THE PRESIDENT'S ANNUAL MESSAGE TO LAWMAKERS

Recommends Legislation on New and Important Subjects.

INCOME - INHERITANCE TAX

He Believes Such Laws Would Curb Growth of Fortunes to Dangerous Proportions.

His Views on Negro Question—Asks for Currency Reform, and Shipping Bill—Would Make Citizens of Japs—Many Other Important Subjects Discussed.

Washington, Dec. 1.—President Roosevelt's message to the second session of the Fifty-ninth congress deals with a number of new and important subjects, chief of which is the government prosecution of the trusts, the abuse of injunctions in labor troubles, the negro question, the preaching of class hatred between capital and labor, additional legislation for the control of large corporations, a federal inheritance and income tax law and currency reform.

The message opens with a statement of what the last congress left unfinished, and of this he says:

"I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already passed one house of congress. Let individuals contribute as they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

"Another bill which has just past one house of the congress and which is urgently necessary should be enacted into law is that conferring upon the government the right of appeal in criminal cases on questions of law. This right exists in many of the states; it exists in the District of Columbia by act of the congress. It is of course not proposed that in any case a verdict for the defendant on the merits should be set aside. Recently in the district court the government had indicted certain persons for conspiracy in connection with rebates. The court sustained the defendant's demurrer; while in another jurisdiction an indictment for conspiracy to obtain rebates had been sustained by the court, convictions obtained under it, and two defendants sentenced to imprisonment. The two cases referred to may not be in real conflict with each other; but it is unfortunate that there should even be an apparent conflict. At present there is no way by which the government can cause such a conflict, when it occurs, to be solved by an appeal to a higher court; and the rights of citizens are blocked without any real decision of the question. I do not think too strongly urge the passage of the bill in question. A failure to pass will result in seriously hampering the government in its effort to obtain justice, especially against wealthy individuals or corporations who do wrong; and may also prevent the government from obtaining justice for wageworkers who are not themselves able effectively to contest a case where the judgment of an inferior court has been against them. I have especially in view a recent decision by a district judge leaving railway employes without any remedy for violation of a certain socalled labor statute. It is an absurdity to permit a single district judge, against what may be the judgment of the immense majority of his colleagues on the bench, to declare a law solemnly enacted by the congress to be "unconstitutional," and then to deny the government the right to have the supreme court definitely decide the question."

Evasion by Technicalities.

"In connection with this matter, I would like to call attention to the very unsatisfactory state of our criminal law resulting in large part from the habit of setting aside the judgments of inferior courts on technicalities absolutely unconnected with the merits of the case, and where there is no attempt to show that there has been any failure of substantial justice. It would be well to enact a law providing something to the effect that:

"No judgment shall be set aside or new trial granted in any cause, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure unless in the opinion of the court to which the application is made, after an examination of the entire cause, it shall affirmatively appear that the error complained of has resulted in a miscarriage of justice."

Injunctions.

On the subject of the abolition of injunctions in labor disputes he says:

"In my last message I suggested the enactment of a law in connection with the issuance of injunctions in cases involving been sharply drawn to the matter by the demand that the right of appeal from injunctions in labor cases should be wholly abolished. It is at least doubtful whether a law abolishing or limiting the use of injunctions in such cases would stand the test of the courts; in which case of course the law would be ineffective. Moreover, I believe it would be wrong altogether to prohibit the use of injunctions. It is criminal to permit sympathy with criminals to weaken our hands in upholding the laws; and if men seek to destroy life or property by mob violence there should be no hesitancy of the power of the courts to deal with them in the most summary and effective way possible. But it is possible that abuse of the power should be provided against by some such law as I advocated last year.

"In this matter of injunctions there is lodged in the hands of a single judge a necessary power which is nevertheless subject to the possibility of grave abuse. It is a power that should be exercised with extreme care and should be subject to the jealous scrutiny of the bar and condemnation should be meted out as much to the judge who fails to use it boldly when necessary as to the judge who uses it wantonly or oppressively. Of course, a judge who is not fit for his office will enjoin any resort to violence or intimidation, especially by conspiracy, no matter what his opinions may be of the rights of the original quarrel. There must be no hesitancy in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring man to strive for their own betterment in peaceable and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out schemes for its own aggrandisement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof, even when authority can be found to support the conclusions of law on which it is founded, may often settle the dispute between the parties; and therefore if improperly granted may do irreparable wrong. Yet there are many judges who would shrink from the issuance of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connection with labor disputes even within the last few years, altho I think much less often than in former years. Such judges by their precise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction; and therefore such careless use of the injunctive process tends to threaten in very existence, for if the American people ever become convinced that this process is habitually abused, in matters affecting labor, or in matters affecting corporations, it will be well-nigh impossible to prevent its abolition."

The Negro Problem.

The negro problem is given considerable attention, after calling attention to the fact that no section of the country is free from faults, and that no section has occasion to jeer at the shortcomings of any other section, he turns to the subject of lynchings, and especially as applied to the negro in the south. He says the greatest existing cause for mob law is the perpetration by the blacks of the crime of rape, a crime which he terms even worse than murder. He quotes the admonitions of the late lamented speaker by Gov. Candler, of Georgia, some years ago, and by Gov. Jelks, of Alabama, recently, and then says:

"Every colored man should realize that the worst enemy the black race is the negro criminal, and above all the negro criminal who commits the dreadful crime of rape; and it should be felt as in the highest degree an offense against the whole country, and against the colored race in particular, for a colored man to fail to help the officers of the law in hunting down with all possible earnestness and zeal every such infamous miscreant. Moreover, in my judgment, the crime of rape should always be punished with death, as is the case with murder; and with sufficient to commit rape should be made a capital crime. In the interest of the honor of the court; and provision should be made by which the punishment may follow immediately upon the heels of the offense; while the trial should be so conducted that the victim need not be wantonly shamed while giving her testimony, and that the least possible publicity shall be given to the details.

"The members of the white race on the other hand should understand that every lynching that occurs tends to put much a loosening of the bands of civilization that the sense of justice inevitably throws into prominence in the community all the foul and evil creatures who give free play to it. No man can take part in the torture of a human being without having his own moral nature permanently lowered. Every lynching means just so much moral debasement for the white children who have any knowledge of it, and therefore just so much additional trouble for the next generation of Americans.

"Let justice be both sure and swift; but let it be justice under the law, and not the wild and crooked savagery of a mob.

Need for Negro Education.

"There is another matter which has a direct bearing upon this matter of lynching and of the crime of rape, which sometimes calls it forth and at other times merely furnishes the excuse for its existence, and it should be taken for our people as a whole permanently to rise by reading down the race of their own number. Even those who themselves for the moment profit by such malefactors as the lynch law will in the long run also suffer. No more shortsighted and foolish thing is imagined than, in the fancied interest of one class, to prevent the education of another class. Such a proceeding gives the chance for each boy or girl to get a good elementary education, lies at the foundation of our whole political education. In every community the poorest citizens, those who have the schools most, would be deprived of them if they only received school facilities proportionately to what they pay. This is as true of one portion of our country as of another. It is as true for the negro as for the white man. The white man, if he is wise, will desire to allow the negro to make his grow to manhood and womanhood without education. Unquestionably education such as is obtained in our public schools does not do everything towards making a good citizen, but it does much. The lowest and most brutal criminals, those for instance who commit the crime of rape, are in the great majority men who have had proper no education or only little just as they are almost invariably men who own no property; for the man who gets money by honest or dishonest earnings, like the man who acquires education, is usually little above mere brutal criminality. Of course the best type of education for the colored man, taken as a whole, is the education that is conferred in schools like Hampton and Tuskegee, where the boys and girls, the young men and young women, are trained industrially as well as in the ordinary public school branches. The graduates of these schools turn out well in the great majority of cases, and only one of them commits criminals, while what little criminality there is never takes the form of that brutal violence which invites lynch law. Every graduate of these schools and the great mass of that every other colored man or woman—who leads a life so useful and honorable as to earn good will and respect of those whites whose neighbor he is and who by their help or the whole colored race as it can be helped in no other way; for next to the negro himself, the man who is most in need of help the negro is his white neighbor who lives next him; and our steady effort should be to better the relations between the two. Great tho the benefit of these schools has been to the colored pupils and to the colored people, it may well be questioned whether the benefit has not at least as great to the white people among whom these colored pupils live after they graduate."

Capital and Labor.

On the subject of capital and labor the president takes the agitators of class hatred to task and says that class hatred to the rich man, as such, to seek to inflame the poor man to madness honest man whose lives are hard and who have not the kind of mental training which will enable them to appreciate the danger in the doctrines preached to them. Capital is necessary to the body politic and to be false to every worthy principle and tradition of American national life." Continuing on this subject he says:

"The plain people, who think—the mechanics, farmers, merchants, workers with head or hand, the men to whom American institutions are dear, who love their country and try to act decently by their neighbors, owe it to themselves to see that their ears are not damaging blow that can be given popular government is dealt by unworthy and sinister agitator on a platform of violence and hypocrisy. Whenever such a man is elected to this country nothing can be gained by flinching from it, for in such case democracy is itself on trial, and if popular government under republican forms is itself on trial. The triumph of the mob is just as evil a thing as the triumph of the plutocracy, and to have escaped one danger is nothing at all if we succumb to the other. In the end the honest man, rich or poor, who earns his own living and tries to deal justly by his fellows, has to much to fear from the reckless and unworthy demagog, promising much and performing nothing, or else performing instead of good, evil. It would set on the mob to plunder the rich, as it from one cause or another, who, for his own ends, would permit the common people to be exploited by the very worst of the rich. Let the government fall into the hands of men of either of these two classes, we shall show ourselves false to America's fate. Moreover, the demagog and corruptionist often work hand in hand. There are at this moment wealthy reactionaries of such obtuse morality that they regard the public servant as one who executes them when they violate the law, or who sends in the troops to bear their proper share of the public burdens, as being even more objectionable than the violent agitator who incites to the mob to plunder the rich. There is nothing to choose between such a reactionary and such an agitator, fundamentally they are alike in their selfish disregard of the rights of others, and it is natural that they should join in opposition to any movement of which the aim is fearlessly to do exact and even justice to all."

Railroad Employees' Hours.

He asks for the passing of the bill limiting the number of hours employment of railroad employes, and claims the measure is a humane one. He says the aim of all should be to steadily reduce the number of hours of labor, with as a goal the general introduction of an eight-hour day, but insists that in the interim the hours and conditions are so different from what they are here that the introduction of an eight-hour day by law would be absurd, and continues, "just about as absurd as it is, so far as the latitude is concerned, where white labor cannot be employed, to bother as to whether the work be done by alien black men or alien yellow men."

Investigation of Disputes.

He urges the enactment of a drastic child labor law for the District of Columbia and the territories, and a federal investigation of the subject of child and female labor throughout the country. He reviews the work of the commission appointed to investigate labor conditions in the coal fields of Pennsylvania in 1902, and refers to the wish of the commission "that the state and federal governments should provide the machinery for what may be called an administrative adjudication of controversies between employers and employed, as an alternative." After referring to the fact that a bill has already been introduced to this end he says:

"Many of these strikes and lockouts would never occur if the parties to the dispute been required to appear before an unprejudiced body representing the nation, and state, and state the reasons for their contention. In most instances such a dispute would doubtless be found to be due to a misunderstanding by each of the other's rights, aggravated by an unwillingness of either side to accept as true the statements of the other as to the justice or injustice of the matters in dispute. The appeal to a judicial spirit by a disinterested body representing the federal government, such as would be provided by a commission on conciliation and arbitration would tend to an atmosphere of kindly friendliness and conciliation between conciliating parties and would give each side an equal opportunity to present fully its case in the presence of the other would tend to prevent any such disastrous plunging into serious strikes or lockouts, and in case it did not, would put the country on to persuade the opposing parties to come to terms.

"The rights of great corporate and labor combinations, neither employers nor employes, need be left to depend upon the mercy of the stronger party to a dispute, regardless of the righteousness of the claims advanced by the combined. Some measure would be in the line of securing recognition of the fact that in many strikes the public has itself an interest which cannot wisely be disregarded; an interest, moreover, not in indifference, for the question of a just and proper settlement is one which is considered. In all legislation of this kind it is well to advance cautiously, testing each step as we take it, and the step proposed can surely be safely taken, for the decisions of the commission would not bind the parties in legal fashion, and yet would give a chance for public opinion to exert its force where it is right."

Control of Corporations.

A considerable portion of the message is devoted to the subject of federal control of corporations. He refers to the passage at the last session of the rate, meat inspection and food laws, and says that the rate law has not yet had sufficient time to test it, but recommends that an amendment be made to the meat law so as to put dates on the labels of meat products and also to place the control of canned products, either than on the government. Continuing on this subject he continues the corporations by the federal government he says:

"It cannot too often be repeated that experience has conclusively shown the impossibility of securing by the actions of nearly half a hundred different legislatures anything but ineffective chaos in the way of dealing with the great corporations which do not operate exclusively within the limits of any one state. In some method, whether constitutional amendment or in other fashion, we must exercise, and that at an early date, a wholesome control over corporations, at present over these great corporations—a control that will among other things prevent the issuance of worthless overcapitalization, and that will compel the distribution of the ownership of the stock of the corporations. This will tend to put a stop to the security speculation which is so injurious to individuals at the expense whether of the general public, the stockholders, or the employes of the corporations. This will not so much to prevent consolidation as such, but it will tend to prevent it in so far as to see that it results in no harm to the people. The reactionary or ultraconservative is apt to say that the power of wealth assail the effort to secure such control as a wrong to the corporations. As a matter of fact it is these reactionaries and ultraconservatives who are themselves most potent in increasing socialistic feeling. One of the most efficient methods of averting the growth of socialism is to prevent the accumulation of wealth in such a way as to create a socialistic feeling. One of the most efficient methods of averting the growth of socialism is to prevent the accumulation of wealth assail the effort to secure such control as a wrong to the corporations. As a matter of fact it is these reactionaries and ultraconservatives who are themselves most potent in increasing socialistic feeling. One of the most efficient methods of averting the growth of socialism is to prevent the accumulation of wealth in such a way as to create a socialistic feeling. This will tend to put a stop to the security speculation which is so injurious to individuals at the expense whether of the general public, the stockholders, or the employes of the corporations. This will not so much to prevent consolidation as such, but it will tend to prevent it in so far as to see that it results in no harm to the people. The reactionary or ultraconservative is apt to say that the power of wealth assail the effort to secure such control as a wrong to the corporations. As a matter of fact it is these reactionaries and ultraconservatives who are themselves most potent in increasing socialistic feeling. One of the most efficient methods of averting the growth of socialism is to prevent the accumulation of wealth in such a way as to create a socialistic feeling. One of the most efficient methods of averting the growth of socialism is to prevent the accumulation of wealth assail the effort to secure such control as a wrong to the corporations. As a matter of fact it is these reactionaries and ultraconservatives who are themselves most potent in increasing socialistic feeling. One of the most efficient methods of averting the growth of socialism is to prevent the accumulation of wealth in such a way as to create a socialistic feeling. This will tend to put a stop to the security speculation which is so injurious to individuals at the expense whether of the general public, the stockholders, or the employes of the corporations. This will not so much to prevent consolidation as such, but it will tend to prevent it in so far as to see that it results in no harm to the people. The reactionary or ultraconservative is apt to say that the power