

PRESIDENT'S MESSAGE

President Roosevelt's annual message has been delivered to congress. Opening with a plea for the co-operation of all classes in continuing the country's prosperity and in correcting existing evils, for a "square deal" for everybody, the message first takes up the question of corporations and railroad rate legislation. The president says:

Corporations. I am in no sense hostile to corporations. This is an age of combination, and any effort to prevent all combination will be not only useless, but in the end vicious, because of the contempt for law which the failure to enforce law inevitably produces. The corporation has come to stay, just as the trades union has come to stay. Each can do and has done great good. Each should be favored so long as it does good. But each should be sharply checked where it acts against law and justice.

Experience has shown conclusively that it is useless to try to get any adequate regulation and supervision of these great corporations by state action. Such regulation and supervision can only be effectively exercised by a sovereign whose jurisdiction is co-extensive with the field work of the corporations—that is, by the national government. I believe that this regulation and supervision can be obtained by the enactment of law by the congress. If this proves impossible, it will certainly be necessary ultimately to confer in fullest form such power upon the national government by affirmative action of the constitution.

The laws of the congress and of the several states hitherto, as passed upon by the courts, have resulted more often in showing that the states have no power in the matter than that the national government has power; so that there at present exists a very unfortunate condition of things, under which these great corporations doing an interstate business occupy the position of subjects without a sovereign, neither any state government nor the national government having effective control over them. Our steady aim should be by legislation, cautiously and carefully undertaken, but resolutely persevered in, to assert the sovereignty of the national government by affirmative action.

This is only in form an innovation. In substance it is merely a restoration, for from the earliest time such regulation of industrial activities has been recognized in the action of the law-making bodies, and all that I propose is to meet the changed conditions in such manner as will prevent the commonwealth abdicating the power it has always possessed, not only in this country, but also in England before and since this country became a separate nation.

Railroad Rate Legislation. As I said in my message of Dec. 6 last, the immediate and most pressing need so far as legislation is concerned is the enactment into law of some scheme to secure to the agents of the government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. It must include putting a complete stop to rates in every shape and form. This power to regulate rates, like all similar powers over the business world, should be exercised with moderation, caution and self-restraint, but it should exist so that it can be effectively exercised when the need arises.

In my judgment, the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide upon the case being brought before it whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

It sometimes happens at present, not that a rate is too high, but that a favored shipper is given too low a rate. In such case the commission would have the right to fix this already established minimum rate as the maximum, and it would need only one or two such decisions by the commission to cure railroad companies of the practice of giving improper minimum rates. I call your attention to the fact that my proposal is not to give the commission power to initiate or originate rates generally, but to regulate a rate already fixed or originated by the roads upon complaint and after investigation. A heavy penalty should be exacted from any corporation which fails to respect the order of the commission. I regard it as being essential to any scheme for reform in the matter of railway regulation.

It is worth while considering whether it would not be wise to confer on the government the right of civil action against the beneficiary of a rebate for at least twice the value of the rebate. This would help stop what is really a small. Elevator allowances should be stopped, for they have now grown to such an extent that they are demoralizing and are used as rebates.

Private Car Lines. Private car lines, industrial roads, and the like should be expressly put under the supervision of the interstate commerce commission or some similar body so that the same and agreements practical for the use and operation of such lines and charges or in mileage or in

a division of the rate for refrigerating charges is just as pernicious as a rebate in any other way.

There should be publicity of the accounts of common carriers. Only in this way can violations or evasions of the law be surely detected. A system of examination of railroad accounts should be provided similar to that now conducted into the national banks by the bank examiners. A few first class railroad accountants, if they had proper direction and proper authority to inspect books and papers, could accomplish much in preventing willful violations of the law.

Employers' Liability Law. In my annual message to the Fifty-eighth congress at its second session I recommended the passage of an employers' liability law for the District of Columbia and in our navy yards. I renewed that recommendation in my message to the Fifty-ninth congress at its second session and further suggested the appointment of a commission to make a comprehensive study of employers' liability with a view to the enactment of a wise and constitutional law covering the subject, applicable to all industries within the scope of the federal power. I hope that such a law will be prepared and enacted as speedily as possible.

There has been demand for depriving courts of the power to issue injunctions in labor disputes. Such special limitation of the equity powers of our courts would be most unwise. It is true that some judges have misused this power, but this does not justify a denial of the power any more than an improper exercise of the power to call a strike by a labor leader would justify the denial of the right to strike. The remedy is to regulate the procedure by requiring the judge to give due notice to the adverse parties before granting the writ, the hearing to be ex parte if the adverse party does not appear at the time and place ordered. What is due notice must depend upon the facts of the case. It should not be used as a pretext to permit violation of law or the jeopardizing of life or property. Of course this would not authorize the issuing of a restraining order or injunction in any case in which it is not already authorized by existing law.

I renew the recommendation I made in my last annual message for an investigation by the department of commerce and labor of general labor conditions, especial attention to be paid to the conditions of child labor and child labor legislation in the several states. Such an investigation should take into account the various problems with which the question of child labor is connected. In such a republic as ours the one thing that we cannot afford to neglect is the problem of turning out decent citizens. The future of the nation depends upon the citizenship of the generations to come. The children of today are those who tomorrow will shape the destiny of our land, and we cannot afford to neglect them. The legislature of Colorado has recommended that the national government provide some general measure for the protection from abuse of children and dumb animals throughout the United States. I lay the matter before you for what I trust will be your favorable consideration.

As to Women Who Work. The department of commerce and labor should also make a thorough investigation of the conditions of women in industry. Over 5,000,000 American women are now engaged in gainful occupations, yet there is an almost complete dearth of data upon which to base any trustworthy conclusions as regards a subject as important as it is vast and complicated. The introduction of women into industry is working change and disturbance in the domestic and social life of the nation. The decrease in marriage, and especially in the birth rate, has been coincident with it. We must face accomplished facts, and the adjustment to factory conditions must be made, but surely it can be made with less friction and less harmful effects on family life than is now the case. This whole matter in reality forms one of the greatest sociological phenomena of our time. It is a social question of the first importance, of far greater importance than any merely political or economic question can be.

In any great labor disturbance not only are employer and employee interested, but also a third party—the general public. Every considerable labor difficulty in which interstate commerce is involved should be investigated by the government and the facts officially reported to the public.

Insurance. The great insurance companies afford striking examples of corporations whose business has extended so far beyond the jurisdiction of the states which created them as to preclude strict enforcement of supervision and regulation by the parent states. In my last annual message I recommended "that the congress carefully consider whether the power of the bureau of corporations cannot constitutionally be extended to cover interstate transactions in insurance." Recent events have emphasized the importance of an early and exhaustive consideration of this question, to see whether it is not possible to furnish better safeguards than the several states have been able to furnish against corruption of the flagrant kind which has been exposed.

It has been only too clearly shown that certain of the men at the head of these large corporations take but small note of the ethical distinction between honesty and dishonesty. They draw the line only this side of what may be called law honesty, the kind of honesty necessary in order to avoid falling into the clutches of the law. Of course the only complete remedy for this condition must be found in an aroused public conscience, a higher sense of ethical conduct in the community at large and especially among business men and in the great profession of the law, and in

the growth of a spirit which condemns all dishonesty, whether in rich man or in poor man, whether it takes the shape of bribery or of blackmail. But much can be done by legislation which is not only drastic, but practical. There is need of a far stricter and more uniform regulation of the vast insurance interests of this country. The United States should in this respect follow the policy of other nations by providing adequate national supervision of commercial interests which are clearly national in character.

I repeat my previous recommendation that the congress should consider whether the federal government has any power or owes any duty with respect to domestic transactions in insurance of an interstate character. That state supervision has proved inadequate is generally conceded.

The Revenues. There is no need of stability than of the attempt to attain an ideal perfection in the methods of raising revenue, and the shock and strain to the business world certain to attend any serious change in these methods render such change inadvisable unless for grave reason. It is not possible to lay down any general rule by which to determine the moment when the reasons for will outweigh the reasons against such a change. No change can be made on lines beneficial to or desired by one section or one state only. There must be something like a general agreement among the citizens of the several states that the change is needed and desired in the interest of the people as a whole, and there should then be a sincere, intelligent and disinterested effort to make it in such shape as will combine, so far as possible, the maximum of good to the people at large with the minimum of necessary disregard for the special interests of localities or classes, but in time of peace the revenue must, on the average, taking a series of years together, equal the expenditures or else the revenues must be increased. Last year there was a deficit. Unless our expenditures can be kept within the revenues then our revenue laws must be readjusted.

It is impossible to outline what shape such a readjustment should take, for it is as yet too early to say whether there will be need for it. It should be considered whether it is not desirable that the tariff laws should provide for applying as against or in favor of any other nation maximum and minimum tariff rates established by the congress, so as to secure a certain reciprocity of treatment between other nations and ourselves.

Economy in Expenditures. I earnestly recommend to the congress the need of economy and, to this end, of a rigid scrutiny of appropriations. All unnecessary offices should be abolished. In the public printing also a large saving of money can be made. There is a constantly growing tendency to publish masses of unimportant information at which no human being ever looks.

Yet, in speaking of economy, I must in no wise be understood as advocating the false economy which is in the end the worst extravagance. To cut down in the navy would be a crime against the nation. To fail to push forward all work on the Panama canal would be as great a folly.

Currency. Every consideration of prudence demands the addition of the element of elasticity to our currency system. The evil does not consist in an inadequate volume of money, but in the rigidity of this volume, which does not respond as it should to the varying needs of communities and of seasons. Inflation must be avoided, but some provision should be made that will insure a larger volume of money during the fall and winter months than in the less active seasons of the year, so that the currency will contract against speculation and will expand for the needs of legitimate business. At present the treasury department is at irregularly recurring intervals obliged in the interest of the business world—that is, in the interests of the American public—to try to avert financial crises by providing a remedy which should be provided by congressional action.

Business Methods in Departments. At various times I have instituted investigations into the organization and conduct of the business of the executive departments. While none of these inquiries have yet progressed far enough to warrant final conclusions, they have already confirmed and emphasized the general impression that the organization of the departments is often faulty in principle and wasteful in results, while many of their business methods are antiquated and inefficient. I recommend that the congress consider this subject.

Federal Elections. In my last annual message I said: "The power of the government to protect the integrity of the elections of its own officials is inherent and has been recognized and affirmed by repeated declarations of the supreme court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. I recommend the enactment of a law directed against bribery and corruption in federal elections. The details of such a law may be safely left to the wise discretion of the congress, but it should go as far as under the constitution it is possible to go and should include severe penalties against him who gives or receives a bribe intended to influence his act or opinion as an elector and provisions for the publication not only of the expenditures for nominations and elections of all candidates, but also of all contributions received and expenditures made by political committees." I desire to repeat this recommendation.

All contributions by corporations to any political committee or for any political purpose should be forbidden by law, directors should not be permitted to use stockholders' money for such purposes, and, moreover, a prohibition of this kind would be, as far as it went, an effective method of stopping the evils aimed at in corrupt practices acts.

The Hague Conference. The first conference of nations held at The Hague in 1899, being unable to dispose of all the business before it, recommended the consideration and settlement of a number of important questions by another conference to be called subsequently and at an early date. These questions were the following: (1) The rights and duties of neutrals; (2) the limitation of the armed forces on land and sea and of military budgets; (3) the use of new types and calibers of military and naval guns; (4) the inviolability of private property at sea in times of war; (5) the bombardment of ports, cities and villages by naval forces. In October, 1904, at the instance of the interparliamentary union, I issued invitations to all the powers signatory to The Hague convention to send delegates to such a conference and suggested that it be again held at The Hague.

From all the powers acceptance was received, coupled in some cases with the condition that we should wait until the end of the war then waging between Russia and Japan. The emperor of Russia, immediately after the treaty of peace which so happily terminated this war, in a note presented to the president on Sept. 13 took the initiative in recommending that the conference be now called. The United States government in response expressed its cordial acquiescence and stated that it would as a matter of course take part in the new conference and endeavor to further its aims. We assume that all civilized governments will support the movement and that the conference is now an assured fact. This government will do everything in its power to secure the success of the conference to the end that substantial progress may be made in the cause of international peace, justice and good will.

Monroe Doctrine. There are certain essential points which must never be forgotten as regards the Monroe doctrine. In the first place, we must as a nation make it evident that we do not intend to treat it in any shape or way as an excuse for aggrandizement on our part at the expense of the republics to the south.

But we must make it evident that we do not intend to permit the Monroe doctrine to be used by any nation on this continent as a shield to protect it from the consequences of its own misdeeds against foreign nations. The Monroe doctrine does not force us to interfere to prevent the punishment of a port save to see that the punishment does not assume the form of territorial occupation in any shape. The case is more difficult when it refers to a contractual obligation. This country would certainly decline to go to war to prevent a foreign government from collecting a just debt. On the other hand, it is very inadvisable to permit any foreign power to take possession, even temporarily, of the custom houses of an American republic in order to enforce the payment of its obligations, for such temporary occupation might turn into a permanent occupation. The only escape from these alternatives may at any time be that we must ourselves undertake to bring about some arrangement by which so much as possible of a just obligation shall be paid.

To do so insures the defaulting republic from having to pay debts of an improper character under duress, while it also insures honest creditors of the republic from being passed by in the interest of dishonest or grasping creditors. Moreover, for the United States to take such a position offers the only possible way of insuring us against a clash with some foreign power. The position is therefore in the interest of peace as well as in the interest of justice.

Santo Domingo. Santo Domingo has now made an appeal to us, and not only every principle of wisdom, but every generous instinct within us, bids us respond to the appeal. The conditions in Santo Domingo have for a number of years grown from bad to worse until a year ago all society was on the verge of dissolution. Fortunately just at this time a ruler sprang up in Santo Domingo who, with his colleagues, saw the dangers threatening their country and appealed to the friendship of the only neighbor who possessed the power and the will to help them. There was imminent danger of foreign intervention. The patience of foreign creditors had become exhausted, and at least two foreign nations were on the point of intervention and were only prevented by the unofficial assurance of this government that it would itself strive to help Santo Domingo in her hour of need.

Accordingly, the executive department of our government negotiated a treaty under which we are trying to help the Dominican people to straighten out their finances. This treaty is pending before the senate. In the meantime a temporary arrangement has been made under which the Dominican government has appointed Americans to all the important positions in the customs service, and they are seeing to the honest collection of the revenues, turning over 45 per cent to the government for running expenses and putting the other 55 per cent into a safe depository for equitable division in case the treaty shall be ratified among the various creditors, whether European or American.

Under the course taken stability and order and all the benefits of peace are at last coming to Santo Domingo, danger of foreign intervention has been suspended, and there is at last a prospect that all creditors will get justice no more and no less. If the arrangement

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