, it might not be a sufficient reason for another man.

Mr. FLOOD of Virginia. I have not questioned the power of Congress. Congress is all powerful; but I mean, Would Congress be exercising its constitutional power when it said to a Territory or proposed State whose constitution was republican in form and was not in conflict with the Declaration of Independence and did conform to the enabling act, just because Congress did not approve of some of the provisions of that constitution, that it shall not become a State?

Mr. HAMILTON of Michigan. Let me answer the gentleman's suggestion with this concrete illustration: Take the case of Utah. Utah did present a constitution which was republican in form and not repugnant to the Declaration of Independence, but an "inveterate evil" existed in the Territory. Does the gentleman say that Congress should not have the power to control and to say whether these people should come into the Union with that infirmity? That answers the question.

Mr. FLOOD of Virginia. That was in the enabling act, too.

Mr. HAMILTON of Michigan. It does not make any difference where it was. That answers the question.

Mr. FLOOD of Virginia. The constitution, which was framed under the laws that recognized the principles of Mormonism at that time, would not have been in conformity with the enabling act.

Mr. HAMILTON of Michigan. We enacted fundamental conditions to the admission of Missouri.

Mr. UTTER. Does not the very fact that a State has to get permission from Congress to become a State imply the fact that Congress has the right to name the conditions under which it shall come in?

Mr. HAMILTON of Michigan. I think there is no doubt as to that. We enacted conditions as to the admission of Nebraska and as to the admission of Michigan. Michigan had a boundary war with Ohio. We imposed conditions as to the admission of Oklahoma, and we must impose boundary conditions as to New Mexico.

Mr. NORRIS. Will the gentleman permit an interruption there?

Mr. HAMILTON of Michigan. Yes.

Mr. NORRIS. I would like to make this suggestion, that it is conceded that there is no appeal from the decision of Congress. That is true of any tribunal that is final and supreme and from which there is no appeal. It can do anything without giving any reason for it, anything over which it has control or gets control, and there is no way to compel it to do otherwise.

Mr. HAMILTON of Michigan. I am about to close.

Mr. MANN. I hope the gentleman will continue his remarks to-morrow morning.

Mr. HAMILTON of Michigan. No; I would rather not, because I have almost finished, but if the gentlemen prefer, I will print the rest of my argument, although I would rather go on now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANGHAM. I yield the gentleman 10 minutes additional.

Mr. HAMILTON of Michigan. I was quoting, when I was diverted some time ago, what Hamilton said concerning the powers of the coordinate branches of our Government and his statement that the judiciary has no influence over the sword or the purse, but is "merely judgment."

Mr. NORRIS. The whole speech is a quotation from Hamilton.

Mr. J. M. C. SMITH. And a Hamilton is making it.

Mr. HAMILTON of Michigan. Since the judiciary should be "judgment" personified, and since the purity of the judicial

ermine and the accuracy of the judicial scales have never been thought to be benefited by forcing a judge to become a politician, can it be that the judiciary would be benefited or that popular confidence in the judiciary would be strengthened by the knowledge that judges held their places subject to ebullitions of public feeling, subject to the machinations of political enemies, subject to the "recall"?

This proposition is justified by its advocates on the ground that judges are the servants of the people.

They are in the sense that they hold a delegated authority to sit in judgment among the people, but they are the servants of all the people; not the servants of the majority alone, but the servants of both the majority and the minority, and must necessarily therefore be independent of both. Indeed, the independence of the judiciary is the only safeguard of the minority.

Justice can not be the servant of men or nations. Justice sits above men and nations, and the judiciary should personify justice and judgment.

A corrupt judge is despicable; a cowardly judge is contemptible.

It is the duty of the judiciary, as Kent says, "to protect the Constitution against the encroachment of party spirit and the tyranny of faction."

The judiciary ought to protect the Constitution and the Constitution ought to protect the judiciary, and the people ought to protect both in order that they themselves may be protected.

But how can the judiciary protect constitutions when the judiciary is not protected in protecting constitutions?

How can constitutions protect the judiciary when constitutions can not protect themselves?

What assurance can be derived from a judicial decision sustaining a constitutional provision when the judicial decision itself—yea, even the Constitution itself—is only a thing of a day?

Will public respect for judges who sit subject to "recall" be increased? Certainly not.

Will gentlemen of greater ability seek judicial places when they can be tried and convicted by public clamor without opportunity to be heard? Certainly not.

Will sensitive men of high ability seek places from which they may be pulled down by inflamed prejudice and their names become a byword and a hissing? Certainly not.

Ah, you say history will vindicate them. It may be. A good many monuments have been erected to martyrs out of the stones wherewith they were stoned. But what do dead men care for monuments?

Humanity thinks it does well sometimes when in its sober senses it apologizes to the remains of those whom it has hounded to death in its frenzy, and it is well always for the apology to go on file. But what do dead men care for apologies?

Are you Democrats not guilty of indirection in this transaction?

If you believe the recall of judges to be expedient, why do you suggest any amendment to the Arizona constitution?

If you believe the recall of judges to be inexpedient, why do you not make its elimination a condition precedent to the admission of Arizona?

I am opposed to the application of the recall to judges in the Arizona constitution, and I am opposed to the application of the recall to judges everywhere.

I would not destroy the public confidence in the judiciary, and I would keep the judiciary worthy of the public confidence. The recall would weaken both.

In his seventy-fifth year John Marshall became a member of the Virginia constitutional convention of 1829. Party spirit ran high. Among other questions discussed was the question of the tenure of judges, and almost at the end of a life as potent as the life of any man has ever been in the shaping of the destinies of a nation he uttered these words:

> Advert, sir, to the duties of a judge. He has to pass between the government and the man whom that government is prosecuting—between the most powerful individual in the community and the poorest and most unpopular. It is of the last importance that in the performance of these duties he should observe the utmost fairness. Need I press the necessity of this? Does not every man feel that his own personal security and the security of his property depend upon that fairness? The judicial department comes home in its effects to every man's fireside; it passes on his property, his reputation, his life, his all. Is it not in the last degree important that he should be rendered perfectly and completely independent, with nothing to control him but God and his conscience? I have always thought from my earliest youth till now that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary.

[Loud applause.]

Mr. FLOOD of Virginia. 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. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 14 and had directed him to report that it had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. UNDERHILL was granted leave of absence for one week, on account of serious illness in his family.

CLOSE OF GENERAL DEBATE.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that general debate on House joint resolution 14 close on Tuesday next at 3 o'clock.

The SPEAKER. The gentleman from Virginia asks unanimous consent that general debate on House joint resolution 14 close next Tuesday at 3 p. m. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SENATE BILL REFERRED.

Under clause 2 of 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. 339. An act providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes; to the Committee on the Public Lands.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes) the House adjourned, to meet to-morrow, Friday, May 19, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8649) to authorize the extension and widening of Colorado Avenue NW. from Longfellow Street, and of Kennedy Street NW. through lot No. 800, square No. 2718, reported the same without amendment, accompanied by a report (No. 35), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. SABATH: A bill (H. R. 9830) to provide for the establishment of a municipal ice plant and for free public baths at Washington, D. C.; to the Committee on the District of Columbia.

Also, a bill (H. R. 9831) to raise revenue from persons engaged in and carrying on occupations and trades subject to the regulative power of Congress, and to create a fund to pay compensation to public servants injured on post roads and on mail routes, and to change the general law heretofore enunciated in actions for the recovery of damages for personal injuries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WARBURTON: A bill (H. R. 9832) providing for the homestead entry of certain lands in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. SLAYDEN: A bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard; to the Committee on the Library.

By Mr. HAMILTON of Michigan: A bill (H. R. 9834) providing for the erection of a public building at the city of Benton Harbor, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9835) providing for the erection of a monument at St. Joseph, Mich., commemorating the establishment of Fort Miami on the site of said city; to the Committee on the Library.

By Mr. LANGHAM: A bill (H. R. 9836) to provide a site and to provide for the erection of a public building at Indiana, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 9837) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the

United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. HOBSON: A bill (H. R. 9838) to make and maintain an educational survey of the United States; to the Committee on Education.

By Mr. TAYLOR of Colorado: A bill (H. R. 9839) for the relief of homestead entrymen under the Uncompahgre reclamation project in the State of Colorado; to the Committee on the Public Lands.

By Mr. EDWARDS: A bill (H. R. 9840) providing that clerk hire allowed to Members of the House of Representatives be paid directly to clerk or clerks instead of to the Members; to the Committee on Accounts.

Also, a bill (H. R. 9841) to revive the right of action under the captured and abandoned property acts, and for other purposes; to the Committee on War Claims.

By Mr. KNOWLAND: A bill (H. R. 9842) granting pensions to certain officers and enlisted men of the Life-Saving Service and to their widows and minor children; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 9843) to establish a United States court of patent appeals, and for other purposes; to the Committee on Patents.

Also, a bill (H. R. 9844) to reduce postal rates, to improve the postal service, and to increase postal revenues; to the Committee on the Post Office and Post Roads.

By Mr. PRAY: A bill (H. R. 9845) to authorize the sale of burnt timber on the public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. SPEER: A bill (H. R. 9846) to provide for the purchase of a site and the erection of a public building thereon in the city of Warren, State of Pennsylvania; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9847) for the erection of a public building at Ridgway, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. O'SHAUNESSY: A bill (H. R. 9848) relating to the anchorage of vessels in Narragansett Bay and its approaches and tributaries; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 10009) to provide for an experiment in the improvement of certain highways by the Secretary of Agriculture in cooperation with the Postmaster General, and for other purposes; to the Committee on Agriculture.

Also, a bill (H. R. 10010) to provide for the construction, maintenance, and improvement of post roads and rural delivery routes through the cooperation and joint action of the National Government and the several States in which such post roads or rural delivery routes may be established; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10012) to provide for a highway survey of the United States; to the Committee on Agriculture.

By Mr. PETERS (by request): Joint resolution (H. J. Res. 101) requesting the President to take measures for delivering the control and possession of the Philippine Islands to the authorities representing the people thereof and to protect their Government by a general treaty of neutrality; to the Committee on Insular Affairs.

By Mr. HENRY of Texas: Joint resolution (H. J. Res. 102) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. COPLEY: Memorial of the Legislature of the State of Illinois proposing the calling of a constitutional convention for the purpose of amending the United States Constitution in order to grant Congress the power to prevent and suppress monopolies in the United States by appropriate legislation; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. YOUNG of Kansas: A bill (H. R. 9849) granting a pension to Margaret Kelsey; to the Committee on Pensions.

By Mr. WEDEMEYER: A bill (H. R. 9850) granting an increase of pension to Mary E. Milliken; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 9851) granting an increase of pension to John H. Mitten; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 9852) granting a pension to Jennie N. Dunkin; to the Committee on Pensions.

Also, a bill (H. R. 9853) granting an increase of pension to James C. Haskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9854) granting an increase of pension to John McDonald, alias John McHughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9855) granting an increase of pension to Michael Lorscher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9856) granting an increase of pension to James E. Evans; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9857) for the relief of James C. Haywood; to the Committee on Military Affairs.

Also, a bill (H. R. 9858) granting a pension to Tillie Bucklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9859) granting a pension to John C. Koeppel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9860) granting a pension to Jesse A. Smith; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 9861) granting an increase of pension to Sue May; to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 9862) granting an increase of pension to James Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9863) granting an increase of pension to John A. Ripley; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 9864) for the relief of William H. Shannon; to the Committee on Military Affairs.

Also, a bill (H. R. 9865) granting a pension to Patrick Boland; to the Committee on Pensions.

Also, a bill (H. R. 9866) granting a pension to Lucy A. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 9867) to correct the military record of John Riggs; to the Committee on Military Affairs.

Also, a bill (H. R. 9868) to correct the military record of William C. Looper; to the Committee on Military Affairs.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 9869) granting an increase of pension to Edmond S. Norris; to the Committee on Pensions.

Also, a bill (H. R. 9870) granting an increase of pension to John W. Rickords; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 9871) granting an increase of pension to Henry W. Gash; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 9872) granting a pension to May Phillips Rogers; to the Committee on Pensions.

By Mr. MALBY: A bill (H. R. 9873) for the relief of Reuben Hazen; to the Committee on Military Affairs.

Also, a bill (H. R. 9874) granting an increase of pension to Charles H. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9875) granting an increase of pension to John Shaw; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 9876) granting an increase of pension to Lucius H. Hackett; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 9877) for the relief of Amberson G. Shaw, a white man, providing for his enrollment and allotment of land with the Indians of the Rosebud Reservation, S. Dak.; to the Committee on Indian Affairs.

By Mr. KNOWLAND: A bill (H. R. 9878) for the relief of F. A. Hyde & Co.; to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 9879) authorizing the President to appoint Robert H. Peck a captain in the Regular Army; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 9880) for the relief of William Lilley; to the Committee on Military Affairs.

Also, a bill (H. R. 9881) for the relief of Charles H. Brown; to the Committee on Military Affairs.

Also, a bill (H. R. 9882) for the relief of James W. Houser; to the Committee on Military Affairs.

Also, a bill (H. R. 9883) for the relief of Myron Powers; to the Committee on War Claims.

Also, a bill (H. R. 9884) for the relief of William R. Gifford; to the Committee on Military Affairs.

Also, a bill (H. R. 9885) for the relief of Timothy Ellsworth; to the Committee on Military Affairs.

Also, a bill (H. R. 9886) for the relief of Samuel Washburn, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 9887) for the relief of Joseph P. Binns, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 9888) for the relief of Joseph I. York; to the Comittee on Military Affairs.

Also, a bill (H. R. 9889) for the relief of Richard Stines; to the Committee on Military Affairs.

Also, a bill (H. R. 9890) for the relief of John Laberdy; to the Committee on Military Affairs.

Also, a bill (H. R. 9891) for the relief of the widow of the late Lieut. Harrison S. Weeks; to the Committee on War Claims.

Also, a bill (H. R. 9892) granting a pension to Emilia Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9893) granting a pension to Melita Latta; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9894) granting a pension to Wesley H. Crockett; to the Committee on Pensions.

Also, a bill (H. R. 9895) granting a pension to Jenette Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9896) granting a pension to William McGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9897) granting a pension to Albert C. Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9898) granting a pension to William J. Feather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9899) granting a pension to George W. Bannan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9900) granting a pension to Nettie J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9901) granting a pension to Frank Mead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9902) granting a pension to Harlow S. Sherwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9903) granting a pension to Sophia P. De Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9904) granting a pension to Sarah M. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9905) granting an increase of pension to James S. Donahue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9906) granting an increase of pension to John S. Heald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9907) granting an increase of pension to Edward J. Disbrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9908) granting an increase of pension to Levi Haus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9909) granting an increase of pension to Jonathan Shook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9910) granting an increase of pension to Samuel H. Maxam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9911) granting an increase of pension to James Downs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9912) granting an increase of pension to A. Norwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9913) granting an increase of pension to Robert Milliman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9914) granting an increase of pension to George W. Burdick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9915) granting an increase of pension to Henry Kiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9916) granting an increase of pension to Marion Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9917) granting an increase of pension to Simeon D. Samson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9918) granting an increase of pension to Thomas E. Camburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9919) to correct the muster of Herman Haupt, late colonel and brigadier general of volunteers; to the Committee on Military Affairs.

By Mr. HAMILTON of West Virginia: A bill (H. R. 9920) for the relief of William Lloyd; to the Committee on Military Affairs.

Also, a bill (H. R. 9921) granting an increase of pension to Randall Ingram; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 9922) for the relief of J. T. Berry; to the Committee on War Claims.

Also, a bill (H. R. 9923) granting a pension to G. S. McAfee; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 9924) granting a pension to Joe C. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 9925) granting an increase of pension to Robert L. Higgins; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 9926) granting an increase of pension to David Turpin; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 9927) granting an increase of pension to Lewis B. Rex; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 9928) for the relief of Mrs. V. E. Sikes; to the Committee on War Claims.

Also, a bill (H. R. 9929) granting a pension to Elizabeth C. Thompson; to the Committee on Pensions.

Also, a bill (H. R. 9930) granting an increase of pension to Jennie Townsend; to the Committee on Pensions.

By Mr. DODDS: A bill (H. R. 9931) granting an increase of pension to Reuben Cratsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9932) granting an increase of pension to Francis Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9933) granting a pension to John McAfee Cuson; to the Committee on Pensions.

Also, a bill (H. R. 9934) granting a pension to Albert W. Everdon; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9935) granting an increase of pension to Peter M. McNelly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9936) granting an increase of pension to William Ferrel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9937) granting an increase of pension to George W. Baley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9938) granting an increase of pension to Thomas Cothron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9939) granting an increase of pension to Thomas D. Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9940) granting an increase of pension to Louis Regenhardt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9941) granting an increase of pension to John W. Bricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9942) granting an increase of pension to David A. Pew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9943) granting an increase of pension to William J. Shotwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9944) granting an increase of pension to John L. McIntyre; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 9945) granting a pension to Eliza M. Mullin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9946) granting a pension to Mary J. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9947) granting a pension to John Pearson; to the Committee on Pensions.

Also, a bill (H. R. 9948) granting a pension to Lucy Jane Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9949) granting a pension to Wilson Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9950) granting a pension to Ollie H. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9951) granting a pension to John W. Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9952) granting a pension to Ellen C. Beam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9953) granting a pension to Newton J. Gossett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9954) granting a pension to Lafayette Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9955) granting a pension to John Aydelotte; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9956) granting a pension to John Holland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9957) granting a pension to Mrs. James Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9958) granting a pension to Harry B. Robb; to the Committee on Pensions.

Also, a bill (H. R. 9959) granting a pension to Richard Murphy; to the Committee on Pensions.

Also, a bill (H. R. 9960) granting an increase of pension to George Dougherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9961) granting an increase of pension to William Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9962) granting an increase of pension to Eugene Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9963) granting an increase of pension to Walter E. Hantch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9964) granting an increase of pension to Henry Ummelmann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9965) granting an increase of pension to John W. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9966) granting an increase of pension to Zachary Taylor Lemmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9967) granting an increase of pension to Edwin M. Imes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9968) granting an increase of pension to Charles A. Gaither; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9969) granting an increase of pension to John A. Grover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9970) granting an increase of pension to Benjamin F. Petticrew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9971) granting an increase of pension to John H. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9972) granting an increase of pension to Daniel A. Frybarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9973) granting an increase of pension to Charles A. Pettiford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9974) granting an increase of pension to Frederick Cole Stevenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9975) granting an increase of pension to William N. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9976) granting an increase of pension to John R. Means; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9977) granting an increase of pension to Donald McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9978) granting an increase of pension to William W. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9979) granting an increase of pension to Granville Davis; to the Committee on Pensions.

Also, a bill (H. R. 9980) granting an increase of pension to Francis Keating; to the Committee on Pensions.

Also, a bill (H. R. 9981) granting an increase of pension to Franklin Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9982) granting an increase of pension to Silas Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9983) granting an increase of pension to John P. Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9984) granting an increase of pension to William Humphreyville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9985) granting an increase of pension to Charles Funkhauser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9986) granting an increase of pension to Thomas J. Crooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9987) granting an increase of pension to Joseph Clingan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9988) granting an increase of pension to Obed K. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9989) granting an increase of pension to Silas Macy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9990) granting an increase of pension to James Dinwiddie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9991) granting an increase of pension to John T. Seely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9992) granting an increase of pension to Jacob Sarver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9993) granting an increase of pension to Edwin St. John; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9994) granting an increase of pension to Hiram C. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9995) granting an increase of pension to A. J. Crisman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9996) granting an increase of pension to Charles G. Perrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9997) granting an increase of pension to Johnston Winters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9998) granting an increase of pension to Julius A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9999) granting an increase of pension to Daniel M. McQuillan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10000) granting an increase of pension to George Sawyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10001) granting an increase of pension to Clemment T. Fenton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10002) granting an increase of pension to John McCarthy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10003) granting an increase of pension to Peter Wessa; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10004) granting an increase of pension to James Mills; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 10005) to carry into effect the findings of the Court of Claims in the case of James A. Verret, administrator of the estate of Adolph Verret, deceased; to the Committee on War Claims.

Also, a bill (H. R. 10006) to carry into effect the findings of the Court of Claims in case of Arthur Taylor, surviving partner; to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 10007) granting an increase of pension to Elias Shook; to the Committee on Invalid Pensions.

By Mr. AKIN of New York: A bill (H. R. 10008) granting an increase of pension to William Moran; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 10011) granting an increase of pension to David Harrison Colby; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 10013) granting a pension to Mrs. Joe B. Milbee; to the Committee on Pensions.

Also, a bill (H. R. 10014) granting a pension to W. H. Slack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10015) granting a pension to W. V. Fish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10016) granting a pension to Adam Akers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10017) granting an increase of pension to James E. Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10018) granting an increase of pension to Wyatt Blackburn; 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: Memorial of certain chiefs and headmen of the White Earth Reservation; to the Committee on Indian Affairs.

By Mr. AYRES: Resolution of the Fine Arts Federation of New York City, approving the site and plan of the Lincoln Memorial Commission; to the Committee on Industrial Arts and Expositions.

Also, resolution of Shoe Manufacturers' Association, against placing shoes on free list; to the Committee on Ways and Means.

Also, resolution of Manufacturers' Association of New York, approving Senate bill 4982; to the Committee on Patents.

Also, resolution of the Manufacturers' Association of New York, as to the proper method of making tariff changes; to the Committee on Ways and Means.

Also, petition of citizens of the Bronx, in behalf of parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Resolution of the Chamber of Commerce of Pittsburg, in favor of an amendment of the corporation-tax law; to the Committee on the Judiciary.

Also, resolution of the Fine Arts Federation of New York, approving report of the Lincoln Memorial Commission; to the Committee on Industrial Arts and Expositions.

By Mr. ESCH: Petition of citizens of Fairchild, Wis., for an investigation of the extradition of John J. McNamara, of Indiana; to the Committee on Labor.

By Mr. FULLER: Petition of Cigar Makers' Union No. 258, of Streator, Ill., favoring the Berger resolution; to the Committee on Rules.

Also, papers to accompany bill for the relief of Lewis B. Rex; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Resolutions from the National Association of Shellfish Commissioners favoring the conservation of our public waterways from pollution from private sources; to the Committee on the Merchant Marine and Fisheries.

Also, resolutions adopted at the convention of the Protestant Episcopal Church in the diocese of Massachusetts on May 3 and 4, 1911, favoring the proposed arbitration treaty between the United States and Great Britain; to the Committee on Foreign Relations.

By Mr. GRAHAM: Resolution of Local Miners' Union No. 1911, United Mine Workers of America, of Springfield, Ill., favoring the passage of House concurrent resolution 6; to the Committee on Rules.

By Mr. HAMILTON of West Virginia: Petitions of sundry persons asking reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of North Dakota, in favor of the passage of Senate joint resolution 143, for the preservation of Niagara Falls; to the Committee on Industrial Arts and Expositions.

Also, petition of citizens of Griggs County, N. Dak., against the passage of the McCall bill, to promote reciprocal trade relations with Canada; to the Committee on Ways and Means.

Also, petition of residents of Bottineau, N. Dak., requesting the passage of the Hanna bill, providing additional compensation for rural free-delivery carriers; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Stutsman County, N. Dak., protesting against the passage of bills requiring an observance of Sunday as a day of rest in the District of Columbia, and including the words "in the name of God" in the Constitution; to the Committee on the Judiciary.

Also, petition of residents of Bottineau, N. Dak., protesting against the passage of legislation for the establishment of a

local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. HELM: Petition of G. M. Martin, administrator, asking reference to the Court of Claims of the claim of J. L. Martin against the United States; to the Committee on War Claims.

By Mr. HOUSTON: Affidavits to accompany House bill 9809, for the relief of Walter A. Menges; to the Committee on Pensions.

Also, affidavits to accompany House bill 9627, for the relief of Marion Stone; to the Committee on Invalid Pensions.

Also, petitions of citizens of Fayetteville, Manchester, Tullahoma, and Lewisburg, all in the State of Tennessee, in support of Senate bill 3776, to regulate express companies and other common carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Resolution of Local No. 534, of Strinestown, Pa., urging upon Congress the passage of a bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Washington Camp, Local No. 690, of Heidlersburg, Pa., urging upon Congress the immediate enactment of the illiteracy test into law; to the Committee on Immigration and Naturalization.

Also, petition of High Rock Canning Co., High Rock, York County, Pa., asking reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. McCALL: Petition of citizens of the United States, favoring House joint resolution 100, authorizing the President to instruct representatives of the United States to next International Peace Conference to express desire of the United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference; to the Committee on Foreign Affairs.

By Mr. McKINNEY: Memorial of Railway Lodge, No. 695, International Association of Machinists, Rock Island, Ill., protesting against the installation of the Taylor system in the armories and arsenals of the United States; to the Committee on Labor.

By Mr. PETERS: Preamble and resolution adopted by the convention of the Protestant Episcopal Church in the diocese of Massachusetts May 3-4, 1911; to the Committee on Foreign Affairs.

By Mr. REDFIELD: Resolutions of the Manufacturers' Association of New York, advocating the establishment of a United States court of patent appeals; to the Committee on Patents.

Also, resolutions of the Manufacturers' Association of New York, urging separate revision of the schedules of the tariff law; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition from the Church of the Brethren of Lordsburg, Cal., for the passage of a bill to forbid interstate transmission of race gambling odds and bets; to the Committee on the Judiciary.

Also, resolutions of Gaylord Post, No. 125, Department of California and Nevada, Grand Army of the Republic, in favor of the Sulloway pension bill; to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of the Fine Arts Federation of New York, approving the report of the Lincoln Memorial and Fine Arts Commissions; to the Committee on Industrial Arts and Expositions.

Also, resolutions of the New York Manufacturers' Association, relative to the revision of the tariff; to the Committee on Ways and Means.

By Mr. WEDEMEYER: Papers to accompany bill granting an increase of pension to Mary E. Milliken; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolution of Central Labor Union of Brooklyn, N. Y., requesting investigation of conditions in the factories of E. W. Bliss Co. in regard to the eight-hour workday on Government work; to the Committee on Labor.

Also, resolution of the Manufacturers' Association of New York, favoring revision of the tariff law schedule by schedule; to the Committee on Ways and Means.

Also, resolutions of the Manufacturers' Association of New York, favoring the establishment of a United States court of patent appeals; to the Committee on the Judiciary.

Also, resolution of the Fine Arts Federation of New York, indorsing the proposed site for the Lincoln Memorial at Washington, D. C.; to the Committee on Industrial Arts and Expositions.

Also, resolutions of the Shoe Manufacturers' Association of New York, protesting against removing the duty from leather, shoes, harness, and leather manufactures; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 19, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Eternal God, our heavenly Father, to whom we are responsible as rational beings, we thank Thee for all the strong, pure, noble, self-respecting men and women who have kept close to Thee and observed the laws which Thou hast ordained, and thus become masters in the art of living godly lives. But we most fervently pray for the poor, weak, insipid men and women who have forgotten Thee and lost all self-respect and become submerged by their own vicious acts and desires to the lowest depths. Have mercy, O God, we beseech Thee, upon them, and teach the strong how to impart strength unto the weak, the pure how to impart purity unto the impure, the godly how to impart godliness unto the ungodly. We realize that the laws enacted by men may restrict, restrain, but they do not remove the disease. This must be done by personal contact, through sympathy, by the power and influence of love. Help us thus to rid ourselves of the cesspools and slums of our city, and all cities, for Christ's sake. Amen.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874; and

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.

SENATE BILLS REFERRED.

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

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874; to the Committee on Interstate and Foreign Commerce.

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.; to the Committee on Interstate and Foreign Commerce.

ARMY SHOE CONTRACTS.

Mr. HAY, from the Committee on Military Affairs, reported the following House resolution (H. Rept. 37):

House resolution 133.

Resolved, That the Secretary of War be, and he is hereby, requested if not incompatible with the public interest, to send to the House of Representatives full information, as follows, with regard to certain statements made by Hon. ROBERT E. DIFENDERFER, of Pennsylvania, in the House on April 25, 1911:

First. What proportion of the contracts for Army shoes during the fiscal years 1909, 1910, and 1911 were awarded to the firm of Hermann & Co.?

Second. What are the names of the individuals or firms who have secured contracts for Army shoes in the fiscal years 1909, 1910, and 1911? What was the amount of each contract?

Third. Have any competitors been blacklisted or disqualified from bidding on any Army shoe contract in the fiscal years 1909, 1910, and 1911? If so, what were the names of those competitors and what was the cause of their disqualification?

Fourth. What proportion of the Army shoe contracts in the fiscal years 1909, 1910, and 1911 were awarded to the lowest bidders?

Fifth. How many bidders were there for the last Army shoe contract?

Sixth. Is Shrewsbury leather required in the specifications for Army shoes?

Seventh. Did the War Department institute a test between Shrewsbury leather and Calumet leather? If so, was it found that Calumet leather was better?

Also the following committee amendments were read:

In line 2, page 1, strike out the word "requested" and insert the word "directed."

In the same line, strike out the words "if not incompatible with the public interest."

On page 1, in lines 8 and 9, strike out "and nine, nineteen hundred and ten," and insert the word "one."

Mr. HAY. The latter amendment is to carry the inquiry back to 1901.

Mr. MANN. Will not the Clerk report it as it would read as amended?