

PRESIDENT URGES MORE LEGISLATION

Sends Special Message to Congress Advocating National Incorporation Law.

COMBINATIONS CONDEMNED.

Condition Such in House and Senate That the Document Received But Scant Attention.

Washington, April 27.—Conditions in both the senate and the house were such that the special message of the president, further outlining his views as to legislation, which was sent to congress today, received but scant attention. The message arrived late in the day, and the house was so tied up under its new rules that it could not officially receive the message, while the senate was in the midst of consideration of the naval appropriation bill under the debate rule, when the message had been received. Unlike the house, the senate permitted the formal presentation of the message, but it would not, at that time, be laid before the senate, and by the time the naval bill had been passed, the hour was so late and the attendance so small that no attempt was made to read the document. The first few lines only had been pronounced by the clerk when it was suggested that the further reading should be postponed until tomorrow. This suggestion was adopted and the senate adjourned.

PRESENCE'S MESSAGE.

The president's message to congress, which is a national incorporation law, to a discussion of the respective rights of capital and labor, and severing individuals in the obtaining of contracts. The document in full follows: PRESIDENT'S MESSAGE. To the Senate and House of Representatives: In my message to the Congress of March 25, 1908, I outlined certain measures which I believe the majority of our countrymen desire to have enacted into law at this time. These measures do not represent by any means all that I would like to see done if I thought it possible, but they do represent what I believe can now be done in an earnest effort toward this end is made. Since I wrote this message an employer liability law has been enacted, which, it is true, comes short of what I have been doing, but which does represent a real advance. Apparently there is good ground to hope that there will be further legislation for the compensation of employees who suffer injury while engaged in the public service; that there will be a child labor law enacted for the District of Columbia; that the water-power commission will be continued with sufficient financial support to increase the effectiveness of its preparatory work; that steps will be taken to provide for such investigations into tariff conditions by the appropriate committees of the house of representatives and by government experts in the executive service as will secure the full information necessary for intelligently revising the tariff at the hands of the Congress elected next fall, and finally, that financial legislation will be enacted providing for the temporary measures for meeting any trouble that may arise in the next year or two and for a commission of experts who shall thoroughly investigate the whole matter, both here and in the great commercial countries abroad so as to be able to recommend legislation which will put our financial system on an efficient and permanent basis.

POSTAL SAVINGS BANKS.

It is much to be wished that one feature of the financial legislation of this session should be the establishment of postal savings banks. Ample appropriation should be made to enable the interstate commerce commission to carry out the very important feature of the Hepburn law which gives to the commission supervision and control over the accounting systems of the railroads. Failure to provide means which will enable the commission to examine the books of the railroads would amount to an attack on the law at its most vital point and would

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benefit as nothing else could benefit those railways which are corruptly and incompetently managed. Forest reserves should be established throughout the Appalachian mountain region wherever it can be shown that they will have a direct and real connection with the conservation and improvement of navigable rivers.

TWO IMPORTANT MEASURES.

There seems, however, much doubt about two of the measures I have recommended. The measure to do away with the power of injunction and the measure to grant a right of appeal to strengthen and render both more efficient and more over the control by the national government over the great corporations doing an interstate business.

First, as to the power of injunction and of punishment for contempt. In contempt cases save where immediate action is imperative, there should be no other judge. As regards the injunctions some such legislation as that I have previously recommended should be enacted. They are bling who fall to the side of the government, and are caused among large bodies of worthy citizens by the use that has been repeatedly made of the power of the injunction in labor disputes. Those in whose judgment we have the most right to rest of opinion that while most of the complaint against the use of the injunction is unwarranted yet that it is unquestionably true that in a number of cases the abuse of this power has done grave injury to the right of laboring men. I ask that it be limited in some such way as that I have already pointed out in my previous message for the very reason that I do not wish to see an embittered effort made to destroy it. It is unwise stubbornly to refuse to provide against a repetition of the abuses which have caused the present unrest. In a democracy like ours, it is idle to expect permanently to thwart the determination of the great body of our citizens. It may be that the highest duty of a court, a legislature, or an executive to resist and defy a gust of popular passion; and most certainly no public servant whatever may yield to what he thinks wrong. But in a country which is emphatically one of public policy the policy which the public demand is sure in the end to be adopted, and it is unwise to grant to a large portion of our people what is right is only too apt in the end to result in causing much irritation. When the result is obtained it is obtained in the highest degree considered and violent as to be accompanied by much that is wrong. The process of injunction in labor troubles as well as where state laws are involved, should be used sparingly and only when there is the clearest necessity for it; but it is one so necessary to the efficient performance of the duty of the court on behalf of the nation that it is in the highest degree to be regretted that it should be liable to reckless use; for this reckless use tends to make honest men to desire to hamper its execution as to destroy its usefulness.

CLASS CONSCIOUSNESS.

Every farsighted patriot should protect first of all against the growth of this country of that evil thing which is called "class consciousness." The demagogue, the sinister or socialist visionary who strives to arouse the feeling of class consciousness in our working people, does a foul and evil thing; for he is no true American, he is no self-respecting citizen of this republic; he forfeits his right to stand with manly self-reliance on a footing of entire equality with all other citizens, who bows to envy and greed, who erects this doctrine of class hatred into a shibboleth, who substitutes loyalty to men of a particular class, whether rich or poor, for loyalty to those eternal and immutable principles of righteousness which bid us visit each man on his worth as a man, without regard to his wealth or his poverty. But evil though the influence of these demagogues and vision-

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wealthy combinations through which most of the interstate business of today is done, the burden of proof should be upon them to show that they have a right to be exempted from the control which the knowledge or the experience to determine in the first place whether a given business is advisable or necessary to the interest of the public. Somebody, whether an individual or a bureau under the department of commerce and labor, should be given this duty.

ANTI-TRUST LAW.

The strengthening of the anti-trust law is demanded upon both moral and economic grounds. Our purpose in strengthening it is to secure more effective control by the national government over the business of the great masses of individual and especially of corporate wealth, which at the present time monopolize most of the interstate business of the country; and we believe the control can best be exercised by preventing the growth of abuses, rather than merely by trying to destroy them when they have already grown. In the higher sense of the word this movement for thorough control of the business use of this great wealth is a safe middle course, trying to steer between a plutocratic class government on the one hand or a socialistic class government on the other, either of which would be fraught with disaster to our free institutions, state and national. We are trying to avoid alike the evils which would flow from government ownership, and the evils by which interstate commerce is chiefly carried on, and the evils which flow from the riot and chaos of unregulated individualism. There is grave danger to our free institutions, and to the corrupting influence exercised by great wealth suddenly concentrated in the hands of the few. We should in a sane manner try to remedy this danger, in spite of the sullen opposition of these men and with the full purpose to protect them in all their rights at the very time that we require them to deal righteously with others.

TWENTY YEARS AGO.

When with steam and electricity modern business conditions were through the astounding revolution which in this country began over half a century ago, there was at first much hesitation as to what particular governmental agency should be used to grapple with the new conditions. At almost the same time was made to control the abuses and regulate the combinations by which interstate commerce was carried on, and to abolish them by means of the anti-trust act, the two remedies therefore being in the highest degree compatible. The interstate commerce law has produced admirable results, especially since it was strengthened by the Hepburn law two years ago. The anti-trust law, though it worked somewhat because anything is better than inactivity and complete absence of regulation, has not proved in many respects not merely inadequate, but mischievous. Twenty years ago the misuse of corporate power had produced almost every conceivable form of abuse and had done the gravest injury to business morality and the public conscience. For a long time federal regulation of interstate commerce had been purely negative, and national judicially merely acting in isolated cases to restrain the state from exercising a power which it was clearly unconstitutional as well as unwise for them to exercise, but which, nevertheless, the national government itself failed to exercise. Thus the corporations monopolizing commerce made the law for themselves, state power and common law being inadequate to accomplish any effective legislation and the national power not yet having been put forth. The result was mischievous in the extreme, and only shortsighted and utter failure to appreciate the grossness of the evils to which the lack of regulation gave rise and the great well meaning persons who now desire to abolish the anti-trust law outright or to amend it by simply condemning "unreasonable" combinations.

AS TO COMBINATIONS.

Power should unquestionably be lodged somewhere in the executive branch of the government to permit combinations which will further the public interest, but it must always be remembered that as regards the great

able, must be preserved. But we should sanction neither a boycott nor a blacklist which would be illegal at common law.

The measures I advocate are in the interest of both decent corporations and law-abiding labor unions. They are, moreover, pre-eminently in the interest of the public, for in my judgment the American public have definitely made up their mind that the days of the reign of the great law defying and law evading corporations are over, and that from this time on the mighty organizations of capital necessary for the transaction of business under modern conditions, while encouraged to the more effective and justly and in the interest of the general public are to be subjected to careful supervision and regulation of a kind so effective as to insure their acting in the interest of the people as a whole.

THE BOSTON AGREEMENT.

Allegations are often made to the effect that there is no need for these laws looking to the more effective control of the great corporations which are so abundant in our country. I call your attention to the accompanying copy of a report just submitted by Mr. Nathan Matthews, chairman of the finance committee, to the mayor and city council of Boston, relating to certain evil practices of various corporations which have been bidders for furnishing to the city iron and steel. This report shows that there have been extensive combinations formed among the various corporations which have business with the city of Boston, including for instance a carefully planned combination embracing practically all the firms and corporations engaged in structural steel work in New England. This combination included substantially all the local concerns and many of the larger corporations in the United States engaged in manufacturing or furnishing structural steel for use in any part of New England; it affected the states,

the cities and the towns, the railroads and street railways and generally all persons having occasion to use iron or steel for any purpose in that section of the country. As regards the city of Boston the combination resulted in parceling the work by collusive bids, plainly dishonest and supported by false affirmations. In its conclusion the commission recommends as follows: "Comment on the moral meaning of these methods and transactions would seem superfluous, but as they were defamed at the public hearings of the commission and asserted to be common and entirely proper incidents of business life, and as these practices have been freshly resorted to by some of the largest industrial corporations that the world has ever known, the commission deems it right to record its own opinion. "The commission dislikes to believe that these practices are as alleged established by the general custom of the business community, and this defense itself if unchallenged amounts to a grave accusation against the honesty of present business methods, to answer an invitation for public or private work by sending in what purports to be genuine bids, but what in reality are collusive figures, purposely made higher than the bid which is known to be the lowest, and which is known to be the lowest, is an act of plain dishonesty. "To support these misrepresentations by false affirmation in writing, and the bids are submitted in good faith, and without fraud, collusion or connection with any other bidder, is a positive and deliberate fraud, the successful bidder in the competition of these; and the others have made themselves parties to a conspiracy clearly unlawful at the common law. "Where, as in the case of the Boston agreement, a number of the most important measures and dealers in struc-

(Continued on page eight.)

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