By Mr. MURPHY of Illinois: Petition of 50 citizens of Du Quoin, Ill., protesting against the appropriation of public funds by Congress to institutions and undertakings belonging wholly or in part to religious sects—to the Committee on Appropriations.

Also, petition of 100 citizens of Percy, Ill., protesting against the appropriation of public funds by Congress to institutions and undertakings belonging wholly or in part to religious sects—to the Committee on Appropriations.

By Mr. NOONAN: Petition of ex-Union soldiers residing in the State of Texas, favoring an amendment to the pension law—to the Committee on Invalid Pensions.

By Mr. PERKINS: Preamble and resolutions of the Commercial Association of Sioux City, Iowa, with reference to the Sioux City and Pacific Railroad—to the Committee on Pacific Railroads.

Also, petition of C. E. Smith, of Onawa, Iowa, in behalf of pension legislation in the interest of ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. PICKLER: Petition of ex-Union soldiers residing at Paw Paw, Ind. T., and vicinity, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Artha Post, No. 41, Clarendon, Ark., asking the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. POWERS: Paper to accompany House bill No. 5350, to correct the military record of John Hanlin—to the Committee on Military Affairs.

By Mr. RAY: Petition of the Woman's Christian Temperance Union of West End, Broome County, N. Y., against the sale of spirituous liquors to immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of West End, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

By Mr. RUSSELL of Connecticut: Petition of citizens of New London and Lebanon, Conn., in favor of House bill No. 58, for the inspection of immigrants by the United States consuls—to the Committee on Immigration and Naturalization.

Also, petition of Bridgeport (Conn.) Board of Trade, favoring sufficient appropriations to make a permanent harbor of refuge of Great Salt Pond, at Block Island, R. I.—to the Committee on Rivers and Harbors.

Also, petition of soldiers of Colchester, Conn., who were volunteers in the forlorn hope at Port Hudson, for appropriation to give them the medals promised by General Banks—to the Committee on Military Affairs.

By. Mr. SIMPKINS: Petition of executive committee of Cotton Manufacturing Association at Fall River, that the provisions of immediate transportation act of 1880 be extended to the city of Fall River, Mass.—to the Committee on Interstate and Foreign Commerce.

By Mr. SORG: Papers to accompany House bill for the relief of Hiram B. Bell—to the Committee on Military Affairs.

Also, resolutions adopted by the Montgomery County Farmers Institute, held at Vandalia, Ohio, February 6, 1896, for amendment to the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLE: Petition of Alfred Flury Post, No. 558, Grand Army of the Republic, Manchester, York County, Pa., in favor of service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Betsy Ross Council, No. 119, Daughters of Liberty, of Gettysburg, Pa., in favor of the passage of the William A. Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TRELOAR: Resolution from Grand Army of the Republic, Post No. 320, located at Hermann, Mo., indorsing House bill No. 1196—to the Committee on Invalid Pensions.

By Mr. TYLER: Petition of R. R. Selden, for an increase of pension—to the Committee on Pensions.

By Mr. WANGER: Petition of Graham Post, No. 106, Grand Army of the Republic, and of 71 veterans of Pottstown, Pa., for the passage of a service and a prisoner-of-war pension act—to the Committee on Invalid Pensions.

Also, resolution of the Pennsylvania Society of the Sons of the Revolution, in favor of the publication by the Government of the records of the Revolutionary period—to the Committee on Printing.

By Mr. WHEELER: Petition of A. M. Simmons, of Huntsville, Ala., in favor of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. WOOMER: Petition of Harrison A. Kulen and 25 other citizens of Duncannon, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of John M. Rauch, postmaster at Manada Hill, Pa., and 75 other citizens, in favor of a bill to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, *February 25, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. DAVIS, and by unanimous consent, the further reading was dispensed with.

PUBLIC LAND SUITS.

Mr. DAVIS. I desire to enter a notice of a motion for a reconsideration of the vote by which the Senate yesterday afternoon passed the bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes. I wish to examine the bill and the report.

The VICE-PRESIDENT. Notice of the motion will be entered, as indicated by the Senator from Minnesota.

Mr. DAVIS subsequently said: Information received since I gave notice of a motion to reconsider House bill 5474 a few moments ago induces me to withdraw the notice of that motion. I ask consent to do so.

The VICE-PRESIDENT. Without objection, the notice of a motion to reconsider is withdrawn.

PETITIONS AND MEMORIALS.

Mr. QUAY presented a petition of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the publication by the Government of the records and papers of the Continental Congress; which was referred to the Committee on the Library.

He also presented a memorial of the Universal Peace Union, remonstrating against the appropriation of moneys for coast defenses, for the increase of the Army and Navy, and for the organization of the militia of the United States; which was referred to the Committee on Appropriations.

He also presented a petition of the Manufacturers and Producers' Exchange and the Chamber of Commerce of San Francisco, Cal., praying for the appointment of a commission to examine and report upon Japanese manufactures, importations, and the export trade; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the purchase by the Government of the Chesapeake and Delaware Canal; which was referred to the Committee on Commerce.

Mr. SEWELL presented a petition, in the form of resolutions adopted at a mass meeting of citizens of Crosswicks, N. J., praying for the enactment of legislation granting protection to American citizens in Turkey and extending sympathy to the suffering Armenians; which was ordered to lie on the table.

He also presented a petition of Aaron Wilkes Post, No. 23, Grand Army of the Republic, of Trenton, N. J., praying for the enactment of legislation for the restoration of the grade of Lieutenant-General in the United States Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Lyon Post, No. 10, Grand Army of the Republic, of Vineland, N. J., praying for the speedy recognition as belligerents of the Cuban patriots in their struggle for freedom; which was ordered to lie on the table.

Mr. PEFFER presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of legislation raising the age of consent in the District of Columbia to 18 years; which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of legislation providing for the enforcement of the compulsory educational law; which was referred to the Committee on the District of Columbia.

Mr. NELSON presented resolutions adopted at a regular meeting of the Board of Trade of Minneapolis, Minn., relative to the readjustment of the affairs of the Union Pacific Railway; which were referred to the Committee on Pacific Railroads.

He also presented a petition of the Commercial Club, of Minneapolis, Minn., praying for the establishment of a subtreasury in that city; which was referred to the Committee on Finance.

Mr. BACON presented a petition of sundry citizens of Monroe, Ga., praying for the enactment of legislation for the relief of the book agents of the Methodist Episcopal Church South; which was referred to the Committee on Claims.

Mr. HARRIS presented a petition of the Cotton Exchange of Memphis, Tenn., praying for the establishment of a uniform rate of letter postage at 1 cent; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented a petition of sundry citizens of Spring Valley, Minn., praying for the adoption of the proposed religious amendment to the Constitution of the United States; which was referred to the Committee on the Judiciary.

Mr. KYLE presented the memorial of Emma A. Crammer, of Aberdeen, S. Dak., and a memorial of the Woman's Christian Temperance Union of Badger, S. Dak., remonstrating against the enactment of legislation to establish a bureau of military education and to promote the adoption of uniform military drill in the public schools of the country; which were referred to the Committee on Military Affairs.

Mr. LODGE presented the petition of Samuel Q. Ryan, of Massachusetts, praying that he be awarded a medal by Congress for services rendered in the "forlorn hope" storming column during the late war; which was ordered to lie on the table.

Mr. STEWART presented a petition of the Citizens' Association of South Washington, D. C., praying for the construction of a proposed bridge across the Eastern Branch at the foot of South Capitol street, in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Citizens' Association of South Washington, D. C., praying that an appropriation be made to enable the proper authorities to arch over the James Creek Canal open sewer; which was referred to the Committee on the District of Columbia.

DISPOSITION OF GARBAGE.

Mr. STEWART. I present a memorial of the Citizens' Association of South Washington, D. C., remonstrating against the construction of a garbage factory, crematory, or reduction plant, or other like institution, in the city of Washington or Georgetown or their more densely populated suburbs.

I also present a resolution which the memorialists have sent me, which they desire to have passed, and which seems to be all right. I will now offer the resolution and ask that it be adopted.

The VICE-PRESIDENT. The Senator from Nevada asks unanimous consent for the present consideration of a resolution which will be read for information.

The resolution was read, as follows:

Resolved, That the Committee on the District of Columbia is directed to call upon the Commissioners of the said District for a full report of their action under the act of March 2, 1895, in the matter of the removal of the garbage of the cities of Washington and Georgetown, with transmission of all papers; and the said committee is further directed to investigate the subject of the disposition of the garbage of large cities, with special regard to the health and comfort of the people and the location of garbage crematories or reduction plants, and to report what, if any, legislation is necessary.

Mr. HILL. Will the Senator from Nevada please state the reasons for this investigation?

Mr. STEWART. The petitions set forth at great length the reasons for the investigation. I am aware that the Commissioners have been very much embarrassed over this question. I presume the resolution can do no harm, and probably it may do good, if the committee investigates the matter. Of course, I am not a member of the Committee on the District of Columbia, and the members of that committee will know better about it than I do. If there is any objection to the resolution I shall not press it, of course.

Mr. HARRIS. Let the resolution be printed and go over until to-morrow morning.

The VICE-PRESIDENT. It will be so ordered.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 812) to provide for appointment by brevet of active or retired officers of the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1157) granting a pension to Maria L. Carbee;

A bill (S. 1150) granting a pension to Lucinda S. Twombly; and

A bill (S. 1788) granting a pension to William R. Lake.

Mr. GALLINGER, from the Committee on Pensions, to whom was recommitted the bill (S. 1699) for the relief of William Loring Spencer, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 177) granting a pension to Sophia D. Clendenin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2129) granting an increase of pension to Annie E. Nolan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1148) granting a pension to Celesthia A. Whitney, reported it without amendment, and submitted a report thereon.

He also (for Mr. BRICE), from the same committee, to whom was referred the bill (S. 1036) granting a pension to Rebecca E. Kutz, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2176) granting a pension to Thomas Pollock, reported it with an amendment, and submitted a report thereon.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. Res. 24) providing for immediate destruction of income-tax returns, etc., to report it back favorably without amendment, and with it I submit a letter from the Commissioner of Internal Revenue.

Mr. PLATT and Mr. SHERMAN. Let us pass it now.

Mr. ALLISON. If there is no objection, it is a brief measure, unanimously reported from the committee, and I ask for its present consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Treasury is hereby directed to cause the immediate destruction of all income-tax returns and any copies thereof, with all statements and records relative thereto, now in possession of the Treasury Department, by reason of "An act to reduce taxation," etc., in effect August 28, 1894.

Mr. HOAR. I should like to ask the Senator from Iowa what the word "thereto" means as applied to the returns of the income tax and statements and records relative thereto? The point of my question is whether the joint resolution is so drawn as to destroy the record of the fact of the payment of an income tax which may not yet have been refunded to the person who paid it. A great many people paid the income tax in advance.

Mr. ALLISON. I understand the point the Senator makes. If the Secretary will read the letter of the Commissioner of Internal Revenue, he will see——

Mr. CHILTON. I object to the present consideration of the joint resolution.

The VICE-PRESIDENT. Objection is interposed to the present consideration of the joint resolution, and it will be placed on the Calendar.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 1355) for the relief of Andrew J. Whitaker, late special disbursing agent of the Navy Department, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1604) for the relief of John A. Fairfax, of the District of Columbia, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1835) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman against the United States, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 725) granting a pension to Anna C. Garber, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1934) granting an increase of pension to Henry Slaughter, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 995) granting a pension to Kate A. Pitman, reported it without amendment, and submitted a report thereon.

Mr. PEFFER, from the Committee on Pensions, to whom was referred the bill (S. 1523) granting a pension to Benjamin F. Bell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 637) granting a pension to George M. Brooks, reported it without amendment, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 1684) granting a pension to Sam P. Barbee, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2218) increasing the pension of Jackson J. Lane, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 925) granting a pension to Annie J. Corbett, of Providence, R. I., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the

bill (H. R. 994) granting an increase of pension to Andrew B. Keith, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Pensions, to whom was referred the bill (S. 321) granting a pension to James W. Dunn, reported it with amendments, and submitted a report thereon.

SEACOAST DEFENSES.

Mr. SQUIRE. I am instructed by the Committee on Coast Defenses, to whom was referred the bill (S. 1159) to provide for fortifications and other seacoast defenses, to report it favorably with amendments and submit a report thereon. I ask that the bill and accompanying report be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it will be so ordered.

A bill (S. 1159) to provide for fortifications and other seacoast defenses.

Be it enacted, etc., That for the purpose of providing the fortifications and other defenses recommended by the board appointed by the President under the provisions of an act of Congress entitled "An act making provisions for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, for the ports named in the report of the said board as the ports at which fortifications are most urgently needed, namely, New York, San Francisco, Boston, the lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore; Portland, Me.; Rhode Island ports in Narragansett Bay, Key West, Charleston, S. C.; Mobile, Savannah, Galveston; Portland, Oreg.; Pensacola, Fla.; Wilmington, N. C.; San Diego, Cal.; Portsmouth, N. H.; defenses of Cumberland Sound at Fort Clinch, defenses of ports of the Kennebec River at Fort Popham; New Bedford, Mass.; defenses of ports on the Penobscot River, Me.; at Fort Knox and east entrance, Long Island Sound (including New London and New Haven), and further for the defense of Puget Sound, and of such other ports as in the judgment of the Chief of Engineers and the Secretary of War may require permanent works of fortifications, there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $10,000,000, the whole or any part of this appropriation to be immediately available if so ordered by the President: *Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and works as may be necessary to carry on continuously the systematic construction of fortifications and other seacoast defenses, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $10,000,000 per annum, for seven years, commencing July 1, 1897.

SEC. 2. That said sum shall be expended under the direction of the Secretary of War and under existing laws for the purpose of providing fortifications and other defenses for the ports aforesaid and the armament thereof and the purchase of sites for the said fortifications, substantially in accordance with the recommendations of said board, with such modifications as are made in the more extended study of the individual projects, as approved from time to time by the Secretary of War, until Congress shall otherwise provide, and shall be apportioned among the said ports in accordance with the consolidated estimate of the cost of said defenses in so far as may be most economical and expedient; and the work shall be, as near as may be, commenced at the same time at each of the said ports, and shall proceed as rapidly as said annual appropriations will admit of; excepting at the lake ports, where fortifications shall not be begun until in the judgment of the President work there shall be necessary and expedient: *Provided*, That should any material change in the total estimates for the defenses herein provided for be made necessary, a full and complete statement of such changes and the reasons therefor shall be laid before Congress for its action: *Provided further*, That no part of the money herein appropriated applicable for the defensive works at a port shall be expended for fortifications at that port until the Secretary of War shall have caused the surveys necessary to select a proper site to be made and a detailed project to be prepared for that port, not to exceed in cost the sum apportioned to that port included in the total amount herein appropriated for said fortifications and shall have approved the same.

SEC. 3. That the proportion of the above sums to be expended in each year by the Chief of Engineers of the Army on fortifications and procurement of sites therefor, who is charged by law with the performance of these duties, and the proportion to be expended by the Chief of Ordnance of the Army on the armament of the fortifications, who is charged by law with the performance of this duty, shall be determined by the Secretary of War at the beginning of each fiscal year, and said sums shall be expended in strict conformity with existing laws and regulations.

[Report to accompany S. 1159.]

The Committee on Coast Defenses, to whom was referred the bill (S. 1159) to provide for fortifications and other seacoast defenses, have had the same under consideration, and report the same back, with amendments, with the recommendation that the bill as so amended do pass.

In lines 15 and 16, section 1, strike out the words "New London."

In lines 21 and 22, section 1, strike out the words "New Haven, Conn.," and insert in lieu thereof the words "East Entrance, Long Island Sound (including New London and New Haven)."

In line 27, section 1, strike out the words "eighty-seven" and insert in lieu thereof the word "ten."

Strike out the whole of section 2 and insert in lieu thereof the following:

"*Provided*, That on and after the passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic construction of fortifications and other seacoast defenses, or said materials may be purchased and the work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate $10,000,000 per annum for seven years, commencing July 1, 1897."

Maj. Gen. Nelson A. Miles, commanding the Army; Gen. W. P. Craighill, Chief of Engineers; Brig. Gen. D. W. Flagler, Chief of Ordnance; Rear-Admiral J. G. Walker, United States Navy, and others have appeared before the committee and made statements in relation to the subject of coast defenses.

Your committee begs leave to report that in accordance with the statement of the General Commanding the Army it has found that the harbors of the principal seacoast cities of the United States, with few exceptions, are entirely without defenses, and that at the harbors where modern defenses have been commenced the work thus far completed is entirely inadequate for the protection of the cities for which they are designed.

The unprotected state of the country in this respect may well cause anxiety and alarm, and the present condition should be remedied without delay.

It has been estimated that in the cities of New York, Brooklyn, and Jersey City alone there is property of the value of $4,000,000,000 which a hostile fleet lying in the upper bay of New York would have within reach of its guns. Not one-tenth of the necessary defenses have yet been provided for that port, although its harbor is at present better defended than any other in the United States.

It is probable that the aggregate value of all destructible property exposed at the 27 principal seaports of the United States (not including the lake ports, which should also be protected) is not less than $10,000,000,000. So far as ascertainable, the cost of public buildings alone at the ports recommended to be fortified has far exceeded the amount required to fortify these ports.

The injury to commerce could not be measured by the injury to property at the ports alone, but would extend to the interior for which they are outlets or avenues of exchange.

Thus the risk to property interests affected is such that a small percentage of its value would supply the means for sufficient defense, and would be as reasonable an expenditure as that for fire insurance and police protection. It is estimated that the last two items cost annually eight-tenths of 1 per cent of the value of the destructible property affected. According to the estimates, the cost of permanent coast defenses would be about the same as that for fire insurance and police protection for one year in the same cities. If the expenditure for coast defenses be extended over a period of ten years, the average will of course be less than one-tenth of 1 per cent per annum. The increase in the value of property during the next ten years will probably be great, thus lessening the percentage from year to year.

If a hostile fleet should succeed in entering a harbor the full cash valuation of all property subject to destruction by the fleet could be demanded as a ransom.

A still greater saving is to be considered in the prevention of war itself in consequence of the moral effect afforded by suitable preparation for resistance.

The contrast between the cost of preparation and the cost of war itself is so manifest that it constitutes one of the principal considerations actuating the committee. The money expended upon the pension list of the United States for a single year is equal to the expenditure required to create a complete system of coast defenses and the necessary additions to our Navy in order to prepare our country for all great war emergencies to which it may be subjected in the pursuit of our destiny as a first-class power and influential nation.

Economic and prudential considerations all favor the construction of coast defenses. The prevention of the sacrifice of human life should also be considered as well as the national humiliation and disgrace that may at any time attend our even temporary discomfiture by reason of lack of the ordinary military precautions that are adopted by other great nations.

It is an anomalous state of affairs that this great nation, encircled by a chain of foreign fortresses near its shores, is without the means of resisting an attack from any one of them.

This defenseless condition weakens our influence in diplomacy, as was well stated by Mr. Tilden as follows:

"This state of things is discreditable to our foresight and to our prudence. The best guaranty against aggression, the best assurance that our diplomacy will be successful and pacific, and that our rights and honor will be respected by other nations, is in their knowledge that we are in a situation to vindicate our reputation and interests. While we may ever be deficient in our means of offense, we can not afford to be defenseless. The notoriety of the fact that we have neglected the ordinary precautions of defense invites want of consideration in our diplomacy, injustice, arrogance, and insult at the hands of foreign nations."

While we recognize the efficiency of our Navy, it is clearly shown in the statement made to the committee that it would be unsafe to rely exclusively upon that arm of power for means of defense; in fact, the very existence of our Navy would be imperiled in case of war with any great power without the support which would be afforded to the ships by land defenses.

It is admitted that we do not stand higher than sixth in the list of naval powers, and that our present Navy rates at less than 1 to 6 in comparison to that of England. It has been shown to the committee that the efficiency of the Navy will be vastly increased by the establishment of land defenses. In the absence of the latter in time of war every ship will be required to remain near our own coasts for their defense, and thereby the Navy will be largely deprived of the attribute of mobility and the power to make offensive return.

It is clearly shown by a distinguished admiral of the Navy that the expenditure for coast defenses, as compared with that for the Navy, should at present be in the ratio of 1½ to 1, and that the ratio should be increased in favor of coast defenses after the expenditure of $100,000,000 for both purposes.

Torpedoes and submarine mines are also important as a means of harbor defense, but they are comparatively useless unless protected by guns in suitable position on land.

ESTIMATE OF COST.

The committee has investigated the subject of expenditures already made under the plans for defense adopted by the Government, which were based upon the report of the Endicott Board of 1886 and the more recent Puget Sound Board, with the modifications that have been adopted from time to time by the War Department.

The plans and estimates of the Endicott Board (composed of officers of the Army and Navy) called for an expenditure of $97,782,000 for permanent land defenses. Up to the present time the expenditure for this purpose has been about $10,631,000, which would leave $87,151,000 to be appropriated if the original plans were to be carried out and there were no other changes in the conditions affecting the cost.

However, in the year 1892 the present eight-hour law went into effect, and changes in plan of armament have affected the estimates of cost to such an extent that the committee finds, upon the statements of the Chief of Engineers and the Chief of Ordnance, the amount desirable for fortifications and armament to be more than that originally calculated by the Endicott Board for the whole work of land defenses.

The Chief of Engineers estimates that under the most favorable conditions, such as the letting of continuous contracts, the part of the work coming under his charge would cost $60,000,000. He says $1,500,000 in addition is needed for sites, making a total of $61,500,000 for the fortifications.

The Chief of Ordnance estimates the cost of armament, including guns, gun carriages, mortars, mortar carriages, rapid-fire and machine guns, at $43,796,020. This does not include the Bethlehem contract, which is already authorized by law, nor his estimate of the cost of projectiles and other items which may be properly provided for in the ordinary annual appropriations for material and supplies.

The rapid-fire guns and machine guns, of which the cost is estimated at $2,762,000, were not comprised in the plans and estimates of the Endicott Board.

These guns are now considered by the War Department to form a necessary part of the permanent armament to be established for coast defenses therefore they are included in the estimates of the Chief of Ordnance, making the consolidated estimate of both Bureaus $105,296,020 for permanent works and armament.

It is clearly shown in the statement made to the committee that the work for which the expenditure will be required will necessarily extend over a period of probably not less than six years. Therefore the work should be immediately commenced, because it will be impossible to provide an adequate system of coast defenses within a shorter time.

The committee recognizes the desirability of pursuing deliberate and economic methods and the importance of distributing the financial burden over a still greater number of years; therefore it approves of the provision that the expenditure shall be made from year to year during a period of about eight years, as stated in the bill.

During the progress of the work opportunities will be afforded for the introduction of improved and economic methods in its details, thereby lessening the cost without decreasing the efficiency of the defenses.

The Chief of Engineers, who, with the approval of the Secretary of War, prepares the plans for fortifications, states that for the sum of $87,000,000 an efficient defense can be provided. It is understood that, in his opinion, this is a minimum sum to cover the cost of the necessary fortifications and their armament.

It is important that continuous contracts be authorized in order to prosecute the work with the utmost economy. Therefore the committee has decided to recommend the appropriation of $10,000,000, to be immediately available, and that in addition thereto the Secretary of War be authorized to enter into continuous contracts not exceeding $10,000,000 per annum for seven years commencing July 1, 1897, according to the terms of the bill herewith reported.

In addition, the Chief of Engineers estimates that $2,500,000 is required for torpedoes, and the Chief of Ordnance has submitted the following estimates for ammunition, projectiles, and other ordnance supplies, which, in the opinion of the committee, should be provided for by appropriations from time to time as required:

Projectiles for guns	$3,380,131
Projectiles for mortars	4,146,379
Tests, equipment, etc	800,000
Powder for guns	3,042,171
Powder for mortars	1,037,559
Ammunition for rapid-fire guns	774,000
Ammunition for machine guns	11,500
Total	13,191,740

These items do not form a part of the plan for permanent defenses, and provision for similar expenditures was not included in the estimates of the Endicott Board; they are therefore omitted in the bill reported.

EMERGENCY ESTIMATES.

In order to develop the facts in reference to the capacity of the Department of Engineers and the Department of Ordnance to press the work economically, and in addition to ascertain what they can each do under stress, the committee conducted a careful inquiry on both these points.

The Chief of Engineers states that after a few weeks of preparation he can economically expend about $1,000,000 per month on the engineering part of the work until it shall be entirely completed. He also states that "under stress" he can advantageously expend a much larger sum for that purpose.

The following are the tables submitted by him on this point for the years 1896 and 1897, provided the appropriations be immediately made:

Locality.	Stress.		Economically.	
	1896.	1897.	1896.	1897.
New York	$2,458,250	$4,016,750	$652,000	$1,660,000
San Francisco	2,725,000	4,575,000	980,000	1,910,000
Boston	2,400,000	3,650,000	460,000	1,040,000
Lake ports	700,000	1,175,000	200,000	500,000
Hampton Roads	850,000	1,075,000	175,000	600,000
New Orleans	100,000	40,000	50,000	90,000
Philadelphia	600,000	750,000	150,000	400,000
Washington, D. C	450,000	1,040,000	200,000	500,000
Baltimore	700,000	1,310,000	75,000	300,000
Portland, Me	500,000	1,000,000	150,000	500,000
Narragansett Bay	700,000	1,500,000	150,000	500,000
Key West	500,000	700,000	75,000	250,000
Charleston	500,000	1,290,000	75,000	250,000
Mobile	700,000	740,000	100,000	250,000
Savannah	300,000	590,000	100,000	300,000
Portland, Oreg	900,000	940,000	150,000	600,000
Pensacola	450,000	540,000	75,000	200,000
Galveston	600,000	290,000	100,000	300,000
Wilmington, N. C	400,000	390,000	75,000	300,000
San Diego	500,000	320,000	100,000	300,000
Portsmouth, N. H	300,000	120,000	50,000	150,000
Cumberland Sound	200,000	390,000	50,000	150,000
Kennebec River	100,000	70,000	50,000	120,000
New Bedford	300,000	70,000	50,000	150,000
Penobscot River	100,000	70,000	50,000	120,000
East entrance, Long Island Sound	460,000	1,000,000	75,000	200,000
Puget Sound	200,000	900,000	50,000	700,000
Total	18,693,250	28,551,750	4,467,000	12,340,000

If above appropriations were made, in eighteen months provision could be made for—

12-inch guns on lifts	6
12-inch on nondisappearing carriage	12
10-inch on disappearing carriage	94
10-inch on nondisappearing carriage	9
8-inch on disappearing carriage	39
8-inch on nondisappearing carriage	6
12-inch mortars	440
Rapid-fire guns	38
Total	644

The Chief of Ordnance states that he requires the sum of $55,000 in addition to what has already been appropriated in order to run the gun factory at Watervliet at its ordinary capacity, working eight hours per day, during the remainder of the present fiscal year; and that in order to run the gun factory to the fullest extent during this fiscal year, viz, sixteen hours per day, an appropriation of $225,000 would be required in addition to the amount already appropriated.

In his regular estimate for running the gun factory during the next fiscal year he has estimated the sum of $342,938.

He states that his regular estimate is somewhat below what he could use if running regularly eight hours per day, by reason of the pressure that has been brought to bear upon him sometimes by the Secretary of War, and especially by Congress, to reduce his estimate. He now estimates that in order to run the factory eight hours additional, or sixteen hours per working day, an appropriation of $426,762 is required in addition to his first estimate for the next fiscal year for this purpose, making a total of $769,700 required for running the gun factory to the fullest extent during the next fiscal year. He says:

"Additional to the present appropriation for seacoast carriages, I should want $1,186,500; additional for 12-inch mortars, $987,900; additional for 12-inch mortar carriages, $476,000; additional for armor-piercing shot, that is, for all varieties of guns, $443,922; additional for shells for the same guns, $416,700; additional for deck-piercing shells, that is, the mortar shell, $135,938; additional for 12-inch mortar torpedo shells, which is a longer shell, $444,264; for powder for guns and mortars, $732,461."

He sums up the requirements of his Department as follows:

"I have been replying to two questions of the committee, viz: What amount of money in addition to existing appropriations could be expended on coast-defense armament during the remainder of the present fiscal year, and what amount for the same purpose in addition to the estimates now before Congress for the next fiscal year, ending June 30, 1897? As these replies have included much discussion, I think a recapitulation of the amounts that have been given would make the matter clearer to the committee.

"First. In reply to the first question, I have stated that to run the gun factory to its ordinary capacity and not to reduce work during the remainder of this fiscal year would require $55,000.

"Second. Should an emergency require that the work be pressed, then the factory can be run sixteen hours per day, and this would require $225,000 for the remainder of the present fiscal year. If this $225,000 were appropriated, there should go with it, as has been stated, authority to enter into contract for the delivery of forgings, carriages, and projectiles to the amount of $1,800,000. No payments for these last would fall due during the next fiscal year, and as this estimate has been made to meet an emergency, it is understood that the same emergency would require that the work be pressed to the same extent during the whole of the next fiscal year, and estimates to meet payments to fall due under the proposed contracts are included in my estimate for the additional amount that could be expended in the next fiscal year.

"Third. The estimates for coast-defense armament, etc., before Congress for the fiscal year ending June 30, 1897, amount to $4,965,030. If the work is to be pressed, then, as has already been indicated, we should run the gun factory sixteen hours per day. To do this, secure the necessary forgings and complement of carriages to accompany the increased product of the guns, necessary projectiles, powders, etc., would require $7,006,141.

"Fourth. If any emergency should require that the work should be pressed, as has been contemplated in this estimate, this emergency would make it almost imperative that a large amount of field and siege artillery and rapid-fire and machine guns, with their carriages and ammunition, should be procured for arming and equipping armies. It is estimated that the amount of material that should be procured as rapidly as possible would cost $6,238,215.

"Fifth. There is now a special supplemental estimate before Congress for $150,000 for the purchase of rapid-fire guns, carriages, and ammunition. It is of great importance that this last appropriation should be made in any case."

The following is a recapitulation of the estimates of the two Bureaus and the consolidated estimate for the two years stated:

Estimates of Brigadier-General Craighill, Chief of Engineers, for engineering work.

To carry on the work there can be expended economically and profitably (if appropriations be immediately made) before July 1, 1896	$4,670,000
For the fiscal year ending June 30, 1897	12,340,000
For every succeeding fiscal year until defenses are completed	12,000,000
For immediate use in procuring sites	1,000,000
For the same purpose there will be needed later	509,000
For torpedoes and necessary appliances	2,500,000

	Stress.	Economically.
For the engineering work, exclusive of sites and torpedo material, there could be expended in the—		
Fiscal year ending June 30, 1896	$18,693,250	$4,467,000
Fiscal year ending June 30, 1897	28,551,750	12,340,000

Estimates of Brigadier-General Flagler, Chief of Ordnance, for remainder of current fiscal year.

For running gun factory eight hours a day, in addition to present appropriations	$55,000
To press work at gun factory to fullest extent, working sixteen hours a day, two shifts, in addition to present appropriations	225,000
If emergency plan is adopted, Chief of Ordnance should be authorized to make contracts (money need not be immediately appropriated) as follows:	
For forgings	675,000
For carriages	600,000
For projectiles, etc	300,000
Grand total for current fiscal year	1,855,000

For fiscal year ending June 30, 1897.

Estimates before Congress	$4,965,030
Special estimate before Congress for rapid-fire guns and ammunition therefor	150,000
Total estimates before Congress	5,115,030
In case of emergency there would be required, in addition to the above sums:	
For pressing work on seacoast guns, carriages, etc	7,231,141
For pressing work on field and siege guns, rapid-fire and machine guns and their carriages, implements, equipments, ammunition, etc	6,238,215
Total sum that could be used in fiscal year 1896-97	18,584,386

Consolidated estimate for the fiscal years 1896 and 1897.

FOR FISCAL YEAR ENDING JUNE 30, 1896, IN ADDITION TO PRESENT APPROPRIATIONS.

	Stress.	Economically.
Ordnance Department	$1,800,000	$55,000
Engineer Department	18,693,250	4,670,000
Total	20,493,250	5,225,000
Sites		1,000,000
Grand total		6,225,000

FOR FISCAL YEAR ENDING JUNE 30, 1897.

Ordnance Department	$18,584,368	$5,115,030
Engineer Department	28,551,750	12,340,000
Total	47,136,136	17,455,030
Engineer Department:		
Sites		500,000
Torpedo material		2,500,000
Grand total		20,455,030

It is evident that the time required to manufacture the guns will control the period necessary to complete the whole work of defenses.

The Chief of Ordnance states, in answer to questions, as follows:

How long will it take to complete the armament according to the whole plan adopted by the Government for coast defense, working the usual time—eight hours per day?

General FLAGLER. About eight years for 8, 10, and 12 inch guns; thirteen or fourteen years for the 16-inch guns—as a type 16-inch gun has yet to be made and tested—and about nine years for the 12-inch mortars. The carriages for these guns and mortars could be completed within the same period.

How long will it take, working sixteen hours per day, under stress?

General FLAGLER. About five years for the 8, 10, and 12 inch guns, and eight years for the 16-inch guns, with their carriages. If the mortars could also be manufactured on a sixteen-hour labor basis, which is quite probable, they could be completed in from five to six years.

The latter answer defines the time that is absolutely necessary unless the facilities for manufacturing guns be increased.

The Chief of Ordnance also stated that if it were proposed to duplicate the Army Gun Factory, three years would be required for that purpose.

In conclusion, the committee reports that the investigation has shown the vital importance of immediately commencing the work of defense on an adequate scale, of prosecuting it with vigor, and of providing for it by sufficient appropriation of money, in order to avoid great and unnecessary risks to the safety and welfare of the nation.

Mr. PROCTOR. Mr. President, I wish to give notice that on Thursday next, immediately after the routine morning business, I shall, by the leave of the Senate, speak briefly on coast defenses.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 2247) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. HARRIS introduced a bill (S. 2248) for the relief of J. E. Dromgoole, of Tennessee; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLEN (by request) introduced a bill (S. 2249) to pay Joel L. Baugh for services rendered to the Old Settler Cherokee Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2250) to amend section 2 of an act entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes"; which was read twice by its title, and referred to the Committee on Finance.

Mr. CULLOM introduced a bill (S. 2251) to authorize the construction of a bridge across the Calumet River; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2252) for the relief of Bvt. Capt. James D. Vernay; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2253) directing the Secretary of War to investigate the claim of John C. Phillips; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2254) to pension Joseph F. Cison; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 2255) granting a pension to Lorenzo Meserth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2256) granting a pension to William H. Hawes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 2257) to authorize the Secretary of War to remove the charge of desertion and issue to Isaac N. Babb, Twenty-third Indiana Battery, an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL. I introduce a bill for reference to the Committee on Pensions, and to accompany it I present an application from the claimant and ask that it may also be noted and referred to the Committee on Pensions, to accompany the bill.

The bill (S. 2258) granting a pension to John Vogt was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 2259) granting a pension to Catherine Long; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2260) granting a pension to Emily C. Merriman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2261) providing for an international humane and sanitary conference; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 2262) to provide for the further distribution of reports of the Supreme Court and of the circuit courts of appeals; which was read twice by its title.

Mr. HOAR. I desire to state that this bill is simply a combination of several separate bills which have been introduced by other Senators. It is introduced in order to have them all in one. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BAKER introduced a bill (S. 2263) to provide for the settlement of accounts and claims in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2264) granting a pension to Henry H. Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2265) for the relief of Martin Mullins; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2266) granting a pension to James A. Southard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2267) granting a pension to Alvah A. Eaton; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PASCO (by request) introduced a bill (S. 2268) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also (by request) introduced a bill (S. 2269) for the relief of the legal representatives of Edwin De Leon, deceased, on account of judicial services performed by him while serving as consul-general in Egypt; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. PEFFER introduced a bill (S. 2270) granting a pension to Avery Lamb; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2271) extending the provisions of an act granting pensions to soldiers and sailors, approved June 27, 1890, to the Eighteenth and Nineteenth regiments of Kansas Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHOUP submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NELSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

SAC AND FOX INDIAN SCHOOL IN IOWA.

Mr. GEAR. I submitted a few days ago an amendment intended to be proposed to the Indian appropriation bill, which was referred to the Committee on Indian Affairs. The amendment proposes to appropriate $35,000 for the purpose of establishing an Indian school on the reservation of the Sac and Fox Indians in Iowa. I do not think I asked to have the amendment referred to the Indian Bureau, but I do now ask that it may be referred to the Indian Bureau for report.

Mr. PLATT. Not to the Indian Bureau?

Mr. GEAR. To the Commissioner of Indian Affairs, I should say.

Mr. HOAR. What is the effect of a simple order of the Senate to refer an amendment to the Indian Bureau for report? Do we not make our demand in such a case on the head of the Department—on the Secretary of the Interior—if we desire information?

Mr. GEAR. I am perfectly willing to modify the request.

Mr. HOAR. It is merely a question as to the manner of procedure.

Mr. GEAR. I am glad the Senator has called my attention to it. I ask that the amendment be referred to the Secretary of the Interior for report.

Mr. HOAR. If my friend will pardon me, I do not want to interfere with his affairs, but I suppose the usual custom would be to have an order of the Senate that the Secretary of the Interior be directed to inform the Senate as to any information or facts that are required in regard to a certain subject. I do not think that the Senate ever instituted a practice of simply asking a head of Department for his opinion, but the practice usually is for either an individual Senator or the committee to send to the head of the Department for his opinion. The Judiciary Committee every week send to the Attorney-General certain bills, and sometimes we send bills to the Chief Justice and ask his opinion, which is always given.

Mr. GEAR. I accept the proposition of the Senator from Massachusetts, and suggest that the Committee on Indian Affairs be requested to send the amendment through the proper channel, to the Secretary of the Interior, for the desired information.

The VICE-PRESIDENT. Without objection, it will be so ordered.

APPOINTMENT OF SECOND ACTING ASSISTANT DOORKEEPER.

Mr. ALLEN. I submit a resolution for which I ask present consideration.

The resolution was read, as follows:

Resolved, That James B. Lloyd, a citizen of the State of North Carolina, be, and he is hereby, appointed to the office of second acting assistant doorkeeper of the Senate, at a compensation of $1,500 per annum.

Mr. CHANDLER. I ask the Senator from Nebraska whether he is advised that there is such an office that is now vacant, or does the resolution propose to displace some present employee of the Senate?

Mr. ALLEN. I do not know that there is an office by that name in the Senate. I know there is in fact an office of second acting assistant doorkeeper.

Mr. CHANDLER. I have no objection personally to the gentleman named in the resolution; I should have no objection to seeing him a part of the Senate force; but until I am informed as to the place for which he is designated, and know who is to be displaced, if anyone is to be displaced, I will object to the passage of the resolution. I ask that the resolution may go over until tomorrow.

The VICE-PRESIDENT. The resolution will go over under the rule.

Mr. SHERMAN. Before the resolution goes over, I should like to say a word in regard to it.

By an arrangement on both sides of the Senate it was agreed and carried out that there should be an assistant doorkeeper and an acting assistant doorkeeper appointed. It has been usual to have persons on either side of the Chamber who are agreeable and acceptable to them, so there have always been two doorkeepers, one practically taking care of the business that falls to his lot on this side of the Chamber, and the other upon the other side. It was agreed by unanimous consent on both sides that these two officers should be appointed in that way, one to represent the Democratic side and the other the Republican side.

Now, as to whether there ought to be a third, a second assistant doorkeeper, it is for the Senate to decide. I do not myself see any special reason for it. I do not believe there is any real occasion for it. It is a new office. Indeed, the first assistant is a new office, and this would be another new office and add the amount of his salary to the expense of the official attendance here. I do not wish to express any opinion about the propriety of the resolution, except that I do not see any necessity for it.

Mr. ALLEN. I am not sufficiently familiar with the nomenclature of these offices to state whether there is an office of this name or not. I know there are four young men who are in charge of the Senate Chamber. I know them by face and I know most of them by name. Exactly what their offices are designated I do not know. I infer, however, that if it is necessary to have one of these gentlemen to look after the secrets of the Republican party and one to look after the secret workings of the Democratic party, the Populist party is becoming of such gigantic proportions in this Chamber that it is necessary for us to have a trusted agent to look after our caucus interests. I make that suggestion to the Senator from Ohio.

Mr. CHANDLER. There is no mistake about the gigantic proportions of the leader of the Populist party in this Chamber. [Laughter.] Still, that party has not of late increased in numbers in this body, and it is devoutly to be hoped that it will not so increase. Indeed, if the Senator from Nebraska should be taken away from this body by reason of his candidacy as the representative of that party for the Presidency, we should endeavor to get along with the reduced number of Populist Senators.

Mr. President, I do not think that the Senator has quite made a case as yet for the appointment of the gentleman named in the resolution. I was not aware until the Senator so stated that the two officers who have already been appointed were to deal with the secrets of the political parties in this Chamber.

Mr. ALLEN. That seemed to be the suggestion of the Senator from Ohio, and I only elaborated it.

Mr. CHANDLER. But I understood the Senator from Nebraska to state that the two men who have been appointed were to be intrusted with political secrets.

Mr. ALLEN. No; I understood the senior Senator from Ohio to say that one was appointed upon the suggestion of the Republican party to look after their interests and the other was appointed on the suggestion of the Democratic party to look after their interests, which I inferred were the secret interests of the caucus.

Mr. SHERMAN. I spoke of their services, but I did not say anything——

Mr. ALLEN. It would be entirely out of place, if the Senator will permit me, I think, to have a Republican or a Democrat to attend to the wants of a Populist caucus. We prefer a Populist.

Mr. CHANDLER. There are no secrets to be guarded by these young men. They were elected simply for the convenience of Senators on the two sides of the body; and now if the Populist Senators are in such a condition that they need the attendance of the gentleman named in the resolution I am willing that in due time it shall be granted to them; but I am not willing to eject anyone now in the employ of the Senate or to create a new office. That is the reason and the only reason why I asked that the resolution might go over.

Mr. ALLEN. Mr. President, I beg to say one word before the resolution passes over in explanation of our situation. I have heard it suggested in the last three weeks that the Populist party was attaining accessions to its ranks in this Chamber very rapidly. I have heard that suggestion made especially on this side of the Chamber and some suggestions from the other side. It is not an uncommon thing for a Senator on this side of the Chamber to stand in his place and announce himself as an adherent of Populist doctrines. It was done by the senior Senator from South Dakota [Mr. PETTIGREW] a few days ago; it has been done by the senior Senator from Maine [Mr. FRYE] from time to time, and by other Senators on the other side of the Chamber.

Mr. President, we expect, we are living in the confident hope that before the close of the present Congress a large portion of the Democrats and Republicans will by stress of circumstances be driven into the Populist camp; and I am always pleased to say to these gentlemen that the doors are wide open to them. We are growing every day. We have now about 1,800,000 votes in the United States. The Democrats and Republicans are at war with one another. The Republican party is not harmonious on the financial question by any means, as I infer from what has transpired in this Chamber from time to time; the Democratic party and its Chief Executive are engaged in a parrot-and-monkey fight between themselves; and we have every reason to believe that the accessions to the Populist party in this Chamber will be very great, and we certainly stand in need of a young man of this kind.

I do not understand that the resolution will displace any person; that it will create any new office or anything of that kind; but it gives to an office which is now being exercised a designation and a habitation.

Mr. PLATT. Mr. President, there is an old saying with regard to a hen which has only one chicken showing great solicitude as the mother of a brood, and therefore the Senator from Nebraska is perhaps excused for his great solicitude on account of the Populist party.

However, I did not rise for the purpose of speaking of that, but to call attention to the fact that we are continually, by one means and another, enlarging and increasing the expenses of the Senate, until the amount which is expended for the salaries of officials of the Senate and the expenses of the Senate is so large as to create a great deal of remark, not to say criticism. I really think that we ought to be very careful about further increasing the expenses of the Senate, and that we should provide new offices only when there is an absolute necessity for the same.

I do not think there is any necessity for this new officer, and therefore I hope that the resolution will be referred to the Committee on Contingent Expenses, as it is necessary that it should go there, and that that may be the last we shall hear of it.

Mr. ALLEN. I hope the Senator from Connecticut will with-

draw his motion. The resolution does not call for an expenditure of money to be appropriated from the contingent fund of the Senate. It must be met by a general appropriation if met at all. The Senator from Connecticut——

Mr. PLATT. Unless the resolution is required by the rule to go to the Committee on Contingent Expenses of course I will make no motion to refer. I supposed that it was so required.

Mr. CHANDLER. The resolution is not before the Senate for consideration. I understand that it goes over until to-morrow.

Mr. ALLEN. I want to make one observation in reply to the Senator from Connecticut, and then I will let it go over.

Mr. CHANDLER. Certainly; but the Senator seemed to think that the motion of the Senator from Connecticut is applicable at this time. It is not applicable, because I have objected to the consideration of the resolution.

Mr. ALLEN. I want to call attention——

Mr. HOAR. Does not the resolution go to the Committee on Contingent Expenses under the general rule, without going over?

The VICE-PRESIDENT. The Senator from Nebraska asked unanimous consent for the present consideration of the resolution, and an objection was interposed by the Senator from New Hampshire.

Mr. HOAR. I do not care anything about this resolution one way or the other, but my parliamentary inquiry is as to the general rule. I suppose that a resolution of this kind can not be considered even by unanimous consent under the law until it has gone to the Committee on Contingent Expenses. My question is, whether a resolution of this kind does not go as of course and at once to that committee.

The VICE-PRESIDENT. The Chair will have the resolution again read, and will then rule upon the point of order suggested by the Senator from Massachusetts.

Mr. HOAR. I do not care anything about what the Senate may do in this particular case. I merely put the general question as a matter of orderly procedure.

The Secretary again read the resolution.

The VICE-PRESIDENT. The Chair holds that, under the objection of the Senator from New Hampshire [Mr. CHANDLER], the resolution goes over under the rule.

Mr. ALLEN. Mr. President, just one word in reply to the Senator from Connecticut [Mr. PLATT]. It has been of almost daily occurrence during this session of Congress that some Senator, either upon the Democratic or Republican side of this Chamber, has presented a resolution for the appointment of John Smith or John Jones as a stenographer to a certain committee, or creating the additional office of messenger. I have yet failed to listen to an objection made to the enlargement of the Senate force in that respect, and I am sorry that the Senator from Connecticut, who is usually so accurate and timely in his objections, has permitted all of those opportunities to escape him, and that now, for the first time, when it is proposed to introduce a young gentleman on this floor who would represent a party neither Democratic nor Republican, a spasm of economy seizes the Senator from Connecticut, and he thinks the force ought not to be enlarged.

Mr. PLATT. Does the Senator understand that we have increased the official force of the Senate this session?

Mr. ALLEN. I understand that resolution after resolution—I can not call the number of them—has been introduced here and passed increasing the Senate force.

Mr. PLATT. I was not aware of it.

Mr. CHANDLER. The Senator is mistaken. All those resolutions have been referred to the Committee on Contingent Expenses, and there they remain.

Mr. ALLEN. I call the Senator's attention to the fact that this resolution does not provide for the expenditure of a dollar out of the Senate contingent fund; therefore it has no business before the Committee on Contingent Expenses.

Mr. PLATT. If the resolution should pass to-day the officer would have to be paid out of the contingent fund until he could be provided for in an appropriation bill.

Mr. ALLEN. The officer would simply be provided for in an appropriation bill like other officers.

Mr. HARRIS. I should like to ask the Senator from Nebraska if he thinks the Senate needs the services of the officer that his resolution suggests; if his organization, which I recognize as a political organization, and, as such, I am ready to extend to it every courtesy and every aid that it may deem necessary—but does the Senate need the officer that the resolution suggests? I do not think it does; and, so believing, I shall never consent, so far as I am concerned, to so vote. I should like him to answer whether or not he thinks the Senate does need the services of such an officer.

Mr. ALLEN. Certainly, Mr. President. ["Regular order!"] Certainly I think we need this officer. The Senate needs it, and I should not have introduced the resolution but for that fact.

THE REVENUE BILL.

Mr. MORRILL. I desire to call the attention of the Senate to the subject of the House tariff bill. It has been obvious for month after month that there has been a deficiency of revenue. Since the present tariff bill was put in operation in every month except three there has been a deficiency.

Mr. COCKRELL. How was it before?

Mr. MORRILL. And at the present time, up to this date, in eight months of the present year, there has been a deficiency caused by insufficient revenue.

Mr. STEWART. Will the Senator allow me to ask him a question in connection with that point?

Mr. MORRILL. After I get through.

Mr. STEWART. It is right in point.

Mr. MORRILL. Up to this moment there has been a deficiency of over $20,000,000, and if it should go on to the same extent for the remainder of the year, it will amount to $30,000,000 for the second year in which this tariff act has been in operation. Certainly it seems time that we should supply something to relieve the distress of the Treasury Department, and do something which the people of the United States would be likely to approve as looking toward a revival of the business interests of the country. I therefore make a motion for the present consideration of House bill 2749.

Mr. STEWART. Before that motion is put, the Senator from Vermont said when he got through he would allow me to ask him a question.

Mr. SHERMAN. The motion is pending.

Mr. STEWART. I insist upon the performance of the promise. I should like to inquire of the Senator what amount of cash balance is now in the Treasury, and how long it will take to draw down the cash balance to reasonable limits at the rate of $30,000,000 of deficits? How many years are we to provide for cash in the Treasury?

Mr. MORRILL. Mr. President, we all understand that there has been one hundred and thirty-odd million dollars which have been used by the Treasury Department for the ordinary expenses of the Government which was provided for an entirely different purpose, but so far as the question proposed by the Senator from Nevada is concerned, if the bill is taken up he will have ample time to discuss it, and so shall we all.

Mr. STEWART. Very well.

Mr. MORRILL. I therefore ask for the present consideration of the bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to proceed to the consideration of the bill the title of which will be read.

The SECRETARY. A bill (H. R. 2749) to temporarily increase revenue to meet the expenses of Government and provide against a deficiency.

Mr. STEWART and Mr. TELLER called for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Does the Senator from Vermont recognize the fact——

Mr. ALDRICH. Debate is not in order.

Mr. HARRIS. That if his motion shall succeed, it will be to take up the bill in the morning hour, and there is no unfinished business in the morning hour?

Mr. ALDRICH. I suggest that debate is not in order, Mr. President.

The VICE-PRESIDENT. The Senator from Tennessee will please suspend. The Senator from Rhode Island makes the point of order that debate is not in order. The motion is not debatable. The Chair understood the Senator from Tennessee to rise to a parliamentary inquiry.

Mr. HARRIS. I was not aware of the fact that the question was raised. The point of order is well taken, and I yield most gracefully. But I simply desire to suggest to the Senator from Vermont that this is within the morning hour.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHANDLER (when his name was called). I am paired with the junior Senator from New York [Mr. MURPHY]. If he were present, I should vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. SMITH], but understanding that he would vote "nay," if present, I vote "nay."

Mr. GEORGE (when his name was called). I am paired generally with the Senator from Oregon [Mr. MCBRIDE]. I do not see him in his seat, and therefore withhold my vote.

Mr. DUBOIS. I suggest to the Senator from Mississippi, if agreeable to him, that the pair of the senior Senator from New Jersey [Mr. SMITH] may be transferred to the Senator from Oregon [Mr. MCBRIDE], which will permit the Senator from Mississippi to vote.

Mr. GEORGE. I will adopt that suggestion, and will announce that my pair with the Senator from Oregon [Mr. MCBRIDE] is transferred to the Senator from New Jersey [Mr. SMITH]. I vote "nay."

Mr. MITCHELL of Oregon. I desire to state that if my colleague [Mr. MCBRIDE] were here, he would vote "yea."

Mr. GORDON (when his name was called). I am paired generally with the junior Senator from Iowa [Mr. GEAR]. I do not see him in his seat, and withhold my vote. If he were here, I should vote "nay."

Mr. HOAR. If the Senator from Georgia will kindly listen, I will state that I am paired with the junior Senator from Alabama [Mr. PUGH], who would vote "nay" if present, and I should vote "yea." I suggest to the Senator from Georgia to transfer his pair to the Senator from Iowa [Mr. GEAR], and we can both vote.

Mr. ALLISON. Allow me to say to the Senator from Massachusetts that my colleague [Mr. GEAR] is absent only temporarily. I think he will be here before the roll call is concluded.

Mr. GORDON. I was just going to reply to the Senator from Massachusetts that I would wait a few moments and see if the Senator from Iowa [Mr. GEAR] came in.

Mr. HALE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. JONES], but I transfer that pair to the Senator from Wyoming [Mr. WARREN], leaving him paired with the Senator from Arkansas, and I vote "yea."

Mr. HOAR (when his name was called). I vote "yea," but I announce that I shall withdraw my vote unless a pair is found with the Senator from Alabama [Mr. PUGH] before the conclusion of the roll call.

Mr. BURROWS (when Mr. MCMILLAN'S name was called). My colleague [Mr. MCMILLAN] is detained from the Senate by indisposition. He is paired with the Senator from Kentucky [Mr. BLACKBURN]. My colleague, if present, would vote "yea."

Mr. MITCHELL of Oregon (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. VILAS], whom I do not see in the Chamber. If he were here, I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from Washington [Mr. WILSON], but I transfer that pair to the Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. PRITCHARD (when his name was called). I am paired with the junior Senator from Louisiana [Mr. BLANCHARD]. If he were present, I should vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL]. If he were present, I should vote "yea."

Mr. ALLEN (when Mr. THURSTON'S name was called). My colleague [Mr. THURSTON] stands paired with the junior Senator from South Carolina [Mr. TILLMAN]. My colleague is necessarily detained from his seat to-day. I do not know how he would vote on this question, if present.

Mr. ALDRICH (when Mr. WETMORE'S name was called). My colleague [Mr. WETMORE] is absent from the Chamber at present. I think he is paired with the Senator from Georgia [Mr. BACON]. My colleague, if present, would vote "yea."

Mr. HANSBROUGH. I will take the liberty of pairing the absent Senator from South Dakota [Mr. PETTIGREW] with the Senator from Maryland [Mr. GIBSON].

The roll call was concluded.

Mr. MCBRIDE. I understand that my pair with the Senator from Mississippi [Mr. GEORGE] has been transferred to the Senator from New Jersey [Mr. SMITH].

Mr. GEORGE. I stated that I was paired with the Senator from Oregon [Mr. MCBRIDE], and in his absence his pair with me was transferred to the Senator from New Jersey [Mr. SMITH]. The Senator from Oregon now stands paired with the Senator from New Jersey under that arrangement.

Mr. MCBRIDE. Then I withhold my vote, Mr. President. If at liberty to vote, I should vote "yea."

Mr. GORDON. The Senator from Iowa [Mr. GEAR], with whom I am paired, having appeared and voted, I now vote "nay."

Mr. FRYE (after having voted in the affirmative). I withdraw my vote. I am paired with the senior Senator from Maryland [Mr. GORMAN]. If he were present, I should vote "yea," and I presume he would vote "nay."

Mr. BACON (after having voted in the negative). I am paired with the junior Senator from Rhode Island [Mr. WETMORE], but I transfer that pair to the Senator from Indiana [Mr. VOORHEES], and will allow my vote to stand; otherwise I should withdraw it.

Mr. TURPIE. I desire to state that my colleague [Mr. VOORHEES] is detained from the Senate by serious indisposition.

Mr. SQUIRE. I am paired with the senior Senator from Virginia [Mr. DANIEL]. If he were present, I should vote "yea."

Mr. PRITCHARD. I desire to inquire if the Senator from Nebraska [Mr. THURSTON] has been paired?

The VICE-PRESIDENT. A pair with him has been announced, the Chair is advised.

Mr. TELLER. My colleague [Mr. WOLCOTT] is paired with the junior Senator from Ohio [Mr. BRICE].

Mr. MITCHELL of Oregon. I have a general pair, as I stated a moment ago, with the senior Senator from Wisconsin [Mr. VILAS], but I transfer that pair to the Senator from Connecticut [Mr. PLATT], who has kindly consented to it, and I vote "yea."

Mr. PLATT (after having voted in the affirmative). I have voted "yea," but the Senator from Oregon being very anxious to vote, I accommodate him by pairing with the Senator from Wisconsin [Mr. VILAS], with whom the Senator from Oregon was paired; and therefore I withdraw my vote.

Mr. PASCO. The Senator from West Virginia [Mr. FAULKNER] is absent and paired with his colleague [Mr. ELKINS]. I notice that his colleague has voted, I presume, inadvertently.

Mr. ELKINS (after having voted in the affirmative). I wish to withdraw my vote, as I am paired with my colleague from West Virginia [Mr. FAULKNER]. If he were here, I suppose he would vote "nay," and I should vote "yea." When I voted I thought he was here; otherwise I should have at the time announced the pair.

Mr. HOAR (after having voted in the affirmative.) I desire to withdraw my vote, as I am paired with the Senator from Alabama [Mr. PUGH].

Mr. SQUIRE. The Senator from Montana [Mr. MANTLE] has authorized me to make a transfer of pairs, so that I will pair him with the Senator from Virginia [Mr. DANIEL], and I will vote "yea."

Mr. HILL. Can the Senator leave the Senator from Virginia unpaired?

Mr. TELLER. The Senator from Montana would vote "nay," if he were here.

The VICE-PRESIDENT. The Senator from Montana has voted.

Mr. MANTLE (after having voted in the negative). To accommodate the Senator from Washington [Mr. SQUIRE] I withdraw my vote and stand paired with the Senator from Virginia [Mr. DANIEL].

Mr. BERRY. I understand the Senator from Montana voted "nay," and the Senator from Virginia would vote "nay," if he were here.

Mr. MANTLE. If that be the case, Mr. President, I must refuse my consent to the transfer of the pair and let my vote stand. I did not understand that.

Mr. SQUIRE. Then I withdraw my vote, Mr. President.

The VICE-PRESIDENT. The vote of the Senator from Washington is withdrawn.

The result was announced—yeas 22, nays 33; as follows:

YEAS—22.

Aldrich,	Clark,	Hawley,	Proctor,
Allison,	Cullom,	Lodge,	Quay,
Baker,	Davis,	Mitchell, Oreg.	Sherman,
Brown,	Gear,	Morrill,	Shoup.
Burrows,	Hale,	Nelson,	
Cameron,	Hansbrough,	Perkins,	

NAYS—33.

Allen,	Chilton,	Kyle,	Stewart,
Bacon,	Cockrell,	Lindsay,	Teller,
Bate,	Dubois,	Mantle,	Turpie,
Berry,	George,	Martin,	Vest,
Butler,	Gordon,	Morgan,	Walthall,
Caffery,	Gray,	Palmer,	White.
Call,	Harris,	Pasco,	
Cannon,	Hill,	Peffer,	
Carter,	Jones, Nev.	Roach,	

NOT VOTING—34.

Blackburn,	Gibson,	Murphy,	Tillman,
Blanchard,	Gorman,	Pettigrew,	Vilas,
Brice,	Hoar,	Platt,	Voorhees,
Chandler,	Irby,	Pritchard,	Warren,
Daniel,	Jones, Ark.	Pugh,	Wetmore,
Elkins,	McBride,	Sewell,	Wilson,
Faulkner,	McMillan,	Smith,	Wolcott.
Frye,	Mills,	Squire,	
Gallinger,	Mitchell, Wis.	Thurston,	

So the motion was not agreed to.

Mr. MORRILL. Mr. President, permit me to say that when on the 13th of this month I made the motion to take up the tariff bill, and it was lost by a vote of 21 to 29, I then thought the bill was hopelessly defeated, but I felt that it was my duty in so important a matter to give an opportunity for any change of mind on the part of the voters. [Laughter.]

Now, it is perfectly obvious that the Republican party is in a minority in this Senate. The bill on the 13th of February was defeated by 5 Populist and 4 silver Republican votes. I do not think there has been any change so far as the vote now discloses since that occasion. I think that the Republicans on the Committee on Finance will be willing to welcome any decent bill to add something to the revenue of the Treasury Department, whether it is in conformity to their views or not as to the principle of tariff, and will be ready to support any such bill which we have an opportunity to support before the session shall close. But so far as this bill is concerned, I wish to say that I do not think that it will become me to ask the Senate for any further consumption of time.

Mr. TELLER. The Senator from Vermont [Mr. MORRILL] states—what everybody has known to be a fact—that there is not a

Republican majority in this Senate, and there is not a Republican majority in this Senate if those who have voted against the motion to take up this measure, made out of time and unseemly, who sit on this side of the Chamber, are in the party, which the Senator seems to think they are not.

I shall not in the morning hour undertake to discuss this bill. There is a motion here made by the Senator from Montana [Mr. CARTER], who, I believe, has as much claim to be called a Republican as the Senator from Vermont, to recommit this bill for defects in the bill, patent and apparent defects, defects which everybody who has read and examined the bill understands.

Mr. President, I charge here (and I shall undertake to make the charge good before this debate is over) that this bill was never introduced in either body nor has it been supported in this body with any reference to its becoming a law. It was not intended that it should become a law. Of that I shall speak at another time. If the Senator from Vermont thinks that he can embarrass us who have stood by the Republican party as long as he has, and as zealously as he has, because we do not agree with him upon every subject, he is entirely mistaken.

Mr. President, I voted against the taking up of this bill, as I shall vote against the bill if my judgment dictates that I should, and I shall remain in the Republican party in spite of the suggestions of the Senator from Vermont [Mr. MORRILL]. It was known when this bill was introduced in the House of Representatives that it could not pass the Senate unless it had Democratic or Populist support. It was said publicly that it was not expected to pass; it was said publicly that it was for the purpose of political gain and political advantage. It is a play, Mr. President, which is degrading to the American Senate and degrading to any member of the party to which I claim to belong who shall take part in it.

Mr. MORRILL. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. MORRILL. I have read no man out of the Republican party; but I allude to the fact that there are 89 Senators in this body, of which the Republican party has 44 only who claim to be Republicans. Of course we are in the minority.

Mr. TELLER. Of course he knew that before. The suggestion is that we who have not voted to take up this bill are not Republicans. For thirty days the great Republican metropolitan press has read out of that party enough members to make it in the minority, if it had heretofore a majority here. Every man who voted for the free-coinage amendment to the bond bill, no matter what was his motive for voting for it, whether he was a free-coinage man and anxious to promote that purpose and that end, or whether he was against the bill, has been read out of the Republican party by the Republican press.

At the proper time I am prepared to show that the great Republican metropolitan press has declared that 18 members of this body are not worthy to be called Republicans, and we have been notified that unless we change our views upon financial questions and submit to the Cleveland Democracy and Morrill Republicanism of this country on the financial question we must go out of the party.

Mr. President, we can get along without the party as well as the party can get along without us. But we deny the right of either the newspapers or members of the Committee on Finance to read us out of the party. We shall stay in the party until we get ready to go out, and we shall discuss these questions that are so important not from a partisan standpoint, but from the standpoint of an American Senator charged with great interests, charged with doing that which the Senate has shown itself incompetent to do, and nobody more incompetent than the men who voted for the gold proposition of this Administration, charged to bring to this country prosperity, which has been denied to it under our legislation now for twenty years, charged to devise some system that shall satisfy the people that we can enter upon that degree of prosperity to which we are entitled by reason of advantages which exist in this country.

I do not want to detain the Senate, and I shall not; but I wish to enter my protest and to say that I am not to be frightened by the sneers of the chairman of the committee nor by the attacks of the press. I shall do what I think it is my duty to do here, regardless of consequences, and it seems to me that it would be in better taste and more in accordance with the dignity of the Senate if we should hear less here and elsewhere about our partisan duty.

Mr. SHERMAN. Mr. President, as a member of the Committee on Finance I disclaim all partisan feeling in respect to the bill which the Senator from Vermont moves to bring before the Senate. That bill does not belong to any party; it is not the representative of any party. The only merit in the bill is that it proposes to furnish $40,000,000 of revenue for the support of the Government, enough to meet the current expenses of the Government. I do not think anyone can claim that that bill is a Republican measure, or that it is to be voted for by anyone on that ground, or that it has any merit whatever except the fact that it would relieve the Treasury from the deficiency now occurring and accruing and increasing every day. It is a bill prepared for an occasion, not a political one. The gentleman who prepared that bill in the House of Representatives did it in order to secure revenue for the support of the Government. I say now, Mr. President, I shall vote for any tax whatever which may be proposed by anybody, whether Democrat, Populist, or Republican, which shall supply sufficient revenue for the support of the Government.

It is a disgrace to our civilization, it is a disgrace to the country itself that we are now expending $30,000,000 a year more than the receipts of the Government, and that Congress, now in session, with both Houses fully armed with power to furnish the revenue, is idle and refuses to act.

I will vote for a tax on tea, on coffee, on anything, in order to meet this deficiency, and I say that if the present Congress does adjourn in the face of the declarations now made to us, of the official reports sent to us, of the statements made by the President of the United States and the Secretary of the Treasury, that we are now going on day by day like a careless spendthrift to involve the country in debt, selling bonds when it is the duty of Congress at once to supply the revenue——

Mr. PEFFER. The President asserts that we do not need any more revenue.

Mr. SHERMAN. I do not care what the President says.

Mr. PEFFER. I thought so.

Mr. SHERMAN. Every man within the sound of my voice knows that we need more revenue. Here is a statement showing that since the 1st day of last July, and up to the present month of February, 1896, there has already been a deficiency in the current revenues of $20,696,000 and that before the end of the fiscal year at the same ratio the amount of the deficiency will be $30,000,000.

If such a condition should occur in Great Britain or in any other country where they have a parliamentary law, it would dethrone any party in power, and an immediate effort would be made either to increase the income tax or to provide some other form of taxation to meet the current expenses. Yet now and every day and every hour since the passage of the present law, and even before, in view of its passage, we have been running in debt and increasing our debts. There is no occasion for it.

A tax on tea and coffee would be paid cheerfully by the people of the United States. Any tax whatever, the most obnoxious that could be collected, would be supported by the people of the United States rather than to see the funded debt increased. Already $263,000,000 of bonds have been issued during the present Administration. The issuance of the great body of those bonds was made necessary by a deficiency of revenue, and as for the remainder, it was caused by the doubt whether, under this process of financiering, we should be able to maintain the standard of our money in this country.

Sir, I have not one word to say about Populists; I have not one word to say to wound my friend the Senator from Colorado [Mr. TELLER] or anyone else; I do not wish to arraign any individual; but what I do is to appeal to the Senate of the United States. The other House having sent us ever so faulty a bill, let us take it up, and if it is not right let us make it right, and send it back to the House and we will have a ready concurrence. But for us to adjourn with these deficiencies accruing more and more is, as I say, not a manly action to be taken by either of the great parties or by any party that is responsible for it.

Any private citizen who would pursue such a course in his financial affairs, however rich he might be, would soon lose his credit and his reputation for solvency and good sense. There is no poverty in this country, no unwillingness to pay taxes, no reason why taxes should not be levied, and if the taxes proposed by the bill are not right, let us, in the name of heaven, provide others.

My honorable friend the Senator from Vermont [Mr. MORRILL] has done all he could to pass the bill. He has reported it and called it up twice, and now he has had a vote. I shall not analyze that vote, or say anything about why Senators of any party voted this way or that way. It is sufficient for us to know that our duty is not yet performed, and if the Senator from Vermont does not, I will, at the proper time and under proper circumstances, move to take up the bill and then see what the defects are.

Every Senator here appreciates the necessity for increased revenue. Every Senator knows that the hopes and expectations of the President and the Secretary of the Treasury as made in their reports have been erroneous, not from any willful design on their part, but because they did not see the natural tendency of a course of measures which every day left the Government more and more in debt, and every month the necessity——

Mr. HARRIS. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. HARRIS. Why does not the Senator from Ohio advise the

Treasury Department to coin the $55,000,000 of seigniorage and the balance of the silver that lies in the Treasury idle and utilize it to answer the purposes of the Treasury——

Mr. SHERMAN. That is a question which has been asked before.

Mr. HARRIS (continuing). As they are in duty bound to do under the third section of what is called the Sherman Act?

Mr. SHERMAN. The Senator from Tennessee wishes to divert me to the question of the free coinage of silver. That has been tried and tested, and if ever that question met its final solution it was in the House of Representatives, freshly elected by the people, where, by a majority of almost 2 to 1, the judgment of the House of Representatives, the representatives of the people from equal and exact districts throughout the country, pronounced their denunciation of the most foolish and dangerous policy of departing from the now lawful standards of money in the country.

Sir, it is not enough for the Senator to say to me that the Senate could provide a remedy by providing for the free coinage of silver, when the fact is that 10 States whose 20 Senators voted for the free coinage of silver contain a less population than two-thirds of that of the State of Ohio. The Senate does not represent the people. It represents the States, and rightfully so, and I do not complain about it. But in the House of Representatives the people are represented according to their numbers in every portion of the United States. Let me prophesy to my honorable friend that his remedy will never be so strong in the future as it has been in the past. In my judgment the sober conviction of the people of the United States will settle down in favor of having the best standard that can be found, or that is yet known as the standard of value, with ample paper money always maintained at par with gold, to circulate in all parts of the country freely and without danger of its breaking up.

Mr. President, I have said a great deal more than I intended to say. I will merely add that I shall not consider my duty in the Senate discharged during the present session until some action is taken according to the wishes of the President and the Secretary of the Treasury, not their form of action, but until we give them as the executive department of the Government sufficient money, collected from the people of the United States, to carry on the expenses of the Government. If we go home to our constituents without performing that duty, every man who can be held responsible for that condition will be severely dealt with, as I believe, by the people of the United States.

Mr. STEWART. Mr. President, I can not afford to hold my peace and allow the false pretense that this bill is designed to produce revenue, or that there is any necessity for a bill to produce revenue, to go unheeded. The most oppressive and the most wicked part of the bond sales is the impounding of the people's money in the Treasury Department. Financial journals in this country declare that that is one of the modes of retiring greenbacks, and the favorite mode. There will be in the Treasury when the last loan shall have been paid in nearly $300,000,000 of cash balance. A deficiency of $30,000,000 a year will not draw down the cash balance in the Treasury to where it ought to be in less than four years. It will take four years for the people to get back into circulation the money which has been unlawfully taken from them by these bond sales. It will take four years to reduce this unhealthy surplus in the Treasury, it matters not how it has got there. It is a sham, a pretext. Anyone who seeks to put more money there wants to impound the greenbacks to a greater extent. Additional taxation, when there is about $300,000,000 in the Treasury, when there is a cash balance which at the present rate of deficiency can not be drawn down to a reasonable limit in less than four years, it seems to me, is outrageous, and I hope that Congress will not adjourn until it takes some means of relieving the Treasury of the surplus that has been taken away from the people.

The gold standard and the policy of impounding what little money is left has distressed the country, and when it is said that the country is anxious for more taxation, that the country is rich and abounding in money and anxious for further taxation, I deny it. I deny that in all the history of this country there was ever such general distress as prevails to-day after twenty-five years of peace and abundant harvests. I deny that with the money impounded as it is now, with contracting circulating medium, the resources of this country can be made available. The wealth of the United States is not in its debts.

Mr. ALLEN. Will the Senator from Nevada permit me to interrupt him?

Mr. STEWART. Let me finish this sentence.

Mr. ALLEN. Very well.

Mr. STEWART. But it consists in its productive power. There has not been 33⅓ per cent of that productive power made available for the last three years because of want of money. Falling prices paralyze industry, and here we have a proposition to put $40,000,000 a year more in the Treasury and contract the currency that much more.

Mr. ALLEN. I wish to suggest to my Populist colleague that this is not the time to discuss the general principles of finance. Let us make a proposition to these gentlemen.

Mr. STEWART. Oh, I beg pardon. I say that when the false pretense that the people should be further taxed to pile up money in the Treasury is put forth as a reason for passing this emergency bill, I do not propose to sit still and let it go to the country in that shape. This an emergency bill! This bill that is not for legislation, but for agitation; a bill to keep the tariff question open; a bill to run only two years; a bill to disturb business interests; a bill to set the country quarreling about the tariff for the purpose of burying other issues upon which the prosperity of the human race depends!

I wonder if there is any truth in what we constantly hear? It comes to me in letters every day that there is an arrangement whereby this bill, if it can go to the Executive without amendment, is to be signed by the President. I have received hundreds of letters saying, "Do not amend it; the President is going to sign it as it is." I wonder if the partnership between Cleveland Democracy and gold Republicanism is perfected and satisfactory? Is this a scheme between the gold forces at both ends of the Capitol to get a bill through to retire the greenbacks?

I know there are parties here and at the other end of the Capitol who are in favor of retiring the greenbacks, and it is suggested that we sell two or three hundred million dollars more of bonds and get them all out of the way. I wonder if they have agreed by this means to extract from the people $40,000,000 a year more for the purpose of retiring the greenbacks?

I do not charge that any such arrangement has been made, but the advocates of this bill, the lobby for this bill, have flooded the Western country with letters to the effect that if it should pass without dotting an "i" or crossing a "t" it will become a law, and calling upon them to petition us to give them relief for their wool. There is very little relief in this bill for wool if it should become a law and remain on the statute books permanently. The relief is all for the manufacturers of wool, with 100 per cent advantage against the woolgrowers of the United States in favor of the woolgrowers of silver-standard countries. With that 100 per cent advantage our woolgrowers never will feel any tariff that there is in the bill.

Prices will continue to go down. If there is to be honest tariff legislation, let us equalize exchanges and protect the American farmer, planter, woolgrower, and manufacturer from Asiatic competition. But a bill for agitation is presented here, and then we are appealed to in the name of patriotism to take more money from the people and pile higher and higher this colossal surplus in the Treasury. No matter how the surplus has got there, it is there. We should devise some way to get it out, and not put more there. There is no necessity for the bill. It is not in good faith. It is a sham pretext. It is to get a political advantage. It is to have the tariff issue, so that they can have some pretense between the Republican and the Democratic parties for a contest—a tariff issue of some kind, tariff agitation of some kind, in order to make an issue for the politicians. That is what this bill is, and it will deceive nobody.

At first people in my country were deceived, but the news comes now: "We see the trick. We know that it is to get an advantage; to bury the silver question and put the tariff question at the head. We know that New England will get all the benefit of it, should it become a permanent law. We know we can get no relief unless we can remove the difference of exchange; and we appeal to you now to give the manufactures of the East nothing unless they give us a degree of reciprocity such as they are willing to give foreign countries. For a generation we have given them all they asked for without any reciprocity. All we get for our votes to build up their monopolies is their sneers. That is all the West gets." The people of the West say to the Republican party: "While we have stood by you and have built up your New England monopolies, we have got nothing but sneers, and we are now ridiculed in your press for representing the productive forces of the country."

An emergency tariff bill under the plea of piling up more revenue in the Treasury, but for the real purpose of contracting the currency and making times worse. Ah, do you think you can make times so bad that the people can not resist your oppression? Do you think you have got them to that point? Do you think you can make them so poor that they can not go to the polls? You will be mistaken. The American people will rebel against your tyranny. This is not the first time the two old parties have united and become one. The party of Jefferson and the party of Hamilton, the two parties, the Federal party and the Republican party, united to maintain the money monopoly, the United States bank. They became one party for all practical purposes. The people rose in their might, and Andrew Jackson hurled the unholy alliance out of power. The party of Jackson assumed the name of Democrat, the name of the Republican party being so odious that no

man was willing to carry it. The party of Hamilton, the Federal party, was named the Whig party by Henry Clay because nobody would fight under the banner of the Federal party.

The two parties stayed away from each other and fought each other for a few years, but in the fifties they came together again to maintain chattel slavery. The Whigs and Democrats became one in 1860. They died. The question between slavery and abolition was fought out on the bloody battlefield. Slavery was destroyed when one of the combatants was exhausted. But when the war closed the whole South united with a portion of the North and took unto themselves the name of Democratic party, and asked the country to trust them. The country did not trust them at first, but when the gold party, the Republican party, became intolerable the country turned to the Democratic party.

But the Democratic party never came into power. When they elected a President he happened to be a substitute. They happened to get a Republican, a JOHN SHERMAN Republican, as a substitute. No Democrat got in at all. That brought another marriage of the two old parties. We find the Republicans and the Cleveland Democracy one and the same, singing the same song. Do not doubt it at all. The people have rallied every time. You can not tread them under your feet so that they can not rise. The American people will meet every emergency. They will meet the combined forces of Cleveland Democracy and SHERMAN Republicanism and overthrow them.

A marriage between parties is death. Parties are made to oppose each other, and when they come together the people have no use for them because the people want different parties. The Republican party will share the same fate. The Republicans and the Federalists did in the twenties; the Whigs and Democrats did in the fifties. The Republican party has lived now as long as any party ever did. Forty years is the limit. The old Federal party lived forty years before it was entirely killed. The Democratic and Whig parties lived only about thirty years until they were destroyed, and the Democratic party had to be reorganized. It was practically not in existence during the war. They lived thirty years.

It has been forty years since the Republican party came into existence. It has served its day. It has betrayed its cause. It has become an enemy of the people. It started as a friend of the people. It started in favor of free labor; in favor of free men. It has now become a party of slavery, a party of bonded slavery, a party which if its principles can succeed, according to the desire of the Senator from Vermont [Mr. MORRILL], will relegate the people to the same condition of feudal slavery and serfdom from which mankind emerged by the discovery of gold and silver in Mexico and South America. The same causes produce like effects, and it is to be presumed that the Republican party mean to enslave the people of the United States, because they are using the only means by which slavery can be produced, the only means by which any great nation was ever reduced to serfdom. They are depriving the people of their money and they propose to do it. In this very bill they propose to add to the grievance under the pretext of raising revenue. Under the pretext of raising revenue and increasing taxation they want to take from the people more of the means by which they can pay taxes, reducing them faster than the gold standard will do it if legitimately operated. We tell you that the people will not indorse the union of the Republican and Democratic parties for the purpose of oppression and wrong. They will not do it.

The distress in this country is unparalleled. For Senators to say here that these are good times and that the people are anxious for more taxes is adding insult to injury.

Mr. ALLEN. Mr. President, I regret very much that the Senator from Nevada [Mr. STEWART] should see fit to run the Finance Committee out of the Senate Chamber.

Mr. STEWART. The Finance Committee never could stand the truth. They always leave when I talk.

Mr. ALLEN. There ought to be something more practical.

Mr. STEWART. It is unpleasant for men to hear of their own misdeeds. If they stand here and do not deny it, they are afraid the people will ascertain what they have done and why they did it. The destruction of one-half of the people's money and the contraction of the gold standard, the paralyzation of business, are all the work of the Finance Committee. Do you wonder that they went out of the Senate Chamber?

Mr. ALLEN. Will the Senator give me the floor for a minute? I think I have it.

Mr. STEWART. The Senator can have the floor now all he wants.

Mr. ALLEN. Mr. President, the trouble is that nothing practical will come out of the discussion here. The honorable Senator from Vermont [Mr. MORRILL] and the honorable Senator from Ohio [Mr. SHERMAN] are permitted to run away from the Chamber without any practical result coming from the propositions they make.

The Senator from Vermont has undertaken to cast upon the Populist party the responsibility for a failure to carry his motion this morning. It is responsible, Mr. President, and it is perfectly willing to assume the responsibility and all the consequences that may flow from it. I see present my amiable and distinguished friend the Senator from Rhode Island [Mr. ALDRICH], who always coaches the Senator from Vermont, the chairman of the Committee on Finance, and I wish to ask the Senator from Rhode Island, who has said he is a bimetallist and that his party is a bimetallic party, whether he is willing to take the tariff bill just exactly as it comes from the House of Representatives with a free silver coinage amendment attached to it?

Mr. ALDRICH. Does the Senator from Nebraska wish an answer from me?

Mr. ALLEN. I desire to have an answer from some responsible head of the Republican party, if it has one.

Mr. ALDRICH. I answer, then, frankly, no, with as much emphasis as it is possible for me to use.

Mr. ALLEN. I am glad to hear it, because it stamps the Republican party as the enemy of bimetallism. Your party has been masquerading for three years under false pretenses in this Chamber.

Mr. MORGAN (to Mr. ALLEN). Ask him if he would take the McKinley law with free coinage.

Mr. ALLEN. You would not even——

Mr. ALDRICH. Will the Senator from Nebraska allow me to ask——

Mr. ALLEN. The Senator from Alabama suggests that I ask you if you will take the McKinley bill with free coinage. Will you do that?

Mr. PLATT. No.

Mr. ALLEN. The Senator from Connecticut says "No." Are there any circumstances under which you will take free coinage?

Mr. ALDRICH. No, sir——

Mr. ALLEN. No, sir.

Mr. PLATT. Except by an international agreement.

Mr. ALDRICH. Unless an international agreement on the subject shall be first secured.

Mr. ALLEN. Oh, yes. Now, that discloses exactly what we have always claimed. There are no circumstances under which you are bimetallists.

Mr. PLATT. Oh, Mr. President.

Mr. ALLEN. You have lied upon the question, if I may speak metaphorically, for three years to my certain knowledge. For three years you have stood in this Chamber and have undertaken to make the people of this country believe that you are bimetallists, and now when you are put to the test you will not take silver with this tariff bill and you will not take it with the McKinley bill and you will not take it under any circumstances.

Mr. PLATT. Does the Senator from Nebraska intend to say that the Republican party of this country has ever tried to make the people believe that it was in favor of the free and unlimited coinage of silver at the ratio of 16 to 1——

Mr. ALLEN. That is it exactly.

Mr. PLATT. Wait a moment. By the United States alone? Does the Senator intend to say that the Republican party has ever taken that position?

Mr. ALDRICH. Anywhere?

Mr. PLATT. Anywhere?

Mr. ALLEN. You took it in 1892. I have not got your platform here.

Mr. COCKRELL. I will turn to it.

Mr. PLATT. I will tell the Senator what the platform is. It is that we are in favor of the use of both silver and gold as money——

Mr. TELLER. As standard money.

Mr. PLATT. As standard money, upon such conditions as will keep both at a parity.

Mr. ALLEN. But you never tried that.

Mr. PLATT. That is practically the language of the platform.

Mr. ALLEN. I have here the platform of 1892.

Mr. STEWART. In your platform of 1888 you said the Republican party was in favor of the use of gold and silver as standard money.

Mr. MITCHELL of Oregon. It did not say that. It said, "We demand the use of both gold and silver as standard money."

Mr. ALLEN. I have the platform here.

Mr. STEWART. And it said, "We condemn the Administration of the Democratic party for its efforts to demonetize silver." But you refuse to use silver as standard money.

Mr. ALLEN. Here is what the platform of 1892 says:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal.

Mr. ALDRICH. We stand on that now.

Mr. TELLER. No, we do not.

Mr. ALLEN. The platform of 1892 proceeds:

The interests of the producers of the country, its farmers and its workingmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

Mr. ALDRICH. I suggest to my friend from Nebraska that he has had great difficulty in times past in elucidating the platform of his own party——

Mr. ALLEN. Never in the world.

Mr. ALDRICH. And it seems to me that it would be more becoming in him to allow the platforms of the other parties to be explained by persons who were members of such parties, respectively.

Mr. ALLEN. No; that is altogether wrong. I wanted to bring out in this discussion, and we do bring it out, the fact that the claim of the Republican party as being a bimetallic party was a falsehood.

Mr. PALMER. Mr. President——

Mr. ALLEN. There has never been a time when you have been in favor of bimetallism.

Mr. PLATT. Mr. President——

Mr. PALMER. Will the Senator from Nebraska allow me to ask him a question?

Mr. ALLEN. Yes, sir.

Mr. PALMER. Will the Senator himself take the McKinley bill with free silver?

Mr. ALLEN. I have made no offer or agreement to give it to these gentlemen.

Mr. PALMER. I think the most dangerous and alarming symptom is the possibility of some combination between those who demand protection for domestic industry, as they call it——

Mr. ALDRICH. There is not the slightest danger.

Mr. PALMER. And those who own silver bullion. That is the dangerous combination.

Mr. PLATT (to Mr. PALMER). Do not be alarmed on that score.

Mr. STEWART. There is no danger of that. The combination is with the Democracy.

Mr. ALLEN. I simply wanted to say to the Republicans on the other side of this Chamber, you have 44 votes. If you want to take your tariff bill with a free-coinage amendment attached to it, the Populist party stand here pledged to give you 6 votes to carry that joint measure. Now, will you do it?

Mr. PLATT. Mr. President, the trouble with the Senator from Nebraska is that his only definition of bimetallism is the unlimited coinage of silver at the ratio of 16 to 1 by the United States alone. I say that is no honest definition of bimetallism. The only honest definition of bimetallism——

Mr. TELLER. Will the Senator from Connecticut give us a definition of bimetallism?

Mr. PLATT. The only honest definition of bimetallism that has been put forth in this country is the definition put forth in the platform of the Republican party in 1892. What the Senator from Nebraska means is silver monometallism and nothing else. If he supposes that the Republican party——

Mr. ALLEN. Now, Mr. President, let me make a suggestion to the Senator right there.

Mr. PLATT. The Senator will allow me.

Mr. ALLEN. Less than ten minutes ago the financial chief of your party stood in this Chamber and said gold monometallism is what we should have in this country, and not one of you arose to correct him or object to his statement.

Mr. PLATT. Mr. President, I have but a moment before the morning hour will expire. The Republican party is going into the next campaign on the platform of 1892 with reference to silver and gold and our currency. It needs no other platform. Of course I can not speak for that party, but as one member of it I can say that I believe it will go again into the campaign upon the doctrine of protection and the doctrine of bimetallism as laid down in that platform.

Mr. STEWART. I would be very much obliged to the Senator if he would let me ask him one question.

Mr. PLATT. Wait one moment.

Mr. STEWART. Only one question.

Mr. PLATT. And when the silver monometallists of this country propose to antagonize protection with the unlimited coinage of silver the death knell of their delusion and craze has struck.

Mr. STEWART. Now, allow me to ask——

Mr. PLATT. I want to refer to the platform for a moment.

Mr. STEWART. Will you let me ask a question?

Mr. PLATT. No. The platform of 1892 says:

The American people, from tradition and interest, favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals so that the purchasing and debt-paying power of the dollar whether of silver, gold, or paper, shall be at all times equal.

There is where we stand. There is where we propose to stand, Mr. President, and we are not to take any bimetallism which will make one dollar more valuable in its debt-paying and purchasing power than any other dollar.

Mr. STEWART. Now, will the Senator answer a question?

Mr. GEAR. Mr. President——

Mr. PLATT. No; I can not yield.

Mr. STEWART. The Senator is not very polite.

Mr. PLATT. Mr. President, we have five different kinds of dollars in this country. We have the gold dollar, the silver dollar, the greenback dollar, the Treasury-note dollar, and the silver-certificate dollar. Each one of those dollars is just as good as the other in this country——

Mr. STEWART. No, no.

Mr. PLATT. Because we have kept them at a parity. Each one in debt-paying and purchasing power is equal to any other dollar in this country.

Mr. STEWART. Why do you not pay bonds with it, then, and redeem them?

Mr. PLATT. Mr. President, I have spoken of our five different kinds of dollars. Because they have been kept of the same debt-paying and purchasing power, our finances are in a condition where the country is not distressed and destroyed, so far as currency is concerned; but you can take the silver dollar of ours and go down into Mexico, where they have free and unlimited coinage of silver, and you can buy two Mexican dollars with our dollar.

Mr. GALLINGER. And each one with more silver in it.

Mr. PLATT. Each one with more silver in it than our dollar. What the advocates of bimetallism, which is silver monometallism, would drive this country to is just to that condition, in which one dollar would buy twice as much in this country as another dollar.

Now, the Republican party does not believe in that bimetallism, and the Republican party does not propose to take protection when coupled with that bimetallism as a threat that it can not have protection without. I want here to say to those who advocate that kind of bimetallism, which means silver monometallism, and one dollar worth twice as much as another in this country, and who take the stand that protection is to fail in this country unless the Republicans who favor protection accept that kind of bimetallism, that they can not stand against or stem the tide of protection sentiment in this country and in their own communities. It will override all such delusions. The people of this country have fully determined one thing, and that is, that in this year of grace 1896, in the early November of that year, they will make their voice heard for that protection which will fill both the Treasury of the United States and the pockets of the workingmen, and woe be to silver or anything else that proposes to stand in the way of that verdict of the people!

Mr. STEWART. Mr. President, I want to deny emphatically that the Republican party is in favor of the use of silver as money, if their acts form any indication of their intention or as to what they believe. They refuse to pay out silver, but borrow gold. They indorse Cleveland's policy of making that discrimination. They believe in issuing bonds to buy gold for gold gamblers, and will not use silver as money. The silver that we have got in the Treasury is worth no more than so much pig iron, so far as any use is now made of it. The gold foundation you make stands on the little gold that you borrow, and that is the reason why your finances are trembling; that is the reason why you have bankrupted the country. It is because you give the lie to your platform that you would use silver as money. I have been working on that for ten years——

The VICE-PRESIDENT. The Senator from Nevada will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A concurrent resolution relative to the war in Cuba, reported by Mr. MORGAN on the 5th instant from the Committee on Foreign Relations.

Mr. MORGAN. Mr. President——

Mr. STEWART. Will the Senator from Alabama give way to me one minute? I want to state what the platform was in 1888. It said the Republican party is in favor of using both gold and silver as money, and that it condemns the action of the Democratic Administration in its effort to demonetize silver. Again, the party declared in 1892 that it was in favor of the use of both gold and silver as money. But the Republicans will not use it. They have bankrupted the country to borrow gold because they would not use silver, because they would not obey the law, because they would not obey their solemn promises in their platforms. That is what the Republicans have done.

Mr. GALLINGER. They have not borrowed money.

Mr. STEWART. They have passed a bill through the other House to borrow money, and they are in favor of it. They stand by Cleveland, and they will not investigate his bond transactions. They will not do anything about it at all. They think it is a good thing. They stand by and indorse him. Here is the bond bill put through the other House for no other purpose but to indorse the

principle of borrowing gold in time of peace for gold gamblers, because you will not use silver as money, because you will not tell the truth in your platforms that you will obey the law and use silver as money. All this silver is piled up and $1,100,000,000 rests on the little gold you borrow. That is the reason why you have bankrupted the country. Then you talk about protection! You who have created a difference of exchange amounting to 100 per cent of protection to silver-standard countries where our competition comes from. You by your gold standard have produced a wall of protection against this country, and you refuse to tear down that wall, and yet say that you are protectionists.

Is there no good faith in anything you do? It seems not. You are not for protection. We offer you 100 per cent protection and you will not accept it. But you will put us in competition with cheap labor. That is what you like. There is no sham about it at all. The people want real protection, and the first step to it is to equalize exchange and rid us of the 100 per cent advantage which the Asiatic has, by which he has reduced the price of farm products below the cost of production, and by which he will visit dire punishment upon you unless you can pass a prohibitory tariff law, which you can not do unless you recognize the West and the South as a part of this country.

Mr. GALLINGER. Mr. President, with the permission of the Senator from Alabama, I desire merely to state that I was unavoidably absent from the Chamber this morning when the vote was taken on the motion of the Senator from Vermont [Mr. MORRILL] to take up the so-called revenue bill for consideration. I have a standing pair with the senior Senator from Texas [Mr. MILLS], who seems also to have been absent. Had he been here he would have announced that pair. I now desire to say that had I been here and permitted to vote I should have voted in favor of taking up the bill, and undoubtedly the senior Senator from Texas would have voted against taking up the bill.

Mr. HANSBROUGH. Will the Senator from Alabama, who, I understand, desires to speak on the Cuban resolution, yield to me until I ask consent for the consideration of a bill?

Mr. MORGAN. What is the bill the Senator wishes to have considered?

Mr. HANSBROUGH. I ask for the consideration of the bill (S. 1922) creating an art commission of the United States, and for other purposes.

The VICE-PRESIDENT. If there is no objection, the bill will be read for information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HARRIS. I think that bill can wait until it is reached on the Calendar.

The VICE-PRESIDENT. There is objection.

Mr. FRYE. Will the Senator from Alabama yield to me two minutes?

Mr. MORGAN. Certainly.

Mr. FRYE. Mr. President, I have been instructing my constituents, business men, for the last month and a half that there was not the slightest possibility of the House tariff bill becoming a law. I think I have known for a month that it was dead. After the two votes, one of a fortnight ago and the other of to-day, there is not a Senator here who does not know that it is as dead as Julius Cæsar, and that there is no resurrection whatever for it. The business men of this country ought to know it now, and they ought to conduct their business with a view to the fact that it is dead. When the Democratic party of the Senate and the Populistic party of the Senate both announce that they by their votes will not support this tariff bill, that they will not consider it, it is utterly hopeless for any Republican to undertake to obtain its consideration.

I wish to dissent from the proposition made by the distinguished Senator from Ohio [Mr. SHERMAN] that it was his duty and the duty of Republicans to further undertake to obtain consideration for this dead bill.

Mr. ALDRICH. Perhaps the Senator from Maine did not hear the remarks of the chairman of the Committee on Finance, in which he said that he would not further ask for the consideration of the measure.

Mr. FRYE. I did not hear the chairman of the committee make that statement. I am very glad he did so, and I trust that no Republican will undertake to have a vote again on the consideration of the bill. Suppose, as the Senator from Ohio suggested, it should be taken up and could be amended, there is not a Senator here who does not know that more than 600 amendments would be offered to it, and Senators know perfectly well that more than three months' time would be consumed in its consideration, and that the business of the country would be held on the ragged edge for the whole of that period. Business has had blows enough during the last two or three years. Congress should not inflict any more upon it.

I trust, sir, this bill will not be heard from again, and that no Republican Senator, no friend of protection, will ask the Senate to give it any further consideration. Let it be dead, and let the responsibility lie where it belongs.

WAR IN CUBA.

The Senate resumed the consideration of the concurrent resolution reported by Mr. MORGAN on the 5th instant from the Committee on Foreign Relations.

Mr. MORGAN. Mr. President, I had reserved to myself, with the consent of the Senator from Delaware, who will succeed me in this debate, the opportunity to present to the Senate the documents that I spoke of yesterday; and being very desirous to get before the country and the Senate, as far as it is possible to do so, an authentic statement of all the facts that are necessary to be considered in discussing this resolution and in coming to a vote upon it, I will present the civil organization of the Republic of Cuba, of which Mr. Salvador Cisneros Betancourt is the President, and which was adopted at Mangus de Baragua on the 16th of October, 1895. I will not undertake to read this document, but I will ask that it be appended to my remarks as it is printed from page 30 to page 35, both inclusive. [See Appendix A.]

There are a number of other regulations affecting the military and also laws ordained to govern the civil relations of the people of the Republic of Cuba which would be very interesting for examination; and I hope that those who choose to debate this question and those who wish to give it a very thorough consideration will refer to those laws, some of them relating to civil marriage and to other civil institutions, laws for the service of communications and the postal system, laws to regulate the public treasury, and laws of the government council of the nation, all of which are very admirably prepared and embody a most excellent system of government as it is adapted to the situation in Cuba at this time.

My purpose in presenting this paper is to show that there is a civil foundation for that government. Cisneros Betancourt is the President of that Republic. He was the President of the Republic at the time of the surrender in 1878. That fact is stated in the papers sent in by the President of the United States in his message May 14, 1878, which I will also print as an appendix to my remarks, in which will be found two letters written by the then minister of Spain at this capital, Antonio Mantilla, which relate to the terms of the capitulation that were entered into by the Republic of Cuba in 1878. I will read from one of the dispatches announcing the result of that reconciliation. It is from Flores, and was dated at Santa Cruz on the 12th of February, 1878. It is addressed to Director del "Diario de la Marina," Habana, and is as follows:

> The peace of the island is now a fact about to be realized. The President of the Cuban Republic, Maximo Gomez, chamber and government in accord with the force of the Camaguey, are at work to realize peace. Also, in the Villas and Oriental departments. For those two departments commissions of important chiefs have left with that object. Hostilities suspended in all the island.
>
> FLORES.

An examination of these papers shows a distinct recognition of the existence of the Republic of Cuba at the time this capitulation took place, and it shows that Maximo Gomez, who is the commander-in-chief of the armies of the Cuban Republic as it now exists, was busily engaged in an effort, which was applauded by the Spaniards, an honorable effort, to secure peace upon the terms of the capitulation that was entered into at that time between the Spaniards and the Cubans. That capitulation contains various stipulations, some of them added to the original article by after agreement.

In order to get the history of that transaction clearly before the Senate and the people of the United States, I will ask leave to print as an appendix to my remarks each of these letters. I would not encumber the RECORD with these extensive publications but that it is necessary in order to get at an exact statement of the political situation in the Island of Cuba at the time this capitulation took place. I also wish to emphasize the fact that the constitution and plan of organization of Cisneros, who was then President of the Republic, and is now again President of the Republic as it is at present declared, is in substance the same government that is now restored and is in operation, as is set forth in the document which I now present. (See Appendix B.)

These papers show the existence in 1878, and for more than ten years before that time, of a republic in the Island of Cuba, which was recognized as such in the capitulation itself, not in the very language of the capitulation, but in all of the attendant information and facts which were given out to the public by the minister of Spain at this capital in order to justify the conduct of the Spanish Government and also to satisfy this country that permanent peace had ensued.

I mentioned on yesterday that the Cubans who now comprise this Government, including of course the army that is now in existence, insist that their present action is justified entirely, and by subsequent abuses which took place after that capitulation,

which involve violations of the agreement entered into between Spain and Cuba, on various occasions, some of which acts, as charged by the Cubans, are very outrageous, if they be true. Perhaps it is not necessary for me to express an opinion on the question as to whether their allegations are true or not, except as a justification of the course that the committee have taken and that I am now advocating on the floor of the Senate. I do believe in their truth; I have nowhere seen them disputed. They stand forth as facts which have been published to the world now for more than a year without any contradiction that I have ever seen.

The war which has ensued for the purpose of the redress of those grievances and for the reclamation of those rights that were thus betrayed into the hands of the Spanish Crown by a breach of their solemn obligation has progressed to the degree and condition of open, public war, which I undertook yesterday to establish both from the accounts of the Cubans and from the accounts given by our own consuls in their communications sent to this Government.

Martinez Campos is everywhere spoken of in the papers to which I have just referred as a man of broad patriotism, great ability and benevolence; as a man who, when he was fighting the men against whom he was arrayed from 1867 to 1878, always regarded them as if they were brethren in arms opposed to him, and his conciliatory spirit, his desire to reconcile the people of Cuba to further submission to the Spanish Monarchy, is everywhere complimented and referred to with applause as being the cause of the composure which took place at the end of that civil war. When Martinez Campos was recently removed from his command of the army of Spain that occupied the Island of Cuba apprehensions were entertained and expressions on all sides were heard that no one could succeed him who could conduct that war in such a way as to heal up the wounds between the Cubans and the Spanish people, nearly all of whom are descended from the same stock, and when he was recalled to Spain after the failure of his campaign there, and after the resources of Spain had been almost exhausted, there was one general expression of regret by the people of the civilized world that so great and so noble a character had been withdrawn from the arena of war and had been retired into private life.

I do not hesitate, Mr. President, on my part, to express my regret at that occurrence, because while Campos was in the field I still had a hope that the Government of Spain would see that in order to keep her hold upon the affections of the people of Cuba and to command their honest allegiance she would be compelled to accord to them a form of government corresponding to that which is exercised in Canada as a province of the Crown of Great Britain; but the Spanish Government seems to be infatuated with the idea that absolute submission must take place in that island to every demand which is urged against those people, and when anything that is demanded is refused extermination is to be the result.

When General Weyler was sent there as captain-general he assumed to himself the double function of a supreme court judge and captain-general, and announced in the proclamation (which I will print in my remarks) that he assumed at one and the same time the functions of generalissimo and commander-in-chief of the army and the office of supreme judge of that country. Thereupon he issued a manifesto consisting of three proclamations, which I will place in the RECORD, which show, without any possibility of misunderstanding, his determination to sacrifice private life and all the liberties of the people whenever he chose to do so for the purpose of extending, consolidating, and enforcing his decrees and his power. By that judgment he placed every inhabitant of Cuba, without reference to nationality, in a position of absolute subjection to his individual and unrestrained will. Then he goes into various details which affect the people of Cuba, the people who live out in the forests and in the country, to such an extent that life itself would be an intolerable burden when it has to be lived under such circumstances. These are the papers which I desire to put in the RECORD. (See Appendix B.)

A gentleman has sent me this morning a newspaper printed in the city of Washington, The Evening Times, a very respectable paper, containing in its telegraphic columns a statement from Dr. Guiteras, in which he makes reply to a recent statement made by General Weyler in the matter of his execution of this decree. It seems that General Weyler had denied that since he had been in command of the island a single execution had been made. Dr. Guiteras scarcely credited the reports of these executions which came from the island, but yesterday a batch of letters in cipher was received by him, and after translating them he said:

> I have been loath to believe the reports of the killing of prisoners in the field and in the prisons since the arrival of Governor Weyler. These reports have been specially denied by General Weyler himself. I have received to-day letters from Habana that confirm the report. I am now firmly convinced that prisoners are quietly disposed of by some officer in the field, and that some prisoners have been brought to the forts in Habana and Matanzas who have subsequently disappeared without their friends knowing what has become of them.
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> I have in one of these letters the names of three prisoners, but can not give them at this time, as it would disclose the source of my information. I would add that this question has been referred to me especially by friends in Cuba with an appeal that I should exert whatever influence I may have to bring about a termination of this frightful state of affairs. I can do nothing better than appeal to the American press. The section in a letter from Habana which treats of the matter is as follows:
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> "It happens every day that prisoners are brought to this city. Some are sent to jail, and others to the fortifications. These last, if they belong to the lower classes, are made to disappear. A reason assigned is that there is not money enough to keep them. That is, you will understand, frightful. I am absolutely sure of what I am telling you, and you must make an effort to put a stop to it by appealing to the press of America.
>
> "I have heard of similar stories for some time, but I could find no responsible person to repeat them to me, and I thought them too horrible to believe, though I know the man we are dealing with, but no doubt is left in my mind. It is known that the procedure is common in the field, but is not so frequently employed in the city."

I have an apprehension, which I can not repress, that if General Weyler remains in the command of the army of Spain in Cuba there will be destruction of life at his will and pleasure, perhaps in such a manner as not to be disclosed to the world for two or three or four years to come; but it seems that it is already apparent, in the case of three prisoners, that they have been killed after being captured.

I do not care, Mr. President, to enter more fully into a recital of these horrible incidents, because this is not in the slightest degree necessary to justify the position of the Government of the United States that war exists in Cuba, open, public civil war, and that it is to the interest and welfare of our own people, regardless of our sympathies for the Cubans, regardless of the effect it may have upon the Spaniards or the Cubans, that we should give a recognition, justified by the fact of the belligerency of those two powers in Cuba, and that is as far as we need to go.

Something has been said in this debate on the subject of the proper method of making this declaration. The resolution before the Senate declares that, in the opinion of Congress, a state of public war exists in Cuba, and that it is the duty of the United States to recognize the belligerency of the hostile parties.

What is the effect of such a declaration of opinion on the part of the Congress of the United States? If the effect should be to cause some contrary attitude to be imputed, as existing between the President and the two Houses of Congress, it would be indeed very unfortunate. If Congress should pass a resolution of this kind and the President of the United States, conceiving that our action was only advisory and was not mandatory, should withhold the declaration or should not predicate any Executive act upon it, it would leave the Government of the United States in a position to be severely criticised by our people and by the other powers of the world.

I do not anticipate any such difficulty between the President and Congress. I have no right to do so, from the message which the President sent us at the beginning of this session of Congress, for he recognized the fact of the existence of open and bloody war in Cuba; and I must suppose—I do suppose and I believe also—that when the President of the United States becomes satisfied that it is to the best interests of the people of the United States that there should be a recognition of that belligerency he will concur in the opinion that is expressed in this resolution, and will exert whatever of authority he has as the Chief Executive of this nation to sanction and enforce that resolution. But if he should decline to do so, then the attitude of Congress would be such that we should be regarded as intermeddling with matters with which we have no constitutional concern, and we should be amenable to such a criticism in the event that I have supposed, because the President of the United States can not refuse to respect the will of Congress when it is expressed in a constitutional method upon any subject.

If it is a matter of legislation to which his veto power applies, and if he shall exercise his veto, he is bound to respect the act; he is bound to consider the measure; he is bound either to return it to the House in which it originated, or else he may let it pass over for ten days, in which case it becomes a law and an effectual expression of the legislative will. But to put ourselves in an attitude in reference to a great question of this kind, where the President is at liberty to act or not to act as he sees proper, and where it is to be imputed to his action that it is to give validity and effect to what we do or to the opinion which we express here, it becomes a very serious matter whether we should pass this resolution in the form in which it is now presented.

The question of the power of the President of the United States in respect of the declaration of belligerency between two foreign powers has never undergone conclusive judicial investigation, nor has the Congress of the United States ever given to this subject a decided expression of their opinion upon it. It may therefore be styled a new question. In the consideration of this question the Constitution of the United States alone can rule. There is no other law to which we can appeal to arrive at a decision as between the Executive and the Congress of the United States upon this matter.

Suppose, for instance, that some one should propose to amend this resolution and strike out the words "in the opinion of Congress," and leave it as a clear, emphatic, unequivocal declaration

on the part of the two Houses that a public war exists in Cuba and that the Government of the United States recognizes the belligerency of those parties in order that the Government and the people may be put in an attitude where the duties of neutrality would attach to us under the international law, then we should have a declaration here which would assume upon the face of it that this concurrent action on the part of the two Houses of Congress would of itself be a recognition of the existence of the public war, the belligerency of the two parties, and our consequent international neutrality.

Mr. FRYE. Will the Senator allow me?

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Alabama yield to the Senator from Maine?

Mr. MORGAN. Certainly.

Mr. FRYE. Suppose some one, in addition to the amendment of striking out the words "in the opinion," should add "and Congress hereby recognizes the belligerent rights," etc., what does the Senator have to say as to that?

Mr. MORGAN. That would only make the resolution a little more impressive or a little more emphatic in the definition of the attitude of Congress, because if we should strike out the words "in the opinion of Congress," that would then leave this as the declaration on the part of the two Houses of Congress that a public war does exist in Cuba and that we recognize neutrality.

Mr. FRYE. But suppose the words "it is the duty" were left out of the resolution, what then?

Mr. MORGAN. Perhaps those words ought to be left out to make the declaration as emphatic as the Senator from Maine now suggests.

Mr. PEFFER. While the Senator is on that point, will it not also involve concurrent action on the part of the Executive? Because, as the Senator very properly stated the other day, this question involves the right of seizure and involves certain Executive acts that might amount to watching and guarding and sometimes affirmative action on the part of the Executive. Would not such a declaration as the Senator from Maine suggests to that extent also involve the Executive; and if so, suppose the Executive should differ with Congress?

Mr. MORGAN. Mr. President, the committee of course have endeavored to avoid raising a question of this kind. They have not anticipated that any action of the Executive would make it necessary that they should raise it, or that the question would arise, or that it should be settled by any vote to be taken here. I will repeat that I do not anticipate that a question of that kind will occur; yet it might; and in shaping our resolution here we must be careful that we keep ourselves within the line of our constitutional powers and duties, and also careful that we do not surrender to any other department of this Government a portion of the power that the Constitution lodges in Congress.

Mr. FRYE. That is just what I should like to hear the Senator upon, whether or not, in his judgment, the Congress itself has the power to recognize belligerent rights without any intervention of the President of the United States.

Mr. MORGAN. Mr. President, in section 8 of Article I of the Constitution there is an enumeration of the powers of Congress. Several powers are mentioned, such as to coin money, etc., establish post-offices, promote the progress of science, to define and punish piracies and felonies committed on the high seas, to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

This power to declare war is associated with all those other powers in the same section, which affect and relate only to the civil administration of the Government, to the Government in a state and condition of peace, and for that reason some very able gentlemen have concluded that, being thus associated with this general delegation of powers to Congress, it must take its class with them, and be subject to all of the incidents that belong to the exercise of these general powers in other cases.

I am not prepared to subscribe to that construction of this instrument. I believe that the power to declare war and grant letters of marque and reprisal, and more especially the power to declare war, is a power which, from the very nature of it, when taken in connection with the other provisions of the Constitution relating to war and the conduct of war, stands by itself, and it must be exercised by Congress without the aid, or assistance, or participation of the Executive. It is the nature of the power to be thus exercised that I rely upon as separating it in its incidents and consequences from the other general powers which Congress has conferred upon it under the eighth section of the first article of the Constitution from which I have just been reading. The power to declare war is not a legislative power.

The framers of the Constitution understood perhaps as well as or better than any of us to-day—because they were in the midst of war and the Government which they were founding had just passed through a great struggle with the greatest monarchy then in the world—they understood particularly well what were and should be the functions of the Executive of the United States and the powers of Congress in respect of the declaration of war and the conduct of war, and in respect of making provision for the support of armies and navies, so as to leave it entirely in the hands of the popular branch of Congress to make appropriations for these purposes, or to originate appropriations for these purposes, putting a limit upon the power of the House in making the appropriations that they should be renewed once every two years; thus showing that, in the consideration of the war powers of the Government of the United States, they dissociated these powers from the general mass of powers that are conferred upon the Congress of the United States and placed them in a peculiar light; and it is in that light and in consideration of the purposes that the framers of the Constitution must have had in mind when they organized this splendid system of government that we are to interpret their intentions.

We must consider this question now, and we must not forget the impressions that evidently were foremost in their minds at that time, and by neglect allow the powers of the Congress of the United States to pass into the hands of one of the coordinate departments, in whole or in part, in the extreme case, the terrible case, when this country shall be involved in war.

The war power is to be sacredly guarded, and the people who are held obedient to it and must fight its battles and suffer its devastations should have the exclusive right to declare the existence of a state of war.

The state of war as it affects the citizen, the property of the citizen, his relations to foreign countries, the treaties between this Government and the Government with which we are at war, might be called a total change, a total departure from the state of the country when it is at peace. When the country is at peace the citizen is not required, on any occasion, to give up any of his constitutional rights of protection and of resort to the ordinary tribunals of law for the redress of his wrongs or the enforcement of his rights.

When a state of war supervenes, however, his person, his property, and all that belongs to him are subjected by the laws of nations and the Constitution of the United States to the behests of the Government to answer its purposes, even though in doing so he may surrender his life and all that he has. His duty of submission to the military power of the United States, lawfully exercised in time of war, may be called almost absolute, whereas in time of peace all the guaranties of the Constitution of the United States cluster about him to save him against any arbitrary power or the command of any individual that he shall do this or that or that he omit to do this or that. The condition of war changes almost absolutely and almost completely all the relations of this Government to its own people and to the country with which we are engaged in belligerency, and also, in a collateral way, with the people of the whole world.

So those provisions of the Constitution of the United States that were made for a state of war and adapted to a state of war must be attended with those conditions which make it possible that the Government of the United States shall act as a unit, and shall make it impossible that there should be any division of authority between the executive and the legislative branches of the Government in the recognition which is the declaration of the existence of a state of war.

If there is anything more necessary to the successful conduct of a war than all else, it is the fact that the power of the Government that is engaged in a war is lodged at least in the hands of a single man, or a single tribunal. No possibility of a division of interest, a division of sentiment, a division of will between the high functionaries of a Government can be admitted if the Government that is bound to make this admission is engaged in a war with a foreign country, or even with its own people in insurrection. There must be unity, absolute and perfect unity, in the power that conducts a war, and any division of it that is possible is to that extent a fatal defect in the Government itself.

Now, I will suppose a case. Suppose that a declaration of war by the United States Government is made under a joint resolution, which would go to the President of the United States, and that he, for reasons of public policy or reasons of private interest or affection, should veto the resolution, what would be the situation of this country under those circumstances? The Government would perish in the effort to defend its rights or vindicate its honor; perish upon a division of opinion between the Congress of the United States and the President of the United States. So in regard to making peace; so in regard to every other incident attending the conduct of war, such as the issue of letters of marque and reprisal, etc.

Mr. FRYE. How about raising supplies? Suppose the President should veto a resolution raising supplies?

Mr. MORGAN. He could veto a resolution to raise supplies. I think there is no doubt about that.

Mr. FRYE. And he could defeat——

Mr. MORGAN. But that is not the actual conduct of war. It is a provision for the conduct of war, and he might constrain us

to agree to a peace after we had been at war, or perhaps he might prevent us from getting into a war by the veto of a resolution or bill to raise supplies for the purpose of carrying on the war. But I am not now speaking of that legislative power which might attend the conduct of a war or provision for its support. I am speaking now of those matters which concern the inauguration of war and which relate to the power of the President and the Congress to change the attitude of the Government of the United States and the duties of all the people in it from a state of peace to a state of war. These acts are entirely distinguishable.

Perhaps no argument could be made upon this point which would be entirely consistent with itself in any direction in which you might choose to trace it, unless, indeed, we should admit that the President of the United States, when Congress passes a declaration by a joint resolution, I will say, in proper form, to the effect that the United States is at war with some foreign power, has the right to bring his veto to bear upon it and to deny the fact. While there are no actual decisions conclusive of the point I am now debating, there are various utterances and some official acts on the part of the early Presidents of the United States to which I desire to call attention, and also on the part of some of our wisest constitutional lawyers. I will read several extracts from the opinions of those lawyers and those Presidents which I think support very clearly the proposition that Congress, and Congress alone, has the power to declare war.

But before reading them, Mr. President, I should like to say (and I will cite the authorities in support of that proposition when I come to them) that the power of Congress, as it is expressed in the Constitution, is not to wage war, not to create war; it is the right to recognize its existence. The existence of war in the United States, between this and a foreign country, or the existence of a war in some foreign country, is simply a fact, and when a recognition is made by the Congress of the United States or by the lawful authority of this country of the existence of war, it amounts to a declaration of war. A declaration of war is not a pronunciamento against some other nation as to which Congress demands that war shall be waged, but it is a declaration that a state of war actually exists at the time when the declaration is pronounced. This is not a legislative act.

Mr. FRYE. Actually exists anywhere?

Mr. MORGAN. That a state of war actually exists anywhere at the time the declaration is made; and the declaration is nothing more than a recognition of the fact, a statement of the fact that a state of war acually exists. It places that declaration in legal form. It is not a legislative act, it may be a political act.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. MORGAN. Certainly.

Mr. HOAR. I should like to get instruction from the Senator from Alabama, who is so competent to give it on this question, by asking him a question and perhaps putting an illustration.

In regard to our relations with France shortly after the close of the Revolutionary war, some very principal authorities, including, I believe, my honorable friend from Ohio, maintained as a reason for not paying the French war claims that that was a war, not an act of international oppression of individuals. Suppose a citizen were proceeded against for corresponding with the enemy, giving aid and comfort to France at that time, on the ground that she was an enemy of the United States. Does the Senator claim that a resolution like this, passing both Houses of Congress, the President withholding his signature, would be accepted in court as having any validity or virtue whatever in regard to settling that question?

Mr. MORGAN. The illustration used by the Senator from Massachusetts furnishes me an opportunity to make what I conceive to be a just distinction between the duty and obligations of citizenship and the duties and rights of Congress in dealing with a question of this kind. A citizen must submit himself to the laws of his country as they are declared by the highest legislative authority, and until the laws of his country are changed or altered they impose upon him as a citizen the duties that belong to him in time of war, and he can neither appeal from that declaration as to those duties or those rights nor can he avoid them when the Government of the United States has placed him in that situation by declaring that his country is engaged in war.

When I said a moment ago that the existence of war is a fact, I meant to say that the existence of hostilities which have progressed to that degree where a private person coming in contact with the armies engaged in those hostilities would have the right to decide that a war existed would be what is called a state of war, although it is not the state of war that is made obligatory upon the citizenship of a country. It is a state of hostilities that has become so general and the parties to which have become so organized that the citizen himself when brought in contact with the question could decide for himself that it is an open and public war. But his decision bears upon no person except himself.

Now, it requires the act of a government to put the people at large, the nationality, into a condition of recognizing the existence of war.

Mr. HOAR. Including the President?

Mr. MORGAN. Including the President.

Mr. HOAR. I do not like to interfere with the Senator from Alabama, but perhaps he will not mind my asking him another question. I thought his argument was that the phrase in the Constitution "to declare war," where the power is given to Congress to declare war, has a different meaning, a different scope and effect, from the other similar enumerations of the powers given to Congress, to establish a uniform system of bankruptcy, for instance; that in that particular instance Congress is referred to as the two Houses, without the consent of the President. That is the reason why I put the question.

Mr. MORGAN. That is the position I take, and I believe it is the correct one.

Mr. HOAR. Then, if it be true that under the Constitution the two Houses of Congress, without the consent of the President, have the power to declare war, does it not follow that the two Houses of Congress, without the President, having declared war, a citizen of this country is bound so to treat the citizens of the country which is declared to be an enemy, and is liable to the charge of treason for giving them aid and comfort?

Mr. MORGAN. Wherever a declaration of war is made by any competent authority of the United States, without now touching upon the question as to what is the competent authority, a citizen of the United States is put in the attitude of a citizen of a country which is at war, and he must obey and respect it, because that declaration defines who is the public enemy, and the citizen is bound to give respect to the declaration.

On December 6, 1805, Mr. Jefferson, discussing Spanish depredations on our territory, said:

> Considering that Congress alone is constitutionally invested with the power of changing our conditions from peace to war, I have thought it my duty to await their authority for using force in any degree that could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them, but when necessary to repel an inroad or to rescue a citizen or his property.

This act of Mr. Jefferson in refusing to recognize the existence of war, as a legal status, until Congress had made the declaration is very impressive. It proves his regard for the limitations of the powers of the coordinate departments of our Government.

Mr. Webster, as Secretary of State, writing to Mr. Severance on the 14th of July, 1851, states:

> In the first place, I have to say that the war-making power in this Government rests entirely with Congress; and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another. We are bound to regard both France and Hawaii—

There was a controversy between France and Hawaii—

> as independent States, and equally independent, and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the constitutional power of the President; and still less is it within the power of any subordinate agent of Government, civil or military.

Those words are very closely measured by that great statesman and jurist, and they state an opinion to which I am bound to yield my acquiescence.

Mr. Cass, following, in 1857, on the subject of the power of Congress, said:

> This proposition, looking to a participation by the United States in the existing hostilities against China, makes it proper to remind your lordship that, under the Constitution of the United States the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken.
>
> Our naval officers have the right—it is their duty, indeed—to employ the forces under their command not only in self-defense, but for the protection of the persons and property of our citizens when exposed to acts of lawless outrage, and this they have done both in China and elsewhere, and will do again when necessary. But military expeditions into the Chinese territory can not be undertaken without the authority of the National Legislature.

In the third annual message of President Buchanan, in 1859, when he was contemplating, doubtless, that war that might take place in the United States and a war that was then flagrant in Nicaragua, said:

> I deem it my duty once more earnestly to recommend to Congress the passage of a law authorizing the President to employ the naval force at his command for the purpose of protecting the lives and property of American citizens passing in transit across the Panama, Nicaragua, and Tehuantepec routes against sudden and lawless outbreaks and depredations. I shall not repeat the arguments employed in former messages in support of this measure. Suffice it to say that the lives of many of our people, and the security of vast amounts of treasure passing and repassing over one or more of these routes between the Atlantic and Pacific, may be deeply involved in the action of Congress on this subject.
>
> I would also again recommend to Congress that authority be given to the President to employ the naval force to protect American merchant vessels, their crews and cargoes, against violent and lawless seizure and confiscation in the ports of Mexico and the Spanish American States, when these countries may be in a disturbed and revolutionary condition. The mere knowledge that such an authority had been conferred, as I have already stated, would

of itself, in a great degree, prevent the evil. Neither would this require any additional appropriation for the naval service.

The chief objection urged against the grant of this authority is that Congress, by conferring it, would violate the Constitution—that it would be a transfer of the war-making or, strictly speaking, the war-declaring power to the Executive. If this were well founded it would, of course, be conclusive. A very brief examination, however, will place this objection at rest.

Congress possess the sole and exclusive power under the Constitution "to declare war." They alone can "raise and support armies" and "provide and maintain a navy." But after Congress shall have declared war and provided the force necessary to carry it on the President, as Commander-in-Chief of the Army and Navy, can alone employ this force in making war against the enemy. This is the plain language, and history proves that it was the well-known intention of the framers of the Constitution.

Now I will read an extract from the opinion of Judge Grier in the prize cases, 2 Black, where the court found it necessary to make an emphatic declaration on this subject in order to sustain its jurisdiction of a cause that arose during the Confederate war.

By the Constitution Congress alone has the power to declare a national or foreign war. It can not declare war against a State, or any number of States, by virtue of any clause in the Constitution. The Constitution confers on the President the whole executive power. He is bound to take care that the laws be faithfully executed. He is Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States. He has no power to initiate or declare a war either against a foreign nation or a domestic State, but by the acts of Congress of February 28, 1795, and March 3, 1807, he is authorized to call out the militia and use the military and naval forces of the United States in case of invasion by foreign nations, and to suppress insurrections against the government of a State or of the United States.

It will be observed here that the court makes a distinction between the power of the President of the United States to declare war, to recognize the existence of a state of war and to make it obligatory upon the Government by his declaration, and his power under a statute of the United States, without declaring the existence of a state of war, to do certain things—that is to say, to resist enemies who may be invading the country and to suppress insurrection or rebellion in the States. There the court makes the manifest distinction which established the proposition by our highest judicial tribunal that whenever it becomes necessary that the attitude of the Government of the United States should be changed from peace to war, either wholly or in part, that action by the Constitution is intrusted entirely to Congress and that the President can not assume it to himself.

Mr. GRAY. From what has the Senator been reading?

Mr. MORGAN. From Judge Grier's opinion in the prize cases.

Mr. GRAY. I have read the cases which the Senator has in his hand, and I read the opinion differently, if the Senator draws the conclusion from those cases or from the opinion of the court that Congress without the consent of the President can declare war. All that Judge Grier says in that opinion, as I understand, is what the Constitution says, that it belongs to Congress and not to the Executive to declare war; but when it belongs to Congress it belongs as one of the enumerated powers which he must exert in the way prescribed by the Constitution.

Mr. MORGAN. It goes to the extent of denying to the President the power even to conduct war except in cases where he is empowered to do so by statute. It does not go to the extent of saying that Congress, in making a declaration of war, can act independently of the President. That point was not up. But I think it necessarily follows from the decision in this case that if the President can not declare war he has nothing to do with a declaration of war. If Congress must act, and the President must act conjointly with Congress in a declaration of war, then of course war can not exist until both departments of the Government have determined it—I mean legally exist, for it may exist in hostilities, but not in the form of war legally declared.

But here we find that the President of the United States, by the decision of the Supreme Court, is excluded from the power on his part of making this declaration. Then the question remains, and it is the only question, whether or not the Congress of the United States can make a declaration of war without the concurrence and consent of the President. That brings the question down to a single point upon this adjudication, as I understand it. I will read the balance of what is furnished here as the argument upon which the Supreme Court sustained that proposition:

If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority; and whether the hostile party be a foreign invader or States organized in rebellion it is none the less a war, although the declaration of it be "unilateral." Lord Stowell (1 Dodson, 247) observes: "It is not the less a war on that account, for war may exist without a declaration on either side." It is so laid down by the best writers on the law of nations. A declaration of war by one country only is not a mere challenge to be accepted or refused at pleasure by the other.

The battles of Palo Alto and Resaca de la Palma had been fought before the passage of the act of Congress of May 13, 1846, which recognized "a state of war as existing by the act of the Republic of Mexico." This act not only provided for the future prosecution of the war, but was itself a vindication and ratification of the act of the President in accepting the challenge without a previous formal declaration of war by Congress.

So we went on and provided by statute various cases in which the President might command the Army and the Navy for the suppression of insurrection and rebellion, and also in the case of a foreign invasion that might be made against this country.

But we now have the question down to a single inquiry—admitting that that question is authority to rule our action in any sense—and that is, must the President act conjointly with Congress in a declaration of war in recognizing the fact—in other words, that a state of war exists—and making that state of war and the attitude of war obligatory upon the people of the Government of the United States?

Now, I believe that the power to declare war and the power to conduct all matters in connection with its immediate prosecution was separated from the other powers in the Constitution of the United States, and, as stated by Mr. Webster, placed solely within the control of the two Houses of Congress, either acting in concert or acting contemporaneously without actual concurrence.

The strongest argument that suggests itself to my mind is the fact that the President of the United States, by the Constitution, has two distinct functions. One is political and the other is military, exclusively so. Wherever the President of the United States has to exercise his political functions, those that belong to legislation or to appointments to office, or in the special case of the negotiation of treaties and the exchange of ratifications, he either acts upon the peculiar powers and in the peculiar way assigned to him by the Constitution of the United States or else he acts by a general participation, in the legislative sense, with the two Houses of Congress.

The veto, backed by the sword, is not given to the President in our Constitution.

The President in negotiating a treaty is a diplomat, and yet he is the Chief Executive; he is the representative of this Government in its sovereignty so far as it touches the relations between this Government and foreign countries. When he performs this act of diplomacy and brings a treaty into shape, the two Governments have got into agreement about it through the powers delegated to another body, distinct and separate from all other bodies in the United States, which rises up under the Constitution for the purpose of determining upon the validity of that treaty. That body is required to act almost as a unit. It requires two-thirds of the vote of the Senate of the United States to confirm a treaty.

Mr. DAVIS. Two-thirds of a quorum.

Mr. MORGAN. It requires two-thirds of the Senators forming a quorum of the Senate of the United States to confirm a treaty. That is not a legislative act, and yet it is legislative in its results, because the treaty when thus confirmed and when ratifications have been exchanged becomes, by the express declaration of the Constitution, a part of the supreme law of the land. So, in our constitutional system of Government, various functions are given to different persons who discharge at the same time other functions which are just as separate as if they were exercised by two different persons. If we had had, like the Indians have, a war king and a civil king, questions of war would have been referred entirely to the war king and questions of legislation and national polity entirely to the civil ruler; as they had at one time in Japan when the Shogun was the absolute imperial ruler of the army and navy of Japan and the Mikado was the spiritual and political ruler of the same Empire.

But we made no such division of power into the hands of two men. We divide and separate the power in the hands of one man. We give the military power to the President of the United States to a certain extent, and to the extent that it was not given to him it remains in Congress. To what extent was it given to him? He is the Commander in Chief of the Army and Navy. He is a military officer by the Constitution, holding his commission under that instrument. He is the highest military officer in the United States and every other military officer in the United States is subordinate to his command. But in that function he is just as separate from his other capacity to participate in the legislation of the country as he is when he negotiates a treaty. The functions are quite as different and quite as separate.

Now, I maintain that there was a reason for this, and it was to prevent the possibility of any conflict between the supreme departments of this Government in that most serious matter of declaring the existence of war. If there is any chance for us by a proper construction of this instrument to have the war-making power or the war-declaring power in the hands of a single department of the Government instead of having it oscillating between two, then it is due to the strength and future safety and power of our Government that we should so declare, and we should say that the Congress of the United States is empowered to declare war and the President is forbidden to participate in that declaration, because the war affects him in his office as General in Chief of the Army; that he must take his orders from the Congress of the United States, and must be thereby compelled to recognize that the occasion has arisen in which the functions of his military office come into full play, and he must exercise them.

There is no difficulty in this attitude, because we are not taking from the President anything that is useful in connection with his administration of the affairs of this Government, but if we concede to him the power to declare war, or by the application of his

veto to defeat war, when he holds the commission of Commander in Chief of the Army of the United States, we acknowledge the principle that the military is superior to the civil power; that is all of it. Right there, more than anywhere else in our constitutional system, that maxim obtains, which is as strong as any feature of the written Constitution in this country, that the civil power is superior to the military.

The President of the United States ought not to be permitted, and I am glad to believe that by the Constitution of the United States he is not permitted, in the exercise of his military powers, to place himself as Commander in Chief of the Army and Navy above the civil power of this country. Being such Commander in Chief and having his commission from the Constitution, which therefore is irrevocable on the part of Congress, when the Congress of the United States chooses to declare that the attitude of the Government of the United States toward any foreign country is not war, but peace, or is not peace, but war, the President of the United States ought not to have the power, in connection with this supreme military command, of saying whether or not the condition has arisen. As Commander in Chief, he must obey the civil power, under which he is bound to take the field under the command of Congress and lead its armies. The disassociation of the veto power, if that is what it means, from the control of the President of the United States in reference to war, is to take from him the power, after we have put the sword into his hands, to refuse to exert its authority over belligerent nations that are at war with the United States.

If we are to make an error in this respect, let us make it on the side of maintaining the supremacy of the civil power of this Government over the military power of the President. I admit that this argument would not hold good if the President was not the Commander in Chief of the Army and Navy, but being such, and his commission being irrevocable, Congress not having the power to put him out of office even if he were to sign any joint resolution to that effect, being beyond the reach of any power in this world except his own resignation, and he being the supreme head of the Army of the United States to whom all others are subordinates, let us not make the error of enabling him to use the veto power, which he can use upon any bill that we pass here of a legislative or political sort, to defeat the will of the people of the United States unless two-thirds of each House shall concur in passing the bill over his veto.

The time may never arise when this will become a grave and serious question, but I venture that if Napoleon Bonaparte had found such a power as that in the French constitution, construed as it seems we are likely to construe it, he would not have failed to have seized upon it to carry out his great ambitions, against which I have never made a complaint; they have my full admiration.

Mr. GRAY. Will the Senator from Alabama permit me?

Mr. MORGAN. Certainly.

Mr. GRAY. How do the arguments that support the exclusive power of Congress to declare war independently of the President not apply also to the other power contained in the Constitution giving Congress the power to raise and support armies?

Mr. MORGAN. Even that power is very limited, showing that the framers of the Constitution, when they were considering the war powers of this Government, were very guarded. Bills of that kind to raise and support armies must originate in the House of Representatives, as I understand. That has always been conceded; but there is another restriction (and, as I mentioned a moment ago, that is very important) to show that the framers of the Constitution were putting restraints upon the hands even of the legislative power, by requiring that appropriations for the Army should be renewed once every two years. In every direction that we regard this question we find that the framers of that Constitution were extremely cautious in hedging about the war-making and war-declaring and war-executing power, so that when it fell into the hands, perhaps, of some ambitious man who wanted to perpetuate his rule he would find himself confronted with a power in the Constitution of our country which would defeat his ambitious schemes.

Following that train of thought, which evidently possessed the minds of the framers of this instrument, it seems to me that in making a declaration, if we are going to make a declaration, if we are forced at any time to make a declaration upon this subject, it ought to be in favor of the power of Congress as it is declared in the Constitution and is supported by the great men from whose writings I have had the honor to quote.

This is as far, Mr. President, as I care to go now in the statement of this question or in the argument of it. I have no doubt that it will engage the attention of Senators in this debate; but whether the question is brought up or not it is very apt to be debated, for it has been suggested on all sides and evidently is a subject of very anxious inquiry on the part of the Senate, as it should be. I will therefore leave the further discussion of this branch of the subject until the debate has progressed further and I have heard from some other Senators upon the subject.

APPENDIX A.

MANGOS DE BARAGUA.

The national council, in a meeting held on the 16th of October, 1895, resolved that the publication in book form in an edition of 500 copies of all the laws, rules, decrees, and other orders passed by it be printed after being previously approved by the council and sanctioned by its president.

JOSÉ CLEMENTE VIVANCO,
The Secretary of the Council.

CONSTITUENT ASSEMBLY, REPUBLIC OF CUBA.

I, José Clemente Vivanco, secretary of the national council and chancellor of the Republic of Cuba, certify that the representatives of the different army corps into which the army of liberation is divided, met in constituent assembly on the 13th day of September, 1895, at Jimaguayu, agreed to have a preliminary session where the character of each representative would be accredited by the respective credential of his appointment. There resulted, after the proper examination by the chairman and the secretaries, who were temporarily citizens Salvador Cisneros Betancourt and secretaries José Clemente Vivanco and Orencio Nodarse, the following distribution:

Representatives of the First Army Corps, Citizens Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, Rafael M. Portuondo, and Pedro Aguillera.

For the Second, Citizens Licentiate Rafael Manduley, Enrique Cespedes, Rafael Perez Morales, and Marcos Padilla.

For the Third, Citizens Salvador Cisneros Betancourt, Lopez Recio Loinaz, Enrique Loinaz del Castillo, and Dr. Fermmin Valdes Dominguez.

For the Fourth, Licentiate Severo Pina, Dr. Santiago Garcia Canizares, Raimundo Sanchez Valdivia, and Francisco Lopez Leiba.

For the Fifth, Dr. Pedro Pinan de Villegas, Licentiate José Clemente Vivanco, Francisco Diaz Silveria, and Orencio Nodarse.

They proceeded to the election of officers for the following session and the following appointments were made: Salvador Cisneros Betancourt, president; Rafael Manduley, vice-president; secretaries, Licentiate José Clemente Vivanco, Francisco Lopez Leiba, Licentiate Rafael M. Portuondo, and Orencio Nodarse.

The assembly having been organized as above, and in the presence of the above representatives, they proceeded to hold the sessions to discuss the constitution which is to rule the destinies of the Republic. These sessions took place on September 13, 14, 15, and 16, instant, and all the articles which were to form the said constitutional charta were discussed. Every article of the projected constitution presented to the assembly by the representatives licentiate, Rafael M. Portuondo, Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, and Pedro Aguilera, was well discussed, and, together with amendments, reforms, and additions, were also discussed by the proposers. On deliberation, in conformity with the opinion of the assembly, it was unanimously resolved to refer the said constitution, with the resolutions of the said assembly, to a committee of revision of the text, composed of the secretaries and of the representatives, Dr. Santiago Garcia Canizares and Enrique Loynaz del Castillo, who, after complying with their mission, returned the final draft of the constitution on the 16th. It was then read, and the signature of each and every representative subscribed.

The president and other members of the assembly, with due solemnity, then swore upon their honor to loyally and strictly observe the fundamental code of the Republic of Cuba, which was greeted by the spontaneous and enthusiastic acclamations of all present; in testimony of which are the minutes in the general archive of the government.

In compliance with the resolution passed by this council in a meeting held to-day, and for its publication, I issue the following copy, in the Mangos de Baragua on the 18th of October, 1895.

JOSÉ CLEMENTE VIVANCO,
Secretary of the Council.

CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF CUBA.

The revolution for the independence and creation in Cuba of a democratic Republic in its new period of war, initiated on February 24 last, solemnly declares the separation of Cuba from the Spanish Monarchy, and its constitution as a free and independent State, with its own Government and supreme authority under the name of the Republic of Cuba and confirms its existence among the political divisions of the world.

The elected representatives of the revolution, in convention assembled, acting in its name and by the delegation which for that purpose has been conferred upon them by the Cubans in arms, and previously declaring before the country the purity of their thoughts, their freedom from violence, anger, or prejudice, and inspired only by the desire of interpreting the popular voice in favor of Cuba, have now formed a compact between Cuba and the world, pledging their honor for the fulfillment of said compact in the following articles of the constitution:

ARTICLE I. The supreme powers of the Republic shall be vested in a government council composed of a president, vice-president, and four secretaries of state, for the dispatch of the business of war, of the interior, of foreign affairs, and of the treasury.

ART. II. Every secretary shall have a subsecretary of state, in order to supply any vacancies.

ART. III. The government council shall have the following powers:

1. To dictate all measures relative to the civil and political life of the revolution.

2. To impose and collect taxes, to contract public loans, to issue paper money, to invest the funds collected in the island, from whatever source, and also those which may be raised abroad by loan.

3. To arm vessels, to raise and maintain troops, to declare reprisals with respect to the enemy, and to ratify treaties.

4. To grant authority, when it is deemed convenient, to order the trial by the judicial power of the president or other members of the council, if he be accused.

5. To decide all matters, of whatsoever description, which may be brought before them by any citizen, except those judicial in character.

6. To approve the law of military organization and the ordinances of the army, which may be proposed by the general in chief.

7. To grant military commissions from that of colonel upward, previously hearing and considering the reports of the immediate superior officer and of the general in chief, and to designate the appointment of the latter and of the lieutenant-general in case of the vacancy of either.

8. To order the election of four representatives for each army corps whenever in conformity with this constitution it may be necessary to convene an assembly.

ART. IV. The Government council shall intervene in the direction of military operations only when in their judgment it shall be absolutely necessary to do so to realize high political ends.

ART. V. As a requisite for the validity of the decrees of the council, at least two-thirds of the members of the same must have taken part in the deliberations of the council, and the decrees must have been voted by the majority of those present.

ART. VI. The office of councilor is incompatible with any other of the Republic, and requires the age of 25 years.

ART. VII. The executive power is vested in the president, and, in case of disability, in the vice-president.

ART. VIII. The resolutions of the government council shall be sanctioned and promulgated by the president, who shall take all necessary steps for their execution within ten days.

ART. IX. The president may enter into treaties with the ratification of the government council.

ART. X. The president shall receive all diplomatic representatives and issue the respective commissions to the public functionaries.

ART. XI. The treaty of peace with Spain, which must necessarily have for its basis the absolute independence of the Island of Cuba, must be ratified by the government council and by an assembly of representatives convened expressly for this purpose.

ART. XII. The vice-president shall substitute the president in the case of a vacancy.

ART. XIII. In case of the vacancy in the offices of both president and vice-president on account of resignation, deposition, or death of both, or from any other cause, an assembly of representatives for the election to the vacant offices shall be convened, the senior secretaries in the meanwhile occupying the positions.

ART. XIV. The secretaries shall have voice and vote in deliberations of resolutions of whatever nature.

ART. XV. The secretaries shall have the right to appoint all the employees of their respective offices.

ART. XVI. The subsecretaries in cases of vacancy shall substitute the secretaries of state and shall then have voice and vote in the deliberations.

ART. XVII. All the armed forces of the Republic and the direction of the military operations shall be under the control of the general in chief, who shall have under his orders as second in command a lieutenant-general, who will substitute him in case of vacancy.

ART. XVIII. All public functionaries of whatever class shall aid one another in the execution of the resolutions of the government council.

ART. XIX. All Cubans are bound to serve the revolution with their persons and interests, each one according to his ability.

ART. XX. The plantations and property of whatever description belonging to foreigners are subject to the payment of taxes for the revolution while their respective governments do not recognize the rights of belligerency of Cuba.

ART. XXI. All debts and obligations contracted since the beginning of the present period of war until the promulgation of this constitution by the chiefs of the army corps, for the benefit of the revolution, shall be valid, as well as those which henceforth the government council may contract.

ART. XXII. A government council may depose any of its members for cause justifiable in the judgment of two-thirds of the councilors and shall report to the first assembly convening.

ART. XXIII. The judicial power shall act with entire independence of all the others. Its organization and regulation will be provided for by the government council.

ART. XXIV. The present constitution shall be in force in Cuba for two years from the date of its promulgation, unless the war for independence shall terminate before. After the expiration of the two years an assembly of representatives shall be convened which may modify it, and will proceed to the election of a new government council, and which will pass upon the last council. So it has been agreed upon and resolved in the name of the Republic by the constituent assembly in Jimaguayu on the 18th day of September, 1895, and in witness thereof we, the representatives delegated by the Cuban people in arms, signed the present instrument. Salvador Cisneros, president; Rafael Manduley, vice-president; Pedro Pinan de Villegas, Lope Recio, Fermin Valdes Dominguez, Francisco Diaz Silveira, Dr. Santiago Garcia, Rafael Perez, F. Lopez Leyva, Enrique Cespedes, Marcos Padilla, Raimundo Sanchez, J. D. Castillo, Mariano Sanchez, Pedro Aguilera, Rafael M. Pontuondo, Orencio Nodarse, José Clemente Vivanco, Enrique Loynaz Del Castillo, Severo Pina.

ELECTION OF GOVERNMENT.

The constituent assembly met again on the 18th of the said month and year, all the said representatives being present. They proceeded to the election of members who are to occupy the offices of the government council, the general-in-chief of the army of liberation, the lieutenant-general, and the diplomatic agent abroad. The secret voting commenced, each representative depositing his ballot in the urn placed on the chairman's table, after which the count was proceeded with, the following being the result:

President: Salvador Cisneros, 12; Bartolome Maso, 8.

Vice-president: Bartolome Maso, 12; Salvador Cisneros, 8.

Secretary of war: Carlos Roloff, 18; Lope Recio Loinaz, 1; Rafael Manduley, 1.

Secretary of the treasury; Severa Pina, 19; Rafael Manduley, 1.

Secretary of the interior: Dr. Santiago Garcia Canizares, 19; Carlos Dubois, 1.

Secretary of the foreign relations: Rafael Portuondo, 18; Armando Menocal, 1; blank, 1.

Subsecretary of war: Mario Menocal, 18; Francisco Diaz Silveira, 1; blank, 1.

Subsecretary of the treasury: Dr. Joaquin Castillo, 7; Francisco Diaz Silveira, 5; José C. Vivanco, 3; Armando Menocal, 3; Carlos Dubois, 1; blank, 1.

Subsecretary of the interior: Carlos Dubois, 13; Oreneio Nodarse, 5; Armando Menocal, 1; blank, 1.

Subsecretary of foreign relations: Fermin Valdes Dominguez, 18; Rafael Manduley, 1; blank, 1.

Therefore, the following were elected by a majority of votes:

President, Salvador Cisneros; vice-president, Bartolome Maso; secretary of war, Carlos Roloff; secretary of the treasury, Severo Pina; secretary of the interior, Dr. Santiago Garcia Canizares; secretary of foreign relations, Rafael M. Portuondo; subsecretary of war, Mario Menocal; subsecretary of the treasury, Dr. Joaquin Castillo; subsecretary of the interior, Carlos Dubois; subsecretary of foreign relations, Dr. Fermin Valdes Dominguez.

The vice-president of the assembly immediately installed the president in the office of the government council that had been conferred upon him; the latter in turn installed those of the other members elected who were present, all entering on the full exercise of their functions after previously taking the oath.

On proceeding to the election of those who were to occupy the positions of general-in-chief of the army, lieutenant-general, and diplomatic agent abroad, the following citizens were unanimously elected by the assembly for the respective places: Maj. Gen. Maximo Gomez, Maj. Gen. Antonio Maceo, and Citizen Tomas Estrada Palma, all these appointments being recognized from that moment.

LAWS FOR THE CIVIL GOVERNMENT AND ADMINISTRATION OF THE REPUBLIC.

CHAPTER I.—*Territorial Division.*

ARTICLE I. The Republic of Cuba comprises the territory occupied by the Island of Cuba from Cape San Antonio to Point Maisi and the adjacent islands and keys.

ART. II. This territory shall be divided into four portions, or States, which will be called Oriente, Camaguey, Las Villas or Cabanacan, and Occidente.

ART. III. The State of Oriente includes the territory from the Point Maisi to Port Manati and the river Jobabo in all its course.

ART. IV. The State of Camaguey includes all the territory from the boundary of Oriente to the line which starts in the north from Laguna Blanca through the Esteros to Moron, passing by Ciego de Avila, follows the military trocha to El Jucaro in the southern coast, it being understood that the towns of Moron and Ciego de Avila belong to this State.

ART. V. The State of Las Villas has for boundary on the east Camaguey, on the west the river Palmas, Palmillas, Santa Rosa, Rodas, the Hannabana River, and the Bay of Cochinos.

ART. VI. The State of Occidente is bordered on the Las Villas, extending to the west to Cape San Antonio.

ART. VII. The islands and adjacent keys will form part of the states to which they geographically belong.

ART. VIII. The State of Oriente will be divided into ten districts, which shall be as follows: Baracoa, Guantanamo, Sagua de Tanamo, Mayari, Santiago, Jiguani, Manzanillo, Bayamo, and Tunas.

Camaguey comprises two—the eastern district and the western district.

Las Villas comprises seven—Sancti-Espiritus, Trinidad, Remedios, Santa Clara, Sagua, Cienfuegos, and Colon.

That of Occidente comprises sixteen—Cardenas, Matanzas, Union, Jaruco, Guines, Santa Maria del Rosario, Guanabacoa, Habana, Santiago de las Vegas, Bejucal, San Antonio, Bahia Honda, Pina del Rio, and Mantua.

ART. IX. Each of these districts will be divided into prefectures, and these in their turn into as many subprefectures as may be considered necessary.

ART. X. For the vigilance of the coasts there will be inspectors and watchmen appointed in each state according to the extent of the coasts and the number of ports, bays, gulfs, and salt works that there may be.

ART. XI. On establishing the limits of the districts and prefectures, the direction of the coast, rivers, and other natural boundaries shall be kept in mind.

CHAPTER II.—*Of the government and its administration.*

ART. XII. The civil government, the administration, and the service of communications devolve upon the department of the interior.

ART. XIII. The secretary of the interior is the head of the department; he will appoint the employees and will remove them whenever there will be justifiable cause, and will have a department chief to aid him in the work of the department.

ART. XIV. The department chief will keep the books of the department, take care of the archives, will be the manager of the office, and will furnish certifications when requested to do so.

ART. XV. The department of the interior will compile from the data collected by the civil governors the general statistics of the Republic.

ART. XVI. The civil governor will inform the department of the interior as to the necessities of his state, will order the measures and instructions necessary for compliance with the general laws of the Republic and the orders given by that department, will distribute to the lieutenant-governors the articles of prime necessity which will be delivered to them for that purpose, will communicate to his subordinates the necessary instructions for the compilation of statistics, and will have a subsecretary who will help him in the discharge of his functions.

ART. XVII. The lieutenant-governor will see that the orders of the governors are obeyed in the district, and will have the powers incident to his position as intermediary between the civil governors and the prefects. In case of absolute breach of communication with the civil governors, they will have the same powers as the latter.

ART. XVIII. The prefect shall see that the laws and regulations communicated to him by his superior authorities are complied with. All residents and travelers are under his authority, and, being the highest official in his territory, he in his turn is bound to prevent all abuses and crimes which may be committed.

He will inform the lieutenant-governor as to the necessities of the prefecture; will divide these into as many subprefectures as he may consider necessary for the good conduct of his administration; he will watch the conduct of the subprefects; he will distribute among them with equity the articles delivered to him, and he will have all the other powers incident to him in his character of intermediary between the lieutenant-governor and the subprefects.

ART. XIX. The prefect will also have the following duties: He will harass the enemy whenever possible for him to do so; will hear the preliminary information as to crimes and misdemeanors which may be committed in his territory, passing the said information to the nearest military chief, together with the accused and all that is necessary for the better understanding of the hearing. He will not proceed thus with spies, guides, couriers, and others who are declared by our laws as traitors and considered as such, for these, on account of the difficulty of confining them or conducting them with security, shall be tried as soon as captured by a court, consisting of three persons, the most capable in his judgment in the prefecture, one acting as president and the others as members of the court. He will also appoint a prosecuting officer, and the accused may appoint some one to defend him at his pleasure.

After the court is assembled in this form, and after all the formalities are complied with, it will in private judge and give its sentence, which will be final and without appeal; but those who form the said court and who do not proceed according to our laws and to natural reason will be held responsible by the superior government. Nevertheless, if in the immediate territory there be any armed force, the accused shall be sent to it, with the facts, in order that they shall be properly tried.

The prefect will take the statistics of his prefecture, setting down every person who is found therein, noting if he is the head of a family, the number of the same, his age, his nationality and occupation, if he is a farmer, the nature of his farm, and if he has no occupation the prefect will indicate in what he should be employed. He will also keep a book of civil register, in which he will set down the births, deaths, and marriages which may occur.

He will establish in the prefecture all the factories that he can or may consider necessary in order to well provide the army, as it is the primary obligation of all employees of the Republic to do all possible so that the hides shall not be lost, and organizing in the best manner, and as quickly as may be, tanneries, factories of shoes, rope, blankets, and carpenter and blacksmith shops.

He will not permit any individual of his district to be without occupation. He will see that everyone works, having the instruments of labor at hand in proportion to the inhabitants of his territory. He will protect and raise bees, he will take care of abandoned farms, and will extend as far as possible the zones of agriculture.

As soon as the prefect learns that the secretary of the interior or any delegate of this authority is in his district he will place himself under the latter's orders. This he will also do on the arrival of armed forces, presenting himself to their chief in order to facilitate the needed supplies and to serve him in every possible manner. He will have a bugle to warn the inhabitants of the enemy's approach; he will inform the nearest armed force when his territory is invaded. He will collect all horses and other animals suitable for the war and lead them to a secure place, so that when the army may need them or they may be required by the civil authorities to whom they may appertain.

He will provide the forces that may be, or pass through his territory with whatever they may need, which may be within his power, and especially

shall he provide guides and beeves and vegetables which the chief may require to maintain the said forces. He will also deliver the articles manufactured in the shops under his immediate inspection, demanding always the proper receipts therefor.

He will also provide the necessary means for the maintenance of all the families of the territory, especially those of the soldiers of the army of liberation.

Until otherwise decreed he will celebrate civil marriages and other contracts entered into by the residents of his prefecture; he will act in cases of ordinary complaints and in the execution of powers and wills, registering the same in a clear and definite manner, and issuing to the interested parties the certificates which they may require.

ART. XX. The subprefect will see that the laws and orders communicated to him by his superior authorities are obeyed in territory under his command; he will inform the prefect as to the necessities of the subprefecture and will see to the security and order of the public; arresting and sending to the prefects those who may travel without safe-conduct, seeing that no violation of law whatsoever is perpetrated, and will demand the signed authority of the civil or military chief who has ordered a commission to be executed.

ART. XXI. The subprefect will compile a census in which the number of inhabitants of a subprefecture will be stated and their personal description; he will keep a book of the births and deaths which will occur in his territory, and of all this he will give account at the end of the year. He will invest the means provided by the prefect to pay the public charges, and if the said resources are insufficient he will collect the deficit from the inhabitants; he will not authorize the destruction of abandoned farms, whether they belong to friends or enemies of the Republic, and he will inform the prefect of the farms which are thus abandoned.

ART. XXII. For the organization and better operation of the State's manufactories a chief of factories shall be appointed in each district, who will be authorized to establish such factories which he may deem convenient, employing all citizens who, on account of their abilities, can serve, and collecting in the prefectures of his district all the instruments he can utilize in his work. These chiefs will be careful to frequently inspect the factories, to report any defects which they may notice, and to provide the superintendents with whatever they may need, that the work may not be interrupted.

Together with the prefect he will send to the department of the interior the names of the individuals he considers most adapted to open new shops, and on the first day of each month he will send to that department a statement of the objects manufactured in each shop of his district, indicating the place of manufacture, what remains on deposit, what has been delivered, with the names of commanders of forces, civil authorities, or individuals to whom they were delivered.

ART. XXIII. The coast inspectors will have under their immediate orders an inspector, who will be his secretary, who will occupy his place in his absence or sickness, and as many auxiliaries as he may deem convenient. He may demand the aid of the prefects and armed forces whenever he may consider it necessary for the better exercise of his functions. The duties of the inspectors will be to watch the coasts and prevent the landing of the enemy, to be always ready to receive disembarkments and place in safety the expeditions which may come from abroad, to establish all the salt works possible, to capture the Spanish vessels which frequent the coasts on his guard, and to attend with special care to the punctual service of communications between his coast and foreign countries.

ART. XXIV. The coast guards will acknowledge the inspector as their superior, will watch the places designated to them, and will execute the orders given.

ART. XXV. The lieutenant-governors, as well as the inspectors of whatever class, will have their residence, wherever the necessity of their office does not prohibit it, in the general headquarters, so that they can move easily, furnish the necessary aid to the army, and carry out the orders of the military chief.

Country and liberty.

OCTOBER 17, 1895.

The secretary of the interior, Dr. Santiago Garcia Canizares, being satisfied with the preceding law, I sanction it in all respects.

Let it be promulgated in the legal form.

SALVADOR CISNEROS BETANCOURT,
The President.

OCTOBER 18, 1895.

APPENDIX B.

PROCLAMATIONS OF GENERAL WEYLER.

HABANA, *February 16.*

The following is a verbatim copy of translations made of proclamations published to-day:

"Proclamation—Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general-in-chief of the army, etc., desirous of warning the honest inhabitants of Cuba and those loyal to the Spanish cause, and in conformity to the laws, does order and command:

"ARTICLE 1. All inhabitants of the District of Sancti Spiritus and the Provinces of Puerto Principe and Santiago de Cuba will have to concentrate in places which are the headquarters of a division, a brigade, a column, or a troop, and will have to be provided with documentary proof of identity within eight days of the publication of this proclamation in the municipalities.

"ART. 2. To travel in the country in the radius covered by the columns in operation, it is absolutely indispensable to have a pass from the mayor, military commandants, or chiefs of detachments. Anyone lacking this will be detained and sent to headquarters of divisions or brigades, and thence to Habana, at my disposition, by the first possible means. Even if a pass is exhibited which is suspected to be inauthentic or granted by authority to persons with known sympathy toward the rebellion, or who show favor thereto, rigorous measures will result to those responsible.

"ART. 3. All owners of commercial establishments in the country districts will vacate them, and the chiefs of columns will take such measures as the success of their operations dictates regarding such places which, while useless for the country's wealth, serve the enemy as hiding places in the woods and in the interior.

"ART. 4. All passes hitherto issued hereby become null and void.

"ART. 5. The military authorities will see to the immediate publication of this proclamation.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896.*"

MILITARY AND JUDICIAL PROCESSES.

The second proclamation is a follows:

"PROCLAMATION.

"Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general-in-chief of the army, etc.:

"In order to avoid suffering and delay other than that essential in time of war, and the summary proceedings initiated by the forces in operation, I dictate the following proclamation:

"ARTICLE 1. In accordance with the faculties conceded to me by rule 2, article 31, of the military code of justice, I assume, as general-in-chief of the army operating in this island, the judicial attributes of H. E. captain-general.

"ART. 2. In virtue of rule 2 of said article, I delegate from this date these judicial attributes to the commanders-in-chief of the first and second army corps and to the general commanding the third division—that is, in Puerto Principe.

"ART. 3. Prisoners caught in action will be subjected to the most summary trial without any other investigation except that indispensable for the objects of the trial.

"ART. 4. When the inquiry is finished, subject to consultation with the judicial authorities, the proceedings will continue during the course of operations, and in the presence of the judicial authority, with an auditor, the sentence may be carried out. When said authority is not present, the process will be remitted to him and the culpable parties detained at the locality where the division or brigade headquarters is situated.

"ART. 5. The military juridic functionary of whatever rank who accompanies in the operations the judicial authorities, when the latter thus decides, will act as auditor, dispensing with the assessors' assistance at court-martial during operations, in cases where no other member of the juridic body is at hand.

SENTENCE IN CERTAIN CASES.

"ART. 6. When the sentence is pronounced, if the sentence be deprivation of liberty, the culprit will be brought to Habana with the papers in the case, so that the testimony can be issued as to the penalty and the sentence be carried into effect.

"ART. 7. The said authorities will be acquainted with all cases initiated against the accused in war.

"ART. 8. I reserve the right of promoting and sustaining all questions of competence, with other jurisdictions, as also with the military, and to determine inhibitions in all kinds of military processes in the territory of the island.

"ART. 9. I reserve likewise the faculty of assuming an inquiry into all cases when it is deemed convenient.

"ART. 10. No sentence of death shall be effected without the acknowledgment by my authority of the testimony of the judgment, which must be sent to me immediately, except when no means of communication exists or when it is a case of insult to superiors or of military sedition, in which case sentence will be carried out and the information furnished to me afterwards.

"ART. 11. All previous proclamations or orders conflicting with this on the question of the delegation of jurisdiction in this island are hereby rendered null and void.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896.*"

The third proclamation is as follows:

"PROCLAMATION.

"Don Valeriano Weyler y Nicolau, marquis of Teneriffe, governor and captain-general of the Island of Cuba, general-in-chief of the army, etc.:

"I make known that, taking advantage of the temporary insecurity of communication between the district capitals and the rest of the provinces, notices which convey uneasiness and alarm are invented and propagated, and some persons, more daring still, have taken advantage of this to draw the deluded and the ignorant to the rebel ranks. I am determined to have the laws obeyed and to make known by special means the dispositions ruling and frequently applied during such times as the present, through which the island is now passing, and to make clear how far certain points go in adapting them to the exigencies of war and in use of the faculties conceded to me by No. 12, article 7, of the code of military justice, and by the law of public order of April 23, 1870. And I make known, order, and command that the following cases are subject to military law among others specified by the law:

"Clause 1. Those who invent or propagate by any means notices or assertions favorable to the rebellion shall be considered as being guilty of offenses against the integrity of the nation and comprised in article 223, class 6, of the military code, whenever such notices facilitate the enemy's operations.

"Clause 2. Those who destroy or damage railroad lines, telegraph or telephone wires, or apparatus connected therewith, or those who interrupt communications by opening bridges or destroying highways.

"Clause 3. Incendiaries in town or country, or those who cause damage as shown in caption 8, article 13, volume 2, of the penal code ruling in Cuba.

"AID AND COMFORT OF THE ENEMY.

"Clause 4. Those who sell, facilitate, convey, or deliver arms or ammunition to the enemy, or who supply such by any other means, or those who keep such in their power or tolerate or deal in such through the customs and employees of customs, who fail to confiscate such importations, will be held responsible.

"Clause 5. Telegraphists who divulge telegrams referring to the war, or who send them to persons who should not be cognizant of them.

"Clause 6. Those who through the press or otherwise revile the prestige of Spain, her army, the volunteers or firemen, or any other force that cooperates with the army.

"Clause 7. Those who by the same means endeavor to extol the enemy.

"Clause 8. Those who supply the enemy with horses, cattle, or any other war resources.

"Clause 9. Those who act as spies; and to these the utmost rigor of the law will be applied.

"Clause 10. Those who serve as guides, unless surrendering at once and showing the proof of force majeure, and giving the troops evidence at once of loyalty.

"Clause 11. Those who adulterate army food or conspire to alter the prices of provisions.

"Clause 12. Those who by means of explosives commit the offenses referred to in the law of June 10, 1894, made to extend to this island by the royal order of October 17, 1895, seeing that these offenses affect the public peace, and the law of April 23, 1870, grants me power to leave to the civil authorities the proceedings in such cases as are comprised in captions 4 and 5, and treatise 3 of volume 2 of the common penal code, when the culprits are not military or when the importance of the offense renders such action advisable.

"Clause 13. Those who by messenger pigeons, fireworks, or other signals communicate news to the enemy.

"Clause 14. The offenses enumerated, when the law prescribes the death penalty or life imprisonment, will be dealt with most summarily.

"Clause 15. All other proclamations and orders previously issued in conflict with this are annulled by this.

"VALERIANO WEYLER.

"HABANA, *February 16, 1896.*"

APPENDIX C.

[Senate Executive Document No. 79, Forty-fifth Congress, second session.]

Message from the President of the United States, communicating in answer to a Senate resolution of April 29, 1878, information respecting the terms and conditions under which the surrender of the Cuban insurgents has been made, and in relation to the future policy of Spain in the government of the Island of Cuba.

May 14, 1878.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 29th ultimo, I transmit herewith a report from the Secretary of State, with its accompanying papers.

R. B. HAYES.

WASHINGTON, *May 14, 1878.*

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DEPARTMENT OF STATE, *Washington, May 14, 1878.*

The Secretary of State, to whom was referred the resolution of the Senate of the 29th ultimo, requesting the President "to communicate to the Senate, if not incompatible with the public interests, such information as the Government has received respecting the terms and conditions under which the surrender of the Cuban insurgents has been made, together with such other information in his possession respecting the future policy of Spain in the government of the Island of Cuba," has the honor to lay before the President the papers specified in the subjoined list, which contain the information called for by the resolution.

WM. M. EVARTS.

To the PRESIDENT.

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LIST OF PAPERS.

Correspondence with the Spanish legation.

No. 1. General Jovellar to Mr. Mantilla. [Telegram.] Habana, February 16, 1878.
No. 2. Mr. Mantilla to Mr. Evarts. Washington, March 23, 1878. (Extracts.)
No. 3. The same to the same. Washington, March 23, 1878.
No. 4. The same to the same. Washington, April 3, 1878. (Extracts.)
No. 5. Mr. Seward to Mr. Mantilla. Washington, April 10, 1878.

Correspondence with the consulate-general at Habana.

No. 6. Mr. Hall to Mr. Seward. (No. 663.) Habana, February 16, 1878.
No. 7. The same to the same. (No. 664.) Habana, February 23, 1878.
No. 8. Mr. Seward to Mr. Hall. Washington, February 26, 1878.
No. 9. Mr. Hall to Mr. Seward. (No. 666.) Habana, March 2, 1878.
No. 10. The same to the same. (No. 667.) Habana, March 2, 1878.
No. 11. The same to the same. (No. 668.) Habana, March 5, 1878.
No. 12. Mr. Seward to Mr. Hall. Washington, March 12, 1878.

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No. 1.

General Jovellar to Mr. Mantilla.—Handed to Mr. Evarts by Mr. Mantilla February 16, 1878.

[Translation.]

HABANA, *February 16.*

(SPANISH) MINISTER, *Washington:*

His excellency has suspended the operations of the campaign in consequence of agreements between the general-in-chief and the central junta of the insurgents, which, it is very probable, will give peace as the final result.

JOVELLAR.

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No. 2.

Mr. Mantilla to Mr. Evarts.

WASHINGTON, *March 23, 1878.* (Received March 23.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, has the honor to acknowledge the receipt of the note of the honorable the Secretary of State of the United States, of the 21st instant, referring to the pacification of the Island of Cuba.

* * * * * * * *

The undersigned is collecting data and information necessary to answering the aforesaid note, which he will be able to do in a very few days. * * * In a few days the undersigned will have the honor to send a note to the Hon. Mr. Evarts, acquainting him more fully with the situation in Cuba, and answering his of March 21st, and in the meanwhile he avails himself of this occasion to renew him the assurance of his very high consideration.

ANTONIO MANTILLA.

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No. 3.

Mr. Mantilla to Mr. Evarts.

[Translation.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 23, 1878. (Received March 25, 1878.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, in compliance with the desire to be accurately informed as to the present real condition of the Island of Cuba, which was expressed to him by the honorable Secretary of State of the United States, during their conference of Thursday, the 21st instant, takes pleasure in communicating the official information which he has received in relation to the latest phase and speedy termination of the civil contest in that island.

Without investigating the origin of the unjustifiable and useless Cuban insurrection, or enumerating the various causes, both internal and external, which have occasioned its duration for a longer time than it could have lasted under normal circumstances in Spain, or drawing a comparison between the ever conciliatory policy of the Spanish Government and the until lately uncompromising one of the misguided sons of the mother country, which task he thinks he could easily and triumphantly perform to the satisfaction of his countrymen and the enlightenment of foreigners, but which would require more time than he now has at his disposal, the undersigned will confine himself to a brief sketch of the most remarkable circumstances that gave rise to the latest events.

The insurrection having been broken by various causes, both internal and external, with its most active forces reduced by the action of time and the vicissitudes of the struggle to elements which were for the most part foreign, with no connection with each other, and having no direct interest in the future of the island, and having been conquered by the policy of energy in the field of battle, of generosity toward the misguided insurgents, and of clemency toward the vanquished, which was so happily inaugurated by Generals Jovellar and Martinez Campos, the present governor and captain-general of the island, and the general in chief of its army; the insurrection, I say, was in a visible state of decadence when, in October last, several of the most prominent Cuban leaders surrendered unconditionally to the Spanish authorities, and spontaneously undertook the task of bringing over to their pacific plans, the few leaders of Cuban origin who still remained in the ranks of the insurgents.

Having been taken and tried by court-martial, by order of the general-in-chief of the Cuban forces, some of these leaders paid for their patriotic efforts at pacification with their lives; but, almost at the same time, the shadows of a legislative chamber and of a government of the imaginary Republic of Cuba, which never had any form or real life, nor any foothold in any city, village, or hamlet, and which for some time had been wandering through the thickest forests of the most inaccessible portion of the extensive and thinly peopled region of Camaguey, were at last overtaken and surprised by small bodies of Spanish troops, the chamber, in its mountain encampment, and the head of the government while leaving that encampment on a political errand.

The result was the dispersion of the so-called chamber (house) of representatives, the death of its presiding officer, Don Eduardo Machado Gomez, and some of its members; that of the secretary of war, Lieutenant-Colonel La Rua, and the capture of the president of the so-called republic, Don Tomas Estrada, who was not tried by any court, but sent to Spain by the Government. The treatment received by Mr. Estrada from the time of his arrival at the Spanish headquarters, the consideration shown him during his brief stay in the Morro Castle at Habana by the captain-general of the island, and complaints made by him against his political friends and partisans, not only on account of their abandonment of him, but also of the accusations of disloyalty which had been made by them against him, form the subject of the last part of a letter written by him to one of them residing in New York, which was published on the 15th of December in the Cuban newspapers of that city. That portion which is the most interesting of this long letter will be found in Appendix A.

Speaking of the aspect then presented by the insurrection in Cuba, one of its organs in New York, La Independencia, in its number for October 27, 1877, after referring to the latest news received from Cuba as grave and highly important, sought to make it appear less significant, expressing itself thus:

"The news to which we refer is by no means improbable. We know what has happened in Cuba during the past year, and this news does not surprise us, it being in our opinion the finale of a great crisis which has been coming on in the insurgent camp since the Citizen Tomas Estrada Palma became President of our Republic, who, according to the Spanish dispatch which we publish elsewhere, has been taken prisoner by a detachment of Spanish troops near Holguin, together with the secretary and several members of the legislative chamber.

"Suffice it to say that according to all the private information that we have received during the past two months it seems to be indubitable that President Estrada and the chamber had been deposed by the liberating army, and that they had consequently ceased to perform their official functions. * * * The vitality of the Cuban insurrection does not depend and never has depended upon the Government or the chamber; it depends exclusively upon the liberating army. * * * The organization of the liberating army is such that a brigade, a regiment, a battalion, a company, or a party of 25 men can operate independently against the enemy in any department, without requiring any instructions save those of their immediate military officers, because their purpose is but one and that is known by heart, as well by the general as the soldier, by the negro as well as the white man or the Chinese, viz, to make war on the enemy at all times, in all places, and by all means; with the gun, the machete,* and the firebrand. In order to do this, which is the duty of every Cuban soldier, the direction of a government or legislative chamber is not needed; the order of a subaltern officer, serving under the general in chief, is sufficient. Thus it is that the Government and chamber have in reality been a superfluous luxury for the revolution."

What an admirable organization was this of the Cuban army, divided up into parties of 25, the majority of them being negroes and Chinese, according to the organ of the insurgents. What wretched military tactics, according to which the use of the machete and the firebrand was allowable. What consideration and respect appear to have been shown to the executive and legislative branches of the Republic of Cuba by the general-in-chief, who is represented as having deposed those branches and having proclaimed himself dictator. The article in which a full statement of this is made is given entire in Appendix B, that it may be placed on file in the Department of State, since it is too late to submit it to the consideration and examination of those who favor the recognition of the belligerency or independence of Cuba.

This article is full of the passion and exaggeration of the inflammable spirit of the Cuban emigrants who, in the secure asylum of this country, and abusing the generous hospitality of the United States, have for many years been lending aid and comfort to the Cuban insurrection, advocating the extermination of the Spaniards, and upholding the use of the murderous machete and of the torch of the incendiary as the principal means of securing the independence of the island, to which task they are still ardently devoting their efforts, although the contest has been abandoned by those whom these emigrants, without incurring any risk themselves, would have wished to see convert the splendid and rich soil of Cuba into a vast pile of ruins and ashes; but there is a great deal of truth in the description of the character lately presented by the insurrection, and in the description of the insurgent bands, which could no longer be called Cuban, and in the assertion that for such bands and such purposes the chamber and the government were a superfluous luxury.

This being the view taken by the few but still influential Cubans who remained in Camaguey, the center of the insurrectionary movement, and who were fighting for independence, not for the ruin of the island, having more confidence in the well-tried generosity of Spain than in the fatal counsels of the emigrants in this country, in January last they made proposals of peace to the general in chief, seeking to obtain a suspension of hostilities in the territorial zone in which the Cuban chamber and government then were, the former being composed of only six members, the latter having been dissolved by the capture of President Estrada, and the general opinion of the people and of the armed force being expressed in favor of the termination of the struggle, only very few dissenting, the majority cooperating in the work of peace, and all intrusting the powers of the Republic to a revolutionary committee, which was instructed to make proposals of peace to the general-in-chief. By the middle of February a capitulation was reached, the preliminaries of which are not yet known to the undersigned, but whose terms were published in an extra issued by the Habana Gazette, the original of which is transmitted in Appendix C.

The arrangement made with the central committee having been made applicable to all the departments of the island, some of the principal leaders of the insurrection, among them the most prominent of all, Maximo Gomez, put themselves in communication with the other insurgent leaders, with a view of persuading them to put an end to the contest and to capitulate; and the revolutionary committee, which had assumed all the powers of the insurrection, commissioned Brig. Gen. Gabriel Gonzales to inform, verbally, representatives in New York of the dissolved government "of the events that had just taken place in the territory of the Republic."

*For a good definition of this word, see late editions of Webster's Dictionary.

Meanwhile the scattered bands of insurgents in Camaguey having been collected, on the 28th of February, which was the day appointed for the surrender, defiled in Puerto Principe before the general in chief of the Spanish army, amid the most enthusiastic acclamations, and on the day following, March 1, the undersigned received at New York the following telegram from the captain-general of Cuba:

"HABANA, *March 1, 1878.*

"*To the Minister of Spain:*

"Yesterday all the bands in the department of Principe, to the number of about 1,000 men, with an equal number of women and children, surrendered, together with the central committee; also those of Sancti Spiritus and La Trocha, estimated at 800. Other surrenders are expected in a few days. The general in chief leaves Principe for the Oriental department, in order to accelerate matters.

"JOVELLAR."

On the same day that the formerly rebel forces of Camaguey surrendered Brigadier-General Gonzales arrived in New York, having been deputed by the revolutionary committee of that territory (at the head of whom was the ex-president of the legislative chamber, formerly provisional president of the Republic and the author of some of its most severe decrees, especially of the one against Cubans who should listen to proposals of peace not based upon the recognition of the independence of Cuba) to notify the representatives of the dissolved government of the events that had taken place in the territory of the ex-republic, which representatives, notwithstanding the recent public manifestations of some of them against the probability of the reported surrender of the insurgents without a recognition of Cuban independence, yielding to the irresistible force of facts, recognized as no longer doubtful the dissolution of the Cuban chamber and government, and hastened to declare that "they no longer exercised the functions confided to them by said Government."

The document in which this declaration was contained was sent on the evening of the 1st to the newspapers of New York, and was printed in full in the New York Herald of the 2d, and published on the 9th in the Cuban revolutionary organ called La Independencia, in the form shown by the printed slip in Appendix D.

Since that time all the newspapers in the United States have been full of telegraphic news concerning surrenders in Cuba of more or less numerous parties under more or less prominent leaders, concerning hopes of speedy and absolute peace, concerning the feelings of fraternity and forgetfulness of the past now prevailing among those who were yesterday fighting on hostile fields, of which hopes and feelings the consul of the United States at Habana became the organ in a communication of the 5th to the Department of State, an extract from which was published in the Washington papers, and concerning the indignation with which the capitulating Cuban leaders and the sympathizers in Cuba with the cause defended by them regarded the warlike declarations of the uncompromising revolutionists in New York, and the purpose which was publicly expressed by them to organize fresh expeditions to prevent the complete pacification of the island; but the governor, captain-general of Cuba, who acts in everything, especially in matters of so grave a nature as the one in question, with as much sincerity as circumspection, addressed to the undersigned, in that relatively long space of time, the following telegram only:

"HABANA, *March 19, 1878.*

"*To the Minister of Spain at Washington:*

"Yesterday ended the surrender of the insurgent forces of the Villas, whose territory is now entirely free. Those who surrendered were Major-General Roloff, Brigadier-General Maestre, 3 colonels, 55 officers, 404 private soldiers, and about 100 women and children.

"The bands in Bayamo, Manzanillo, and Tiguani had already surrendered on the 8th, with Modesto Diaz, so that the country is completely pacified as far as Holguin.

"JOVELLAR."

As is seen by the foregoing telegram, and as may be verified by consulting a map of Cuba, the pacification of the island is far advanced, but it is not yet complete and definite. Nevertheless, the civil and military authorities of Spain, reciprocating the good faith with which the capitulators of Camaguey fulfilled the terms of their capitulation on the day after they had defiled in Puerto Principe before the general in chief of the army, that is to say, the 1st day of March, in strict fulfillment of article 1 of said capitulation, issued a decree of the same date, which was published in the Habana Gazette of the 3d, and which the honorable Secretary of State will find in Appendix E. By this decree it is provided that the Island of Cuba shall be represented in the Cortes of the Kingdom at their next session; that its government and local administration shall be modeled according to the municipal and provincial laws of the peninsula as they are in force in Puerto Rico, and that the Government of His Majesty shall be requested to introduce in the Island of Cuba, in the manner prescribed in article 89 of the constitution of the Monarchy, the other laws which have been, or which may hereafter be, promulgated in the peninsula. In virtue of article 1 of the aforesaid decree, the undersigned thinks that, according to the census of its population, Cuba will be entitled to at least 20 deputies in the Cortes, in addition to the senators chosen by the people according to the electoral law, and to those whom it already has of its own right or by virtue of royal appointment.

In the decree in question the phrase is to be noted with which its preamble begins: "The war being now near its end" (not a regular war in the sense in which it is defined by international law, but an intestine struggle, civil contest, or armed rebellion, which, in the military parlance of the Spanish language is commonly called war); which phrase shows that said military authorities do not consider the contest to be entirely at an end, although its termination is very near. The first sentence in the second paragraph of the same preamble is also noteworthy, in which it is declared that, had it not been for this contest, "Cuba would long since have enjoyed, according to the constitution of the State, the advantages which must necessarily accrue to her from a possible assimilation to the peninsula," which shows that the prevailing sentiment in Spain is in favor of treating Cuba as Puerto Rico has been treated; that is to say, like a Spanish province, although she could not grant to rebellious subjects what they demand with arms in their hands, namely, absolute independence, during a time of trial for the mother country, nor even what she was always ready to grant them voluntarily, and what she has now granted, at a time of greater prosperity for herself, to them, now that they have repented and sued for peace, which is an act of generosity and a guaranty of reconciliation.

A decree of the general in chief of the army of operations in the Island of Cuba was also inserted in the Habana Gazette of the 3d.

This was issued at Puerto Principe on the 10th of March, and will be found in Appendix F. It guarantees the freedom which was offered in article 3 of the capitulation of all slaves who were in the ranks of the insurgents on the 10th day of February, and who have surrendered or who shall surrender before the 31st day of the current month of March.

Articles 5, 6, 7, and 8 of the capitulation have been fulfilled already, or are now in course of fulfillment, toward all who are willing to take advantage of their benefits. Article 4 requires no immediate action, and article 2 has always constituted the distinguishing trait of the Spanish policy in Cuba. Forgetfulness of the past, pardon of political crimes, release of property embargoed for the same cause, mitigation of the effects of these embargoes as regards the innocent members of the families of those whose property has been embargoed, and even the furnishing of means of subsistence to repentant rebels—all this has been frequently offered or granted by the Government and authorities of Spain from the time of the decree of amnesty, issued on the 12th of January, 1869, by the governor, captain-general of the island, Don Domingo Dulce, who was sent by the revolutionary government of 1868 to establish in Cuba the same liberties and franchises that were enjoyed by the peninsula, until the royal decree of October 27, 1877, by which the unimproved public lands, certain forests belonging to the State, and town lands not used are ordered to be divided among various classes, viz:

First. Licentiates and volunteers, who have been mobilized or who have taken part in a battle.

Second. Inhabitants of the towns of the island who have remained loyal to the Government and who have suffered considerable losses of property in consequence of the war.

Third. Persons who have voluntarily surrendered to the authorities and forces of the Government.

The reproduction and analysis of all these general acts, and many other private ones of pardon, clemency, and generosity, would render this note interminable, which had no other object, as remarked at the beginning, than to satisfy the desire of the honorable Secretary of State to become accurately acquainted with the present situation of Cuba, but which the undersigned, in his wish to correct false impressions which have been circulated by the conspirators against Spain in this country, has thought proper to extend sufficiently to indicate succinctly the policy of Spain in Cuba and the causes that have given rise to the recent events. Although the Government of Spain does not recognize the right of any foreign power to interfere in the internal affairs of that country, it values too highly the opinion of the sensible people of the United States and the friendship of its Government for its representative at Washington to neglect an opportunity like the one now offered to present in their true aspect the acts, intentions, and constant policy of Spain in her relations with the Island of Cuba.

If it were necessary, or the Honorable Secretary of State should desire it, the undersigned would amplify and prove by means of trustworthy documents the assertions which he has just made, and he proposes shortly to show that the only obstacle that can now retard, not absolutely prevent, the complete pacification of Cuba is the war cry and the false promises of immediate aid which are once more sent from New York by the Cuban conspirators, who urge in public meetings the continuation of the struggle which is now so near its end. And it is a remarkable fact that in this struggle, by a sad fatality for the liberators of Cuba, a fatality which would not escape, and which has not escaped, the observation of the American people and the perspicacity of its enlightened press, foreigners have been its principal leaders—those who have most zealously maintained it, and who have most distinguished themselves in it. Jordan and Reeve, Americans; Maximo Gomez and Modesto Diaz, Dominicans; Roloff, a Pole; Caoba and Maceo, the one an African and the other a semi-African; Prado, the captor of the Moctezuma, a Peruvian; and finally, not to mention any more names, Gonzales, a Mexican, who was deputed by the revolutionary committee of Camaguey to announce the dissolution of the legislative chamber and of the Government of the Republic to its representatives in the United States. Even the diplomatic commissioner of Cuba abroad, Echerarria, who less than a month ago proclaimed throughout the length and breadth of this great country, by a circular telegram from the Washington agency of the Associated Press, that the news of the submission of the greater part of the insurgent leaders was false, and that they would accept no terms not based upon the recognition of Cuban independence—even that diplomatic agent, whom the honorable Committee on Foreign Relations of the House of Representatives of the United States, having charge of Cuban affairs, received and listened to with interest in the belief that he was a son of Cuba, is no Cuban at all, but a Venezuelan.

If an insurrection composed of such antagonistic elements as the Latin, African, Mongolian, and Anglo-Saxon races, led on by officers of all known nationalities, could have triumphed, the confusion of tongues at the Tower of Babel, and the memorable catastrophe which took place in the formerly French portion of the island of Santo Domingo, would have been cast into the shade by the spectacle which victorious, free, and Africanized Cuba would have presented to the civilized world.

The undersigned avails himself of this occasion to renew to the Honorable William M. Evarts the assurances of his most distinguished consideration.

ANTONIO MANTILLA.

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No. 4.

Mr. Mantilla to Mr. Evarts.

LEGACION DE ESPAÑA EN WASHINGTON,
Washington, April 3, 1878.

* * * * * * *

On the preceding day the undersigned received a telegram from the governor-general of Cuba to the effect that, after much hesitation, Vicente Garcia has refused to make a capitulation. Besides him, as the governor-general observes, there are remaining in resistance to the Government in Cuba only Maceo, in the neighborhood of Las Tunas, and Mayary. In the department of Las Villas, the central, and in part of the oriental there is the most complete tranquility.

The uniform tendency of the semiofficial telegrams from Habana, published in the journals of New York on the 28th ultimo, is to confirm the news that the local disturbances in the eastern and central portions of the island, which have so persistently and unhappily afflicted Cuba during the past ten years, have subsided and that good order is generally reappearing.

This is substantially the same condition of affairs that was exhibited by the undersigned in his note of March 23 to the Department of State in compliance with the invitation verbally expressed by the Honorable Mr. Evarts on the 21st.

The inconvenience and peril of this imperfect condition of internal administration in the eastern portion of the Island of Cuba would be really unimportant to Spain or to the authorities of that island were it not for the relation which such isolated disorder bears to a busy nest of Cuban, Central American, and South American conspirators in the city of New York. As is well known to the distinguished Secretary of State, the three prominent agents of the so-called Republic of Cuba in that city (MM. Aldama, Echeverria, and Sanguili) abandoned their illegal functions when the officials in Cuba of that (so-called) "Republic" recently threw aside their absurd pretensions to constitute a government, and confessed that no such government existed. The city of New York has been, since 1869, the real fountain and arsenal of the insurrection in Cuba. Its newspapers were there. Its leading generals were there, and are yet there. There was its financial and military base of operations. Resistance to the constituted authority of Spain in Cuba was kept alive in the eastern part of that island from 1869 to 1878 chiefly by representations that the powerful Government of the United States would in the end, and very soon, come to the aid of the revolt, as against Spain. By various devices, bonds of the so-called "Republic of Cuba," payable whenever that island attained her independence of Spain, were sold in the United States (in

violation of public law, because not bought as a bona fide investment of money), and the sums received therefor used in the city of New York to support the revolt in that city, and also to fit out military enterprises from the shores of the United States against Cuba. The large Cuban immigration in Florida and in New York, chiefly occupied in the manufacture of leaf tobacco for various uses, was coerced or deluded for many years into contributing a portion of its slender earnings to keep alive the Cuban revolt until the United States saw fit to come to its rescue, either by belligerent recognition or in some other way. The pressure of what is known as the "hard times" in the United States (and which has been so generally felt all over Europe) has thrown a great many of these frightened or deluded Cubans out of employment altogether, or has made it impossible for them to have any surplus earnings left after paying their necessary expenses. These and other causes left the conspirators in New York without funds with which to manufacture what was called a "public opinion" in the United States, or to send military enterprises to Cuba; and therefore, of necessity, the revolt in the eastern and central portions of the island straightway began to expire.

* * * * * * *

There are in the United States, and particularly in New York, both Cubans and Americans who seek for their own selfish purposes to reconstitute the insurrection in New York and fill the places vacated by Aldama, Echeverria, and Sanguili. There are Cuban journals printed in New York in the Spanish language, which even now persist in proclaiming the necessity of continual resistance in Cuba, of assailing the authority of Spain in that island, and in urging the importance of sending, as soon as possible, military succor to the roving bands of discontented negroes, Chinese, escaped Cuban criminals, and deserters from the army of Spain, who wander about, or in the mountains of the extreme oriental part of the island. Public meetings are held in New York with the same object. These Cuban newspapers and these public meetings organize committees to receive subscriptions of money. They ask the former agents in New York of the so-called Republic of Cuba to surrender to them the funds and other property * * * of the so-called Republic which may be in their possession. They publicly solicit the assistance of certain South American Governments. What very many, and indeed a great part, of these conspirators are doing in New York is in palpable violation of the neutrality laws of the United States; but the undersigned has not thus far deemed it necessary to formally invite the attention of the President of the United States to these acts, because the undersigned has believed that these acts would be harmless in their character.

* * * * * * *

The Department of State may be assured that the undersigned will cause to be transmitted, for the information of the President, the first official news which is received that the Cuban insurrection is at an end in the eastern part of the Island of Cuba and the city of New York.

The Secretary of State must have observed how promptly and liberally Spain offered pardon and immunity to her erring Cuban subjects on the first intimation of a desire or willingness on their part to throw down their rude arms and submit to the authority of their legitimate and friendly King, like all other Spanish subjects. During these many years Spain has held the same attitude of pardon and forgiveness, if her misguided subjects in Cuba, under the control of wicked and selfish leaders in the United States, would cease resistance and obey the laws of Spain, as Puerto Rico obeys them, but their leaders in New York would not permit such surrender, and the unhappy revolt has therefore continued until very recently, with no benefit to anyone.

The President of the United States may be assured that Spain stands ready to-day to promote the most liberal measures of amnesty to all those who in good faith abandon armed resistance to her authority. Certainly the United States almost as much as Spain herself must desire to see the island again pursuing the paths of good order, contentment, prosperity, and happiness. Cuba is an ancient possession of Spain, and Spain will vindicate the rightfulness and beneficence of that possession. Cuba lies at the doors of the United States. Her products imported into the United States pay a proportion of the customs revenue of this powerful Republic of the West, which too few people understand or appreciate. It is to be hoped that, with a revival of good order and industry in that prolific and beautiful island, the commercial relations between her, as a province of Spain represented in the Spanish cortes at Madrid, and the United States may be drawn closer and closer, to the mutual and abiding interest of Americans and Cubans. To promote this peaceful object is a work to which the undersigned is constantly reminded by his sovereign that he must dedicate his best efforts.

The undersigned avails himself of this occasion to renew to the Hon. William M. Evarts the assurances of his most distinguished consideration.

ANTONIO MANTILLA.

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No. 5.

Mr. Seward to Mr. Mantilla.

DEPARTMENT OF STATE, *Washington, April 10, 1878.*

SIR: I have the honor to acknowledge the receipt of your note of the 23d ultimo, regarding the present political condition of the Island of Cuba, and to observe, at the same time, that the statements made by you will be attentively read and carefully considered.

Accept, sir, a renewed assurance of my distinguished consideration.

F. W. SEWARD, *Acting Secretary.*

Señor Don ANTONIO MANTILLA, *etc., etc., etc.*

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No. 6.

Mr. Hall to Mr. Seward.

No. 663.] UNITED STATES CONSULATE-GENERAL,
Habana, February 16, 1878.

SIR: For a month, at least, previous to the recent festivities which were ordered to take place in the island in honor of the marriage of the King of Spain, it was currently reported that during the festivities peace with the Cuban insurgents would be announced. These reports were not of an official character, and were not generally credited, although it is well known that for a long time Gen. Martinez Campos has been making great efforts to bring about some arrangement with the insurgents whereby they might be induced to lay down their arms.

On the 13th instant there were received from the interior of the island numerous printed supplements, containing what purport to be and are beyond a doubt the bases agreed upon between Gen. Martinez Campos and the so-called "Central Junta of Camaguey" for a treaty of peace, the same having been communicated by Martinez Campos by telegraph to General Figueroa, commanding the Villas department, and by the latter transmitted to the several military commanders of Trinidad, Cienfuegos, Remedios, Sagua, and Colon, in each of which places the terms were published and circulated. It caused some surprise that they were not, as is alleged, communicated to Habana, and here published in the usual official form in the Gaceta, the versions which have since appeared in the Habana papers having been taken from those of the interior.

On the 14th instant, however, the Diario published a telegram from its correspondent at headquarters, as follows:

"Peace in the island is a fact about to be realized. Maximo Gomez, president of the Cuban Republic, the chamber, and government, in accord with the Camagueyan forces, are at work to establish peace," etc.

This telegram, confirming to a certain extent the news of the previous day, set at rest many doubts which had existed as to the authenticity of the statements from the interior. It caused some surprise and many comments that it should contain a recognition of the "Cuban Republic, chambers, and government," hitherto styled bandits, incendiaries, etc.

The terms of the proposed peace are worthy of note. Article 1 provides that the Island of Cuba shall have the same concessions enjoyed by the Island of Puerto Rico. With the exception that the latter sends representatives to the Spanish Cortes, it is generally understood that the two islands have the same form of government and administration.

Article 2 is considered ambiguous, and doubts are expressed in reference to it, whether it might not be construed to prevent the return of those who are absent from the island, but who are not undergoing penalties, as also whether it will embrace the unconditional restoration of embargoed and confiscated property.

Article 3 will beyond doubt prove very unsatisfactory to planters and slave owners.

On the evening of the 14th General Jovellar, accompanied by General Figueroa and other officials, left for Puerto Principe. It is well understood that his departure has reference to pending negotiations with the insurgents.

I further transmit an article from the Diario, of the 14th, which I doubt not will be found of interest.

I have the honor to be, very respectfully, your obedient servant,

HENRY C. HALL.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

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Inclosures.

1. Proposed bases of peace negotiations with the Cuban insurgents.
2. Translation of above.
3. Copy of telegram published in the Diario of February 14, 1878.
4-5. Article and translation from the Diario of the above date.

[Inclosure No. 2 with dispatch No. 663.]

HABANA, *February 16, 1878.*

[Translation.]

MILITARY COMMANDANCY OF COLON.

His excellency the commandant-general of the Villas, by telegram of this date from Trinidad, states the following:

I have this moment received from his excellency the general-in-chief the following telegram:

"ZANJON, *February 10, 1878.*

"I have accorded with the central junta of the Camaguey, which has substituted government and chambers for making peace, the following basis:

"ARTICLE 1. Concession to the Island of Cuba the same political privileges, organic and administrative, enjoyed by the Island of Puerto Rico.

"ART. 2. Oblivion of the past, as regards political offenses committed since the year 1868 up to the present, and the liberty of those under trial or who are fulfilling sentences within or outside of the island. A general pardon to the deserters from the Spanish army, without distinction of nativity; this clause to be extended to all those who have taken any part, directly or indirectly, in the revolutionary movement.

"ART. 3. Freedom to the slaves and Asiatic colonists now in the insurrectionary ranks.

"ART. 4. No person who, in virtue of this capitulation, recognizes and remains within the authority of the Spanish Government shall be compelled to render any service of war, so long as peace is not established in all the territory.

ART. 5. Every person who desires to leave the island shall be at liberty to do so, and he shall be furnished by the Spanish Government with the means therefor, without entering a town, if he should so desire it.

ART. 6. The capitulation of each force shall take place outside the towns, where the arms, implements of war, shall be laid down.

ART. 7. The general-in-chief of the Spanish army, in order to facilitate the means for uniting the other departments (in this convention) shall make free all the means of communication, by sea and land, that he can dispose of.

ART. 8. The agreement made with the central junta shall be considered as general, and without special restrictions, for all the departments of the island which accept these propositions.

I make it known to your excellency, for the information of yourself and of the troops under your command, with the understanding that operations shall be suspended, the troops being restricted to acting upon the defensive and to escorting convoys.

In the event of any of our forces falling in with the enemy they will make known to him these bases without firing upon him.

Your excellency will also order that experienced guides shall go out immediately with these instructions and make them known to the chiefs of the opposing forces, until the commissioners of the central junta for that purpose, who have this jurisdiction, shall arrive.

By order of his excellency the general-in-chief.

The chief of staff.

PRENDERGAST.

Which I have the satisfaction of communicating to your highness for information and order that it may be published by the newspapers of that locality by means of extras or other means which the zeal of your highness may suggest, in order that such an important event may become known to the inhabitants of that jurisdiction, and remitting printed copies also to the chiefs of columns in operations for its greater publicity.

FIGUEROA.

All of which I have the satisfaction to make public for the general information of the loyal inhabitants of this jurisdiction.

COLON, *11th February, 1878.*

JUAN DOMINGO,
Colonel, Military Commandant.

[Inclosure No. 3 with dispatch No. 663.]

HABANA, *February 16, 1878.*

[Translation.]

[From the Diario de la Marina of 14th February, 1877.]

We have just received the following telegram from the correspondent of the press, at headquarters, which says more than we could say in commenting upon it:

"SANTA CRUZ, *February 12.*

"*Director del Diario, de la Marina, Habana:*

"The peace of the island is now a fact about to be realized. The president of the Cuban Republic, Maximo Gomez, chamber and government in accord with the force of the Camaguey, are at work to realize peace. Also, in the Villas and Oriental departments. For those two departments commissions of important chiefs have left with that object. Hostilities suspended in all the island.

"FLORES."

[Inclosure No. 5 with dispatch No. 663.]

HABANA, *February 16, 1878.*

[Translation.]

[From the Diario de la Marina of 14th February, 1878.]

WAR AND PEACE.

The present situation of the island is about to undergo a change. Generals Martinez Campos and Jovellar, who contributed so efficiently to the pacification of the peninsula, in all probability (and which we hope may soon become a palpable reality) will have at last been able to break the hundred heads of the hydra of the war which has caused so much desolation; the one with his indefatigable activity, with his conciliatory character, patience, and constancy, the other with his tact for command, with his determination to reenforce the action of the former in providing him, as far as was humanly possible, with all the resources he needed; with his well-known tolerance, his affability, his sound judgment, he having, by mere force of his skill, been able to quiet excited spirits (for there are wars no less prejudicial than those of battlefields), and in maintaining complete tranquillity among the populations of all the cities.

To the Government of His Majesty, which, having reposed its confidence in these illustrious men, and having permitted them to act without placing any obstacle in their progress, as it would have done if it had pretended, in the great crisis through which they have passed, to direct absolutely the issues, will have had no insignificant part in the great result which we trust before long to see announced officially. At times, in governing but little, more governing is accomplished, for the reason that all the details can not be appreciated from a great distance.

The two purposes which both generals undertook to carry out were to quiet excitement, time having demonstrated that it creates rather than removes difficulties, and in vain can it be expected that the passions can accomplish what exclusively pertains to reason and judgment: the other to subjugate the enemy, not altogether by violence and the shedding of blood, but with benignity combined with energy, with the proper distribution of troops, reestablishing discipline in all its rigor wherein it might be suspected of having relaxed, were difficult, very difficult undertakings, although there are some views which do not cause the same effect when near as when seen at a distance, while the most admirable works of art are not appreciated so much when just created as after a lapse of time and the mind can judge of them dispassionately without the preventions of sympathy or antipathy caused by the envy or emulation of contemporary artists.

This is what our judgment, the result of a long series of observation, tells us, because we have always preferred above all things to be eminently practical.

The glory from these happy results which we definitely look for, as our estimable colleague, the Vos de Cuba, in its well-reasoned article, says, pertains in a great measure to Generals Jovellar and Martinez Campos, for among all the services that can be rendered to a country the greatest of all is that of restoring it to peace; because war is the cause of every calamity which can sadden and afflict a people.

The poet Aristophanes has represented war under the figure of a gigantic monster, armed with a pestle and mortar in which he pulverizes not only cities but their inhabitants. A French author calls war "the sister of death and the law of the robbers," and in all centuries it has been the horror of nations. Nations need peace, because they can live only by labor and industry, and there is no heart so insensible as not to be horrified by its desolations, by the sinister lights of its conflagrations, and its blood and carnage.

Peace is the symbol of order, and without order all is confusion; without peace it is impossible that public interests be developed, nor can any measure for increasing the public wealth be carried out. War absorbs everything; it consumes the very elements that nurture it.

What would be the flourishing condition of Cuba if the immense sums that have been spent in sustaining the strife which for more than nine years has disturbed us, without excluding what it has cost the enemy, however limited his resources, if those sums had been invested in works of public utility and in the development of our industries? What would be the aspect of Habana and of the principal cities of the island?

When wars have for their object the removal of obstacles to the prosperity of a decaying country, or for bettering the condition of the needy classes, if over them weighs the iron arm of indigence, they have an honest pretext; but when that impulse controls, the works which represent the labor of centuries are not destroyed.

Only ambition, the negation of every generous impulse, and the most abominable cruelty would influence the minds of those who would not rejoice before the proximity of peace.

And it is a proof of what we say that Turkey, which has given ostensible proofs of heroism in the war of the Titans she has sustained, prefers the humiliation of defeat to the continuation of a series of disasters which in the end could be no other than the complete destruction of all her territory and the loss of life and of her political existence in the concert of nations.

Welcome, then, peace above all, and with peace the greatest difficulties can be overcome tranquilly.

Those whom Divine Providence has selected as the instruments of His omnipotent will to restore to us that great blessing merit well of the country and the pure and disinterested love of all the good.

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No. 7.

Mr. Hall to Mr. Seward.

No. 664.] UNITED STATES CONSULATE-GENERAL,
Habana, February 23, 1878.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

SIR: With my dispatch No. 663, of the 16th instant, I transmitted a copy and translation of the proposed basis of negotiations for peace between Spain and the Cuban insurgents. I stated therein that these terms had not then been published officially in the Habana papers. On the 19th instant, however, the same were published in a supplement of the Gaceta, and again on the 20th in the paper itself, as per copy and translation herewith. The authenticity of the document being fully established, I thought proper to advise the Department by the cable, as follows:

"HABANA, *February 19, 1878.*

"*Secretary of State, Washington:*

"The bases of negotiation for peace and surrender of insurgent forces are published here to-day officially. There appears no doubt whatever that peace will be realized.

"HALL."

I am further informed by the consul at Santiago de Cuba that Maximo Gomez and the two other insurgent chiefs had arrived at that place on the 16th instant en route for the insurgent camps in that department with the purpose of inducing the forces still in arms to accept the proposed bases. There is but little doubt that they will be successful and that ere long peace will be fully established.

In my dispatch No. 663 I had occasion to refer to the dissatisfaction created among planters and slave owners by the third article of the proposed bases; it was asserted that General Jovellar's departure for Puerto Principe was with special reference to that article; the members of the casino, it was said also, were to have an extraordinary meeting with the view of expressing their opinions, which were understood to be in opposition to the proposed terms, and especially to the third article of the bases. But whatever may have been their original intention, the result of the meeting was the transmission of congratulatory telegrams to Spain and to Gen. Martinez Campos, and a general manifestation of hearty approval of all his efforts in obtaining a termination so satisfactory of existing difficulties.

In connection with the foregoing, I beg to invite your attention to an article under the head of "La Paz," published in the Voz de Cuba of the 19th instant, in which it is claimed that the surrender of the insurgents is the result of their own motion, and not of any proposal emanated from Gen. Martinez Campos. The article referred to makes some comparisons which are also worthy of attention, although quite out of place. I regret that I am not able to furnish a full translation by this mail.

It is also known that, by the steamer leaving to-day for New York, an authorized agent of the central committee of the Cuban Government has taken passage for the purpose of conferring with the Cuban junta in the United States.

I have the honor to be, sir, very respectfully, your obedient servant,
HENRY C. HALL, *Consul-General.*

[Inclosure No. 1 with dispatch No. 664.]

HABANA, *February 23, 1878.*

GACETA EXTRAORDINARIA.

TUESDAY, *February 19, 1878.*

General Government of the Island of Cuba:

For the information and satisfaction of the public there are published the following bases conceded by his excellency the general-in-chief in accord with this Government for the capitulation of the forces of the insurrection still in arms. These bases are a sure guaranty of an immediate peace, as glorious for the illustrious general who has had the direction of the war, for the army, as honorable and generous for the capitulating forces, and necessary, above all, for the country, which by favor of these terms will be able after long years of perturbation to reach the termination of its extraordinary sacrifices and to dedicate anew the whole of its productive forces to the development of its paralyzed prosperity.

BASES.

ARTICLE 1. Concession to the Island of Cuba the same political privileges, organic and administrative, enjoyed by the Island of Puerto Rico.

ART. 2. Oblivion of the past as regards political offenses committed since the year 1868 up to the present, and the liberty of those under trial or who are fulfilling sentences within or outside the island. A general pardon to the deserters from the Spanish army, without distinction of nativity. This clause to be extended to all those who have taken any part, directly or indirectly, in the revolutionary movement.

ART. 3. Freedom to the slaves and Asiatic colonists now in the insurrectionary ranks.

ART. 4. No person who in virtue of this capitulation recognizes and remains within the authority of the Spanish Government shall be compelled to render any service of war, so long as peace is not established in all the territory.

ART. 5. Every person who desires to leave the island shall be at liberty to do so, and he shall be furnished by the Spanish Government with the means therefor, without entering a town, if he should so desire it.

ART. 6. The capitulation of each force shall take place outside the towns, where the arms, implements of war, shall be laid down.

ART. 7. The general-in-chief of the Spanish army, in order to facilitate the means for uniting the other departments (in this convention), shall make free all the means of communication by sea and land that he can dispose of.

ART. 8. The agreement made with the central junta shall be considered as general and without special restrictions for all the departments of the island which accept these propositions.

JOVELLAR.

HABANA, *19th February, 1878.*

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No. 8.

Mr. Seward to Mr. Hall.

No. 440.] DEPARTMENT OF STATE, *Washington, February 26, 1878.*

SIR: I have to inform you of the receipt of your telegram of the 19th instant, of which the following is a copy: "Secretary of State, Washington: The bases of negotiations for peace and surrender of insurgent forces are published to-day officially. There appears no doubt whatever that peace will be realized. Hall."

I am, sir, your obedient servant,
F. W. SEWARD, *Assistant Secretary.*

To HENRY C. HALL, Esq.,
Consul-General of the United States, Habana, Cuba.

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No. 9.

Mr. Hall to Mr. Seward.

No. 666.] UNITED STATES CONSULATE-GENERAL,
Habana, March 2, 1878.

SIR: With reference to my dispatches Nos. 663 and 664, of the 16th and 23d ultimo, I now transmit copies and translations of several official reports of the surrender of portions of the Cuban insurgent forces at Puerto Principe, Sancti Spiritus, La Trocha, and other places in the central department of the island. From these statements it appears that on the 28th ultimo the Cuban insurgent forces of the Camaguey district, or a part of them, surrendered at Puerto Principe to Gen. Martinez Campos; their number is not given in the telegram, but I have been informed by General Jovellar that about 1,000 men, with the central committee or junta (comprising about all that remains to represent the late Cuban Government), passed in review and were disbanded. On the 1st instant, yesterday, other bodies of the insurgents to the number of 800 men surrendered at the Trocha and in Sancti Spiritus. Some of the forces scattered through the Villas department, it is said, are being collected prior to a final surrender and disbandment. It would seem, therefore, that the forces of the Villas and central departments, comprising the half or more of the late insurrectionary district, have accepted the terms of reconciliation, and that in those departments, at least, the insurrection has virtually terminated. There still remain the forces of the oriental department, which have not yet been heard from, but it is not probable that these forces will hold out after the surrender of the main body, and in fact of the very nucleus of the insurrection. I respectfully call your attention to the important decrees published in the Gaceta Oficial of this date, and of which I will forward translations in my next. The first of these decrees declares that the Island of Cuba shall have representation in the Spanish Cortes on the same conditions as those existing in Puerto Rico. It provides also for the establishment of the same provincial and municipal laws now ruling in Spain and in Puerto Rico. The second decree, which is in conformity with article third of the bases of capitulation of the insurgent forces, provides for the freedom of the slaves who

were in the insurrection on the 10th February ultimo and who shall present themselves in any form to the authorities or to the troops of the Government before the 31st instant.

I have, etc., HENRY C. HALL, *Consul-General.*

[Inclosure.—Translation.]

[From the Voz de Cuba of 2d March, 1878.]

INTERESTING NEWS.

Our readers will have seen in the morning edition the telegram dated 28th February, sent us by the correspondent of the press in campaign from Puerto Principe. The late hour in which we received it gave us time only to insert it, and we omitted our comments in order that our subscribers might receive in time the grateful news it contained. When our number was already in press we received from the general Government, for publication, the following telegram, confirming officially all that an active correspondent had sent us:

CAPTAINCY-GENERAL OF THE EVER-FAITHFUL ISLE OF CUBA STAFF.

His excellency the general-in-chief of the army in operations, in a telegram dated Puerto Principe, 3 p. m. to-day, says to his excellency the captain-general the following:

"At 2 p. m. of to-day the surrender of the Cuban forces and arms at this jurisdiction has commenced. Published by order of H. E. for general information. Habana, 28th February, 1878.

"The brigadier chief of staff: PEDRO DE CUENCA."

The capitulation has been carried out on the day announced in the Camaguey and in the Trocha; and peace, in those two vast departments, is a reality. As can be inferred from the telegraphic dispatch of our correspondent, more than a thousand persons, 400 of them armed, have presented themselves in the Camaguey, and in the official dispatch it is said that at their head were the chiefs and deputies. We do not know the number of the forces which have laid down their arms in the camp "Ojo de Agua," but it is to be presumed that the number is, in all, about the same as that of the forces of the Camaguey. The following from the dispatch of our correspondent, "The chiefs who have not surrendered embark for foreign ports to-day," indicate, in our judgment, that there may have been some chief who has not yet accepted the bases and has not wished to remain in the island; whichever way it may be, his departure, which will have taken place at this hour, puts an end to all further interior dissidence. In regard to the Oriental department, it is to be expected that we will soon receive news of the capitulation of the forces therein, as by this time conferences will have taken place between their chief and the commissioners ad hoc to conclude it. The pacification of all the island will soon, therefore, be a consummated reality, as it already is in the Central and the Villas departments. May God grant that, with peace, Cuba may enter upon a new era of prosperity and happiness.

TELEGRAMS RECEIVED AT THE CAPTAINCY-GENERAL.

SANCTI SPIRITUS, *1st March, 1878.*

To-day the forces of Jimenez and Sanchez, numbering 425 men, 71 women, and 30 children, have surrendered their arms at Ojo de Agua, near this place. To-day or to-morrow Lieutenant-Colonel Arias should arrive with the object of surrendering at once, and of which I will report to your excellency. The forces of the Remedios, at the orders of Carrillo, are collecting at Ciego Potrero, and will surrender on the 5th. The forces of José Gomez should surrender to-day at the Trocha, according to the order of Jimenez.

SANTA CLARA, *1st March.*

To the Chief of the Battalion of Leon at Cumanayagua:

More than 400 men, with 6 chiefs, among them Pancho Jimenez and Serafin Sanchez, laid down their arms yesterday afternoon at Ojo de Agua.

HOLGUIN, *1st March.*

Colonel Dominguez returned to-day, having collected those arrived at Guabajanuy, of all which he has reported. He brought 57 men, besides 22 others armed, 22 women, and 35 minors.

No. 10.

Mr. Hall to Mr. Seward.

No. 667.] UNITED STATES CONSULATE-GENERAL,
Habana, March 2, 1878.

SIR: Referring to my No. 666, I have the honor to transmit herewith copies and translations of two important decrees which appear in the Gaceta of to-day.

The first of these decrees provides for the representation of Cuba in the next Cortes of Spain, upon the same conditions which are now applied to the Island of Puerto Rico; it also provides for the extension to Cuba of the municipal and provincial law of the 2d of October, 1877, now in force in Spain and in Puerto Rico.

The second decree or edict, issued by General Martinez Campos, declares that all the slaves, of both sexes, found in the insurrection on the 10th February ultimo, and who shall present themselves to the civil or military authorities of the Government before the 31st day of March, 1878, shall be free and provided with vicinage certificates to that effect.

It provides also for indemnity, in due time, to those owners who have remained loyal to the Government during the insurrection.

I am, sir, very respectfully, your obedient servant,
HENRY C. HALL, *Consul-General.*

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

[Inclosure No. 1 with dispatch No. 667.]

HABANA, *March 2, 1878.*

[From the Gaceta de la Habana of March 2, 1878.]

GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

The war, which for a period of more than nine years has demanded the preferent attention, subordinating to its vital interest every thought and every measure of the Government, being near its termination and peace being happily inaugurated upon conditions of concord in the future, the opportune moment has arrived, at last for carrying out known purposes, which, on account of perturbations, have been postponed, and consequently to introduce into the present organic political and administrative system of the island all those reforms which without prejudice to the unity and prerogatives of the central authority may facilitate, by means of the action of popular corporations disencumbered, within the circle of loyalty, the complete development of municipal and of provincial organization.

A long time ago, but for the war, in consonance with the provisions in the constitution of the State, Cuba would have enjoyed the advantages which, necessarily, assimilation as far as possible with the peninsula would have given her; and, aside from certain reforms of social character, which are by circumstances subject to special laws and to definitive solutions of profound study in everything relating to representation in the Cortes, the island would have been in a situation analogous to Puerto Rico.

The only opposing obstacle being removed, it becomes natural and logical to recognize the administration in the sense referred to, and to invite to the participation of public life, in behalf of the country, all the constitutive elements of the new institutions.

In accord, therefore, with his excellency the general-in-chief, and authorized by the Government of His Majesty the King, I issue the following:

DECREE.

ARTICLE 1. Commencing with the next coming legislature, the Island of Cuba shall have its representation in the Cortes of the Kingdom upon the same terms with Puerto Rico and in accordance with its population.

ART. 2. The provincial and municipal laws of the peninsula of October 2, 1877, published in the Gaceta de Madrid of the 4th of the same month and year, shall also be adopted in its government and administration in the manner now in force in Puerto Rico.

ART. 3. The Government of His Majesty will be solicited to apply to this island in succession, with the modifications it may deem expedient and in virtue of the provisions of article 89 of the constitution of the monarchy, other laws already promulgated or which may be promulgated for the peninsula.

JOAQUIN JOVELLAR.
ARSÉNIO MARTINEZ CAMPOS.

HABANA, *March 1, 1878.*

[Inclosure No. 2 with dispatch No. 667.]

[Translation.]

[From the Gaceta de la Habana, of March 2, 1878.]

ARMY OF OPERATIONS OF THE ISLAND OF CUBA.

The insurgents of the central department and of the commandancy-general of the Trocha having laid down their arms, and in expectation that their example will be followed soon by the others in the island:

The day, therefore, of the long wished for peace being near, and desiring to signalize the happy event by a new proof of the firm purpose which animates the Government of His Majesty to continue in the road of progress long since undertaken, avoiding at the same time possible derangements of social order and of measures adopted in the period of the war:

Having in view the sentiment which inspired the present law of the gradual emancipation of slavery in this Antilla;

Considering, besides, that the majority of those slaves who, for any cause, are to-day in the insurrection, have not figured in the census made in 1870 for classifying their legal status, or otherwise, that may have belonged to owners who, in taking an active or indirect part in the Cuban revolution, declared, in fact or by their own will, the freedom of their slaves; and, on the other hand, taking into consideration their condition, that at that time they had no civil or political responsibility; and finally recognizing the right of those owners who have maintained complete fidelity to the national cause to indemnification by the State, in sacrificing to other expediencies their legitimate property;

Authorized by the Government of His Majesty the King, and in accord with his excellency the governor-general of the island, I issue the following

EDICT:

ARTICLE 1. All slaves of both sexes that may have been found in the insurrection on the 10th day of February shall remain free if they present themselves in any form to the legitimate authorities or troops of the Government before the 31st day of the present month of March.

ART. 2. The legitimate owners of those freedmen who have taken any part or have aided in any way, that can be proven, the insurrection, shall have no right to any indemnification in the premises.

ART. 3. The lawful owners of the said freedmen who are not comprised in the preceding article shall be indemnified in due time in conformity with what is ordered in the law of gradual emancipation.

ART. 4. The local authorities shall issue certificates of vicinage as free citizens to those slaves who present themselves and are found to be comprised in article 1, giving a detailed and direct account to the respective commandancies-general, which will act in concert with the local juntas of freedmen in regard to their new status.

Puerto Principe, 1st March, 1878.

ASENIO MARTINEZ CAMPOS.
JOAQUIN JOVELLAR.

No. 11.

Mr. Hall to Mr. Seward.

No. 668.] UNITED STATES CONSULATE GENERAL,
Habana, March 5, 1878.

SIR: With reference to my dispatches No. 664, of the 23d ultimo, and No. 666, of the 2d instant, relating to the surrender of Cuban insurgents, I beg to transmit herewith an article from the Diario of this date, containing about all of interest that has transpired since forwarding my last-mentioned dispatch. The reports received thus far are very meager; it would seem, however, that up to the present two thousand and upward of the insurgents have laid down their arms. There still remain to be accounted for the several forces in the eastern department and in the department of the Villas, whose numbers are variously estimated at from two to four thousand. There is no doubt, I imagine, that these bodies will soon give in their adhesion, and with it the insurrection of Yara, which has existed over nine years, may be said to have ended. The terms given the insurgents are considered honorable to them as well as to Spain. It is noticeable also that the rancors and animosities which existed between Cubans and Spaniards during the first years of the war have to a great extent disappeared. The time is, therefore, propitious for the voluntary introduction of the long-promised reforms in the government of the island.

I have, etc., HENRY C. HALL, *Consul-General.*

[Inclosure.—Translation.]

[From the Diario de la Marina of March 5, 1878.]

NEW ADHESIONS TO THE CAPITULATION.

We have said that the war is virtually terminated, by reason of the resignation of the authorities from whom emanated the powers of all those who had command of the forces of the revolution, or discharged special commissions in Cuba or abroad; even in the event that the latter might not be convinced of the sterility of their efforts in sustaining the ideas they entertained, they could not do otherwise than to follow the example of the most prominent men of the Cuban forces, although they might not agree to exchange their status for another which carried with it a loss of personal prestige; authority can not exist when it has lost the nucleus which sustains it. We are not surprised, therefore, at the news we have received that Aldama, Echevarria, and others who held official positions in New York had decided to resign when they were informed of what had occurred in Cuba by the emissaries of the central Cuban committee, appointed for the purpose of making peace.

We have given an account to our readers of the surrender of their arms by the Cuban forces in the jurisdiction of Sancti Spiritus, in consonance with what had been done previously by the division of the central department; the same will also be carried out on the 6th by scattered forces in the territories of Sagua, Santa Clara, Cienfuegos, and Colon, which, by order of their

chief, Maestre, are to unite on that day at a point previously fixed upon near Paso Real. The information we have by correspondence from Santo Domingo just received, and which besides confirms other news of the same nature communicated to a person whom we consider well informed. In the said letter it is stated also that at the time the order was given to the subaltern chiefs, in command of squads, to commence the movement of concentration, they were also instructed to suspend hostilities, and that the news of peace becoming circulated in the ranks, there were many who manifested joy at the prospect of soon returning to their families and of rest from fatigues and privations. On the other hand, the commandant-general of those forces, a person of great influence among his subordinates, is animated by the same conciliatory spirit of which the capitulated chiefs have given proofs, so that with these antecedents it can be assured that the mission of the envoys sent by the central Cuban committee to confer with the commanders beyond the Trocha will meet the success that was to be expected.

As we informed our readers at the time, one of the chiefs who most merited this confidence is the renowned Marcos Garcia, who, according to a letter received a few days ago from Santa Clara, has manifested the greatest zeal and interest in behalf of peace, having omitted neither means nor effort in obtaining an interview with Maestre, and it is not to be doubted that he will follow the example of his other companions on the designated day, so near to hand. It is truly providential that the Cuban chiefs who have most distinguished themselves in the war happily terminated should be the ones who, with the greatest enthusiasm, have embraced the idea of peace, and the ones who have most efficiently contributed to the realization of a pacification of the island; for which important service they merit the general approbation of the country. To these adhesions we are able to add another important one which we copy from the Periguero de Holguin of the 28th February, as follows: "We know that Modesto Diaz has accepted the bases of the peace, and is now in Manzanillo, where he has embraced his countryman, the Brigadier Francisco Heredia, chief of the second brigade of the commandancy-general of Bayamo and Manzanillo."

No. 12.

Mr. Seward to Mr. Hall.

No. 448.] DEPARTMENT OF STATE, *Washington, March 12, 1878.*

SIR: I have to acknowledge the receipt of your dispatches Nos. 666 and 667, both bearing date of the 2d instant, and to state that the substance of the two decrees of the Spanish authorities accompanying the latter dispatch, issued on the occasion of the termination of the Cuban insurrection, has been communicated to the press.

I am, sir, your obedient servant, F. W. SEWARD,
Assistant Secretary.

To HENRY C. HALL, Esq.,
Consul-General of the United States, Habana, Cuba.

Mr. GRAY. Mr. President, I do not intend by anything that I may say unduly to prolong the debate upon the resolution that has been reported from the Committee on Foreign Relations. I recognize the importance of the action of that committee, and have no disposition to belittle the questions which have been raised. But, with due respect to the honorable Senator from Alabama [Mr. MORGAN], there are many of the matters treated of by him in his interesting speech for the last two days which, in my opinion, have no relevancy to that resolution and to the propriety of its passage by the Senate.

The President of the United States in his message sent to Congress at the opening of its present session brought the matter of Cuba and its condition and our relations to it and to those conditions prominently before the people of the country and before the Senate of the United States. We could not avoid taking notice of a matter thus brought to our attention, even if there had been less of public notoriety concerning all that affects the people of that interesting island, so closely connected with us geographically, commercially, and socially. The President in his message said:

Cuba is again gravely disturbed. An insurrection, in some respects more active than the last preceding revolt, which continued from 1868 to 1878, now exists in a large part of the eastern interior of the island, menacing even some populations on the coast. Besides deranging the commercial exchanges of the island, of which our country takes the predominant share, this flagrant condition of hostilities, by arousing sentimental sympathy and inciting adventurous support among our people, has entailed earnest effort on the part of this Government to enforce obedience to our neutrality laws and to prevent the territory of the United States from being abused as a vantage ground from which to aid those in arms against Spanish sovereignty.

And further on the President says:

Though neither the warmth of our people's sympathy with the Cuban insurgents, nor our loss and material damage consequent upon the futile endeavors thus far made to restore peace and order, nor any shock our humane sensibilities may have received from the cruelties which appear to especially characterize this sanguinary and fiercely conducted war, have in the least shaken the determination of the Government to honestly fulfill every international obligation, yet it is to be earnestly hoped, on every ground, that the devastation of armed conflict may speedily be stayed and order and quiet restored to the distracted island, bringing in their train the activity and thrift of peaceful pursuits.

Mr. President, that part of the message and that monition from the Chief Executive of the United States is only one and the last in a long train of similar statements made during this century, and especially during the last half of it, by Presidents of the United States to Congress, calling attention to the exceptional condition of the Island of Cuba, the importance of our relations to it, and the disturbed and unhappy state in which the people of that island existed under the rule of His Catholic Majesty the Sovereign of Spain.

The attitude of this Government has been one of long-continued constraint and forbearance toward the Government of Spain and toward the troublesome conditions that have grown out of the policies of that Government in the control of that unfortunate island. Every obligation imposed upon the United States by the law of nations has been scrupulously observed. Every aid that could be given by our strictly maintained attitude of noninterference has been given in order that peace and quiet and order and the reign of law might be restored to that wretched people. I do not regret that that has been the attitude of my country. But, nevertheless, while I commend it. while I take pride in the history of the United States in regard to the observance of neutral obligations, while I rejoice that this country has pursued a path, upon which it started at the beginning, of peace and of amity with all the world, yet, Mr. President, we are not to forget nor can we ignore that the relations of the people of this country, as well as the Government of this country, to the people of Cuba and to their Government are exceptional.

They are exceptional by reason of the proximity of that seagirt island to our own coast. They are exceptional by reason of our large and intimate commercial intercourse, and by reason of the numerous social ties that have sprung up in all these years between a people so situated and our own. We can not close our ears or our eyes, if we would, to what is going on with a neighbor so near as that, nor can we steel our hearts or stifle our sympathies when we hear the sad stories of the sufferings of that people which they have been undergoing for these many, many years under the control of the Government of Spain.

Mr. President, I understand that a government must go somewhat slower than the people would have them go sometimes. I understand that those who have the responsibilities of government must exercise a check upon the outbursts of sympathy or of passion or of interest that will ofttimes excite a whole people, and that the duty of preserving our relations with those countries with whom we are at peace and in relations of amity must at all times be observed. But in regard to this unfortunate island we must not forget that our history is a peculiar one; that our interests are peculiar and exceptional; and even in this high place or in the executive branch we can not ignore those peculiar conditions out of which a large part of this popular sympathy springs.

Indeed, Mr. President, we have but to look back very cursorily over our diplomatic history to find that that sympathy has not been confined in all these years to popular meetings or to the press of the country, but that it has found diplomatic expression, and executive expression, and expression in the Halls of Congress time and time again. We have preserved all the time our neutral obligations. We have not thought it inconsistent with those obligations that we should know what was going on in the domain of this our near neighbor, affecting so intimately the peace, good order, and interests of the citizens of our own country. We have but to recollect that in almost the last message, and I believe it was the last message, that President Grant sent to Congress in 1875 he called attention to the then condition of Cuba in the throes of the revolution that was then devastating that poor island, and he told the Congress of that day—

It is understood also that renewed efforts are being made to introduce reforms in the internal administration of the island.

Showing how nearly their affairs concern from necessity the people and the Government of the United States.

Persuaded, however, that a proper regard for the interests of the United States and of its citizens entitle it to relief from the strain to which it has been subjected by the difficulties of the questions and the wrongs and losses which arise from the contest in Cuba, and that the interests of humanity itself demand the cessation of the strife before the whole island shall be laid waste and larger sacrifices of life be made, I shall feel it my duty, should my hopes of a satisfactory adjustment and of the early restoration of peace and the removal of future causes of complaint be unhappily disappointed, to make a further communication to Congress at some period not far remote, and during the present session, recommending what may then seem to me to be necessary.

Thereby demonstrating what in his view was the peculiar and exceptional relation of this Government and this country to the Island of Cuba and to its condition under the Government of Spain.

Not only so, Mr. President, but we find by reviewing our diplomatic history that it has never been thought inconsistent with the character and genius of American institutions or of American citizenship to express sympathy for those who were struggling to maintain, preserve, or achieve the right of self-government which we so happily by a revolution had won for ourselves. Even the conservative, sedate, self-contained Washington did not find himself constrained from expressing sympathy for a struggling republic, for when addressing a note to the agent of revolutionary France he used this remarkable language:

Born, sir—

Said Washington while he was President—

in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country, my anxious recollections, my sympathetic feelings, and my best wishes are irresistibly excited whensoever, in any country, I see an oppressed nation unfurl the banners of freedom.

That was Washington, Mr. President, and surely no citizen of the United States, where he has just cause to express his sympathy for struggling patriotism anywhere on the face of God's green earth, need refrain from giving expression to that feeling after such an example as that.

Now, there was a very notable episode in our diplomatic history growing out of the struggle of Hungary for freedom more than

forty years ago. The then President of the United States, General Taylor, sent an agent by the name of Mann to Hungary with instructions that he should carefully consider the condition of the conflict then raging; that he should examine all the evidence that bore upon the probability of the success of the patriotic cause, and should, if he considered the time and occasion to be ripe, execute a treaty of amity and peace and commerce with the nation then expected to be born into the family of nations. That struggle unfortunately ended in the overthrow and suppression of the gallant attempt of those sons of Hungary to establish their independence.

But the Austrian Government took umbrage at some expressions that were used in the message of the President, or in the published correspondence of the State Department in regard to that struggle, and gravely remonstrated with the Government of the United States, finding fault in a tone that was taken exception to, and to which reply was made by Mr. Webster when he came in as Secretary of State under Mr. Fillmore. It is a long dispatch to Mr. Hülsemann, and known as the Hülsemann correspondence, Mr. Hülsemann being the minister accredited by the Austrian Emperor to the Government at Washington. Mr. Webster says, in speaking of that revolution:

> They possess—

That is, the Hungarians—

> They possess, in a distinct language, and in other respects, important elements of a separate nationality, which the Anglo-Saxon race in this country did not possess; and if the United States wish success to countries contending for popular constitutions and national independence, it is only because they regard such constitutions and such national independence not as imaginary but as real blessings. They claim no right, however, to take part in the struggles of foreign powers in order to promote these ends. It is only in defense of his own Government, and its principles and character, that the undersigned has now expressed himself on this subject. But when the United States behold the people of foreign countries without any such interference spontaneously moving toward the adoption of institutions like their own, it surely can not be expected of them to remain wholly indifferent spectators.

Mr. President, I read those passages from our diplomatic history for this purpose. The resolution reported from the Committee on Foreign Relations of the Senate does undertake to express sympathy with the struggling patriots in the Island of Cuba. Much more, the resolution submitted as a substitute, Mr. President, by yourself on yesterday [Mr. WHITE in the chair] and now printed and lying upon our desks, gives utterance in emphatic language to that sympathy. That feeling can not be repressed; it can not be and ought not to be stifled, and as I have shown you, sir, from so great an authority as Mr. Webster, when Secretary of State, there is nothing in the expression of such sympathy which is inconsistent with the neutral obligations which the United States undertakes to perform to the letter toward all the powers with whom she is at peace. You can not expect that this island—I was going to say little island, but island of magnificent proportions, right within stone's throw of our Southern borders—inhabited by a people with whom we are so closely connected, should not claim and receive from us the sympathy and interest and that active manifestation of interest to which its sufferings entitle it.

Mr. President, we might as well be ashamed to own our own mothers as to attempt to deny or conceal the origin of our own free institutions. They sprung from revolution; they were achieved by our fathers with arms in their hands, and from that day to this there never has been the suggestion that the flag of freedom had been unfurled anywhere that the hearts of the American people did not go out in sympathy and encouragement to the people struggling to uphold it. Therefore it is becoming in us, and entirely within all the proprieties which should govern a great nation like this, which, I admit, should in its foreign relations and in the conduct of its diplomatic intercourse be moderate, self-respecting, and self-restrained—that we should give expression, dignified and proper expression, to the sympathy of the American people for the struggling patriots who are now upholding the cause of self-government in that fair island on our southern borders.

No one has a right, no nation has a right, to call us to account for such expression. If we recognize the fact of belligerency, it is not a casus belli; it does not mean war. No question of the power of Congress to declare war is involved in the consideration of these resolutions. Spain within three months after the breaking out of our civil war acknowledged the belligerency of the Confederate States. We have never been at war with Spain in all our history, and we have always, as all our diplomatic intercourse shows, entertained toward her none but feelings of national amity and peace, and which I trust will continue.

Mr. MORGAN. And we recognized the belligerency and sovereignty of the South American States.

Mr. GRAY. As the Senator from Alabama says, not only did Spain recognize the belligerency of the Southern States without interfering with the peaceable relations between the two countries, but we recognized in 1822 the independency of all the colonies which were struggling to free themselves from Spanish rule and Spanish control; and yet never was it suggested, so far as I know, at least seriously suggested, in any quarter or on either side of the Atlantic, that that recognition was a casus belli or gave Spain any just cause to hold the United States Government to account therefor.

Mr. Everett, when he was Secretary of State for a little while after Mr. Webster's death, had occasion to refer, as every Secretary of State since in our history, it seems to me, has had occasion to refer, to the troubled condition, the unnatural condition, of that island, its unhappy people, and the burdens of misgovernment under which they were living. Mr. Everett in 1852, in discussing as Secretary of State with our minister to Spain our relations to Cuba, says, among other things:

> Spain, meantime, has retained of her extensive dominions in this hemisphere but the two islands of Cuba and Puerto Rico. A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty transatlantic empire. The President desires to do so; no word or deed of his will ever question her title or shake her possession. But can it be expected to last very long? Can it resist this mighty current in the fortunes of the world? Is it desirable that it should be so? Can it be for the interest of Spain to cling to a possession that can only be maintained by a garrison of twenty-five or thirty thousand troops, a powerful naval force, and an annual expenditure for both arms of the service of at least $12,000,000?

Mr. President, the question asked by Mr. Everett forty years ago is still asked to-day, How long can this unnatural condition last? How long are we to listen to the cries of outraged humanity that every southern breeze wafts across the straits that separate Cuba from Florida? Are we, as I said awhile ago, to close our ears to those cries? Are we to forget our own revolutionary lineage and trample upon our own history by closing our hearts and refusing our sympathies to a people who are resisting a Government far more oppressive than that which drove our fathers to arms?

Mr. President, it can not last forever. You may, as the great Latin poet said in another connection, throw nature out with a pitchfork, but she will reenter and reassert herself when opportunity is given for that self-assertion. You can not stifle human feeling, you can not repress human sympathy.

What, then, is the duty of Congress? What, then, is the duty of the Executive of this country? Bear in mind this history of ours in relation to these islands. With almost every President of the United States, at some time during his incumbency, referring to our peculiar relations to Cuba, and calling the attention of Congress to the necessity of considering the exceptional condition of things existing between us and that island, with a war recently waged for ten years, and then, with an interval of so-called peace, breaking out again, how can we refrain from giving expression to American feelings upon this subject in the Halls of this Congress?

The attitude and position of a country in the family of nations is not unlike that of a well-conducted and law-abiding citizen of a law-governed country. He may for a long time endure that his next-door neighbor should make his habitation miserable and uncomfortable by reason of his disorders and by reason of his lawlessness. For a long time will he continue to endure rather than give expression to that intolerance of wrong conditions, which it is natural he should feel, but such conditions can not go on forever, and if law itself does not apply the remedy, then that law-abiding citizen is entitled to suppress the nuisance which makes his own life unsafe, uncomfortable, and unendurable.

Mr. President, Spain governs this island, 3,000 miles away from her shores. It is a segregated portion of the earth's surface. It has all the geographical and physical features going to support a separate nationality or a separate State. Its territory is bounded by the ocean. It is there separated by this long waste of water from the parent and governing country. It is true that this fact does not of itself give our Government the right to interfere with the lawful title of Spain to her colony, yet it does contribute to increase the difficulty of the situation.

Spain ought to recognize the fact that she can only maintain her rule and possession by so governing that island that its people shall be at peace and reasonably contented with the government which she gives them. It can not be that she can forever maintain, by the rude hand of her soldiery, that control which ought to come from the willing consent of happy and contented subjects. It is an unnatural condition which can not last, and I believe will not last much longer. Unless the governing country of Spain finds it to her advantage, and finds it consistent with her sense of honorable obligation to a colony, to give it such government as shall produce those advantages to which every people on on the face of God's green earth are entitled of right, and that is to pursue their own happiness and their own well-being, governed by equal laws and by a just ruler, Cuba will seek and obtain these blessings free and independent of Spanish control.

I do not propose, so far as I am concerned, to invade any title or right which Spain has to Cuba; I do not propose to question the lawful authority of that Government over her colony; but as the neighbor of those people that she attempts to govern and fails to govern, I have a right to protest that she must either so govern them that peace and ordinary prosperity shall come to that peo-

ple or that she shall cease to govern them at all. [Manifestations of applause in the galleries.]

Mr. President, it will not be forgotten that at several times during the last half century it has been at least more than once proposed that the United States should open negotiations to buy the Island of Cuba from Spain, in order that we, by that sacrifice of money taken from the pockets of our people, might assist peacefully and with the consent of Spain in giving to that unhappy people what they so long have sought in vain, the right to establish a government for themselves and create a free and independent state. Nothing has come of that, and I only cite it now as one of the instances which go to show the peculiar relations which this Government bears to that island. to the constant strain upon the Government and people of the United States, which has been created by conditions which can not be ignored. Say that they were produced by misgovernment or by the character of the people themselves, if you choose. If Spain should assert that they are so turbulent, that they are so wrong-headed that they can not be governed except by force, nevertheless the condition exists and confronts us, and remains to be dealt with, and we can not drive it from our minds or our thoughts. Our pulses will quicken, all that we can do, as we hear of men shot to death because they held up the banner of their country when she was fighting for what we fought for and obtained. Our hearts will throb when we listen to the tales of wrong which are being perpetrated by the authority of a distant and governing people over a colony like this.

Mr. President, it is not becoming to utter a threat in this Chamber, or that Congress or the Executive should be made a party to any threat against Spain or any other country with whom we have relations of amity. But we do have the right to call her attention to a condition of things that concerns us almost as much as it does her, that here, right by our side, contiguous territory, separated by some convulsion of nature which caused that strait or sea to pass between us—that here, right by our side, are these people, who are constantly holding out their hands to us in supplication for an interference that we refuse, begging for succor that we deny, and requesting aid that we can not find it within our conception of duty to give. That produces a strain upon us that Spain must recognize. We are performing our duty toward her; we have sedulously in the past adhered to the letter of the law imposing upon us neutral duties and international obligations; but, sir, it is calling upon us to do too much that we should always, and to the crack of doom, continue to steel our hearts and turn away our faces from those for whom we have undeniable sympathy.

Mr. PLATT. Will the Senator pardon me?

Mr. GRAY. Certainly.

Mr. PLATT. Does the Senator know of another instance in the world where there is so large a colony, or a dependency so populous and so wealthy, that is governed from the home government without any participation of the people of the colony?

Mr. GRAY. Mr. President, I do not know that I know of any such country. I certainly know of no land in the world that is so entitled to be called a land of sorrow as that Island of Cuba. It seems to me as if Providence by some strange dispensation had pointed it out as the object of His wrath; it does seem sometimes as if that little island had been selected as an example of what misgovernment could do for a people.

We are entitled to criticise that Government. We are proposing no governmental interference on our part; we are not proposing to break the spirit or the letter of our international obligations; we have the right now, and it has been exercised in the past by Executives and by Congresses, to say what we think about this abnormal condition of things, which has lasted so long and seems likely to continue so much longer.

Mr. President, this resolution does not accord belligerency. If it did, and we were competent to accord it here in Congress, I should vote for it; but it seeks, as I conceive it, to not——

Mr. FRYE. Will the Senator repeat that last sentence?

Mr. GRAY. If it did, and we were competent to accord it, I should vote for it.

But it seems to me that the committee has carefully guarded its action and the action it proposes the Senate to take by keeping within our constitutional power, by not trespassing upon the power of another department, carefully observing what seems to me to be the proper scope of Congressional activity in this regard.

I do not believe there is a better opportunity than this for us to define and scrupulously differentiate the sphere of authority between the Executive and Congress. Although it is a question not entirely free from difficulty, I can not find anywhere, after somewhat careful consideration, authority for Congress to declare belligerency in any case whatever. The power to declare war, from which I suppose it would be derived, is a Congressional power; but that power can only be exerted in the form of legislation. Some order, resolution, or other proper expression of Congressional will must be passed by both Houses and submitted to the President, as every such order, bill, or resolution must be submitted, so as to have any effect at all.

I make that statement the more guardedly in the presence of my distinguished and honorable friend from Alabama [Mr. MORGAN], who has taken a different view; and a difference of opinion with him upon a subject like that has made me more careful in expressing my own view in regard to it. I do not believe that there is any such distinction anywhere as the honorable Senator argues between the power to declare war and the other powers granted by the Constitution to the Congress of the United States. He has argued that the power to declare war is one which may be exercised by the two Houses of Congress without the consent of and independently of the President of the United States. I can not find any warrant for that interpretation of the war powers of the Constitution. It is found in section 8 of Article I of the Constitution, where the powers of Congress are enumerated.

All the powers Congress possesses, I believe, are enumerated in that section. It has no other powers than those so enumerated. But we find the power to declare war and grant letters of marque and reprisal right along with and in the same connection, the same sentence, separated only by a semicolon, with the power to lay and collect taxes, to define and punish piracies, to raise and support armies, to provide and maintain a navy, etc. None of those powers can be exercised except in the mode which is pointed out by the Constitution itself. You can not support armies without passing an appropriation bill or a bill providing for the enlistment of men and the appropriate division of them into companies, regiments, etc., without the sanction of the President. The bill which is passed to support an army must go to the President; the bill which is passed to lay taxes and to defray the expenses of the military establishment must go to the President. The power to declare war can only be exercised in the same way. If anything more were needed, there is a positive provision of the Constitution in the same article in section 7, preceding the enumeration of the powers of Congress, which reads in this way:

> Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment)—
>
> Thereby making it exhaustive—
>
> shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved, etc.

Mr. President, the inconvenience of it being required that the President should approve a declaration of war is no greater than that he should approve a bill to raise and support an army. The Senator from Alabama has discovered, he thinks, a great inconvenience, which overwhelms his judgment, in the suppositious difference between the President and Congress on a question of declaring war. If he disapprove, he can veto it, and then, like every other order, resolution, or bill, Congress would have to pass it by a two-thirds vote in order that it should become operative. So it would be with a bill to lay and collect taxes; so it would be with a bill to raise and support armies. I think that is a question, though, which is aside from this matter, and it is only because the Senator from Alabama has given his distinguished authority to such an interpretation of the Constitution that I thought it proper for me to allude to it.

The power to declare belligerency is nowhere spoken of in any part of the Constitution or in any statute that I know of, nor am I aware that it has ever been attempted by Congress to accord belligerency to any people who were under arms against their government. Therefore, I am constrained to believe that the Executive of the United States, to whom has been committed so largely our foreign relations, has the sole power to initiate any action binding upon the Government of the United States, declaring or according the status of belligerency to a people who are struggling against their own government. I can not find anything directly upon the subject; but I think it is worth while to call the attention of the Senate to an expression of Mr. Clay in a report made by him from the Senate Committee on Foreign Relations in the Twenty-fourth Congress, in 1836, in regard to Texas. He says in the course of that report:

> The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.
>
> The President of the United States by the Constitution has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power, but in this case he has not yet done it, for reasons which he, without doubt, deems sufficient. If in any instance the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion or by other acts of one or both branches of Congress, as was done in relation to the Republics formed out of Spanish America.

In the recognition of independency in an instance so conspicuous as that of the Republics of South America, which were said to be recognized in 1822, I find that the resolutions introduced and passed in the House of Representatives in regard to their independency were in these words:

> *Resolved*, That the House of Representatives concur in the opinion expressed by the President in his message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence and are in the enjoyment of it ought to be recognized by the United States as independent nations.
>
> *Resolved*, That the Committee on Ways and Means be instructed to report a bill appropriating a sum, not exceeding $100,000, to enable the President of the United States to give due effect to such recognition.

That is the recognition which the resolutions, I take it, assumed

that he had made. So that so far as the precedents go, and I do not pretend to have made an exhaustive search for them, they seem to support the view which I took as an original question, of the distribution of powers under the Constitution, that it is by the Executive, with whom our foreign affairs are placed, that the initiative must be taken in any proceeding to recognize the independency of a country struggling for existence, or to accord to it the status of belligerency.

Mr. MORGAN. If the Senator from Delaware will allow me, I will state that I do not disagree at all with the proposition that the President of the United States, as a diplomatic representative of this country, has the right to recognize the independence of a foreign country. But that is a very different matter from recognizing an existing state of belligerency, which imposes upon our own people the duty of neutrality. In the recognition of belligerency we change the attitude of our people as to the belligerent powers from a condition of communication or association in time of peace to that of communication regulated by the laws of nations in time of war.

I dispute the power of the President of the United States, of his own motion and without the assistance of Congress, to recognize belligerency between two foreign Governments, because the President of the United States has no right by his proclamation to change the commercial and other relations between the people of this country and the people of a foreign country. But being the representative of the United States in virtue of its sovereignty as affects foreign countries, he has the right to recognize the independence of a foreign country, because that recognition has no effect upon our own people. It does not change our relation to that country in the slightest degree. It does not compel us to pursue commerce under laws which regulate war instead of laws which regulate peace.

Mr. WHITE. Will the Senator from Delaware [Mr. GRAY] permit me to ask the Senator from Alabama [Mr. MORGAN] a question, if the Senator from Alabama will allow me? Do I understand the Senator from Alabama to deny the power of the President, without the concurrence of Congress, to recognize the belligerency or to issue an effective proclamation of belligerency as to the contending parties?

Mr. MORGAN. I do.

Mr. GRAY. It would seem certainly at first blush that the act of recognition of independency of a nation that had freed itself or endeavored to free itself from the parent country is one of much more importance and more far-reaching in its effect than any mere declaration of belligerency could be. To welcome a new member to the family of nations, to take her by the hand and say, "You are entitled to a seat at the council board of independent powers," is an act, it seems to me, that affects very seriously the relations of the citizens of the United States to that power. It in fact creates new relations; it brings into being a new power, so far as our own citizens are concerned, with whom we have to have relations, whereas theretofore there was only one power to deal with.

But, Mr. President, it seems to me that only a short time ago we settled by a sort of acquiescence, so far as the Senate is concerned, perhaps so far as concerns both Houses of Congress, the question of the right of the Executive to recognize the independency of a new government. When the new Republican Government, so called, of Hawaii, sent its diplomatic messengers to the United States they were received and recognized by the President of the United States upon a recognition that has stood, so far as her relations to this Government and this people are concerned, ever since. It has never been questioned and it has never been, as I can recollect, asserted anywhere that that recognition by President Harrison of the diplomatic agents of the new Government of Hawaii was not binding, so far as it went, upon the Government and upon the people of the United States.

Mr. MORGAN. If the Senator from Delaware will allow me, I again distinctly admit and assert that the President of the United States has the exclusive right to recognize the independence of a foreign country, because that affects our people not at all, but in the case of Hawaii, to which the Senator referred, we already had representatives to that Government and had recognized the independence of that Government many years ago. That recognition was a mere change in regard to the personnel of the Government and the form of it, as in the case of the recognition of Spain as a republic and of France as a republic, which recognitions were communicated by cablegram directly from the President without the interference of Congress at all, and the recognition of Brazil, where we concurred with the President of the United States in the recognition of the independence of that power. The cases are not analogous at all.

Mr. GRAY. It seems to me that the reasoning is entirely analogous. There is nowhere in the Constitution any provision which in so many words gives the power to the President of the United States to recognize the independency of a people who are struggling for freedom. As a result, if it has that power at all——

Mr. MORGAN. Mr. President——

Mr. GRAY. One moment. It results, if it has that power at all, from the committal into his hands, according to the whole scheme of that instrument, of the foreign affairs of the country.

Mr. MORGAN. And the special power given to him in the Constitution to receive ambassadors from foreign countries.

Mr. GRAY. Undoubtedly there is the special power to receive ambassadors. I said there is no express power, in so many words, to recognize the independency of a country, but under the power to receive ministers under the general committal of the foreign affairs of this country into his hands he has, exclusive of Congress, the power to recognize the independency of a nation.

So, Mr. President, there is nothing in the Constitution of the United States in regard to the status of belligerency or the recognition of that status. It is as a doctrine an outgrowth of a general international law of the world, and being that outgrowth, and being a condition which modifies the relation of one country to another, it belongs in this country, under our Constitution, where all matters of a similar and an analogous nature do belong, and that is to the Executive. That, in short, is the argument which convinces me that we have no right to accord the status of belligerency, even if this were a joint resolution.

But at the best the contention of the Senator from Alabama would compel us to recognize these people by a bill, not by concurrent resolution, unless he applies the same reasoning to this that he does to the power to declare war, and says that the two Houses of Congress can declare war and affect the rights and obligations of their respective citizens without the formality to which every other act of Congress, order, or resolution of these bodies is bound to conform.

Mr. MORGAN. I beg pardon. The Senator from Delaware will indulge me for another interruption. I did not in my remarks awhile ago state fully what I think to be the origin of the power on the part of the Congress of the United States to recognize a state of belligerency between two foreign powers. It is a part, as I understand, of the power to declare war. The power to declare war applies to this country and to all other countries, and if that power can be exerted alone by Congress, as I contend it can be and must be, then it includes of course the power to declare that public war exists in another country.

Mr. GRAY. I do not wish to prolong the discussion at this late hour, but so long as the honorable Senator from Alabama has placed his contention for the power to recognize belligerency upon the same ground that he has placed his contention for the power of Congress without the assent of the President to declare war, it seems to me the argument in which I submit that I disposed of the first proposition will dispose of this one.

Clearly if it results from the power to declare war, from what I have already said, that power must be exercised by the Congress in such form that it shall receive the assent of the President of the United States, and must take the only form which an act of Congress, whether a resolution, order, or bill, can take in order to be effective or mean anything, and that is the expression of the will of Congress.

Mr. FRYE. Does the Senator from Delaware contend that the Congress of the United States could not by amendment make this a joint resolution declaring belligerent rights, which joint resolution should be signed by the President, and that that would not recognize belligerency?

Mr. GRAY. I have just said that at the best the only thing that could be contended for under the position taken by the Senator from Alabama [Mr. MORGAN] is that Congress should exercise its power in the mode pointed out by the Senator from Maine. But I am not prepared to assent to his proposition—that the proper way in which belligerency should be declared by this Government is other than it should be declared by the Executive of the United States. Committed to his hands under the Constitution is the power not only to recognize the independency of a nation struggling for independence, but also the power to modify the relations of the Government of the United States and its citizens to another people who are at war by recognizing a state of belligerency in a people who are contending against a parent Government. That is my view, the view to which I am impelled by my reading and reflection in regard to the powers of Congress in a matter of this kind.

If we can declare belligerency by a joint resolution I look in vain in the Constitution for the express warrant, and I have not been able to find or to have pointed out to me where the implied warrant for such power exists. If it is under the power to declare war, as insisted here, or is contained within the power to declare war, then perhaps there might be something to be said for the proposition of the Senator from Maine.

But, Mr. President, what the resolution reported by the Committee on Foreign Relations intends to do is not to accord belligerency to the insurgents in Cuba. It is to express the opinion of the two Houses of Congress by a concurrent resolution as follows:

Resolved by the Senate (the House of Representatives concurring), That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers,

according to each all the rights of belligerents in the ports and territory of the United States.

The concurrent resolution as it came from the committee was not altogether satisfactory to me at the time, although I assented to its being reported. I like better the resolution that was offered by the Senator from California [Mr. WHITE] as a substitute for the concurrent resolution reported from the committee, which, if the Senate will bear with me for a moment, I will read. It is as follows:

Resolved, That the Senate contemplates with solicitude and profound regret the sufferings and destruction accompanying the civil conflict now in progress in Cuba. While the United States have not interfered and will not, unless their vital interests so demand, interfere with existing colonies and dependencies of any European Government on this hemisphere, nevertheless our people have never disguised and do not now conceal their sympathy for all those who struggle patriotically, as do the Cubans now in revolt, to exercise, maintain, and preserve the right of self-government. Nor can we ignore our exceptional and close relations to Cuba by reason of geographical proximity and our consequent grave interest in all questions affecting the control or well-being of that island. We trust that the executive department, to whose investigation and care our diplomatic relations have been committed, will, at as early a date as the facts will warrant, recognize the belligerency of those who are maintaining themselves in Cuba in armed opposition to Spain, and that the influence and offices of the United States may be prudently, peacefully, and effectively exerted to the end that Cuba may be enabled to establish a permanent government of her own choice.

This resolution not only is one to quicken the Executive and to give him the support of the opinion of Congress, but it seems to me it expresses in sufficiently restrained and proper language the feeling of the American people. It expresses it in a way which Spain, though she may not assent to it, though she may not take any pleasure in it, has no right to take umbrage at. She has no right to call the Government of the United States or the people of the United States to account for the expression. Resting there, with the President stimulated to make the inquiry which will be the basis of his action, we may wait until events have so shaped themselves that either order is restored by the might and power of the arms of Spain, her control thoroughly reestablished throughout the length and breadth of the island, or until perchance the God of Battles has given to the insurgents such success and such victory as will insure to them a place among the family of the nations of the world.

Mr. President, it seems to me that we have gone as far in this resolution as our power warrants us in going. It seems to me that we have gone in the direction in which our sympathies and our feelings and our judgments would properly lead us. The President of the United States has means and opportunities to investigate that this Congress and the Senate have not. We can not know except at secondhand what the condition of things is in the Island of Cuba. He can send his agents there. He has means, through the consuls and the ministers of the United States abroad, to find out, as we can not except by inquiry from him, what is the probability of the issue of the contest there.

If we ask him to lay before us the correspondence that he may have to throw light upon the unhappy condition of things, he can withhold a portion of it, if in his opinion the interests of the United States require it. We always ask him "if not incompatible with the public interests" to give us such information. So the Executive is armed by the Constitution with the means of knowing what we can not know except in a very inperfect way and at secondhand. He can send his agent, as General Taylor sent Mr. Mann to Hungary, or as President Monroe, I think it was, sent Mr. Rodney and the other representatives to South America, in order that they might report to him what the condition of those struggling colonies was and what the prospects of a termination of the war in their several countries might be.

Mr. President, I have no doubt that with the passage of such a resolution as I have just read we will have discharged our duty so far as we can now see it, and the President of the United States will have the support of the two Houses of Congress, or at least of the Senate of the United States, in any inquiry he may make, and be stimulated to the performance of that duty, if indeed he needs any stimulus, which the Constitution of the country has devolved upon him.

Mr. SHERMAN. Mr. President, I desire to take the floor for to-morrow. I suppose the Senate does not care to stay here this evening.

Mr. LODGE. Mr. President, I do not desire to detain the Senate at this time except for a moment in order to put into the RECORD a translation of an interview which General Weyler had before he left Spain. On his departure from Cadiz, General Weyler had a conversation with the civic authorities who came to bid him farewell, which appears in El Liberal, of Madrid, of the 29th of January. It is as follows:

"We come to bid you a last good-bye," said the officials. "The last * * * in the present campaign," answered the General. Everybody expressed hopes of a speedy termination of the campaign.

WEYLER'S WORDS.

"It will not be easy," said the General. "to realize what you and all the Spaniards desire. I would be content to finish the war in two years. In the last war, which was of less importance, ten years were necessary. I go now in the worst conditions. After the reenforcements which will be sent in February it will be impossible to send more troops until next winter, unless the reserves are called out. A great deal of money is also needed and the country is already making the last sacrifices. The question requires special study, so that public interests will not be further injured. I am encouraged by the reaction in public opinion and by the attitude of the Cuban families who leave for Tampa at the mere announcement of my going to Cuba. I suppose they must have some motive for leaving. I desire to be in Cuba, because what is upon my shoulders weighs upon me as it would weigh on a religious fanatic. I will not rest until I have satisfactorily accomplished my work, and I do not fear the future. I remember the prophecies made me before I went to Catalonia. Then they told me the anarchists would finish with me. The contrary has happened, for I even gained the love of everybody. This is proven by the farewell they gave me in Barcelona, which moved me as I have never been before. On arriving in Cuba I propose to exterminate the filibusters: first in the provinces of Habana, Pinar del Rio, Matanzas, and Las Villas. Of course it is to be understood that I refer to the large groups that invade them. Afterwards the small parties of bandits will remain, which I will slowly exterminate. At all events, great activity is needed in the present circumstances."

What I wish to call attention to in this interview is that after General Weyler reached Cuba it was given out that he was going to end the war before the rainy season, which begins in May, and yet in his last words before leaving Spain he says that it will take at least two years. So, on the statement of the general in command, we are to have two years more of bloodshed and useless slaughter and destruction in Cuba.

Mr. SHERMAN. And extermination.

Mr. LODGE. The language is that he proposes to exterminate them; and he rejoices in the fact that the mere news of his coming is driving Cuban families to fly to the United States. It is a commentary, Mr. President, on the processes which he means to employ and on the desperate condition of the Spanish cause.

Mr. GRAY. What is the authenticity of that paper?

Mr. LODGE. I took it from a Spanish paper, El Liberal. It was published in El Liberal, of Madrid. I have the Spanish paper at my room from which it has been translated. These are his own words, a statement which he made to the civic authorities of Cadiz on board ship just as he was leaving. It is reported verbatim in El Liberal, and this is a translation from it. It is, I think, important, as showing how long the struggle is likely to continue.

It seems to me, Mr. President, that it is not for us to consider what the views of Spain are in regard to this matter. It is for us to consider what the duties of the United States are, the duties that they owe to themselves, to humanity, and to freedom. I think their first duty is to bring the war in Cuba to an end.

I do not care, personally, to enter into the constitutional discussion which has arisen as to the various powers of the different Departments of the Government or as to the question of a concurrent or a joint resolution. It appears to me that if we are to put a stop to this war, as I believe the people of the United States with hardly an exception desire and demand, our course is simply to pass a joint resolution giving the opinion of Congress as to the recognition of belligerency. The actual recognition by proclamation must come from the President; everybody understands that; but the opinion of Congress embodied in a joint resolution which goes to him for his signature or his veto is such as the seriousness of this question demands. To that I would add the resolution of the Senator from Pennsylvania [Mr. CAMERON] in favor of our Government taking immediate steps to mediate between Spain and her revolutionists with a view to securing the independence of the island or such reforms as will content the people, if there are any that they would accept after the way previous promises have been broken.

That, Mr. President, is doing something effective. I am very happy to vote for resolutions of sympathy; kind words are all very well, but this bloodshed and slaughter and this useless war has been going on now for a year. It is clear that that island is lost to Spain, and, as I said the other day, it seems to me the duty of the United States, looking at its duty to humanity and the responsibility that it owes to that island and to its own people, is to do something that shall amount to something and take a step that will lead to stopping the war. I think the course which I have suggested is a practical measure, something better than mere words, something that is needed and that will receive the cordial approval of the people of the United States.

Mr. STEWART. Mr. President, as I do not intend to make a speech on this subject, I simply want to say now that I fully concur in the sentiments uttered by the Senator from Massachusetts [Mr. LODGE]. I do not believe we are discharging our duty to humanity and to liberty if we stand by and allow the bloody murder which has become chronic in Cuba to be longer continued. I do not believe that in any proper sense Spain has any title to the island. She has lost it by her inability to maintain law and order and good government. If there ever was a case where a great Government was called upon to interfere in behalf of humanity it is this case. A slaughter-house for half a century at our doors, made so by a country wholly incapable of governing Cuba, is something that we ought not to tolerate. The responsibility arising from our situation and for the maintenance of institutions that we love and maintain for ourselves, the propagation of those institutions, the propagation of freedom throughout the world, call upon the United States in language that can not be mistaken to abate this national nuisance, this violation of law and order,

this violation of humanity, this violation of every principle of just government.

I say situated as we are we are called upon to take some effective action. I do not propose to discuss the mode now, but such action should be taken as will put a stop to the terrible sacrifice of life, the terrible mockery of government which is at our borders. We have the power to stop it, and we should do it and do it at once. If we mean to be respected by other nations we will take notice of this matter in a manner that will secure to the people of Cuba local self-government, government that shall give them peace and secure for them prosperity. We can not stand by longer and permit the existing condition to continue without receiving and deserving the reproach of all mankind.

Mr. CALL. Mr. President, I do not desire to detain the Senate more than a moment. I hold in my hand a list of the forces, by regiments and brigades, which have been sent by Spain to Cuba since the commencement of the present war. I desire to have it placed in the RECORD for the information of Senators who may wish to have knowledge on the subject. They amount to 190,472 men. During the existence of the war and within the last two months Gomez and Maceo have traversed the entire extent of the island, even up to the very gates of Habana, and Martinez Campos, the celebrated general of Spain, has retired, acknowledging the impossibility of accomplishing the subjugation of those people.

THE SPANISH ARMY IN CUBA.

According to the report of the secretary of war at Madrid, the reenforcements of soldiers sent to Cuba from the beginning of the insurrection till the retirement of Campos were as follows:

Sailed from March 8 to 12, 7 battalions		8,302
From 1st to 19th of April—		
1 battalion marine infantry	900	
6 battalions regulars	6,352	
		7,252
From April 24 to May 8—		
2 provincial battalions	2,075	
1 battalion marine infantry	900	
1 battalion regulars	856	
		3,831
From May 20 to June 10—		
10 cavalry squadrons	1,600	
1 battalion marines	900	
Sundries	208	
		2,708
From June 18 to July 21—		
10 infantry battalions	8,652	
Sundries	437	
		9,089
From July 31 to September 30—		
20 infantry battalions	19,311	
8 cavalry squadrons	1,280	
1 fix artillery battalion	767	
2 field artillery battalions	381	
1 engineer corps battalion	971	
Sundries	2,083	
		24,793
From October 5 to November 30—		
21 infantry battalions	18,871	
1 battalion marines	835	
Sundries	3,873	
		23,579
To this must be added—		
2 infantry battalions organized in Cuba	2,000	
Sent from Puerto Rico	1,400	
2 battalions organized in Cuba	1,800	
Guerrillas organized in Cuba	5,325	
3 cavalry squadrons organized in Cuba	393	
		10,918
On the way from Spain		8,000
In service in the island on February, 24, 1894		12,000
Total of regular Spanish troops		110,472
Total of volunteer forces in the island, doing mainly garrison duty		80,000
Grand total		190,472

The above forces were commanded by the following superior officers:

Captain-general and commander-in-chief: Martinez Campos.

Lieutenant-generals: Marin, Pando, and Valera.

Generals of division: Arderius, Suarez Valdez, Lachambre, Jimenez Castellanos, Jimenez Moreno, Gonzalez Muñoz, Pin, Mella, Navarro, and Fernandez Lozada.

Generals of brigade: Barraqué, Garcia Navarro, Bazán, Loño, Echague, Luque, Canella, Linares, Oliver, Alonso Gasco, Aidave, Garrich, Godon, Obregon, Norfuma, Del Rey, Toral, Ordoñez, Suero, Serrano, Altamira, Aldecoa, Mena, Inaz, Aizpúmay Cornell.

Total: One commander-in-chief, 3 lieutenant-generals, 10 division generals, and 25 brigadier-generals—39 generals.

The information contained in this pamphlet, published by the Cuban Junta and certified by the correspondent of the New York World, is to the effect that children and women in the most delicate condition, prisoners by the hundred, are daily being slaughtered and murdered in that island, and that the proclamation of Valmaceda, which we know to be authentic, has been revived for the extermination of the people of that island.

SPANISH BRUTALITY.

Two days after the engagement of General Linares and the Cuban Rabi, in Descanso del Muerto, an officer of the column of General Linares took as prisoners four peaceful citizens whom he met near the sugar estate of Hatillo, and then notified the general of their arrest. The general, angered by the defeat he had received in his encounter with Rabi, ordered the men to be shot immediately. Three of them were shot. The other, who is the uncle of a well-known lawyer in the city of Santiago, escaped because he screamed so loud that he attracted the attention of Lieutenant-Colonel Tejeda, who was acquainted with him, and assured the general that the prisoner was a peaceful man.

An 11-year-old boy whom the Spaniards captured on November 19, having been wounded on the road leading to Cartagena, shortly after the engagement with Aniceto Hernandez's band (according to La Discusion of the 14th of that month), was tried at Mantanzas by court-martial on the 12th and sentenced to life imprisonment and perpetual chains.

Gil Gonzales, a rebel leader, who was captured by the Spaniards, was shot on December 4, in Matanzas, having been condemned by court-martial.

Yet, Mr. President, we sit here and talk about resolutions of sympathy and about appealing to Spain, when Spain has declared that under no circumstances will she ever permit the United States to have any influence in her domestic affairs.

Mr. President, I am tired of hearing of resolutions of sympathy. Let us act like men. If it be true that there is no longer a Senate and a Congress of the United States, but that this is an imperial Government with a Chief Magistrate possessing absolute power, I am in favor of this Congress establishing a different construction of the Constitution and reestablishing a Government of the people and of the representatives of the people.

So I shall offer a resolution for the recognition of the independence of the Island of Cuba. I want none of this idle, cowardly state policy, which means nothing and accomplishes nothing, while murder and outrage of every kind are being perpetrated within our very hearing. I desire Senators to understand that I at least shall ask that something practical and positive and becoming the character and power of this people shall be done. [Applause in the galleries.]

Mr. FRYE. 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 five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 26, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 25, 1896.

PROMOTIONS IN THE NAVY.

Lieut. Commander George A. Bicknell, to be a commander in the Navy, from the 5th of January, 1896, vice Commander Louis Kingsley, deceased.

Lieut. Nathan E. Niles, to be a lieutenant-commander in the Navy, from the 5th of January, 1896 (subject to the examinations required by law), vice Lieut. Commander George A. Bicknell, promoted.

Lieut. (Junior Grade) John A. Dougherty, to be a lieutenant in the Navy, from the 5th of January, 1896, vice Lieut. Nathan E. Niles, promoted.

Ensign Theodore C. Fenton, to be a lieutenant (junior grade) in the Navy, from the 5th of January, 1896 (subject to the examinations required by law), vice Lieut. (Junior Grade) John A. Dougherty, promoted.

P. A. Engineer Stacy Potts, to be a chief engineer in the Navy, from the 29th of January, 1896, vice Chief Engineer Henry Herwig, retired.

Asst. Engineer Charles H. Hayes, to be a passed assistant engineer in the Navy, from the 29th of January, 1896, vice P. A. Engineer Stacy Potts, promoted.

P. A. Engineer Henry T. Cleaver, to be a chief engineer in the Navy, from the 20th of February, 1896 (subject to the examinations required by law), vice Chief Engineer Robert R. Leitch, retired.

Asst. Engineer Horace W. Jones, to be a passed assistant engineer in the Navy, from the 20th of February, 1896, vice P. A. Engineer Henry T. Cleaver, promoted.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 25, 1896.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY M. COUDEN.

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

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. GROSVENOR 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 the bill H. R. 6249.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the section pertaining to the so-called Ogden land claim, being lines 1 to 11 inclusive, on page 45, be stricken out.

The Clerk read as follows:

Strike out lines 1 to 11 inclusive, on page 45.

The CHAIRMAN. Is there objection?

Mr. MCMILLIN. Let us hear it read.

Mr. SHERMAN. This is the so-called Ogden Land Company's claim.

Mr. PITNEY. This is the section on which I reserved the point of order, the proposed appropriation for the extinguishment of the right and title of the Ogden Land Company.

Mr. MCMILLIN. I do not care for the reading, as I know what it is.

Mr. CANNON. I only want to say one word about it. I am perfectly content that it should go out; but I want to say this, that if it ever comes back into the bill it would be required to consider it in Committee of the Whole, whatever its merits or want of merit may be, for two or three hours; and I hope if it comes back in the bill that an opportunity will be given for the consideration and hearing, because there is much to be said on each side of the case.

Mr. SAYERS. Mr. Chairman, just a moment. I would suggest to the gentleman in charge of this bill that should an amendment covering the clause to be stricken out be put upon the bill in the Senate there should be no agreement to such amendment until the House shall have had an opportunity to consider it independently of other amendments. We do not wish the amendment to come back to the House in the form of an agreed report.

Mr. HOPKINS. Mr. Chairman, before any action is taken upon this request of the gentleman from New York, in view of what has been said about the supposed action of the Senate, I would like to hear from the chairman of the committee, because if this is to be simply stricken out this morning to be put back by the Senate, with the consent of the committee, I think we had better have an expression of this committee on the matter now.

Mr. MCMILLIN. We had better fight it out now.

Mr. HOPKINS. Yes, sir; but if it is stricken out in good faith, and the chairman of the Committee on Indian Affairs in the committee of conference that will be appointed proposes to carry out the action of this committee on the amendment, why then I am entirely content, but otherwise I would object to his request.

Mr. CANNON. Just a word. I understand that the gentleman moves to strike it out.

The CHAIRMAN. He asks unanimous consent.

Mr. CANNON. Or asks consent that it go out. Now, then, parliamentarily, if the Senate should put a similar amendment on this bill, and it should come back, I suppose that the point of order that it should first be considered in the Committee of the Whole could be made against it, and it would have to be considered in Committee of the Whole. That is not always fully satisfactory, because sometimes these things happen in the closing days of the session when the House is cramped for time, but that probably will not be the case in this instance.

Mr. MCMILLIN. But I would suggest to the gentleman from Illinois this further difficulty, that the conference report comes as an entirety; and while by agreement we can often do this, there is more difficulty in getting at the consideration of any particular item when it has assumed conference form than any other.

Mr. CANNON. I will say in reply it can not assume conference form until it comes in the shape of a Senate amendment, and comes back to the House, and when it comes back to the House it will be subject to the point of order that it should first be considered in Committee of the Whole.

Mr. HOPKINS. I would like to know from my colleague now what makes him think that the Senate is going to put an amendment on?

Mr. CANNON. I do not know.

Mr. HOPKINS. For forty years we have had these Indian appropriation bills, and they never put it on.

Mr. PITNEY. Mr. Chairman, this is the section on which I made the point of order last night. Before giving consent to its being now struck out I should like to have an understanding with the gentleman in charge of the bill, the gentleman from New York [Mr. SHERMAN], to this effect, that the matter shall not be taken up for consideration if the bill comes back from the Senate with an amendment of this character upon it without notice to the gentleman from Illinois, chairman of the Committee on Appropriations.

Mr. HOPKINS. Why should the chairman of the Committee on Appropriations have notice, rather than other members of the House?

Mr. PITNEY. For the reason that the gentleman has given the subject careful consideration.

Mr. HOPKINS. So have forty other gentlemen.

The CHAIRMAN. The Chair will request gentlemen to take their seats. Business can not proceed until order is obtained.

Mr. PITNEY. Mr. Chairman, I will request the stipulation in a different form if more agreeable to the gentleman from Illinois [Mr. HOPKINS]. My reason for asking for the stipulation is this: My attention was directed to this item and I have made some investigation of it, and when that provision of the bill was reached in Committee of the Whole yesterday, the gentleman from New York [Mr. PAYNE] being in the chair, the gentleman who is in charge of the bill [Mr. SHERMAN] asked unanimous consent that the matter be laid over until a later hour. I, before giving consent, requested the privilege of reserving the point of order upon that provision. That privilege was granted to me. The matter then went over, and it is now taken up for the first time. I desire to have it in such shape that it can not be passed through this House without fair notice to those who desire to oppose this appropriation.

The CHAIRMAN. The proposition before the committee is the request of the gentleman from New York that this matter go out of the bill by unanimous consent. Is there objection to that request? [A pause.] The Chair hears none.

Mr. MCMILLIN. Mr. Chairman, in that connection, before the matter is finally passed upon, I am informed that the gentleman from New York, Judge DANIELS, has a report which was made by the Commissioner of Indian Affairs on this subject and which has also received the approval of the Secretary of the Interior. I do not wish to occupy the time of the committee, but I ask unanimous consent that that report be printed in the RECORD, so that we can have the benefit of it in connection with this subject.

Mr. SHERMAN. I shall object to that. The report will be printed as a House document.

The CHAIRMAN. Objection is made to the request of the gentleman from Tennessee.

Mr. MCMILLIN. If the gentleman is willing for this subject to be considered on its merits I do not see what foundation there is for his objection; but of course I have to yield to his desire in that regard.

Mr. SHERMAN. The report will be printed as a House document.

Mr. MCMILLIN. But if it is in the RECORD it will be accessible at all times.

The CHAIRMAN. The matter has gone out of the bill by unanimous consent.

Mr. SHERMAN. Mr. Chairman, I move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GROSVENOR, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 6249) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes, with sundry amendments, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. SHERMAN. Mr. Speaker, I move the previous question on the bill and amendments.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK and Mr. DINGLEY addressed the Chair.

The SPEAKER. The gentleman from Wisconsin, chairman of the Committee on the District of Columbia, is entitled to the floor.

Mr. DINGLEY. Mr. Speaker, the gentleman gives way for a few moments that I may call up a bill which is unanimously reported by the Committee on Ways and Means, and which ought to be passed immediately—a bill relating to the fur-seal fisheries.

Mr. BABCOCK. One moment, Mr. Speaker. By unanimous consent of the House yesterday it was agreed that the District of Columbia business should have the right of way after the passage of the Indian appropriation bill——

The SPEAKER. It is for the gentleman from Wisconsin to say.

Mr. BABCOCK. I desire to call up that business for consideration to-day, but I am willing to yield temporarily to the gentleman from Maine in order that he may ask consideration for the bill indicated by him, provided the District Committee does not lose its right to the floor.

Mr. DINGLEY. The gentleman yields, with the understanding that after the consideration of the bill which I desire to call up business from the Committee on the District of Columbia shall be in order. Now, Mr. Speaker, I desire to call up the bill (H. R.

3206) relating to fur-seal fisheries. The bill is unanimously reported by the Committee on Ways and Means.

FUR-SEAL FISHERIES.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized and empowered to conclude negotiations with the Governments of Great Britain, Russia, and Japan, or any of them, for the appointment of a joint commission, to consist of not more than three members from each nation, to investigate the present condition, habits, and feeding grounds, both on land and sea, of the fur-seal herd in the North Pacific Ocean and in Bering Sea, from the American to the Asiatic shores, and the methods of slaughtering the same, and to consider and report what further regulations, if any, on land and sea are necessary for its preservation.

If such commission shall deem it necessary to visit the shores on the American and Asiatic side of the North Pacific Ocean, Bering Sea, Pribilof Islands, Commander Islands, Kurile Islands, and Robben Island, or any other places on or near the North Pacific Ocean and Bering Sea, the President may detail a ship of the United States to convey any or all of said commissioners, with the ships of either of said other nations.

The members of said commission for the United States shall be appointed by the President. In addition to their necessary expenses, they shall each receive compensation at the rate of not more than $5,000 per annum; a secretary and a stenographer may also be appointed for said members of the United States, at such compensation, in addition to their necessary expenses as may be determined to be reasonable by the President. In addition thereto the United States shall bear its proportion of such general expenses of the commission as the respective Governments may agree upon as necessary. The said commissioners for the United States, and other employees as aforesaid, shall serve until the completion of their report, hereinafter referred to. They may be removed by the President at any time, and he may appoint their successors whenever any vacancy shall occur by death, inability to act, resignation, or other cause. They shall report to the President the results of their investigation.

SEC. 2. That pending the investigation and report of said commission the President of the United States is hereby authorized to conclude and proclaim a modus vivendi with said Governments, or any of them, providing for new regulations or suspending or altering the existing regulations established by the Paris Tribunal, or limiting the catch on the Pribilof, Commander, Kurile, and Robben islands, or any of them, in any manner that may be deemed expedient for the preservation of the fur-seal herd. Said modus vivendi, and the terms of said commissioners, shall expire by limitation, unless previously terminated, on the 1st day of January, 1898.

SEC. 3. That the provisions of the act approved April 6, 1894, providing punishment by fine, imprisonment, and forfeiture of vessels for violation of the articles of award of the Tribunal of Arbitration, are hereby made applicable to all violations of the modus vivendi herein provided for; and it shall be the duty of the President to make known by proclamation the provisions of said modus vivendi.

SEC. 4. That all needful expenses incident to the appointment, investigation, and report of the said commission, as herein provided for, shall be paid by the Secretary of the Treasury out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated.

SEC. 5. That if the modus vivendi authorized by section 2 of this act be not concluded, and regulations under the same, effectual in the judgment of the President for preserving the Alaskan seal herd, be not put into operation for this year's sealing season, then the Secretary of the Treasury, with the approval of the President, is hereby authorized to take and kill each and every fur seal, male and female, as it may be found on the Pribilof Islands; the skins of said seals to be sold by him to the best advantage with regard to time and place of sale as he may elect, and the proceeds thereof covered into the Treasury of the United States: *Provided*, That all needful expenses incident to the thorough performance of this work of killing seals, preserving and transportation of skins, erection of necessary buildings, employment of labor, care of the Sea Island and Pribilof natives, incurred by the Secretary of the Treasury shall be paid by him out of any moneys in the Treasury of the United States not otherwise appropriated, which amount is hereby appropriated: *Provided also*, That nothing in the Revised Statutes, sections numbered 1960 and 1961, contained shall prevent the Secretary of the Treasury from exercising the authority herein conferred upon him to take and kill said seals, but otherwise said sections shall remain in full force and operation.

Mr. DINGLEY. Mr. Speaker, I shall ask that this bill be considered in the House instead of in Committee of the Whole, because in the last House it was passed unanimously and is well understood by a large proportion of the members of this House.

There was no objection, and it was so ordered.

Mr. DINGLEY. Now, Mr. Speaker, I ask the Clerk to read the brief report of the committee, which explains the necessity for immediate action. Before the report is read I may say that the necessity arises from the fact that next week the pelagic sealers will begin to sail from the port of Victoria, and it is quite important that some notice be given immediately by action of Congress in this direction.

The report (by Mr. DINGLEY) was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 3206) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," have considered the same, and beg leave to report:

In order to prevent the extermination of fur seals, which will soon take place unless prompt measures can be taken to prevent pelagic sealing, this bill authorizes the President to invite Great Britain, Russia, and Japan, or any of them, to unite with the United States in the appointment of a joint commission to investigate the present condition and habits of the fur-seal herd in the North Pacific Ocean and in Bering Sea, and the method of slaughtering the same, with the result of such slaughter, and report what further regulations, if any, are necessary for its preservation, with a view to their adoption and enforcement by the countries uniting in creating such commission.

Pending this investigation the President is authorized to conclude a modus vivendi with said Governments, or any of them, providing for such new or additional regulations as may be deemed expedient for the preservation of the fur-seal herd, said modus vivendi to terminate January 1, 1898.

If, however, the President finds himself unable to secure the cooperation of Great Britain especially in securing the modus vivendi authorized by this bill, so as to protect and preserve the Alaskan seal herd for this year's sealing season, then the Secretary of the Treasury is authorized to take each and every fur seal on the Pribilof Islands and to sell the skins of said seals as he may elect, and to cover the proceeds into the Treasury.

The necessity for this course arises from the fact that the Alaskan fur-seal herd is being rapidly exterminated by pelagic sealing vessels—mainly Canadian—which follow the seal herd as it moves along our Pacific coast in the spring and enter Bering Sea at the end of the close season in August, when they are free under the ineffectual regulations adopted by the Paris Tribunal to use the spear—more deadly than the shotgun—in killing, outside of the 60-mile zone, the seals that frequent these waters in pursuit of food. As these seals are mainly females that have brought forth their young on the Pribilof Islands, the killing of the mother seals results in the starvation of the young upon the land and the inevitable rapid extinction of the fur-seal herd.

The rapidity of the decline of the valuable herd which annually resorts to the Pribilof Islands of Alaska, mainly on account of pelagic sealing, will be seen when it appears that in 1874 this herd numbered about 4,698,000. In 1890 the herd had been reduced to 1,039,000, and at the close of the season in 1895 to about 175,500—44,000 seals, mostly females, having been killed during the last season by pelagic sealers, and about 30,000 pups having died of starvation in consequence of the killing of the mother seals.

One year ago it was the estimate of experts that if all killing of seals had been stopped then it would take five years to restore it to its former numbers. It is now estimated that if regulations can be secured before the next season opens the herd can be restored in ten years. If, however, the pelagic sealers are permitted to avail themselves of another season's opportunities for slaughter under the ineffectual regulations of the Paris Tribunal, it is believed by experts that the herd will be so nearly exterminated as to make it very difficult to restore it; and that if pelagic sealing continues, within five years not only the Alaskan herd but also the Russian and Japanese herds will be well-nigh extinguished.

When it is borne in mind that our Government received almost $2,000,000 between 1870 and 1890 from the lessees who were given the exclusive privilege of annually killing 100,000 male seals above 1 year of age, and in 1890, under the new lease, $269,673, but in 1891 only $46,749, in 1892 only $23,972, and since 1892 it has received nothing (notwithstanding $550,000 is due) because of a claim of the lessees for a reduction of rental which awaits determination by the courts, it will be seen that the Treasury is being deprived of a very valuable source of revenue by the operations of the pelagic sealers.

Not only this, but the Government expended in 1894 about $450,000 in a vain attempt to prevent the killing of seals in Bering Sea by enforcing the inefficient regulations of the Paris Tribunal.

It will be seen, therefore, that unless Great Britain can be persuaded to unite with this country in so modifying and enlarging the regulations adopted by the Paris Tribunal—for Russia and Japan are ready to join us—the Canadian pelagic sealers will within five years completely exterminate not only the Alaskan but the Russian seal herds, and deprive this country of a valuable source of revenue and the world of a great boon. And inasmuch as all these seal skins go to London to be prepared and dyed, giving employment there to nearly 50,000 persons, even Great Britain herself will be deprived of a valuable source of income for her own people.

It is believed that it is Canada that is standing in the way and holding back Great Britain from cooperating with us in the preservation of the seal herd, and that when Canada sees that we propose to take summary measures to end not only the inhumanity that consigns thousands of young seals to slow starvation, but also the farce by which we are expending large sums of money to police Bering Sea practically to aid her pelagic sealers in the work of exterminating seals, she will no longer endeavor to prevent England from uniting with us in efficient measures to save the seal herds to the world.

If, however, we fail in this, as we have failed under present conditions, notwithstanding we have been urging Great Britain for more than a year to unite with us in measures to preserve seal life, then considerations of mercy as well as of economy and justice demand that we should stop the further cruel starvation of thousands of seal pups by taking what seals are left and disposing of their skins and covering into the Treasury the proceeds, which would probably reach $5,000,000.

Your committee therefore unanimously recommend the passage of the accompanying bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. DINGLEY, a motion to reconsider the last vote was laid on the table.

TITLE OF MARGARET SHUGRUE AND OTHERS.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK], chairman of the Committee on the District of Columbia, is recognized to call up business from that committee.

Mr. BABCOCK. I desire to call up the bill (H. R. 6408) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue, Caroline Lochboehler, and John R. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and required to sell, grant, and convey unto Margaret Shugrue, of the District of Columbia, all the right, title, and interest of the United States in and unto all that tract of land in the District of Columbia hereinafter described; to Caroline Lochboehler, of the District of Columbia, all the right, title, and interest of the United States in and unto all that certain other tract of land in said District of Columbia, also hereinafter described; and to John R. Scott, of the District of Columbia, all the right, title, and interest of the United States in and unto all that certain other tract of land in said District of Columbia, also hereinafter described, at prices to be determined by the Secretary of War upon consideration of all the circumstances of the cases, which prices shall be exclusive of the values of the improvements on said tracts of land: *Provided*, That the Secretary of War shall be of the opinion that the said sales will in nowise be detrimental to the Washington Aqueduct: *Provided further*, That the encroachments thereon were not fraudulent, and that the said Margaret Shugrue is the bona fide proprietor of the land adjacent to the tract hereinafter described that is to be sold to her; that Caroline Lochboehler is the bona fide proprietor of the land adjacent to the tract hereinafter described that is to be sold to her; and that John R. Scott is the bona fide proprietor of the land adjacent to the tract hereinafter described that is to be sold to him.

Description of land to be sold to Margaret Shugrue: Beginning at a stone marked "W. A. 126," on the line of the northerly boundary of the United States land, near culvert 24 of the Washington Aqueduct, and running thence on said boundary north 16 degrees and 38 minutes east 128.2 feet to boundary stone 28—K. 11; thence south 52 degrees and 30 minutes west 103.9 feet; thence south 37 degrees and 30 minutes east 75 feet to the place of beginning, containing 3,896 square feet, or about 0.089 of an acre.

Description of land to be sold to Caroline Lochboehler: Beginning at a stone marked "W. A. K. 3," on the southerly side of the United States land, near culvert 26 of the Washington Aqueduct, and running south 40 degrees and 25 minutes east 20.2 feet; thence south 57 degrees and 15 minutes west 145.6 feet;

thence north 63 degrees west 23.1 feet to a stone marked "W. A. K. 2"; thence north 57 degrees and 15 minutes east 154.5 feet to the place of beginning, containing 3,001 square feet, or about 0.069 of an acre.

Description of land to be sold to John R. Scott: Beginning at a point on the easterly boundary line of the United States land pertaining to the Dalecarlia reservoir, 39 feet from a stone at the intersection of the southerly and easterly boundary lines of said land, and running thence along said easterly boundary line north 12 degrees and 42 minutes east 266.75 feet; thence leaving said boundary line and running south 75 degrees and 17 minutes west 82.75 feet; thence south 2 degrees and 35 minutes east 234.24 feet; thence south 64 degrees and 46 minutes east 11.58 feet to the point of beginning, containing one-fourth of an acre, more or less.

The Committee of the Whole House, to which the bill had been referred, was discharged from its further consideration; and the House proceeded to consider it.

Mr. DOCKERY. I wish to ask one or two questions of the gentleman in charge of the bill. As I understand, the bill has been prepared by the War Department.

Mr. BABCOCK. Yes, sir.

Mr. DOCKERY. And it has the approval of the District Commissioners?

Mr. BABCOCK. Yes, sir.

Mr. DOCKERY. And full and ample safeguards are provided in reference to the appraisement of the land?

Mr. BABCOCK. Yes, sir.

Mr. DOCKERY. About how much land is involved?

Mr. BABCOCK. A little less than half an acre, embraced in three different descriptions.

Mr. DOCKERY. What is the probable value of the land in question?

Mr. BABCOCK. The value is not very great. It is out by the aqueduct.

Mr. DOCKERY. And the bill provides that the Secretary of War——

Mr. BABCOCK. That the Secretary of War shall fix the value of the land.

Mr. DOCKERY. These parties, I understand, have been in undisturbed possession of the land for more than twenty years without fraudulent intent?

Mr. BABCOCK. I will say in explanation of the bill that it provides for the conveyance of three small tracts of land on the Washington Aqueduct, adjoining premises that have been occupied by these parties for over twenty years. By a recent survey made by the War Department it is found that their buildings encroach upon the Government land. The Secretary of War has submitted this bill authorizing him to sell to these parties this land encroached upon, amounting in the three descriptions to less than half an acre, and of very small value.

Mr. CANNON. Will the United States have any use for this land?

Mr. BABCOCK. The engineers say not.

Mr. DOCKERY. I should be glad if the gentleman will have the report printed in the RECORD in connection with the bill.

Mr. BABCOCK. I ask that the report of the Committee of the District of Columbia upon this bill be published in the RECORD.

There was no objection.

The report (by Mr. BABCOCK) is as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5159) authorizing the sale of title of the United States to certain tracts of land in the District of Columbia to Margaret Shugrue and Caroline Lochboehler, having fully considered the same, report a substitute therefor, with the recommendation that it do pass.

On February 19, 1895, the Secretary of War transmitted to Congress a report from Col. George H. Elliot, Corps of Engineers, in charge of the Washington Aqueduct, inviting attention to certain encroachments by Margaret Shugrue and Caroline Lochboehler upon Government land pertaining to the aqueduct, which letter and report were as follows:

"WAR DEPARTMENT, *Washington, D. C., February 19, 1895.*

"SIR: I have the honor to transmit herewith a report dated the 15th instant, from Col. George H. Elliot, Corps of Engineers, the engineer officer in charge of the Washington Aqueduct, inviting attention to the fact that certain buildings, the property of Margaret Shugrue and Caroline Lochboehler, encroach upon the Government land pertaining to the aqueduct, plats of the encroachment and correspondence bearing on the subject being inclosed with said report, and recommending that in view of the facts recited by him action be taken by Congress permitting the sale of the land involved to the parties named, and to which end he submits the accompanying copy of a bill authorizing such sale.

"I concur with the Chief of Engineers in the views of the engineer officer, and accordingly submit the matter with recommendation for favorable action.

"Very respectfully, DANIEL S. LAMONT,
"*Secretary of War.*

"The SPEAKER OF THE HOUSE OF REPRESENTATIVES."

—

"OFFICE OF THE WASHINGTON AQUEDUCT,
"*Washington, D. C., February 15, 1895.*

"GENERAL: Before my retirement from this office and from active service I desire to invite attention to the encroachments of buildings belonging to Margaret Shugrue and Caroline Lochboehler on the Government lands pertaining to the Washington Aqueduct.

"The encroaching buildings of Margaret Shugrue consist of a small frame dwelling, which is partially, and a cow stable, which is wholly, on Government land. The place is on the Conduit road, about 3 miles from Washington, near culvert 24, and about half way between the upper and lower reservoirs.

"The encroaching building belonging to Caroline Lochboehler is a small brick dwelling house, a portion of which is on Government land. It is on the Conduit road, near culvert 26, about 2¼ miles from Washington, and just above the distributing reservoir.

"These encroachments were developed by a survey that I caused to be made in 1890 of the lands pertaining to the aqueduct between the two reservoirs, the result of which survey I reported to the Department November 5, 1890.

"I inclose appended hereto plats of the encroachments and copies of letters addressed to me, stating the circumstances under which the encroachments were made. They are—

"A letter from the late Michael Shugrue, husband of Margaret, dated September 26, 1890;

"A letter from Margaret Shugrue, dated February 3, 1895; and

"A letter from Mrs. Caroline Lochboehler, dated September 19, 1890.

"From several years' knowledge of these persons, and of the absence of boundary stones on the boundary lines of the aqueduct land pertaining to the Conduit road that existed for many years, I am satisfied that the statements of these letters are essentially correct, and that the encroachments were innocent and not fraudulent or with any evil intent.

"Sales to them of the small tracts described containing the improvements of these persons would not in the slightest degree be detrimental to the Washington Aqueduct, and I recommend that a bill in the form herewith be submitted to Congress at this session with recommendation for favorable action. This bill is substantially in the form of an act authorizing the sale of title of the United States to a tract of land on the Conduit road near Cabin John Bridge to William H. and George Bobinger, approved January 26, 1895.

"An inspection of the plats will show that the land proposed to be sold to Mrs. Shugrue is only the portion of her house lot that is on Government land, and does not include the land covered by her cow stable. She is willing and will be obliged to move the latter to her own farming land in rear of her house.

"Very respectfully, your obedient servant,
"GEORGE H. ELLIOT,
"*Colonel of Engineers.*

"Brig. Gen. THOMAS L. CASEY,
"*Chief of Engineers, U. S. A.*"

Besides the above report, the Secretary of War also transmitted plats showing the encroachments, and the draft of a bill authorizing the sale of the land, and the correspondence was printed in House Executive Document No. 327, Fifty-third Congress. The bill was introduced, but, owing to the lateness of its introduction, no action was taken thereon by the Fifty-third Congress.

On January 11, 1896, the Secretary of War transmitted to Congress a letter containing the past correspondence of an official nature and that of the parties in interest, and included the draft of a bill which your committee substitute for bill H. R. 5159. This bill differs from H. R. 5159 in that it is framed to include the case of John R. Scott, which is precisely similar to those of Margaret Shugrue and Caroline Lochboehler. The situation of the parties may be fully understood by reference to the above-mentioned letter and the plat appended, which are printed as House Document No. 135, Fifty-fourth Congress.

The encroachments in the three cases of Shugrue, Lochboehler, and Scott extend back for twenty years. The officials who have inquired into the matter are satisfied that there has been no fraudulent intent in any of the encroachments, but that they have been occasioned through the absence or misplacement of boundary marks on boundary lines.

The parties are all poor, and your committee believe that favorable action on the accompanying bill should be taken by the House.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

REASSESSMENTS.

Mr. BABCOCK. I call up the bill (H. R. 3281) to authorize assessments for improvements and general taxes in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, in all cases where general taxes or assessments for local improvements in the District of Columbia may hereafter be quashed, set aside, or declared void by the supreme court of said District, by reason of an imperfect or erroneous description of the lot or parcel of ground against which the same shall have been levied by reason of such tax or assessment not having been authenticated by the proper officer, or of a defective return of service of notice, or for any technical reason other than the right of the public authorities to levy the tax or make the improvement in respect of which the assessment was levied, to reassess the lot or parcel of ground in respect of such general taxes or the improvement mentioned in such defective assessment, with power to collect the same according to existing laws relating to the collection of assessments and taxes: *Provided*, That in cases where such taxes or assessments shall be quashed or declared void by said court, for the reasons hereinbefore stated, the reassessment herein provided for shall be made within ninety days after the judgment or decree of said court quashing or setting aside such taxes or assessments: *And provided further*, That the reassessments herein provided for shall bear interest at the rate of 6 per cent per annum from the date the original tax or assessment should have been paid had it not been quashed or set aside.

The following amendment reported by the committee was read and agreed to:

At the end of the bill strike out the words:

"*And provided further*, That the reassessments herein provided for shall bear interest at the rate of 6 per cent per annum from the date the original tax or assessment should have been paid had it not been quashed or set aside."

Mr. RICHARDSON. Without asking that time be taken in explaining the bill (which I presume members understand), or in reading the report, I ask that the report be printed in the RECORD.

There was no objection.

The report (by Mr. RICHARDSON) is as follows:

The Committee on the District of Columbia have considered the bill (H. R. 3281) to authorize reassessments for improvements and general taxes in the District of Columbia, and for other purposes, and report same to the House with the recommendation that it do pass, with an amendment, striking out the last provision in the bill, including part of line 24 and all of lines 25, 26, 27, and 28, on page 2. The committee do not think the reassessments provided for in the bill should bear interest.

The necessity for this legislation is set forth in the letter of the District Commissioners to the chairman of the District Committee hereto attached. It is as follows:

"OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
"*Washington, January 3, 1896.*

"DEAR SIR: The Commissioners of the District of Columbia have the honor to submit herewith a draft of a bill to authorize reassessments for local improvements and general taxes in the District of Columbia, and for other purposes, with request that you will cause the same to be introduced into the House.

"The amount of revenue lost to the District for technical grounds through the rulings of the courts and the inability of the District authorities to reassess the charges so invalidated is so great as to threaten serious embarrassment to the municipal interests involved. Unless Congress shall interpose the legislation proposed in this bill or some other enactment to the same effect, the evil will not only continue, but will indefinitely expand. The Commissioners prepared and submitted to a former Congress a draft of a bill to provide for the reassessment of taxes and assessment judicially declared void for such technical errors, but that bill, which was retroactive as well as anticipatory, failed to receive the favorable action of Congress. Whatever hardship or embarrassment the proposed legislation might entail on property owners with regard to taxes and assessments heretofore judicially declared void, because of the bearing reassessment might have upon interests innocently acquired by owners succeeding to the property subsequent to such judgments, the Commissioners can imagine no reasonable objection in justice or equity to the enactment of the bill herewith transmitted, which is designed to provide against future losses, on similar grounds, of assessments and taxes to which the municipality may be justly entitled.

"Very respectfully,

"JOHN W. ROSS,
"*President Board of Commissioners District of Columbia.*

"Hon. J. W. BABCOCK,
"*Chairman Committee on the District of Columbia,*
House of Representatives."

Mr. ABBOTT. Mr. Speaker, I did not know that this bill was coming up this morning. I wish to move an amendment to strike out, in line 6 of the first page, the word "hereafter."

The amendment of Mr. ABBOTT was read.

Mr. ABBOTT. Mr. Speaker, I understand upon inquiry into the question that certain assessments made against property in the District of Columbia have been declared by the courts to be void. But in my judgment the fact that such assessments have been declared void does not relieve the property of its liability to reassessment and taxation. This bill provides that hereafter where assessments have been declared void the property may be reassessed, implying that where reassessments have heretofore been made and declared void the property is not to be reassessed. Without some such amendment as that which I offer, it seems to me we shall have in this District a large amount of property upon which, by reason of the decision of the courts, no taxes will be paid, while other property owners who have not resorted to the courts will have to pay taxes.

Now, the decision did not affect the validity of the taxes assessed against the property in any way, but it was simply with reference to the assessment, by reason of the misdescription of the property, and I think it unjust and unfair to those who have not resorted to this course heretofore and have paid their taxes that those who have resorted to the courts because of the informal and irregular assessment should escape the payment of taxes altogether. They should be compelled now to pay a proper tax upon the property. It is not just to the other citizens of the District, and not just to the people of the United States, who have to pay one-half of the taxes of the District, that they should be allowed to escape in this manner.

Mr. RICHARDSON. I regret very much that my colleague on the committee has seen fit to offer the amendment. The committee were unanimous in opinion, as we thought, that the bill ought to apply only to future cases.

Mr. ABBOTT. No; I took the same position in committee.

Mr. RICHARDSON. If the amendment of the gentleman from Texas shall prevail, it will upset land titles—titles that have been acquired where there have been judicial decisions in favor of the parties—and will go back to an indefinite time, and it seems to me that it would be very unwise legislation and work great hardships. The taxpayer has gone to work, filed his petition in court, had the assessment quashed fifteen years ago, perhaps, and since that time the land has changed hands perhaps a number of times, with the decision or judgment of the court as to the assessment and in favor of the innocent purchaser who now holds the title to the property.

It seems to me that it is very unjust to require a present holder of property, who purchased the property with the judgment of the court in his favor—a judgment adjudicating the fact that the assessment was improper—to compel him now to come in and pay two assessments. It would impose a hardship on him and enforce him to pay a tax assessment of probably fifteen or sixteen years ago. He could not go upon the original holder of the property, the party from whom he purchased and upon whom the assessment was originally made, because he has been discharged by the judgment of the court, and the effect of the amendment proposed by the gentleman from Texas would be to reverse the judgment of the court.

The Commissioners say in their letter to the chairman of the committee, in reference to this very question:

Whatever hardship or embarrassment the proposed legislation might entail on property owners with regard to taxes and assessments heretofore judicially declared void, because of the bearing reassessment might have upon interests innocently acquired by owners succeeding to the property subsequent to such judgments, the Commissioners can imagine no reasonable objection in justice or equity to the enactment of the bill herewith transmitted, which is designed to provide against future losses on similar grounds of assessments and taxes to which the municipality may be justly entitled.

So it seems to me to be entirely wrong to adopt the amendment of the gentleman from Texas and strike out the word "hereafter."

Mr. HULICK. I would like to ask the gentleman from Tennessee a question. Is it not true that a portion of the landholders have been assessed and paid the taxes while others resorted to the court and are now clear of the assessment?

Mr. RICHARDSON. There have been a few cases of that kind, I think.

Mr. HULICK. Now, if the Commissioners have not the right to make an assessment on the lands that have been relieved by the judgment of the court, would it not be an injustice to those who have already paid their assessment?

Mr. RICHARDSON. I have said already that there may be a few instances in the last few weeks or months of that kind, but if you strike out the word "hereafter," as proposed by the gentleman from Texas, there is no knowing how far back the operation of this provision will go. It may extend back twenty years.

Mr. HULICK. The inquiry is, have you the data to give the number of those who have paid and those who have been released?

Mr. RICHARDSON. There have been very few cases of that kind, I think; as I understand it is only lately that there has been any quashing; but I have not the data to give the gentleman the full information as to the number of persons affected by this provision.

Mr. ABBOTT. Mr. Speaker, I want to state that when the assessments were made on the property in the District for the years past some of the parties, as suggested by my friend from Ohio, paid their taxes. Because of an informality or irregularity in the assessments some of the citizens of the city resorted to the court, asking the court to set aside the assessment on the property. They did not attack the validity of the law which imposed the tax. No such question was decided by the court that it was unconstitutional or wrong, but because of negligence or carelessness on the part of the officers who assessed the property, there were numerous claims to set aside the informal or improper assessment. As an illustration that has come to my knowledge, there were certain blocks of houses assessed as "one-half of block numbered" so and so, when there were numerous parties owning interest in the block. Therefore that was an illegal assessment, because it did not describe or define the property. Now, they resorted to the court to declare the assessment illegal, not for the purpose of declaring the law itself illegal that authorized the assessment of the taxes, but only the assessment.

My friend from Tennessee complains that the property may have passed into the hands of innocent third parties, and now that the assessment has been set aside by reason of irregularity or informality of the assessment by the judgment of the court, that these parties should not be called upon to pay. Does not he know, as a lawyer, that the parties he speaks of as "innocent purchasers" have had notice of the claim as far as the tax is concerned by the very fact that the judgment of the court was rendered? The judgment of the court that the assessment was improper was a notice to purchasers of the fact that the taxes had not been paid. Why should a large number of persons, therefore, who resorted to this expedient of escaping the paying of the taxes be relieved and their property have no assessment upon it, while others who paid the taxes, who did not resort to the court, should have no corresponding relief extended to them? The very record of the court is notice of the fact that the taxes had not been paid, and therefore the purchasers of the property purchased with due notice of that fact.

The amendment I have offered is simply to correct what would be otherwise a great inequality in the operation of this law.

Mr. TERRY. Mr. Speaker, I support the amendment offered by the gentleman from Texas. The argument as to the hardship that will be imposed upon purchasers amounts to nothing when you consider what the law is upon this subject. Every man who sells property having upon it an impending incumbrance of this kind is liable under his warranty of title to his vendee in case the incumbrance actually exists. Not only that, but, as suggested by the gentleman from Texas [Mr. ABBOTT], the party purchasing this property has no right to claim that he is an innocent purchaser as against these incumbrances. It was a matter known to the records of the court of this District. Every man who purchased any of that property, if he took legal advice, would know that these assessments were liable to be validated, and therefore it was his duty to take a warranty from his grantor or vendor,

and if he failed to do it it was his own negligence. Now, see the attitude that this bill would put it in. Men who went forward like good citizens and paid their taxes have had to bear the burden. The shirkers of taxes go scot free.

Now, I submit further, Mr. Speaker, that it is a common practice in legislation not only to authorize reassessments, but in some cases to expressly validate assessments that have already been made. We are not asked to do that here. There is nothing more common, though, in the law of municipal corporations than to authorize the validation of defective assessments. These men who avoided the payment of these taxes upon technicalities ought not to escape on account of the assessments having been set aside. The bill expressly provides only for those cases where assessments may be set aside for some technical reason other than the right of the public authorities to levy the tax or make the improvement. So it really relates only to technical matters which have defeated the claims of justice, and there is no reason why they should continue to escape the demands of justice. It is not only an imposition upon the taxpayers of this District, but it is an imposition upon every citizen of the United States, for the whole people are called upon to bear a part of the burdens of the government of the District of Columbia. If the amendment of the gentleman from Texas [Mr. ABBOTT] is adopted, it would require another amendment in the proviso to carry out the spirit of it. I think the amendment ought to be adopted. There is no good reason why it should not be. The argument of hardship is a mere bugaboo.

Mr. DOCKERY. Mr. Speaker, I desire to avail myself of this opportunity to ask the gentleman in charge of this bill [Mr. BABCOCK], chairman of the Committee on the District of Columbia, whether it is the purpose of that committee to report, at an early date, some bill which shall provide for regulating and reducing the cost of gas and electric lights and of telephone service in the District of Columbia?

Mr. BABCOCK. Mr. Speaker, I will say in answer to the gentleman from Missouri that the committee have had two hearings on the matter, that they will have another hearing next Thursday, and that it is the intention to frame a measure of some kind, covering the entire subject, which will be presented to the House.

Mr. DOCKERY. At an early date?

Mr. BABCOCK. At an early day; yes.

Mr. BAKER of New Hampshire. Mr. Speaker, the argument of the gentleman from Arkansas [Mr. TERRY] would undoubtedly be valid in most jurisdictions, but unfortunately it does not properly apply in the District of Columbia. In the first place, the deeds of the District of Columbia, which are said to be warranty deeds, are virtually little better than the ordinary quitclaim deeds known in the States, and consequently a grantor in the District of Columbia, if the tax was not assessed at the time the deed passed, but was subsequently assessed upon his property conveyed by that deed, would not be liable for the payment of the tax, but the then owner of the property would have to pay the tax without any recourse to the grantor.

Mr. TERRY. I should like to ask the gentleman from New Hampshire [Mr. BAKER] if there is not a law here providing what time a tax lien will attach in this District?

Mr. BAKER of New Hampshire. The law and the practice here is that the lien attaches to the property so far as it is of record in the office of the District Commissioners, and if there was no tax assessed at the time of the passage of the deed, then if the tax were subsequently assessed, it would run to the property and not against the owner of the property. And more than that, by an act of Congress purchasers of real estate in the District of Columbia are permitted to call upon the collector of taxes—now the assessor of taxes by an amendment of the statute—for a tax-lien certificate; and upon the payment of 50 cents the person making the application gets a certificate from the District authorities showing the unpaid taxes; and if he buys under that certificate the property is exempt from all taxes not included therein, and the Commissioners of the District of Columbia, by authority of Congress, always cancel any taxes which were omitted to be shown by it, and a subsequent assessment would be inoperative under that certificate.

Mr. TERRY. That is certainly a very loose system.

Mr. BAKER of New Hampshire. Whether it be loose or not, it works well in actual practice, and is conclusive in my mind against the amendment offered by the gentleman from Texas [Mr. ABBOTT].

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Texas [Mr. ABBOTT].

Mr. BABCOCK. I hope this amendment will not be adopted. This measure was submitted by the Commissioners in the last Congress, and this word "hereafter" was not in the bill. That fact caused the defeat of the measure. I think if gentlemen fully understood the intention and object of the bill they would not insist upon this amendment.

The Commissioners prepared and submitted to a former Congress a draft of a bill to provide for the reassessment of taxes and assessments judicially declared void for such technical errors, but that bill, which was retroactive as well as anticipatory, failed to receive the favorable action of Congress. They also advise the committee that under the present law——

Mr. TERRY. I will ask the gentleman if that did not include some old railroad assessments and was defeated on that account?

Mr. BABCOCK. I think not.

Mr. TERRY. That is my recollection of it.

Mr. BABCOCK. The Commissioners advise the committee that the District is suffering a loss of about $150,000 a year. This is simply intended to correct imperfect and erroneous descriptions; that it shall not go back ten, fifteen, or twenty years, but simply apply to the future; and I hope, Mr. Speaker, this amendment will not be adopted.

The SPEAKER. The question is on the amendment.

Mr. ABBOTT. Mr. Speaker, the amendment which I offered does not accomplish the real purpose I designed to accomplish by the amendment, and I therefore desire to amend the amendment I offered by having the bill read in this way: In line 6, after the word "Columbia," insert "has been or may hereafter be quashed." I find on examination that striking out the word "hereafter" in line 6 will not accomplish the object which I sought to accomplish when the amendment was offered.

The SPEAKER. The gentleman has the right to modify his amendment.

Mr. ABBOTT. I would like to modify it in that manner.

Mr. RICHARDSON. I would like to have the amendment read from the desk.

The Clerk read as follows:

Insert in line 6, after the word "Columbia," "has been or may hereafter be quashed."

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

The question was taken; and the amendment was rejected.

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

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 85) granting to the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.;

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month;

A bill (S. 281) for the relief of F. M. Vandling;

A bill (S. 1409) providing for the construction and equipment of two steam revenue cutters for service on the Great Lakes; and

A bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps.

The message also announced that the Senate had passed with amendments the bill (H. R. 5474) to provide for the extension of the time within which suits may be brought to vacate and annul land patents, and for other purposes; in which the concurrence of the House was requested.

STORAGE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (H. R. 3462) to regulate the business of storage in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That every person, firm, association, or corporation lawfully engaged in the business of storing (for hire) goods, wares, merchandise, or personal property of any description shall have a preference lien thereon for the agreed charges for storing the same, and for all moneys advanced for freight, cartage, labor, insurance, and other necessary expenses, such lien to include all legal demands for like storage and expenses against the owner of said property. Said lien for such unpaid charges, upon at least one year's storage and for the aforesaid advances in connection therewith, may be enforced by sale at public auction after thirty days' notice in writing mailed to the last-known address of the person or persons in whose name or names the said property so in default was stored, and said notice shall also be published for three days in a daily newspaper in the District of Columbia.

Said property may be sold either in bulk or in separate pieces, articles, packages, or parcels, as will in the judgment of the lien holder secure the largest obtainable price: *Provided*, That if the person or persons storing said property shall have assigned or transferred the title thereto and have duly recorded said assignment or transfer upon the books of the storage warehouse, the written notice of sale shall also be mailed to said transferee or assignee.

SEC. 2. That whenever the title or right of possession to any goods, wares, merchandise, or personal property on storage shall be put in issue by any judicial proceeding, the same shall be delivered upon the order of court after prepayment of the storage charges and cash advances then due, and unless the person, firm, association, or corporation so conducting a storage business shall claim some right, title, or interest in said stored property otherwise than the lien hereinabove authorized, he, it, or they shall not be made a party to said judicial proceedings.

Mr. CURTIS of Iowa. Mr. Speaker, I desire that the report of the committee be read for information.

The report (by Mr. CURTIS of Iowa) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill

(H. R. 3462) to regulate the business of storage in the District of Columbia, make the following report:

There are a large number of persons, firms, associations, and corporations in the District of Columbia engaged in the business of storing for hire goods, wares, merchandise, or other personal property. The business is of considerable volume, and the District derives valuable revenue therefrom by way of licenses, direct taxes, etc. Much confusion and inconvenience has, however, resulted from the fact that the parties mutually interested in such business as bailors and bailees have been kept entirely to their common-law relations and remedies. The object of the bill presented by the committee is to regulate this business in a manner just both to the bailor and to the bailee.

Heretofore in cases where storage charges have become in default, or where advances for freight, cartage, labor, insurance, or other necessary expenses have not been repaid, forced sales of the stored property could be made, and often have been made, at very short notice, and even without notice, under conditions necessarily harsh to the owner, who might be sick or temporarily absent from the city. On the other hand, if the warehouseman was liberal and did not resort to forced sale, accumulation of the expenses necessarily ate up the value of the property and left nothing to either party. The bill reported gives advantage to neither party. It recognizes the right of the bailee to be secured and to be paid for his services, and the obligation of the bailor and of the goods to pay him therefor. It provides a method whereby, after ample personal notice to the bailor and of subsequent published notice in a Washington daily newspaper, unpaid advances and storage charges overdue for not less than one year may be enforced against the property. It thus fully protects owners of stored property against snap proceedings, while making the property responsible for the lawful expenses of its custody.

While making the property stored responsible for advances and agreed storage charges, it also guards the warehousemen from being made a party to suits involving the title to the stored property. The bill is recommended by the attorney for the District, is indorsed by the District Commissioners, and is satisfactory to parties in interest. It is likewise in entire harmony with similar legislation in the States of Colorado, Connecticut, Delaware, Iowa, Kansas, Maine, Michigan, Minnesota, Montana, Missouri, Nebraska, Nevada, New York, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

The committee recommend the following amendments:

In section 1, line 16, strike out the word "three" and insert the word "six," thus giving a longer period for publication of notice of sale. And at the end of section 1 add the following:

"And, after deducting all storage charges, advances, and expenses of sale, any balance arising therefrom shall be paid by the bailee to the bailor of such goods, wares, merchandise, or personal property, his assigns or legal representatives."

As so amended the committee recommend the passage of the bill.

The SPEAKER. The question is on agreeing to the amendments of the committee.

Mr. BAKER of New Hampshire. Mr. Speaker——

The SPEAKER. The gentleman from New Hampshire.

Mr. CURTIS of Iowa. Mr. Speaker, this bill——

The SPEAKER. The Chair has recognized the gentleman from New Hampshire.

Mr. BAKER of New Hampshire. I simply rose, Mr. Speaker, to inquire about the question. As I understand, it is on the committee amendments. I yield to the gentleman.

Mr. CURTIS of Iowa. Mr. Speaker, I have only a few words to say in connection with this bill. It was prepared and recommended by the District attorney, considered by the District Commissioners, and by them unanimously recommended for passage. The bill was carefully considered by the Committee on the District of Columbia, on which there are several very good lawyers, and by that committee unanimously recommended for passage with the amendments.

There are in the District of Columbia a large number of firms, persons, and individuals engaged in the business of storage for hire. There is no law now in the District of Columbia regulating that business except the common lien law, under which it can readily be understood that a person's property may be sold on short notice, and thus a rank injustice be done to the property owner or bailor. The object of this bill as presented by the committee is to regulate this business in a manner just both to the bailee or the proprietor of the warehouse, as well as to the owner of the property or the bailor. The lien protects the owners of the property against snap proceedings and at the same time makes the property responsible for the lawful storage charged. The bill is in exact harmony with the laws of a majority of the States. It is considered especially necessary here, by reason of the large number of persons engaged in the business, and from which business the District of Columbia derives considerable revenue in the way of licenses, taxes, etc.

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments recommended by the committee were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BAKER of New Hampshire. I have some amendments I desire to offer.

The SPEAKER. If the gentleman has amendments to offer, they should be offered now.

Mr. BAKER of New Hampshire. Mr. Speaker, I have several amendments which I will offer in course. I send up one now.

The Clerk read as follows:

Strike out in line 4, page 1, after the word "storing," the following words: "(for hire)."

Mr. CURTIS of Iowa. There is no objection to that.

The amendment was agreed to.

Mr. BAKER of New Hampshire. I desire to offer the following amendment.

The Clerk read as follows:

Strike out in line 6, page 1, after the words "have a," the word "preference" and insert the words "first, except for taxes."

Mr. CURTIS of Iowa. I accept the amendment.

The amendment was agreed to.

Mr. BAKER of New Hampshire offered an amendment, which was read as follows:

Insert in line 8, page 1, after the word "expenses," the word "thereon."

Mr. CURTIS of Iowa. There is no objection to that.

The amendment was adopted.

Mr. BAKER of New Hampshire. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out in lines 8, 9, and 10, page 1, after the word "expenses," the words "such lien to include all legal demands for like storage and expenses against the owner of said property."

Mr. BAKER of New Hampshire. Mr. Speaker, I offer this amendment to strike out the language just read for the reason, in the first place, that it seems to be impossible to understand just what it means, and in the second place, as far as I have been able to discover its intent, that intent is wrong. It not only includes in the lien legal demands against the property, but also claims for "expenses" against the owner of said property. Now, these expenses might be of various kinds with relation to the person and without any relation to the property. As I understand the language of the bill, it seems to me that a party could be held, if the warehouseman were so disposed, for personal expenses not necessarily incurred in connection with the stored goods, and even for a judgment rendered by a justice of the peace in this District for general demands or on a promissory note. My purpose is to make the meaning of the bill absolutely plain and to provide that the lien shall apply only to the goods in the warehouse. If the gentleman in charge of the bill can explain this provision of the bill satisfactorily or will agree to so modify it that the lien shall apply simply and solely to the goods in storage, I shall be happy to acquiesce.

Mr. CURTIS of Iowa. Mr. Speaker, there was some confusion in the minds of some of the members of the committee with reference to this language when the bill was considered. The provision, however, was explained to the satisfaction, I believe, of every member of the committee, and if the gentleman from New Hampshire will give me his attention I will endeavor to explain it as it was explained to the committee. The business of storage in this District seems to take a wider range than in most other cities of the size of Washington. For example, warehousemen here are often required to visit the houses of their customers to take up the carpets and clean them, and then to place them in their warehouses. Again, it often happens that the owner desires to withdraw from storage a portion of the goods.

Now, the object of this provision of the bill is that, in case expenses or charges have accrued upon the goods so withdrawn, the remaining goods left in storage shall be responsible for such charges accrued upon the whole. That is the explanation made to the committee, which seemed to be satisfactory. One other word, Mr. Speaker. This bill has been considered by the Senate committee and recommended for passage with precisely the same provisions that are contained in the House bill. I understand that in the Senate committee also there was at first some confusion as to the scope of the language criticised by the gentleman from New Hampshire, but that on explanation it was accepted as satisfactory. The House committee were unable to see how it would be possible for them to express the intention any more clearly than it is expressed in the language used by the framer of the bill.

Mr. RAY. Is it your purpose by this bill to give a lien on the goods not only for the storage charges, but for any claim that may exist against the owner of the goods for taking up, cleaning, and caring for them before they are put in storage?

Mr. CURTIS of Iowa. The provision was explained to the committee in this way: Very often storehouse keepers are required to send their men or their teams to the house of a customer for goods, and the object of this provision is to include in the lien any legitimate charges that have arisen in connection with the storage. Owing to the manner in which the storage business is conducted in this District there are, occasionally, small charges of this character for the handling of the goods.

Mr. RAY. My question was whether this bill as now drawn purports to give a lien upon the goods stored not only for the storage, but for any claim against the owner of the goods for taking up, cleaning, or caring for the goods before they are put in storage. Is that the purpose of the bill?

Mr. CURTIS of Iowa. Let me read the language of the bill to the gentleman, and I think the object will be clear to him:

Personal property of any description shall have a preference lien thereon for the agreed charges for storing the same and for all moneys advanced for freight, cartage, labor, insurance, and other necessary expenses thereon.

Mr. BAKER of New Hampshire. Why is that not enough?
Mr. CURTIS of Iowa. We believe that to be enough.
Mr. RAY. Read further.
Mr. CURTIS of Iowa. The gentleman can readily see that in the event of the removal from the warehouse of certain parcels of the goods stored the warehouseman or bailee will have released his claim upon the goods so removed, and certainly he should be entitled to have a lien upon the goods remaining for the total charges upon the goods, including those removed. Now, the bill provides for that in this language: "Such lien to include all legal demands for like storage and expenses against the owner of said property"—that is, expenses for storage. Those are the expenses referred to.
Mr. BABCOCK. The point is that if half the goods have been removed the lien is to stand upon the remaining goods for the charges on the whole.
Mr. RAY. There would be no objection to that, I think, provided the lien is limited to those goods, but let me put a case. Suppose that last year a man stored with me certain goods and did not pay the bill, and I permitted him to take the goods away. This year he comes and stores other goods. Now, would I be entitled under this bill to hold the goods stored this year for the claim of last year's storage.
Mr. BABCOCK. Not at all.
Mr. CURTIS of Iowa. I yield to the gentleman from Tennessee [Mr. RICHARDSON].
Mr. RICHARDSON. We understood that there are cases of this kind. A great many persons residing a part of the year in Washington City leave it in the summer—members of Congress, for illustration. Such persons may go to one of these bailees or warehousemen and say: "Here is my key; I want you to go to my house with your employees, take up my carpets and remove my property and store it until I call for it." Now, the provision in the bill was designed simply to cover cases of that kind, so that outside expenses incurred in that way may be like the storage charges, a lien upon the goods stored. That is all there is in this provision.
Mr. BAKER of New Hampshire. I apprehend the language which will remain after the adoption of my amendment covers all that gentlemen say these other words are intended to cover.
The bill, without the words which I propose to strike out, will provide—

That every person, firm, association, or corporation lawfully engaged in the business of storing goods, wares, merchandise, or personal property of any description shall have a first lien thereon, except for taxes, for the agreed charges for storing the same, and for all moneys advanced for freight, cartage, labor, insurance, and other necessary expenses.

Gentlemen who oppose this amendment have not named a single item of expense which will not be covered by that language. The words which I propose to strike out are confusing and of doubtful meaning. For instance, it is proposed that the lien shall cover "expenses against the owner of said property," not expenses chargeable upon the property itself, but "expenses against the owner." Now, I do not believe that there is any court in the land that would be able to explain the meaning of that language.
Mr. RICHARDSON. While the language is "expenses against the owner of said property," it is limited to "all legal demands for like storage"; and the sense is the same as if it read, "like expenses against the owner." It refers simply to the handling of that particular property.
Mr. BAKER of New Hampshire. But it does not say so.
Mr. RICHARDSON. It does.
Mr. BAKER of New Hampshire. I am in favor of giving these warehousemen every proper lien, but I do not think these words which my amendment proposes to strike out will make the bill any plainer or will make it a particle stronger in the interest of the warehousemen. If my amendment be adopted, the bill, I submit, will be cleaner and straighter.
Mr. COBB of Alabama. Mr. Speaker, if this amendment be adopted, one result which the committee intended to effect will not be fully accomplished. The warehouseman will have his lien for all ordinary storage expenses and for the labor in putting the articles in storage; but the language which the gentleman from New Hampshire proposes to strike out is necessary in order to cover such cases as those alluded to by my colleague on the committee. Where there is storage of a large amount of property consisting of various articles, and some of those articles are afterwards withdrawn, the warehouseman, without such a provision as the bill contains, would have no lien upon the articles remaining for the storage of the articles withdrawn. This provision is intended as much for the convenience of the storer as for the protection of the warehouseman. A man who has various articles stored in a warehouse may send for one, two, or three articles for his present use. The warehouseman sends them to him upon his order. Now, in such a case there would be a good deal of unnecessary trouble if, upon such a partial withdrawal, the storer should be required to pay a part of the price agreed on for storing the whole. It would be much better to let the section stand as reported.
Mr. BAKER of New Hampshire. The lien is for the agreed charges on the whole.
Mr. COBB of Alabama. Exactly. You agree for the storage of the whole amount of the goods.
Mr. BAKER of New Hampshire. And the whole amount of goods is liable for the storage charges.
Mr. COBB of Alabama. Take the case put by my colleague on the committee. The occupant of a house goes to a warehouseman, gives him the key, and says: "Here, I want you to take everything in my house, put it in proper condition for storage, and store it until I call for it; and I will pay you your charges, whatever they may be." That is done. Then there is a lien fixed upon the whole amount of the goods for the agreed price of the storage. After a month or two, we will suppose, the owner of this property sends to the warehouseman a request to send to him one, two, or more articles which have been stored. In such a case there might arise at the end of the term of storage the question whether there was any lien upon the remaining goods for the amount due for the storage of the goods which had been withdrawn. It was to meet cases of that kind that this language was inserted in the bill; and it certainly ought to remain. It can do no possible harm.
Mr. BAKER of New Hampshire. The bill absolutely says that in such cases the warehouseman shall have a lien upon what is left with him.
Mr. COBB of Alabama. No; it does not. There is at least doubt about that point. I do not think it does. I think it is very gravely doubtful whether a lien would be fixed upon the goods remaining to cover the storage charges upon goods which had been withdrawn. As I have said, it was to meet cases of this kind that this language was inserted. It can do no harm; and it makes plain what would otherwise be at least doubtful.
Mr. BAKER of New Hampshire. My objection is that it is not at all plain now, but the other amendment, striking out the word specified, makes it clear.
Mr. CURTIS of Iowa. I ask a vote on the amendment.
The amendment was rejected.
Mr. BAKER of New Hampshire. I offer another amendment.
The Clerk read as follows:

Strike out in line 11, page 1, after the words "charges," the words "upon at least one year's storage."

The question was taken; and the amendment was rejected.
Mr. BAKER of New Hampshire. I offer another amendment.
The Clerk read as follows:

Insert in line 13, page 2, after the word "auction," the words "at any time when not less than two years' storage are overdue."

Mr. BAKER of New Hampshire. The object is simply to preserve the rights of those who may be beyond the sea, or who may be for that length of time otherwise absent from the District. The inhabitants of the District of Columbia, it is generally believed, do more traveling than the citizens of any part of the country. Many of them are away a considerable share of the year, and it is necessary that their rights shall be preserved more than any other citizens in the country in respect to which the amendment applies.
Now, of course goods that would not bear the price of two years' storage would not be stored, and it goes without saying that this does not destroy any of the rights of the warehousemen while preserving the rights of others.
Mr. COBB of Alabama. The House has just refused to strike out one year, and that is the limit put on by the committee, and therefore it would hardly be willing to insert two years, leaving one in. It would be confusing. Besides, under the language now used, if any man expects to be away longer than that he can make provision for it. I ask a vote.
The amendment was rejected.
Mr. BAKER of New Hampshire. I offer another amendment.
The Clerk read as follows:

In line 20, page 2, strike out the words "lien holder" and insert the word "auctioneer."

Mr. BAKER of New Hampshire. As the bill now stands the lien holder has the whole procedure in his hands. I do not think it is entirely right. Although the safeguard, by substituting the word auctioneer, does not give as much right to the owner of the goods as he ought to have, yet it is the best word I can think of in connection with the matter, and therefore I offer that amendment.
Mr. COBB of Alabama. You do so to the prejudice of the owner of the goods stored. The lien holder is the man responsible, more than the other, and he is the man with whom the storer is dealing, and his rights would be more protected than by an irresponsible auctioneer.
Mr. BAKER of New Hampshire. The auctioneer is always under bond.
The amendment was rejected.
The bill as amended was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. JOHNSON of Indiana. I call up for consideration the contested-election case.

Mr. DINGLEY. If the gentleman will pardon me a moment, I desire to submit a request for unanimous consent.

Mr. JOHNSON of Indiana. Certainly.

Mr. DINGLEY. The gentleman from North Dakota [Mr. JOHNSON], if he had been present this morning, as he intended to be, desired to make a few remarks on the bill for the protection of fur seals, which was passed by the House to-day. I ask unanimous consent that he be allowed to print in the RECORD the remarks which he would have delivered if an opportunity had been offered.

There was no objection.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills and resolution were taken from the Speaker's table and referred by the Speaker as follows:

A bill (S. 281) for the relief of F. M. Vandling—to the Committee on Claims.

A bill (S. 616) granting a pension to Matilda Gresham, widow of the late Walter Q. Gresham, at the rate of $100 per month—to the Committee on Invalid Pensions.

A bill (S. 1409) providing for the construction and equipment of two steam revenue cutters for service on the Great Lakes—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1716) for the relief of W. H. Ferguson, administrator of the estate of Thomas H. Millsaps—to the Committee on Claims.

Joint resolution (S. R. 85) granting the county of Cole, Mo., permission to use certain rooms in the United States building at Jefferson City, Mo.—to the Committee on the Judiciary.

CONTESTED-ELECTION CASE—VAN HORN VS. TARSNEY.

Mr. JOHNSON of Indiana. Mr. Speaker, I call up for consideration the contested-election case of Robert T. Van Horn *vs.* John C. Tarsney, from the Fifth Congressional district of Missouri, and ask that the resolutions reported by the majority of the committee be read.

The Clerk read as follows:

Resolved, That John C. Tarsney was not elected to the Fifty-fourth Congress from the Fifth Congressional district of the State of Missouri, and is not entitled to a seat in the House.

Resolved, That Robert T. Van Horn was elected to the Fifty-fourth Congress from the Fifth Congressional district of the State of Missouri, and that he be admitted to his seat.

Mr. JOHNSON of Indiana. I move the adoption of the resolutions reported by the committee.

Mr. BAILEY. I ask the Clerk to read the resolutions reported by the minority of the committee.

The Clerk read as follows:

Resolved, That the case of Robert T. Van Horn against John C. Tarsney be recommitted to the Committee on Elections No. 2 for further consideration.

Resolved, That additional evidence be taken in said case, under such rules and in such manner as shall be adopted and prescribed therefor by the said committee, such additional evidence to be confined to the condition and custody of the ballots cast in the fifth, sixth, seventh, and fifty-second precincts of Kansas City in the Congressional election of 1894; to the segregation of the illegal from the legal ballots in such precincts, and to the recount of the legal ballots cast in such precincts for Representative in Congress, and to include also duly certified copies of all poll books of such precincts not now in evidence.

Mr. MAGUIRE. Mr. Speaker, I offer the resolutions accompanying the minority report as a substitute for the resolutions reported from the Committee on Elections.

Mr. TAYLER. I would suggest to the gentleman from California the addition of the words "second" and "twenty-seventh" in the resolution proposed by the minority, in order that the scope of the testimony proposed to be taken may be somewhat widened.

Mr. MAGUIRE. I have no objection to that, and will amend the substitute in accordance with the suggestion of the gentleman from Ohio.

Mr. JOHNSON of Indiana. Mr. Speaker, the discussion of the resolution on the part of the committee will be opened by the gentleman from Nebraska [Mr. STRODE], to whom I now yield time.

Mr. BAILEY. Has the gentleman from Indiana [Mr. JOHNSON] any disposition now to try to fix a limit within which the debate shall be closed?

Mr. JOHNSON of Indiana. I think, Mr. Speaker, it would be a little unwise to undertake to fix a limit at the present time. There are several gentlemen who desire to be heard on this side, and I am informed that there are several gentlemen who desire to be heard on the other side. There may come a time in the debate when it will be advisable to fix a limit. If so, I shall advise with the gentlemen on the other side before making any motion or taking any action upon that subject. I think the debate should be allowed to proceed in the usual manner under the rule.

The SPEAKER. The Clerk will report the substitute offered by the gentleman from California.

The Clerk read as follows:

Resolved, That the case of Robert T. Van Horn against John C. Tarsney be recommitted to the Committee on Elections No. 2 for further consideration.

Resolved, That additional evidence be taken in said case, under such rules and in such manner as shall be adopted and prescribed therefor by the said committee, such additional evidence to be confined to the condition and custody of the ballots cast in the second, fifth, sixth, seventh, twenty-seventh, and fifty-second precincts of Kansas City in the Congressional election of 1894; to the segregation of the illegal from the legal ballots in such precincts, and to the recount of the legal ballots cast in such precincts for Representative in Congress, and to include also duly certified copies of all poll books of such precincts not now in evidence.

The SPEAKER. The gentleman from Nebraska [Mr. STRODE] is recognized.

Mr. STRODE of Nebraska. Mr. Speaker, I think there is nothing involved in this case that requires any special knowledge of the law in order to determine it correctly. The facts, which must finally determine what the decision of this House shall be, seem to the majority of this committee not to be fairly in dispute. There are three reports on file, one from a majority of the committee, one from a single member of the committee, and one signed by three Democratic members of the committee.

In order that the House may fairly understand the case, it becomes necessary that a statement of the provisions of the law of the State of Missouri should be made. Unless you have read the record in this case or the briefs, you probably can not understand why the majority of this committee have decided that this case should not be reopened and further testimony taken.

If the House will indulge me, and I may be somewhat tedious in my presentation, I shall attempt to lay the law and the facts of this case before you so that you may more clearly understand and apply the arguments of other members of this committee who shall follow me.

I think that all the members of this committee, minority and majority, agree upon one fact, and that is that at the election in November, 1894, in the Fifth Congressional district of the State of Missouri, there were outrageous and enormous frauds perpetrated. The minority, and also the single member who has signed a report, propose to open up this case and take further testimony, and try to purge the vote cast in that district of the fraudulent votes. The majority of this committee do not believe that this is feasible under the circumstances and the facts surrounding this case. So that the issue that is presented here for this House to determine is simply this: Shall this case be opened up, and shall the contestee be allowed to take further testimony? That is the only issue that is presented for this House to decide. I think I may safely say that the minority will admit that if the majority are right in their claim that there were such frauds perpetrated in certain precincts in this Congressional district within the city of Kansas City that they should be thrown out and entirely disregarded in making up the returns of this election, then the contestant is clearly entitled to his seat in this House. Of that, it seems to me, there can be no dispute. So that the question to be determined here is, ought this case to be opened up and the contestee allowed to take further testimony?

The law of Missouri in force and effect in 1894, when this election was held, provided that in cities of the first class there should be a recorder of voters; that his office should be open at all times for the registration of legal voters within cities of the first class, and Kansas City was within that class. The recorder of voters in 1894, and for three or four years prior thereto, was a gentleman by the name of Owsley. The majority of this committee are of the opinion that there was a conspiracy to carry on fraudulent elections in Kansas City, not only at the election in 1894, but at prior elections, and that this recorder of voters was one of the chief conspirators in the commission of frauds committed in that city. This register of voters was required, whenever a legal voter presented himself, to enter his name upon the registration list kept in his office, putting upon the registration list his place of residence and a description of the voter—that is to say, a statement whether he was white or colored.

The record in this case is a voluminous one. The testimony taken covers nearly a thousand pages of closely printed matter. I think that any member who will take this testimony and carefully review it can not arrive at any other rational conclusion than that this register of voters was one of the conspirators who helped to perpetrate the frauds that are admitted by all parties to have been perpetrated in 1894.

The law in force at that time required this register of voters to prepare a poll book giving a list of names of all the legal voters in each voting precinct in Kansas City, and to send these poll books to the places where the elections were to be held upon the morning of the election, or prior to that time, so that they might be there at the polls at the time of holding the election. This recorder of voters controlled almost absolutely the machinery of elections in cities of the first class in the State of Missouri. He was given power to appoint all the judges of election, all the clerks of elec-

tion at all the precincts in cities of the first class—that is, the recorder of voters of each city of that class. The law required that he should appoint an equal number from each of the two leading political parties; or, in other words, that there should be an equal number of Democrats and Republicans upon the election boards in each of the voting precincts.

The ballots were prepared by this recorder of voters and sent to the election precinct, if I remember the law correctly. The judges of elections were divided into three classes; two of them were distributing judges—that is, judges who had charge of the ballots and marked upon the ballots their initials and handed them to the voters as they presented themselves to vote. Two of them were receiving judges. When the voter came into the polling place and received his ballot, he went into a booth and there prepared his ballot, brought it back, and gave it to two receiving judges. It was their duty to deposit that ballot in the ballot box. The other two judges were what are known as counting judges.

Two ballot boxes were provided for each voting precinct, and every hour they were required to open the ballot box and count the votes cast up to that time, and as they opened one ballot box the other was substituted and the ballots placed in it during the next hour. Two clerks kept the poll list. When a man presented a ballot they looked upon the poll list and found his number—that is, his registered number. That was marked upon the ballot. Beneath was drawn a line, and under that line was placed his voting number; and the voters were numbered in the order in which they presented themselves at the polls. After the voter had cast his ballot, "Voted" was written opposite his name, and his voting number also. The law required that the ballots should be strung as they were counted during the day, and after the polls were closed they were to be placed in a ballot box, sealed up, and two judges, one of each party, were required to take this ballot box and one of the poll lists that was put in the ballot box and return them to the recorder of voters; also another poll list that was not to be placed in or sealed up in the ballot boxes.

The law required this recorder of voters to carefully care for and preserve these ballot boxes, allowing no one to have access to them, for the period of one year, or until there should be an order of court in a contested-election case which might require them to be opened for examination.

The majority report was prepared by the chairman of the committee, and is full and concise, and I trust that every member of this House may carefully read it before this case shall be finally submitted, for I believe that it is a fair, open, full, and candid statement. I say that the majority of the committee believe that there was a conspiracy to commit fraud at this election, and they believe that Owsley was the leader in that conspiracy.

This conspiracy was formed not for the purpose of this particular election. And here I digress to say this: That so far as this record discloses there is nothing to show that the contestee, Mr. Tarsney, had any part or parcel in this conspiracy; and we only contend that he is the beneficiary of the frauds that were perpetrated at this election. This conspiracy was formed for the benefit of the Democratic party in Kansas City. It is true that in the election of 1894, the election in which this contest is involved, there were a few Republicans embraced. Two or three local Republican candidates, a candidate for justice of the peace, and a candidate for constable in one of the precincts, entered into the conspiracy with these Democrats to perpetrate frauds at the election in 1894. But prior to that time, in 1893, the registration lists had been "stuffed"; in other words, there had been entered upon the registration lists in the Second Ward of Kansas City, in which there were not more than 1,000 legal voters, some 800 or 900 names of persons who never had resided in that precinct and who were not voters of that precinct. The object of entering them there by this register of voters was to perpetrate Democratic frauds; and that this House may understand more fully what some of these frauds consisted of, I will send to the Clerk's desk the record of the testimony taken in this case, and have read as a part of my remarks that portion which is marked on pages 690, 691, and 692. By paying close attention to this testimony, I think the House will be fully convinced how these registration lists were "stuffed," how fraudulent names were entered upon them; and I trust that every member of the House will listen to the reading of this testimony.

Mr. MAGUIRE. What testimony is it that the gentleman is having read?

Mr. STRODE of Nebraska. It is the testimony of Mr. Bradbury, which is found on page 690 of the record. One word more, Mr. Speaker, before that testimony is read. This man Bradbury had charge of a gang of men who were working upon the streets in Kansas City. Another man, by the name of Pierce, I think, had charge of another gang. The men were negroes, and it was these two gangs that went week after week to the registration office and registered themselves under different names, and when the examination speaks of "your gang" it is intended to distinguish Bradbury's gang from Pierce's gang, because both gangs went and registered repeatedly.

Mr. HENDERSON. Was this done in 1893?

Mr. STRODE of Nebraska. This registration was commenced in August, 1893.

Mr. HENDERSON. And did the same registration form the basis for the fall election in 1894?

Mr. STRODE of Nebraska. This same registration list was used in the election of 1894. The particular object of padding the registration lists in August, 1893, was to prepare for the city election which was to occur in the spring of 1894, and the lists having been so padded, they continued it and used it at the Congressional election in November, 1894. I now ask that the Clerk read the testimony, and I hope gentlemen will give it their attention.

The Clerk read as follows:

Q. This was done by you with your gang?
A. Well, both these gangs would go together.
Q. Well, how many were there?
A. Well, he had six or seven and I had about the same number, and all those boys at those sporting houses, we would all go together, say about twenty-five or thirty.
Q. What day of the week?
A. Regular every Saturday.
Q. Regular every week?
A. Yes, sir.
Q. From what time to what time?
A. Well, from about the 25th of August, 1893, up to very near the spring election, almost every week.
Q. Spring of 1894?
A. Yes, sir; spring election.
Q. Well, were they given any particular instructions as to what precinct to register in, whether the fifth, sixth, or seventh?
A. Well, we had a certain number of votes Mr. May wanted in the fifth precinct, and then afterwards he had some put in the seventh precinct. He did not put any in the sixth. Andy Foley had charge of that, because he named the judges and clerks in that precinct. In the seventh precinct and in the fifth precinct I recognize some names there, at 23 East Third, 7 East Third, 9 East Third, and 11 East Third, all those was done during this registration.
Q. Well, who was Foley?
A. Well, Andy Foley was alderman at that time, representing the Second Ward, and you know Mr. May was very cautious, and he knew that some time he and Mr. Foley was going to split, so he would not put any votes in that precinct Andy Foley was supposed to control; that was the sixth precinct. So he put all the votes in the fifth and seventh precincts.
Q. This was all done before the spring election?
A. Yes, sir.
Q. Do you remember who it was conducted the ward registration before the spring election?
A. Before the spring election?
Q. Yes.
A. I do not know his name, but I know there was a gentleman appointed there had charge of the ward registration, and some of this illegal registration was done while he was there. At first he objected to it.
Q. Where was that?
A. At the Metropolitan Hotel.
Q. How long before the election?
A. Not very long.
Q. That was just before the election, when they have the ward registration?
A. Yes, sir; and just before the election I went to see Mr. May and told him this man would not do it, and he went down to see Mr. Owsley, and Mr. Owsley was late coming, and I telephoned Mr. Owsley——
Q. Where did you telephone?
A. I telephoned Fifth and Broadway, I think, and he came down and he saw this man, and after that the men were registered.
Q. Well, what do you know about transfers of names that appear on the books of the spring election being made this fall from one precinct to another in the Second Ward?
A. I remember them saying to me one time that there was too many votes in the fifth precinct.
Q. There had been too many put on?
A. There was about 800 or 900 votes on there; they could not handle all of them, it would be too much of a give away, and they said they was going to strike off some of the names; so one day George A. Pierce saw me; he works in the county surveyor's office; Democratic committeeman he was then and is now; he was canvassing the ward for the recorder of voters——
Q. Do you mean to say he was a Democratic committeeman and also one of Owsley's canvassers?
A. Yes, sir.
Q. Who was Mr. Owsley?
A. Recorder of voters.
Q. He was appointed by Owsley for the purpose of striking off illegal names from the fifth precinct and other precincts in the Second Ward?
A. Yes, sir.
Q. Well, how do you know he was a canvasser?
A. He told me so. He told me he was going to be a canvasser before he was. I met him at Fifth and Broadway—John Moran's saloon. He told me he wanted me to go over to Krueger's drug store——
Q. When was that?
A. I think it was in October, 1894; I think the board of revision was in session, and these canvassers were out finding out about these names. I think it was in October, and he said to me he wanted me to call off about 200 names to him. He had a book similar to yours; he wanted some of those names called off; he wanted some of those illegal names stricken off; so I called off a great many of those names that were registered at the northwest corner of Second and Wyandotte and First and Wyandotte. I called off a great many names for him from 311 West Sixth street, and from other numbers in that precinct I do not remember. I remember those particularly; I thought there was too many at 311, and I thought we had better get those names from the northwest corner of Second and Wyandotte and First and Wyandotte; and so a few days after that I saw Pierce; he said to me that Bristow could not find those names. I said, "What names?"——
Q. For what purpose did he want this list from you?
A. I said, "What names?" and he said, "Those names you called off," speaking to me; and I said, "Bristow didn't need those names if they were to be stricken off," and he explained to me that they were not to be stricken off, but they were to be transferred out of the fifth precinct into the other two precincts; that is, the sixth and seventh precincts in the Second Ward.
Q. Why did they want this done?

A. Because there were too many names registered in that precint, 800 or 900; they had better put them in the other precincts; you see at that time Andy Foley was off the committee; at that time Pierce, being committeeman, would have the naming of the judges and clerks in all three precincts; being committeeman, there would not be any trouble with Andy Foley.
Q. Foley wasn't in the campaign this last fall at all?
A. No, sir; Pierce took his place.

Mr. STRODE of Nebraska. Now, Mr. Speaker, the testimony just read explains how this false registration was made. It shows that certain men who had charge of gangs who worked upon the streets took them every Saturday night, together with gangs of men gathered from dens of prostitution and other disreputable places in Kansas City, and in gangs of from 25 to 30 at a time, took them to the office of the recorder of voters and had their names placed on the registration list, not their own proper names, but any names that occurred to them. These names were placed upon the list and voted at the election in the fall of 1894. Now, I call attention to the fact that the testimony of the witness Bradbury, just read, stands in this record wholly uncontradicted in any particular. It stands uncontroverted by the facts or by the witnesses who have testified in the case. Mr. Owsley and his clerks who helped him to make this false registration were in the city, I think, when this testimony was given, but the contestee did not see fit to call them or any other witnesses to the stand to contradict a single statement made by Mr. Bradbury.

Not only that, but the witness's testimony is borne out by an examination of the records. When you go to these registration lists and examine the dates when these names are entered upon them, you find that they were entered on Saturdays and in large groups, just as this witness has testified, and that in that way the registration lists were stuffed and prepared for the spring election in 1894. This state of facts pertains, so far as Bradbury's testimony shows, to three precincts that are involved in the reports made by the majority and the minority of this committee—the fifth, sixth, and seventh precincts of the Second Ward in Kansas City. There is also another precinct involved. The majority of the committee insist that the evidence in this record standing uncontradicted, or at least unsuccessfully contradicted, shows that in the fifty-second precinct such frauds were committed as that that precinct can not and ought not to be counted in the determination of the result of that election.

Following this election there was great excitement in Kansas City. The citizens realized the fact that there had been enormous frauds committed at the election and they called a public meeting composed of all parties, and the leading men, Democrats, Republicans, and Populists, selected a committee of safety. Within two weeks after the election had been held that committee of safety appointed canvassers, who immediately entered upon a canvass, having with them lists of all the voters in the suspected precincts in Kansas City. Those canvassers went from house to house and made a thorough canvass, and they found that there had been large numbers of men fraudulently entered upon the registration lists not only in the precincts I have mentioned, but in other precincts also.

Mr. HENDERSON. Was that after the spring election or after the fall election?

Mr. STRODE of Nebraska. This was right after the Congressional election in 1894. When the result of the election was published in the daily papers of Kansas City, on the 7th day of November, I think it was, people immediately discovered that enormous frauds had been perpetrated. Then this public meeting was called and canvassers were appointed, who went from house to house, made the most perfect and complete canvass they possibly could make, as the record shows, and they found that in each of these precincts there had been from 250 to 350 or more names of persons who never had been voters in those precincts entered upon the registration lists. They went, as I have said, from house to house and inquired of the tenants and found that in many instances no such persons as those whose names appeared upon the lists had ever lived in that vicinity. In fact, the registration lists showed that many of these names had been registered from places which were vacant lots, railroad yards, and houses that had been standing idle for months prior to the election. Testimony in this case shows, and it is uncontradicted, that this recorder of voters, Mr. Owsley, entered a large number of these names upon the registration lists himself. That is shown by Bradbury's testimony, a portion of which has just been read.

The county Republican central committee were suspicious that frauds had been committed in the spring election of 1893, and so prior to this election in 1894 appointed canvassers to go into the suspected precincts, 45 in number, there being, I believe, 63 in all in Kansas City. These canvassers made a canvass from house to house. They entered the names of all the voters they could find, as is shown by the testimony, in each of these precincts. They then went to the office of the recorder of voters; they checked from his list all the names that had not been entered upon their lists, in alphabetical order, as found. They went back into the precincts and tried to see how many of those that they had failed to find the first time that had been entered upon the registration lists could be found. They found some of them—a few of them. When they had completed this careful recanvassing they found that in those 45 precincts there were 4,500 names fraudulently entered upon the registration list—at least that many names of persons that they could not find.

The Republican county central committee then took their books made up from their canvass and from the registration lists in the office of the recorder of voters. They went to that officer and showed him their books and asked him to strike off or have the board of revision strike off those names; for the law provided that before the election—twenty days, I think, before the election—there should be a board of revision appointed for the purpose of purging these registration lists.

Mr. HENDERSON. Appointed by whom?

Mr. STRODE of Nebraska. Appointed by the recorder of voters. As I have said, this law gave into the hands of this recorder of voters absolute power to perpetrate fraud in the State of Missouri in cities of the first class. He appointed these persons who were to revise the registration lists—presumably one-half from each political party.

This board of revision was then in session. The county Republican central committee went to the recorder of voters and showed him this list and asked him to take it and purge it. They then went to the board of revision and presented it to them, and asked that the board of revision and the recorder of voters should appoint canvassers, one canvasser to go into each precinct with a canvasser to be selected by the Republican county central committee, and if possible purge these registration lists. This was refused. No canvassers were appointed to act with canvassers selected by the Republican county central committee.

But this board of revision undertook to purge this list. Upon that board there had been appointed men pretending to be Republicans. The board found that only 200 out of the 4,500 names to which the Republican county committee had called attention should be stricken from the list. So that the list as made up by the board contained the names of 4,300 persons unaccounted for in those 45 precincts in Kansas City.

I have said that this recorder of voters was empowered to appoint all the officers of the election. He appointed the six judges and the two clerks that were to serve at each of the voting precincts. The Republican county central committee made up a list of reputable, honest, competent Republicans whom they desired to have appointed upon the boards of election in the different precincts of Kansas City. They submitted that list to this recorder of voters. He took it, looked at it, and said, "I can not appoint the men that you have asked me to appoint; there are a great many applications here." Finally, however, he promised that he would publish the list of his appointees, and that when the committee saw it they would be satisfied with it. He did make the appointments, selecting very few indeed of the men who had been recommended by the Republican county central committee for appointment upon the election boards.

When his list was published there was indignation all over Kansas City. Immediately the Republican county central committee went to him and protested against the appointment of the men whom he had named to act as judges and clerks of election. The county central committee then sent out canvassers to see if they could learn where these judges and clerks of election were located. There were numbers of them, large numbers—aye, a large majority of them—who could not be found at all. The fact is, as this record shows, that Mr. Owsley, Street Commissioner May, and others who were in this conspiracy had been colonizing illegal voters in those precincts to act as judges of election. Those that the committee did find that had been appointed as Republicans were found to be disreputable people, men unfit to serve as such officers.

There was, as I have said, indignation all over the city. Immediately a committee called upon the recorder of voters. An agreement was entered into that they should submit a list of those who should be selected as judges and clerks of election to a committee of four—two Democrats and two Republicans. Mr. Owsley agreed to that. The next morning after making this agreement he published a card in the newspapers renouncing his agreement and declining to make the appointments in the manner agreed upon.

This was upon the eve of the election. There was no time to remedy the wrong that it was apparent the recorder of voters intended to commit. And so the judges and clerks thus selected, over the protest of the Republican county central committee, were allowed to act as such at the different precincts.

Mr. RAY. The gentleman will allow me to ask him a question. As I understand from him, Mr. Owsley appointed men as judges and clerks of the election who did not reside in the precincts where they were to act.

Mr. STRODE of Nebraska. Men who had been colonized, who had rented rooms for the sole purpose of acting as such at the election.

Mr. RAY. Then they were not bona fide residents?

Mr. STRODE of Nebraska. No; they were not.

Mr. BAILEY. We should like to hear the colloquy which is going on between the gentleman from New York [Mr. RAY] and the gentleman from Nebraska [Mr. STRODE].

Mr. RAY. I asked the gentleman from Nebraska whether or not Mr. Owsley appointed as judges and clerks of election in certain precincts men who were not bona fide residents of the precincts; and he has replied that Mr. Owsley did so. The question I now ask is this: Does the law of Missouri demand or require that these judges and clerks shall be bona fide residents of the precincts in which they act?

Mr. STRODE of Nebraska. I think the law so requires; in fact, I am positive that it does require that these officers shall be bona fide residents of the precincts in which they act.

Mr. RAY. And also qualified voters.

Mr. STRODE of Nebraska. And qualified voters in the precinct.

Mr. HENDERSON. I would like to ask the gentleman another question, with his permission.

Mr. STRODE of Nebraska. With pleasure.

Mr. HENDERSON. I would like to know whether any of the names recommended by the Republican county central committee as judges of the election, recommended to Mr. Owsley, the recorder of voters, were appointed in the fifth, sixth, and seventh precincts of the Second Ward, or in the fifty-second?

Mr. STRODE of Nebraska. Not one. And only a few were appointed in any of the precincts within the 63 voting precincts of the city. Wherever the appointments were made as recommended by the central committee of the Republican party, it is not shown by the evidence in the record that any frauds were there committed. It was only in those precincts where they had absolute control under the appointments made by this recorder of voters, Mr. Owsley, that frauds were committed. When they canvassed the list of judges and clerks, they found that the men appointed as Republicans were, many of them, in fact Democrats. For instance, in the fifty-second precinct a man by the name of Frenkle had voted as a personal matter for the Republican candidate for mayor at the city election, 1894. He said that he had always been a Democrat; that he had always voted the Democratic ticket on all occasions, except in this one single instance; yet he was appointed by Mr. Owsley as one of the Republican judges of election in the fifty-second precinct.

Mr. COOPER of Wisconsin. Will the gentleman yield to me for a question?

Mr. STRODE of Nebraska. Certainly.

Mr. COOPER of Wisconsin. The gentleman has stated that some of the election officers were nonresidents of the district in which they acted?

Mr. STRODE of Nebraska. Yes, sir.

Mr. COOPER of Wisconsin. I notice in the brief of the contestant this allegation:

> Not only were they nonresidents, but no information concerning them, their residence, character, or politics could be obtained.

Was that established by the evidence taken before the committee?

Mr. STRODE of Nebraska. Yes, sir; witnesses were called who substantiated that fact. It was shown by the witnesses who were put upon the stand that they had gone out under the direction of the county Republican committee and canvassed the different precincts to find the men who were to serve the next day at the election as the judges and clerks, and they were unable to find out who they were, where they were from, or their politics; and among the few they did find who had been appointed as Republicans, as I have already stated, were some Democrats, and those found who were Republicans were barkeepers and men of a disreputable class, as well as men of doubtful Republican politics.

Mr. HENDERSON. If my friend will allow me a further interruption—I do not wish to consume his time, but I think the House ought to understand the case.

Mr. STRODE of Nebraska. I am glad to yield to interruptions, because I wish the House to understand it fully.

Mr. HENDERSON. You have stated that of the 4,500 fraudulent names on the poll list there were 200 erased by the reexamining board or the board of revision. Can the gentleman state, from the evidence, what method was pursued by that board of revision in striking off the 200 names? Were the citizens' committee of the Republican county central committee or any other persons selected, or any method adopted by which they could trace out the names, or was it done by force of arms, so to speak, without any known method to the citizens? I would like the gentleman to make that point clear.

Mr. STRODE of Nebraska. I am not certain, but I think the testimony shows that the board did it as they saw fit, and that there was no concert of action between the board of review and the county central committee in striking off the 200 names from the list.

Mr. HENDERSON. It was done, then, in sort of a star-chamber proceeding?

Mr. STRODE of Nebraska. Yes, sir. However, the names were published in the paper after they had been stricken off, but the list of names was not published in alphabetical order; there was no systematic arrangement of them, and it was exceedingly difficult, if not impossible, for the Republican county committee, in the short time before the election, to have investigated how or from what precincts they were stricken off.

Mr. JOHNSON of Indiana. If my colleague will allow me, I would like to ask him if it is not true that the testimony shows that, despite the protest of the Republican central committee, the election was held with 4,300 illegal names on the registration list; that this occurred after the attention of the recorder of voters had been called to the matter by the Republican county committee?

Mr. STRODE of Nebraska. That is a fact that I have already stated; that there were 4,300 names on the list which the Republican county committee had shown to be fraudulent; that is to say, most of them. There might have been here and there occasionally a man who was properly on the list. The chairman of the Republican county central committee was upon the witness stand, and was asked in cross-examination by contestee's attorney about certain men who were on the list, and he said that he thought the 4,300 was in the neighborhood of being an accurate statement of the total number; that a few might have been properly registered, but in the main that the list was correct.

Mr. HENDERSON. I understand you, then, that the fraudulent names reported were found upon the poll list after the election as having voted?

Mr. STRODE of Nebraska. Yes, sir. In these precincts, as I have said, the majority of the committee find from the testimony that nearly all on this list of names were marked as having voted.

Mr. HENDERSON. Was there any evidence taken after the election touching the 4,300 fraudulent names to verify the charges of the Republican county central committee made before the election?

Mr. STRODE of Nebraska. I think not, name by name. That is my recollection.

Mr. JOHNSON of Indiana. Is it not true that the committee of safety which canvassed the various wards right after the election reported numerous fraudulent registrations to have been made there?

Mr. STRODE of Nebraska. Yes; but whether they undertook to verify them by the same lists or not, I do not know.

Mr. BAILEY. I do not like to complain, Mr. Speaker, but it is impossible to hear the questions propounded to the gentleman from Nebraska, and we should like to hear them.

Mr. JOHNSON of Indiana. The question I addressed to my colleague was this: Is it not true that a canvass made in certain of these wards by what was known as the nonpartisan committee of safety, within eight or ten or twelve days after the election was held, disclosed a vast number of names in each ward of persons registered and marked on the poll books as having voted, a great number of whom could not be found, and who were registered from vacant lots, tenantless houses, and other impossible places?

Mr. STRODE of Nebraska. That is true. I have already stated that.

Mr. HENDERSON. Did those names correspond with the list of which they had notice before the election?

Mr. JOHNSON of Indiana. Some did and some did not.

Mr. STRODE of Nebraska. I had already stated what the gentleman from Indiana states, but as to whether they were compared and found to be the identical names or not I am not prepared to state.

Mr. RAY. With the permission of the gentleman, I desire to ask him, does the record show positively that any man or men did, in fact, vote twice in the same precinct, or vote in one precinct and then go and vote in another precinct?

Mr. STRODE of Nebraska. There is some evidence tending to prove that fact, that there was repeating in some precincts, but we confine ourselves more particularly to those four precincts.

Now, this law of Missouri also provides that there shall be a challenger allowed at each voting place and a witness to the count. Remember, they counted every hour. The challenger would be there only when the votes were being cast.

The Republican county central committee sent to this recorder of voters a list of names out of which they desired him to select the challengers and witnesses at the respective precincts in Kansas City. Mr. Owsley, the recorder of voters, prior to the election, when that list was submitted to him, decided that they were not entitled to have challengers and witnesses, so they made up a test case and submitted it to three of the circuit judges of Kansas City and acquired from them a judicial opinion, which opinion is printed in the record, in which it was decided, or at least by two of them, that the Republican county central committee were

entitled to select their challengers and witnesses for these respective voting precincts.

Mr. CLARK of Missouri. And each party had that right?

Mr. STRODE of Nebraska. Each party had that right to select their challengers and witnesses. Mr. Owsley, however, having made up his list of election judges and clerks, instructed them, notwithstanding this judicial decision in a case to which he was a party—instructed these election boards that it was within their discretion to allow the challengers and witnesses to be present at the election for the purpose of exercising the duties which they were allowed under the law to exercise.

The county central committee prepared credentials and placed them in the hands of their witnesses and challengers, and sent them to the respective voting places, and in all the polling places where these election boards had been made up for the specific purpose, as we claim, of perpetrating frauds, these challengers and witnesses were ejected, were thrown out and not allowed to act. The excuse given by some of the election boards was that their credentials were not signed by the recorder of voters. These challengers and witnesses went to the office of the recorder of voters to have him sign their credentials. They found the office locked. They remained there and tried to get in. Finally, after some persistence, they secured an opening of the door and found that Mr. Owsley was not there; but some of these challengers and witnesses encountered Mr. Owsley later at a polling place, and presented their credentials and asked him to sign them, but he refused to do so.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JOHNSON of Indiana. Does the gentleman from Nebraska desire further time?

Mr. STRODE of Nebraska. I do.

Mr. JOHNSON of Indiana. How much further time does the gentleman desire?

Mr. STRODE of Nebraska. It will take me thirty minutes to present the case as I desire to present it.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to proceed for thirty minutes longer.

Mr. BAILEY. I suggest that the gentleman be allowed to conclude his remarks.

Mr. HENDERSON. That is the better way. Let him conclude his remarks.

Mr. JOHNSON of Indiana. Very well; I have no objection to that. I ask unanimous consent that my colleague be permitted to conclude his remarks.

The SPEAKER pro tempore. Unanimous consent is asked that the gentleman from Nebraska [Mr. STRODE] be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. STRODE of Nebraska. As I have said, Mr. Speaker, the challengers or witnesses were ejected from every one of these precincts where these frauds were afterwards shown to have been perpetrated. Had they been allowed to be present and exercise their duties, and to witness what was going on in these different polling places, I doubt not that there would have been different returns from the different voting precincts in Kansas City where it has been proven that great frauds had been perpetrated by the election boards.

Now, I desire to call the attention of this House to some of the frauds that were perpetrated. The majority of this committee say that the returns, the ballot boxes, and everything connected with the election held in the fifty-second precinct and in the fifth, sixth, and seventh precincts were so tainted with fraud that they are unworthy of being considered as evidence in arriving at a conclusion in this case. The resolution reported by the minority is that we open up this case and permit the contestee to take further testimony for the purpose of trying to purge these election returns of fraud. Now, in the fifty-second precinct——

Mr. RAY. In that connection—because it seems to be pertinent, Mr. Speaker, if the gentleman will permit me.

Mr. STRODE of Nebraska. Certainly.

Mr. RAY. I read here in the report made by the gentleman from Ohio [Mr. TAYLER], a member of your committee, in which he suggests the propriety of reopening and having a recount of the ballots; and he suggests that the ballots are still in existence and might be found and actually recounted, and these fraudulent votes thrown out, and so ascertain what the correct result should be. Now, it occurred to me, as I understand the gentleman's remarks and the evidence that I have looked at, that this same Owsley, who was the father of all these frauds that have been conducted, and who seems to have been the schoolmaster in this concern—that he was the same man who has had charge of these ballots ever since the election. I want to know whether or not that is true? Has he been the custodian of those ballots?

Mr. STRODE of Nebraska. I think I have stated that, and if not I intended to do so.

Mr. RAY. I did not hear you state that.

Mr. CROWTHER. I would like to ask the gentleman from Nebraska the question, if in local contests that have taken place it has not been a matter of proof that not only have the ballot boxes been opened and the ballots tampered with, but also that the returns have been changed?

Mr. STRODE of Nebraska. I intended to reach that further on.

Mr. CROWTHER. That is the fact.

Mr. STRODE of Nebraska. That is the fact, as shown by the evidence. The gentleman from New York asks me if the returns were not made to the register of voters. I had stated when the polls closed that the ballots should have been placed in one of the ballot boxes, and also one of the polling lists, and then the ballot box sealed and returned to the office of the recorder of voters; and as I stated—I think I stated it—they should have been safely kept there and no one allowed to open the boxes or examine their contents for the period of one year, unless by order of court in a contested election; and after these elections were held all of these returns were taken to this office of the recorder of voters, and he was the custodian not only of the ballots, but of the poll books and of all the election returns after the election was held.

Mr. RAY. And that is the same man Owsley.

Mr. STRODE of Nebraska. That is this man Owsley that I have been talking about.

Now, as to this fifty-second precinct. To those who are familiar with the election laws of this country it is not necessary for me to state what the law is in reference to election returns which are so tainted with frauds that it is impossible to separate the honest from the dishonest votes. I will admit, as is stated by my colleague from Ohio, a member of this committee [Mr. TAYLER], that it is a serious thing; that it is a most drastic measure to disfranchise an entire precinct; but when you undertake to count a precinct and by the counting of it you are liable to perpetrate great fraud in effect, it is better to disfranchise all the voters of that precinct than be a party to the perpetration of fraud by counting it.

Mr. HENDERSON. Will my friend allow me right there on that proposition? Where would he draw the line? Shall it be 1 fraudulent ballot, 50, or 100——

Mr. STRODE of Nebraska. I can not tell you where the gentleman from Ohio [Mr. TAYLER] would draw the distinction.

Mr. HENDERSON (continuing). That would justify throwing out all the other votes in the district?

Mr. STRODE of Nebraska. I can not tell you where he would draw the line.

Mr. HENDERSON. Where would you draw it?

Mr. STRODE of Nebraska. I would say that there were certain ballots deposited on election day, as I will show you further on, which were the votes of honest voters, but that fraudulent ballots were substituted for those honest ballots, and no man can tell how many honest ballots are in this box to-day, nor how many dishonest ones, and it is utterly impossible for this committee or for any power on earth at this time to discover and determine how many of these ballots are honest and how many are dishonest in the ballot box.

Mr. HENDERSON. What I want to get at is the rule of safety for throwing out a whole precinct. Suppose you and I should vote honest ballots and C and D voted dishonest ones. If you count this out because of dishonest votes, then you and I are disfranchised. I want to get at a rule upon which we can act safely.

Mr. MOODY. The gentleman's own hypothesis is that you can not find out.

Mr. HENDERSON. I have stated a case that is not yet proven.

Mr. STRODE of Nebraska. The only way, in my judgment, under God's heaven to purge the polls in these four precincts would be to go back to Kansas City and call every voter up, and ask him how he voted, showing him the ticket that is found in the ballot box bearing his voting and registration number and asking him if that is his ticket, and that is not what is proposed by the gentleman from Ohio; it is not proposed by the minority of this committee; it is not proposed by the contestee himself. It is the only way it can be done, and it is absolutely impracticable at this late day to do that. It is sixteen or eighteen months since the election was held, and it would be impossible now to find all the voters who cast their votes at that election and to ascertain how they did vote.

Mr. BAILEY. I desire to suggest to the gentleman from Nebraska that the minority of the committee did not make any such proposition as that, because the majority of the committee would not even agree to go back and look at the ballots, and, of course, if they would not agree to look at the ballots they certainly would not agree to summon the voters.

Mr. STRODE of Nebraska. That, I suppose, is a part of the gentleman's argument.

Mr. JOHNSON of Indiana. I will ask my colleague if it is not a fact that the majority of the committee, to whom the gentleman from Texas refers, spent a great deal of time in discussing the

question as to whether there was any method whereby they could safely purge these precincts before they resolved to throw them out?

Mr. STRODE of Nebraska. That was a matter of long and tedious discussion by the members of the committee.

Mr. JOHNSON of Indiana. I will ask him also if various propositions were not made looking to an attempt to purge these precincts, and fully and fairly discussed in the committee, before a conclusion was finally reached?

Mr. STRODE of Nebraska. Several propositions were made and were fully and thoroughly discussed by the members of the committee when it was in session.

Now, Mr. Speaker, as to this fifty-second precinct in Kansas City; there was not a judge nor a clerk appointed that the Republican county central committee had asked to have appointed. One T. J. Canney acted as one of the Republican judges at that precinct. He says that a day or two before the election one Findley, a gambler in Kansas City, sent for him, had him come to his house, and interviewed him. In that interview he says Findley revealed to him that they desired and intended to perpetrate certain frauds at the election; he said that they intended to cast 700 fraudulent votes in the First Ward of Kansas City; 1,500 fraudulent votes in the Second Ward, and I forget how many were to be cast in other places, including the fifty-second precinct.

Findley told Canney that it had been left to him to select the Republican judges at that precinct, and that he wanted him to act in that capacity, promising that if he would consent and would act in concert with the other judges he should have the sum of $50, and after the election he would be appointed to a position in the city government, where he would draw $125 a month. Canney agreed to this, and Findley told him to present himself to Mr. Owsley, who would appoint him as one of the judges of election in the fifty-second precinct and would give him his credentials. Canney did so, and he was appointed and acted as a judge.

After the excitement in Kansas City had reached a high pitch he came to the conclusion that he had better make a clean breast of the whole affair, and he telegraphed to the governor of Missouri that enormous frauds had been perpetrated, and requested him to withhold certificates of election from certain officers in Jackson County, this Congressional district being composed of two counties, Jackson and Lafayette. He went to Jefferson City and interviewed the governor, and the governor withheld the certificates of election and positively refused to issue them. The governor went to Kansas City, if I remember correctly, and made some investigation upon his own account, and so great was the demand that there should be an extra session of the legislature to repeal this vicious election law that the governor granted the request and called an extra session, and the legislature repealed the law.

The governor believed Mr. Canney, and, upon investigation, withheld the certificates of election and positively refused to issue them, a thing which in law he probably had no right to do. Nevertheless, he did positively refuse to issue the certificates to the men who, upon the face of the returns, had been elected as prosecuting attorney and as marshal in that county. Now, this man Canney says that after getting his appointment from Owsley he presented himself early in the morning, about 5 o'clock, certainly before 6.30, at the polling place; that he soon thereafter saw Findley and others there, who it has been shown were active participants in the perpetration of these frauds.

This same gambler that had told Canney that Owsley would appoint him by his request was there, and he dictated how the board should be organized at that precinct. He had there a man by the name of Morrison, alias Moses. The man appears by both names in the record, but I do not know which one is correct, or whether either one is his real name. He was there as the chief manager after the board was organized, but before the board was organized this man Morrison took from his pocket a cake of soap and went to the window and soaped every window in the little wooden building where the election was held, so that no one could see into it from the outside. It was a small building that had previously been used as a kind of warehouse, and it had bins for storing grain.

These bins were open. There was a door and a large glass window in front, and a window and door in the rear of the building. The building was some 20 or 30 feet long, a little wooden structure. Morrison carefully soaped all the windows. Canney says that after the polls had opened he noticed Findley coming and holding secret conversations with this man Morrison in the polling place. He also noticed other ward heelers doing the same thing. Other members of that election board have sworn that Findley and other men came there and held whispered conversations with Morrison. All of which appears in the record.

Canney says that the counting judges took the table and the ballot boxes from which they made the count back into one of these bins and did their counting there. Canney says that he went to dinner at the noon hour, and was gone about forty minutes, and that when he came back he found these counting judges had taken from the ballots that had been counted 115 straight Republican tickets, and had 115 straight Democratic tickets, which they proposed to substitute for the others, with the initials of the judges of election written on them, and with the registration numbers and the voting numbers which had been transferred from the straight Republican votes to the straight Democratic votes; that the Republican votes which had been abstracted from the ballot box were placed in a lunch basket and covered up; that the Democratic votes were strung upon a string and returned with the ballot box as a part of the returns of that election precinct, and that the tally sheets were made to correspond therewith.

Not only that, but later in the day they removed 55 more straight Republican votes from the ballot box and substituted 55 straight Democratic votes and returned them also. Not only that, but about the time the polls were closed they had prepared some twenty-five or thirty more straight Democratic votes which they proposed to substitute, but somebody objected and said they did not believe the box would stand it; and consequently they did not put those 25 Democratic votes in, but removed some twenty-five or thirty Republican votes; and these, with the Democratic votes, were rolled up in a bundle and thrown aside; and after the count was completed and when the board were about leaving the place, this man Morrison put those votes in his overcoat pocket and carried them away.

Now, it is important to remember here the 25 votes that were prepared at that time to be substituted, but which were not. How easy it would have been after the vote had been returned to the recorder of voters for this man who was the chief leader in this conspiracy to commit fraud and have those votes substituted. Canney says that these votes, which were placed in a lunch basket, were afterwards carried away; that a man, whose name I forget, came to the door and called for the lunch basket; that it was handed out to him, and that he took it away.

I know that the minority of this committee and that the contestee will claim upon the floor of this House that there is no evidence to corroborate Canney; that his statements are unworthy of belief because he is wholly uncorroborated. But the testimony of some of these very Democratic judges that were appointed in that election does show that a man did come there and carry away that lunch basket just as Canney testifies. Canney says that when the 55 votes were taken out they were rolled up in a bundle. The Australian ballots were cast there, and if I understand aright, the vote made quite a large sheet of paper. If I am not right the gentleman from Missouri who sits near me can correct me.

Mr. CLARK of Missouri. You are correct, sir.

Mr. STRODE of Nebraska. The vote made a paper half the size of an ordinary newspaper, or nearly that.

Mr. JOY. More than that.

Mr. STRODE of Nebraska. The testimony of Canney is that they rolled them up together and put them in the stove and burned them up.

Mr. BRUMM. Will the gentleman permit a question? I understood him to say that the testimony of this man Canney was not corroborated.

Mr. STRODE of Nebraska. I said the minority of the committee and the contestee will claim that it is not.

Mr. BRUMM. I want to ask the gentleman whether it was contradicted.

Mr. STRODE of Nebraska. Yes, it was contradicted by certain members of the election board; the contestee called some of them, who denied that these things took place. But some of the very witnesses whom they called admitted that this basket was taken away; admitted that they saw paper put in the stove; that they saw the judge of election whom Canney named putting that paper in the stove; they do not pretend to say what the paper was; but they saw him putting a small bundle of paper in the stove, and I believe, though I am not sure that I recollect it correctly, that one of the judges looked around and complained of the heat made by the burning in the stove of those 55 ballots.

Mr. JOHNSON of Indiana. Will my colleague on the committee permit me a moment? Does he not remember that there is ample corroborative testimony and that one of the witnesses swears that he say Morrison stuff the ballot box there?

Mr. STRODE of Nebraska. I have not come to that. If the gentleman from Indiana will bear with me in patience I will reach that point.

Mr. JOHNSON of Indiana. I thought the gentleman from Nebraska was about to pass that point.

Mr. STRODE of Nebraska. No, sir; I have not passed the fifty-second precinct. I am now only showing wherein Canney was corroborated.

Now, another witness came to this polling place. By some accident somebody had removed a particle of the soap from the glass and left a portion of it transparent. This witness looked through that place in the glass and saw this man Morrison grinding votes into the ballot box. They had in Kansas City a kind of device—I

do not know whether it is patented or not—by which they grind the votes into the box with a kind of geared machine, the votes, I believe, being stamped "Kansas City" when they go in. This man looked into the polling place. Not a voter was in there. The judges and clerks of the election stood there and saw this man Morrison grinding those votes into the ballot box. The record shows that. It stands here uncontradicted, Morrison himself, I believe, not taking the witness stand to deny it.

Not only that, but a man named Frenkle, who was appointed as a Republican judge, but who had never voted a Republican ticket, except that at the spring election he had voted for the Republican candidate for mayor, took the witness stand. He says he recollects that the distributing judges kept upon their table a very large pile of tickets marked with their initials; that he went to his dinner; was gone a while, and when he came back he noticed that that pile was greatly diminished in size. Canney tells how this was done. They were substituting 115 votes at that time. I ask whether that is not a corroboration of Mr. Canney, positive and direct? So I say that the frauds of that board in that precinct are such that it would be utterly impossible to tell from the ballots themselves by an examination of them whether they were cast honestly or dishonestly; and there is but one way to treat the returns that are made from that voting precinct, and that is to throw them entirely out because of fraud, unless you could call the voters who voted and ask each one how he voted.

Mr. LACEY. I would like to ask the gentleman, in that connection, a question with reference to the reports. It seems, upon a hasty reading of the several reports accompanying this case, that there has been a contest of some kind growing out of that election, in which these ballots have been reexamined. It seems to be suggested that the witnesses who examined them could testify as to their condition and number. How about that?

Mr. STRODE of Nebraska. So far as I know, there has been no examination of the ballots with reference to the election for Member of Congress. It was not a public canvass, but one made by order of the court, and it was made with reference only to the particular office then in controversy before the court.

Mr. Speaker, in addition to what I have already said, Mr. Canney testifies that they also took certain scratched Republican tickets which were cast in that precinct and had certain names scratched from them; that they took these very ballots and scratched off other names. He did not say whether the name of the candidate for Congress was scratched or not, but that they made other scratches than the ones that had been made by the voters themselves upon the tickets. So I say to you gentlemen that it seems to me the frauds perpetrated at this precinct were so glaring at this election and by this particular election board that no man at this time can tell how the people of that precinct voted. The only way you can possibly arrive at it would be to call every man who voted at the election and ask him how he voted. At this time it is not asked for by the other side, and it could not be done with safety.

Mr. RAY. Will the gentleman allow me just there to ask him if the returns show that more votes were cast at that precinct—that is, that more votes purported to be cast at that precinct—than there were honest, legitimate voters in the precinct?

Mr. STRODE of Nebraska. Well, I do not remember exactly as to that, although I think it is summed up in the report. I am unable to answer as to this particular precinct accurately. In fact, we do not claim so much padded registration in this particular precinct as in the other precincts.

Mr. RAY. Well, did that appear in the other precincts?

Mr. STRODE of Nebraska. Yes, sir.

I will say, however, Mr. Speaker, that in this particular precinct, as I now recall it—the fifty-second precinct—that this board of canvassers found that 90 persons had voted that could not be found in the precinct. They could not find them at all immediately after the election was held.

Mr. HENDERSON. I dislike to interrupt my friend, but hope he will indulge me with another inquiry.

Mr. STRODE of Nebraska. I am very glad to have the gentleman ask me questions.

Mr. HENDERSON. Your very clear presentation of the case is what encourages me to ask further questions with reference to matters of which I am ignorant.

I want to know if there was any sealing of the ballot boxes at the hands of the election officers, as required by law, and before they were turned over to this man Owsley? Was that sealing done the in presence of witnesses or not?

Mr. STRODE of Nebraska. They are required to seal up the returns and return them to the recorder of voters. I do not know whether the evidence shows that they were sealed or not in this particular precinct.

Mr. HENDERSON. Does the law require it to be done in the presence of anybody? Did the evidence show that fact, or was testimony taken upon that point?

Mr. STRODE of Nebraska. I think the judges of election are required to do so by the law. It should be done by the election board; that is my recollection.

Mr. KYLE. That is correct.

Mr. HENDERSON. You do not know how it was done, or the fact that it was done at all?

Mr. STRODE of Nebraska. I think there was no particular inquiry made in regard to that point, because in most instances they would have had to call the men who perpetrated the fraud themselves and who were under indictment for participation in the conspiracy.

Mr. HENDERSON. If they were sealed they might have been sealed after the election, and the ballots changed then?

Mr. STRODE of Nebraska. Yes, sir.

Mr. HENDERSON. Was there evidence on this point beyond what you have already referred to?

Mr. STRODE of Nebraska. I will refer to that later on, after getting through with a review of these different precincts.

Now, with reference to the seventh precinct in the Second Ward: This committee of safety found 270 names registered that could not be located. The vote at this precinct in 1892 for Congressman, when the contestee was a candidate in this precinct, was 243, and of this number Mr. Tarsney, then a candidate, received 53 majority. In the spring of 1894, at the city election, when they voted for mayor, the Democrats had a split in their party, and they nominated two candidates. There were cast in that election, in that precinct, 246 votes, the Republican candidate having a majority of 2 over both the Democratic candidates. At the fall election, the one in controversy here, instead of 246 votes being cast at this precinct, there were 514 votes cast. The contestee received 392 majority over his competitor, the contestant.

Now, I have called your attention to the manner in which this election board in that precinct was constituted. Not a single man whom the Republican county central committee had asked to be appointed was allowed to enter that voting place. Not a challenger or a witness that the Republican county central committee had named was allowed to be within that voting place, but all had been ejected forcibly from it.

One witness, Mr. Corum, says that he went to that polling place about 9 o'clock, that he received from the distributing judges his ballot, that he went into the booth and marked it, came back, and presented it to one of the receiving judges, keeping his eye upon it. He had suspicions of fraud. He watched the ballot and made up his mind he would keep his eye upon it until it went into the ballot box. He noticed that the man who received the ballot was not near the ballot box, but that, sitting off to one side of him, was a man by the ballot box with a ballot in his hand, folded up ready to be cast; that he stayed and kept his eye particularly upon that ballot until the judge who had received it from his hand to put it into the ballot box turned his back to him.

What he did with the ballot this witness does not know, but he looked over to the other man and saw him putting a ballot into the ballot box that he had not received from the judge to whom the witness gave his ballot. He says that he waited a while, and they finally told him, "Your ballot has been cast; get out of here," and ordered him to leave the place, because under the law nobody was allowed to remain except when they were casting their votes excepting the challengers and witnesses and the members of the board of election. They told him to leave, and he did leave without ever having seen his ballot put into this ballot box.

After the election was over Mr. Olson, who, I believe, was chairman of the county central committee, found a ballot under the wooden sidewalk in front of this voting place. They took that ballot, went to the poll book, and found out whose name was opposite the registration number, and the voting number indorsed on the back of the ballot. They found that it was one Peter Green. They showed the ballot to him when he was upon the witness stand, and he said, "That ballot is marked exactly as I marked my ballot." He told how he marked it, giving the particular description of his marks, and he said, "If that is not the ballot that I marked, it is marked exactly as I marked mine."

How did that ballot come under the sidewalk after the election, if it had been honestly cast and kept in that ballot box and counted?

Now, gentlemen, I come to one feature of this case that is admitted by all the members of this committee, and that is that in the fifth, sixth, and seventh precincts in Kansas City—in each of them—there were 200 fraudulent votes cast. The precincts are all numbered irrespective of the wards, but these precincts numbered 5, 6, and 7 are all in the Second Ward. Nobody disputes but that there were 200 fraudulent ballots put into each of these ballot boxes, and when this committee of safety began to investigate one of the first things they discovered was this fact.

I will ask you to turn to the contestant's brief, because that is more convenient to handle than this big fine-print record. On page 27 you will see how this voting was done. Bradbury tells you that he and Pierce, who had charge of the street gangs of colored men, took them on Saturday night, week after week, and registered them at Owsley's office. Bradbury also tells you that

he went to one of the wards at one time when they were registering in the wards—because the law provides that at certain times the registration shall be carried on at the wards—Bradbury says that at one time, when he took his gang to register them, the clerk there objected. Bradbury sent for May, who was the street commissioner and one of the chief conspirators in these election frauds. May said that he would see Owsley about it. Bradbury says that he telephoned for Owsley. Owsley came down there, and he explained to him that his deputy, or clerk, refused to register these men. They were being fraudulently registered, as Bradbury knew, and as this clerk knew. Owsley had a conversation with his clerk, and then the men were registered all right, and from that time on he had no trouble in getting his men registered at this registering place.

This brief shows you on page 27 how these names that had been fraudulently entered upon the registration lists were voted. They had registered from vacant lots, from railroad yards, from empty buildings, and from places occupied by people who came on the witness stand afterwards and swore that no such people had ever been in those places. You will see that in the seventh precinct, or at least in one of the precincts—in the fifth, I believe—after they commenced to vote, it was a very accommodating election board, if these were true voters, and that the voters were the most accommodating class of people that ever attended an election, because they arranged themselves in alphabetical order.

Fifty-nine of them came up in the first place, and No. 1 upon the registration list was John Alexander. John Alexander, Frank Allen, Albert Anderson, Charles Anderson, Leo N. Armeston, George Atchison, Frank Basil, James Beard, Henry E. Bell, John Beverly, Edward Black, Charles Blakey, William Boone, William Bradley, Samuel Brosius, James Brown, James W. Brown, John W. Brown, Samuel Brown, James Buchanan, Robert Burchy, and so on, down until we reach the letter "P," when 59 of them had voted in regular alphabetical order, and every one of them colored men, and so they are marked upon the poll books.

A similar course was pursued in the fifth, sixth, and seventh precincts in the first 200 names presented there to be voted. So I say that, under the evidence in this case, this ballot box is so polluted with fraud that you can not tell anything about how many honest votes are in it or how many dishonest. A man swears that he stood there and saw them substitute another vote for his. Another vote that was intended to be put in the ballot box there was found under the sidewalk, and 200 votes had been stuffed into this ballot box of men who did not present themselves at all at the election; so that it is so tainted with fraud that it is absolutely impossible to know what this election board did, or to separate the honest from the fraudulent votes.

Not only that, but there is testimony in this record showing that, in addition to these 200 names, they took the registration list, and when they found the name of a man who had not voted they put a straight Democratic ballot in the box and marked the word "Voted" opposite his name. When some of them subsequently presented themselves they looked at the registration list and told them they had voted. Even this man Bradbury was treated in that way. He was a colored man, the editor of a Democratic newspaper, employed by or at least under the supervision, I believe, of the Democratic State central committee in that election, and made speeches in the State of Missouri in the interest of the Democratic party. He says he went to vote, and when he got there and asked for a ticket they looked at the registration list and said, "You have voted." He said, "I understood it and went away, knowing that they had voted my name." Just so with others when they presented themselves at these different precincts. So I say that it is utterly impossible to separate the fraudulent from the honest votes in this precinct, and the only way to treat it is to throw it all out and call the voters, and that is not proposed by contestee.

Now, as to the sixth precinct. You remember that in the testimony of Bradbury that has already been read he said there were certain names—nearly 200 of them—transferred from the fifth to the sixth precinct. Now, gentlemen of this House, aye, gentlemen of the minority of this committee, do you believe that Mr. Owsley or his clerks could sit in their office and transfer nearly 200 names—I believe it is 190, or something like that—from the fifth precinct to the sixth precinct without knowing that there was something fraudulent about it? Bradbury tells you they came to him at one time for the names of the men who had registered, as he kept a list of them in a book. He gave them these names and found they were transferred. He swore that he gave the names, I think, of 190—I do not remember the number, but a very large number of them at least—that were transferred from the fifth to the sixth precinct. They had not padded this precinct at the time, when they were making up this registration list, prior to the city election in 1894, because there was a councilman in that precinct that they were afraid of, and so it only affected the fifth and seventh precincts.

Then it appears from the evidence that the canvassers that went out under the committee of safety found 341 men marked as having voted in this sixth precinct who could not be found within two weeks after the election. Persons who had lived long in the community where they were registered knew nothing about many of such men. Others had been dead for months and years. Some of them had removed and been absent from the precinct a long time. Others were marked "voted" who were not present; and you can take the testimony in this case and find men who swore that they were not at the election at all and never did vote. That was true also in the seventh precinct. Seven or eight men, I believe it was, from the seventh precinct, opposite whose names "voted" was placed, stated that they were not at the election. I may be wrong as to the number, but they said they were not at that election and did not vote.

If these election boards were organized for the purpose of perpetrating these frauds in the interest of the Democratic party, the presumption, it seems to me, must be that they cast these votes for Mr. Tarsney. I ask you, gentlemen, if you can separate the honest from the dishonest votes in that ballot box? In this sixth precinct in the fall of 1892, when the contestee was a candidate for Congress, 155 votes were cast. Of this number, Mr. Tarsney had a plurality of 62, I believe. In the spring of 1894, when there were two Democratic candidates for mayor, there were cast 188 votes. One of the Democrats received but a few votes, and the Republican candidate carried the ward by a plurality of 16.

In the fall of 1894, at the election now in controversy, there were cast in that precinct, where two years before there were 155 votes and where in the spring of 1894 there were 188 votes—in that same precinct, at the Congressional election in 1894, there were cast 509 votes, of which Mr. Tarsney received 420 and Mr. Van Horn 84 and the Independent candidate 5; and Mr. Tarsney's plurality over Mr. Van Horn was 336. In this precinct the same kind of alphabetical voting was done to the extent of 200 votes. They also substituted votes, as shown by the record.

Take, now, the fifth precinct. There were cast there at the election of 1892 for Congressman 351 votes—that is the total vote for all candidates. In the spring of 1894 there were cast 371 votes. At the Congressional election six months later there were cast 621 votes, or nearly twice as many as were cast at the spring election. Of these 621 votes Mr. Tarsney received 413, Mr. Van Horn 201, and the Independent candidate 7. It is claimed that in this precinct Mr. Van Horn got a portion of the fraudulent votes, which we do not deny. There were probably 100 or 101 of these alphabetical votes that may have been cast for Mr. Van Horn, but the only evidence we have of that is testimony put in here by the contestee in the form of an affidavit without an opportunity to cross-examine the witnesses.

Mr. MAGUIRE. We want to give you an opportunity, though.

Mr. RAY. I will ask the gentleman if there is any evidence that the population in that precinct had not doubled up during those six months?

Mr. STRODE of Nebraska. There is no evidence showing that there is any increase in population, but, on the contrary, I think the evidence shows, by the testimony of the man who now fills the place of the registrar of voters—he is not the registrar, but one of the commissioners who has charge of the election—his testimony, I think, shows that there was no particular increase of population during this time.

Mr. RAY. No increase in voters, but a doubling up of votes. [Laughter.]

Mr. STRODE of Nebraska. Yes. Now, Mr. Speaker, I find that I can not go further because I am worn out; but let me say, in conclusion, that it seems to me that the condition of things which existed in these four precincts shows beyond all controversy that it would be utterly impossible to separate the honest from the dishonest votes that were cast in those precincts, and that to open up this case, as is asked by my friend from Ohio [Mr. TAYLER], who files a minority report, and by the Democratic members of the committee, would be simply useless. They do not pretend to say that opening up the polls and purging them would show that Mr. Tarsney had a majority of the votes.

Throwing out these four precincts alone shows conclusively that Mr. Van Horn was elected by between 300 and 400 majority over Mr. Tarsney; but these four precincts are not the only ones where fraud was committed. Since the testimony in this case closed the contestant has gone to the poll lists and he finds as to other precincts where Mr. Owsley refused to allow Republican challengers or witnesses and refused to appoint any of the Republicans selected by the Republican central committee for judges or clerks, that there were in some of those precincts, or at least in one of them, 80 votes voted alphabetically——

Mr. MAGUIRE. Does that appear in the evidence before the House?

Mr. STRODE of Nebraska. That appears from the evidence

submitted for the purpose of opening up the case to take further testimony.

Mr. MAGUIRE. In what form?

Mr. STRODE of Nebraska. In the form of the certified records themselves.

Mr. MAGUIRE. In the form of an affidavit, is it not?

Mr. STRODE of Nebraska. No; not in the form of an affidavit; in the form of the certified records themselves, though, of course, there may be some question as to the admissibility of that evidence.

Mr. MAGUIRE. They do not now constitute any part of the evidence in this case except upon an ex parte showing.

Mr. STRODE of Nebraska. Only upon the question of opening up the case again.

Mr. JOHNSON of Indiana. I beg pardon of the gentleman from Nebraska. They are a part of the evidence in this case.

Mr. MAGUIRE. I do not so understand it.

Mr. JOHNSON of Indiana. They were submitted as docu mentary evidence to the committee?

Mr. STRODE of Nebraska. Yes.

Mr. TAYLER. They are not in the case.

Mr. JOHNSON of Indiana. They are in the case.

Mr. PAYNE. They were submitted to the committee in response to the affidavits submitted by the contestee for reopening the case?

Mr. STRODE of Nebraska. That is right.

Mr. JOHNSON of Indiana. I beg the gentleman's pardon, for we do not want to have any misunderstanding. They were all offered as evidence in the case, and claimed as such by the counsel of the contestant who offered them.

Mr. PAYNE. It is sufficient for me that they were admitted for the other purpose.

Mr. JOHNSON of Indiana. I call the attention of the gentleman from California to this fact: There was a question raised whether or not they were proper to be submitted at that time; it was stated that there was a difference in the authorities upon that question, some holding that they ought to have been offered when the evidence was taken and others holding that documentary evidence might be offered at that time.

Mr. MAGUIRE. I am perfectly satisfied to adopt the rule suggested, if you will allow documentary evidence for Tarsney to be introduced in the same way as that for Van Horn. If you are going to admit documentary evidence for Van Horn at this time, why not allow similar evidence to be presented by Tarsney?

Mr. JOHNSON of Indiana. We are not proposing, as the gentleman appears to intimate, one rule for the contestant and another for the contestee. We are not willing to inflict upon Mr. Tarsney any disadvantage which is not also inflicted upon Mr. Van Horn.

Mr. MAGUIRE. I say that Mr. Tarsney desires now to go to the ballots which can be reached. They are documentary evidence. I can not understand why he should not put in his documentary evidence, if Mr. Van Horn is permitted to put in the poll lists.

Mr. JOHNSON of Indiana. There is no analogy at all. This evidence on behalf of Mr. Van Horn was offered as part of the original case. Mr. Tarsney now proposes to go down into the ballot boxes and offer their contents in evidence.

Mr. MAGUIRE. But when did Mr. Van Horn offer these poll books?

Mr. JOHNSON of Indiana. He offered them before the committee.

Mr. MAGUIRE. When we took charge of the case here.

Mr. JOHNSON of Indiana. What is the difference? They are competent evidence whenever introduced.

Mr. MAGUIRE. But Mr. Tarsney wanted to go to the ballot boxes after that, and it was held that it was too late for him to do so.

Mr. JOHNSON of Indiana. There is no analogy at all between the two cases; I think if the gentleman will reflect a moment he will see there is none. One proposition was simply to offer the poll books, which are competent evidence at any time; the other proposition is to go down into the ballot boxes.

Mr. MAGUIRE. I do not care to continue the discussion now; we are occupying too much of the time of the gentleman from Nebraska [Mr. STRODE]. I will answer the gentleman when I come to occupy the floor.

Mr. STRODE of Nebraska. Now, Mr. Speaker, there are other reasons than those I have stated why these ballots, if they were examined, are unworthy of credit. There was a contested election in the month of March following this election; and these ballot boxes were gone into at that time under an order of the court.

A MEMBER. These same ballots?

Mr. STRODE of Nebraska. The very same ballots. At that election candidates ran for the office of marshal in Jackson County and also for prosecuting attorney. The election for those offices was afterwards contested, I believe, and when the contest occurred in March, with reference to the office of marshal, that was the first time that these ballots were ever examined after the election. It was done under an order of court. It was not a public examination, but was made by persons appointed to make it. These ballots were examined. Mr. Owsley, I believe, had been removed from office at that time. I am not sure, but I think he had. He was out of office. Another person or board had been appointed, who took control of these election returns. When these ballot boxes were examined, one from the fifth precinct was found open, unsealed, the ballots unstrung, with perforations in them showing that they had at one time been strung, showing that somebody had tampered with the ballot box after the election. I read from the affidavit of Mr. Sloan, who was the contestant in that contested-election case:

Affiant further states that said Charles S. Owsley was recorder of voters a Kansas City for about four years prior to February 1, 1895, at which date he was succeeded by H. C. Arnold; that said forgeries were first made known to affiant and the public by publication in the morning papers on the day after the votes were officially canvassed, to wit, the 12th of November, 1894; that affiant at once went to the recorder of voters' office for the purpose of inspecting the returns so forged.

Remember, now, that one of the voting lists was to be locked up in the ballot box, and the other to be returned to the recorder of voters and to be open to the inspection of anyone who had a right to examine it.

Affiant further states that said Charles S. Owsley was recorder of voters at Kansas City for about four years prior to February 1, 1895, at which date he was succeeded by H. C. Arnold; that said forgeries were first made known to affiant and the public by publication in the morning papers on the day after the votes were officially canvassed, to wit, on the 12th day of November, 1894. That affiant at once went to the recorder of voters' office for the purpose of inspecting the returns so forged, but that the recorder of voters was absent from his office and continued so absent for several days, and his clerks and deputies refused to allow this affiant to inspect said returns, although the courts of the State of Missouri have frequently decided, and it was admitted by said recorder of voters and his deputies, that said returns were public documents and entitled to be inspected at all reasonable times by any person interested therein. That about the third day after the forgeries were exposed affiant was able to find said recorder of voters and demand an inspection of said forged and altered returns from him personally. That the said recorder of voters also then refused and declined to show the same to the affiant or his attorneys.

Not only that, but further on he says:

That in making such recount it was discovered that affiant's name had been stricken off the Republican ticket and the name of his opponent, Keshlear, written in its place on a number of tickets in five or six different precincts, and that these changes were all apparently made in the same handwriting, and the initials of the judges on these ballots where the changes appeared were apparently in a different handwriting from the initials of the judges on the other ballots, thus showing that these changes must have been made after the ballots were in the hands of the recorder of voters. That some of the changes were made in ballots purported to be cast by personal friends of this affiant, who have since told affiant that the changes were forgeries.

Mr. Speaker, in conclusion, if it will not consume too much of the time of the other members of the committee, I send to the desk and ask to have read, as part of my remarks, the affidavit of Wallace G. Miller, a clerk of election at the sixth precinct. Since that election he has been convicted or plead guilty, I forget which, and is under a penitentiary sentence. Since his conviction he made a confession, which was offered in evidence before the committee in opposition to the reopening of the case to take further testimony. If you will listen to that affidavit and consider the facts in the case as I have narrated them, and as they are found in the record, I have no doubt as to what your just conclusion will be in the case. I ask the Clerk to read.

The Clerk read as follows:

STATE OF MISSOURI, *County of Jackson, ss:*

This affiant, Wallace G. Miller, being duly sworn on his oath, says that he was one of the judges of election at the sixth precinct of the Second Ward in Kansas City, Mo., at the election held November 6, 1894. That on the night before said election affiant was given a package containing about 600 to 800 official ballots by a then Democratic city official of said Kansas City, who was a very active supporter and partisan of the Democratic ticket, including the candidate for Congress, John C. Tarsney. Said city official instructed affiant to give said ballots to John May, who, he said, would know what to do with them. Shortly afterwards, on the same night, John May came to the drug store (Krueger's), where these ballots were delivered to affiant, and said ballots, together with the poll books of the sixth and seventh precincts of said Second Ward, were taken into a back room in said drug store, where about 400 of them were fixed up as straight Democratic tickets, except justice of the peace and constable, John C. Tarsney's name for Congress being upon all of them.

These ballots were all numbered, and then the poll books for these two precincts, the sixth and seventh, were taken up and certain names on them were numbered to correspond with the names on the ballots. We selected colored names in the sixth precinct because they were known to be mostly fictitious, and besides, if a genuine name should be marked, the fraud would not so likely be discovered, as colored men can not usually read or write, and they would not therefore discover that their names had been marked "voted" should they come in to vote. I attended to marking the names and fixing the ballots for the sixth precinct with the help of a man named Lewis, also a judge of the election. He left the country and went to Cuba immediately after the election. Delany and Ambrose Clark fixed the books and the ballots for the seventh precinct. We were the judges who were to put our initials on the back of the ballots. We were all there together in the back room. John May and George J. Pearce, the Democratic committeemen, were there with us superintending the job.

The fifth precinct was also fixed, but I know nothing about that. That was not fixed in the drug store, but Pearce took the necessary ballots and the poll

books for this precinct over to a room above Moran's saloon, and the fifth precinct was fixed up there. I don't know how the ballots for this fifth precinct were marked, as I had nothing to do with that. We also had the lids to the ballot boxes with us and ran the ballots through the patent device in these lids, so as to make them show they had been through the box. The bogus ballots were all kept in Moran's safe the night before the election, and the next morning I got those we had fixed up for the sixth precinct. George Pearce got those for the seventh, and I don't know who got those for the fifth. I got to the polls a few minutes before 6 o'clock, and had these ballots with me, and shortly after the ballots were opened I slipped them into the box at two different times. I remained in the polling place all day, not even going out for meals.

During the entire day we kept fixing straight Democratic tickets except justice and constable and stuffing them in the box. John May came in as often as half a dozen times urging us to do this. He said for us to vote every name on the books, but I told him I was afraid it wouldn't do, so we left a few unvoted. We must have voted something over a hundred during the day, in addition to those fixed up the night before. There were no fraudulent votes for any Republican candidates except justice and constable. Some spoiled tickets were, during the counting, thrown away and straight Democratic tickets (except justice and constable) were put in the box in their place. The constable names was left off in many instances. Brennan was not on as many fraudulent votes as Kreuger. About a week or ten days after the election John May asked me if there were any unused ballots left over in the sixth precinct. I told him then that I thought there was. He told me to get them if I could. I went to the polling place and found some 200 or 300 unused ballots and took them and gave them to May. When I gave them to him he said he might need me in connection with these ballots; that he would let me know. In a few days I saw him again, and he said he did not need me, as my precinct, the sixth, was all right. He did not say what he wanted me to do, but as I am one of the judges who had put my initials on the ballots I inferred he wanted me to put my initials on some of the ballots, for the purpose of further fraud of some kind with the ballots in the recorder's office.

I was also a judge of election in the fifth precinct at the city election in 1894 and at the general election in the fall of 1892. At both these elections there was much fraudulent voting in the fifth precinct. Cooper's vote for mayor was largely fraudulent, and so was Tarsney's vote for Congress in 1892. It was done mostly by repeaters during the day, but we put some in after the polls were closed.

I have been convicted for my part in this business and I make this affidavit freely and voluntarily so as to repair if possible some of the evil I may have done.

Mr. TAYLER. Mr. Speaker, I shall not long abuse the patience of the House by discussing the question that is now presented to it. It is with very great reluctance that I oppose, on the floor of the House, the action of my Republican colleagues on the committee in refusing to take certain testimony calculated to purge of their fraud the election returns from certain precincts in Kansas City. I am not one of those who prefer to be alone rather than with the majority, and the strength of my conviction is made especially manifest to myself by the mere fact that I am willing to stand here and assert it.

Now, I trust that this House has not been led away from the real question in controversy by the very lucid and satisfactory explanation of the facts surrounding the election in Kansas City to which we have just listened. For it will be borne in mind that it is but a narrow question that this House is first called upon to consider. It should be especially borne in mind that the report of this committee, by its specific bounds, limits its conclusions to an examination of the returns from precincts 5, 6, 7, and 52 in the city of Kansas City, and all that has been said relating to the character and scope of the fraud that prevailed in those precincts is, for the purposes of this inquiry, to be considered as relating only to those precincts.

Now, with respect to those returns, the majority of the committee in its wisdom has been compelled to resort to the drastic method of striking out the entire returns from those precincts and declaring that they are to be entirely disregarded. With their conclusion in that respect I find myself unable to agree, for I assert, after a most careful and conscientious consideration of the facts, especially as bearing upon the propriety of excluding these returns, that in my judgment there is nothing that can justify this House, that can justify especially a Republican House of Representatives, in throwing out entire precincts and disfranchising honest voters.

The question as to who shall or who shall not occupy a seat in this body is a very large and important question, but large and important as it is it is dwarfed into relative insignificance by the principle which is here sought to be expressed.

By what I make bold to call an unhappy provision of our Constitution, this House is made the judge of the elections, returns, and qualifications of its own members. This House, which in its very nature is a partisan body, is, under certain circumstances, created a judicial body. It is made a judicial body to pass upon questions which are, in their very essence, party questions. In the Constitution it is made a judge to sit in cases where, of all conceivable cases, it is least fit to sit as judge. This is a circumstance full of meaning and instruction. It means that a course of conduct which a purely judicial body may pursue with perfect propriety may, in a legislative body seeking to act judicially, degenerate into a mere partisan expression of partisan judgment; and this can never do justice or command respect.

This body, legislative as it is, undertaking at this moment to act judicially, owes itself the duty of exhausting every means within its power to present itself to the world as doing justice in a judicial way, and this majority owes to itself the duty of protecting itself, in so far as it may, from the demoralizing influence of its own partisanship.

The principle of law upon whose proper application this committee is divided is that where the returns from any election precinct are so tainted with fraud that a substantially true statement of the honest vote can not be made, then the entire return must be disregarded, even though it disfranchises honest voters. This is a bald statement of the naked principle. It is subject to many qualifications, and ought to be somewhat amplified.

For instance, if it be possible to determine the scope and character of the fraud, if it be possible to measure and appraise the fraud, if it be possible to separate the good from the bad, to determine the honest vote and eliminate the dishonest vote, then the return is said to be purgable; and it is the duty of the body charged with investigating that election to so purge the tainted return.

And it is not necessary that the judging body shall be able to declare to itself "it is absolutely certain that we can purge this return of its fraud." The legislative body owes itself a higher duty than that, which I will advert to in a moment. If it is possible to purge the return, that furnishes the test of the propriety of an endeavor by the body having it in charge to thus make the effort.

Now, while upon this case, as contained within the pages of this printed record, I can not withhold my assent from the judgment of the majority that the contestant is entitled to a seat in this body, yet I did indulge the hope that the conclusion of the committee might be founded upon a fuller development of the very remarkable facts that have come to our attention. It is indeed unfortunate that where the amplest opportunity was presented and is presented to this committee to obtain definite knowledge, yet that it saw fit to waive away the proffer of that knowledge and to decline the service of that knowledge. It is not enough for the committee to say, as it has said, that it can find, here or there, circumstances that seem to be unexplainable. It is enough to inquire whether or not there is an opportunity presented by means of which it can make an honest effort to determine whether or not this return can be purged.

I need only detain the House a moment by any reference to the facts. That fraud, widespread and far reaching, was committed in Kansas City as the fruit and result of a gigantic conspiracy is absolutely unquestioned by anybody who knows anything about this case. The only question, in my judgment, is whether this House will undertake to do a righteous thing in an unrighteous way. The peculiar point of contact, the remarkable circumstance of interest in connection with the case is this—that the scope and extent and character of the fraud are easily defined, necessarily easily defined, because the conspiracy was simple and uncomplicated in its character. I refer now to precincts 5, 6, and 7 with great brevity.

The bottom, the foundation of the whole thing was the padding of the registration lists. Persons entitled to register registered at one central office, and, the time for registration having expired, the recorder of voters or his deputies arranged in alphabetical order all of the registered voters who were entitled to vote in a particular precinct and when the election day came the judge of elections had this precinct registration roll; he had never had any other and never made any other. But when John Smith, for instance, came to vote he was given a ballot that was numbered with the registration number of John Smith and with his voting number. When he voted the number of that vote was placed opposite John Smith's name and the ballot was put into the ballot box.

In the fifth, sixth, and seventh precincts of the Seventh Ward the judges of election, disdaining the old-fashioned method of putting in illegal votes and of having repeaters and illegal voters come to the polls to cast their votes, simply took the ballots themselves and bodily projected them into the ballot box, and, by a similar process, marked "voted" opposite the names of those utterly fictitious voters, as the law required that the word "voted" should be so recorded. Now, this conspiracy was easy of execution under the plan which was adopted, with a corrupt recorder of voters, if you please, under a scheme whereby only complacent Republicans or Democrats masquerading as Republicans should be judges and clerks. With the exclusion of Republican watchers and challengers it was perfectly easy for these judges to carry out that conspiracy which they had organized to put into the ballot box as many illegal votes as they pleased. The whole basis and foundation, however, was the padded registration roll.

It was necessary that the conspiracy by its own limitation should end with the casting and counting of the illegal votes. If there was ever a ballot tampered with afterwards it was as an afterthought. It was not and could not have been a part of the original conspiracy, for the law of Missouri required that these ballots so cast, counted, marked, and identified, and always identifiable, with the poll book and tally sheet should be filed

in a public office in that State, so that if a contest should ever happen the validity and honesty of an election could be determined by ascertaining whether or not there was fraud in tampering with the ballots while they were in the office of the custodian of ballots. So that necessarily the limit of this conspiracy was with the casting and counting of illegal votes corresponding to the fraudulent and fictitious registration.

Now, the proof before the committee showed, as has been stated by my colleague on the committee, that in these precincts the first 200 votes were not cast at all. They were the names of fictitious persons put on the registration list, corruptly voted alphabetically, and corresponding to the ballot numbers. There were perhaps as many as 600 in all in these three precincts whose names appear in alphabetical order on these lists. In addition to this, a thorough examination of the voting list for these three precincts uncovered every other illegal name for which a ballot was voted; so that to-day we have here in this House a record of the names of every illegal and fictitious voter in whose name or for whom a ballot was cast in these precincts in Kansas City in November, 1894. And more than that, we know, unless this contention of my friend that the ballots have been tampered with be true, that now on file in the recorder of voters' office in Kansas City are the votes, each one numbered to correspond with the voting number of those known illegal and fictitious voters, amounting to, say, 900 in these three precincts; and if we have the name of John Smith, who we know had no right to vote, and find that he was No. 251, on the tally list, and we go to the ballot and we find ballot 251 we know that was cast fraudulently by John Smith, and we know for whom that ballot was cast.

Now, the committee was confronted with this condition of things: Practically all the fraud perpetrated in the fifth, sixth, and seventh precincts was expressed, and necessarily expressed, in the way in which I have indicated; expressed by the padded registration list and by votes agreeing with those names in the book, and by counting those ballots honestly, because they had to be preserved and had to be turned in to the recorder of voters. I say that practically all of the frauds that were perpetrated in those three precincts were perpetrated in that way. So that, as I said a moment ago, the committee was confronted with all this evidence and with this question: Ought it to pursue the arbitrary, drastic method of throwing out the entire returns from the fifth, sixth, and seventh precincts? This would have been absolutely unavoidable with an ordinary election law, under which the ballots were not preserved and identified. Or, did not the facts that these ballots were preserved, that substantially all the fraud complained of consisted in voting on the basis of this padded registration roll, and that we knew for whom each ballot was cast and by whom it was cast—did not these facts and circumstances present a case where the committee might, with reasonable accuracy, proceed to purge the returns of their taint and, separating from the honest vote the dishonest vote, record those that had a right to be cast and discard those that were fraudulent?

The committee decided against that. They said that was unwise. Why? Why, because, first, there were some other frauds. Well, there was some other fraud besides that which I have described; but no gentleman on the floor of this House will put himself on record as saying that the fraud perpetrated on election day in Kansas City, exclusive of that which pertained to the padded registration roll and the illegal voters, was sufficient to taint the entire return and compel us to disregard the whole vote. And yet if we can purge one thing, and all that is left is not sufficient to fatally taint the poll, then what is our duty? It is to purge so far as we may, and do as well as we can with respect to that which can not be purged.

The other objection is that these ballots, having passed through corrupt hands, are now fatally tainted. I want to address myself for a moment to that proposition. There is not a line of testimony in the record or out of it, by the oral evidence of witness or by ex parte affidavit here, that can lead any man to believe that the ballots to-day on file in Kansas City differ as regards the Congressional election in any respect whatever from the ballots which were fraudulently created and counted and turned in to the recorder of voters on the night of election. That is to say, the ballots, though speaking lies, speak to-day precisely the same lies they spoke on the night of the election. One reason for that conclusion I have already given, that the nature of the Kansas City election law placed its own limitation upon the scope and character of this conspiracy and of these frauds, and that the conspiracy did not contemplate passing an inch beyond the counting of the illegal votes, because no man intended to preserve and perpetuate the definite and damning proof of his own fraud. But, in the next place, we have here in testimony the confessions of I know not how many conspirators who have unbosomed themselves without stint, without limit; they tell us all that was done in so far as they have knowledge of it, and not one of them intimates, suggests, or raises a suspicion that any fraud of a character necessary to taint these ballots was contemplated or was carried out.

In the next place, I trust that gentlemen on this floor will not confuse the character of manipulation of ballots and tampering with them which is referred to in an affidavit or two here with the kind of manipulation or the kind of tampering with ballots that would be necessary to discredit the ballots that are now in controversy. Remember that in the cases referred to the tally sheets were changed, and the vote as promulgated on the night of the election was different from the vote as promulgated by the recorder of voters and his deputies. More than that, the peculiar, cumbrous, and awkward fraud that was perpetrated at that time, whenever it was, was promptly discovered. Now, it is insisted that, knowing what the vote was that was promulgated on the night of election, so far as the vote for member of Congress was concerned, the ballots must conform to that vote, and that among those ballots in the Second Ward there were over 900 illegal ones cast in the names of persons whose names we know—it is insisted that by some sort of jugglery, by some sort of legerdemain which would have done honor to Hermann himself, they were manipulated and a change was made on the face of those ballots by which an honest Republican Van Horn ballot was turned into a dishonest, fictitious vote for Van Horn, giving the honest voter's vote to Tarsney! I say that that involved such a cumbrous operation, not at all within the line of the original conspiracy, the like of which is not suggested or intimated by any other witness or by anybody who confesses to have taken part in these frauds, that it seems impossible to conceive that anyone has undertaken to carry it out.

Mr. HENDERSON. If these judges and the chief conspirator, Owsley, find themselves under attack by Congress, and I should suppose by grand juries, these men still having the control, would you feel safe, after a year has elapsed, they being under fire and being in control, to risk your rights upon the reopening of that box, even if the necessary fraud was a little cumbersome?

Mr. TAYLER. I am glad the gentleman has made that inquiry. I was about coming to a point that I wanted to make in answer to the suggestion that lies behind the gentleman's inquiry. In the first place, this corrupt recorder of voters went out of office about two months after the election and has not been in control of the ballots since that time.

Mr. HENDERSON. Owsley?

Mr. TAYLER. Yes, Owsley. He has not been in control of the ballots since that time. They have been in honest hands since some time in January, 1895. In the next place, while there was a good deal of talk there about fictitious voters and about the padding of registration lists, the proof of this padding and of this illegal alphabetical voting was unknown certainly until May, 1895, four or five months after Owsley had gone out of office; and therefore there was nothing serious in the atmosphere to suggest to Mr. Owsley—certainly not as to the Congressional matter—that he was likely to be soon in the midst of a storm center that would break upon his devoted head. Whatever thought of change would spring into a man's mind would not have come to it until after the public discovery was announced of the fact that there had certainly been illegal voting there.

Mr. CROWTHER. Was not the "storm center" around Mr. Owsley's office immediately after the promulgation of the vote on the 7th day of November?

Mr. TAYLER. Oh, there never was an hour from the day of the election down to the present hour when the storm center has not been brewing in Kansas City, and rightly so.

Mr. CROWTHER. Was not that the period of the organization of the committee of seventy?

Mr. TAYLER. The gentleman, I fear, has not read this record with care. There never was any excitement in Kansas City on the subject of the Congressional election. It was larger game, from their standpoint, that they were striking for. It was the election of a public prosecutor and of a marshal. They wanted nobody to have charge of the prosecution of criminals who would prosecute criminals.

Mr. JOHNSON of Indiana. One question, with the gentleman's permission. From the investigation he has made of the evidence actually in the record, has he been able to come to any conclusion in whose interest this fraud in the election for Congress was perpetrated? If so, in whose interest does he believe it to have been committed?

Mr. TAYLER. All that I know with any degree of absolute certainty is this: That the only person for whom a special, defined, accentuated effort was made to cast illegal votes for Congress was the contestant, Mr. Van Horn. It is absolutely certain that Mr. Tarsney was the beneficiary of most of the illegal votes that were cast in Kansas City. That is incontestible.

A MEMBER. Do you mean Mr. Tarsney?

Mr. TAYLER. Yes, I mean the contestee. I retract nothing that I have said. I say that the only clearly defined evidence that any candidate for Congress got illegal votes by any special effort is that the contestant got them.

Mr. JOHNSON of Indiana rose.

Mr. TAYLER. Now let me go on. I do not like to be interrupted when I am undertaking to explain a particular point.

Mr. JOHNSON of Indiana. I will not interrupt the gentleman.

Mr. TAYLER. I shall be pleased to yield to the gentleman in a moment. I have been interrupted upon this point and must first answer it. I must take the liberty of declining to answer the gentleman's question just now.

Mr. JOHNSON of Indiana. I shall not interrupt the gentleman against his wish.

Mr. BURTON of Missouri. Will the gentleman answer me a question simply for information, because if he is right in his position I want to know it?

Mr. TAYLER. Certainly I will answer the gentleman.

Mr. BURTON of Missouri. To what testimony does the gentleman now allude?

Mr. TAYLER. I am going to talk about that at this very moment. The contestee, as I said a moment ago, was undoubtedly the beneficiary of practically all the illegal votes cast in Kansas City. We know that, not because he is the contestee or because he knew anything about it. Whether he did or did not, is not a subject that is worth inquiring about at this moment. But we know that the illegal voting was done in the main for the benefit of the Democratic ticket, and Mr. Tarsney, as one of the men on that ticket, received his share, save only in precinct No. 5 of Ward 2, where, out of a total vote of 201, given to the contestant, Mr. Van Horn, 137 were in excess of his party strength. Every other man on the Republican ticket got from 64 votes down. Every other Republican on the ticket received in the fifth precinct of Kansas City 64 votes or less, while Mr. Van Horn had 137 more than 64—that is to say, 201.

Now, Mr. Van Horn was undoubtedly entirely innocent of any knowledge as to how that was done or to be done, if it was prearranged. But the fact remains that he did get those votes in excess of his party strength, and that we have affidavits here to the effect that those votes were actually cast and counted for him. We have, I say, no other explicit, defined, accentuated testimony respecting the contestee of the same character as that relating to the contestant; but nevertheless the proof is just as satisfying that the bulk, and I believe practically all, if not every one, of the illegal votes cast in Kansas City were cast for Mr. Tarsney, save only about 137, which may have been cast for the contestant in the fifth precinct of the Second Ward.

Mr. JOHNSON of Indiana. Now, at this point will the gentleman permit a question? Is it not his belief that if his theory is carried out and these ballots examined they will demonstrate the election of Mr. Van Horn?

Mr. TAYLER. Does the gentleman mean if the ballots are counted?

Mr. JOHNSON of Indiana. I say, is it not the gentleman's theory that if these ballots are examined as contemplated by him they will show the election of Mr. Van Horn?

Mr. TAYLER. I believe that the momentum of the testimony already before the committee will result in the declaration of Mr. Van Horn's election if these ballots are counted. That is precisely my position. If we believe the testimony that is here, it has a certain drift and tendency from which we may infer certain results. But election-contest cases are not to be decided on inference.

Mr. JOHNSON of Indiana. Now, pardon me, one further question.

Mr. TAYLER. I yield to the gentleman.

Mr. JOHNSON of Indiana. It is, then, your belief that the examination of those ballots will reveal the very thing that the committee has reported—the election of Mr. Van Horn?

Mr. TAYLER. That is my hope and expectation.

Mr. JOHNSON of Indiana. Now, there were, were there not, 200 fraudulent alphabetical ballots cast in the seventh precinct of the Second Ward?

Mr. TAYLER. Now, the gentleman will not be permitted by me to take new ground. I will not be put on the defensive. I am offensive at this moment. [Laughter.]

Mr. JOHNSON of Indiana. Well, the gentleman has not given me any offense.

Mr. TAYLER. The gentleman from Indiana has simply called the attention of the House to a matter to which I referred at the beginning of my remarks, and has planted himself upon untenable ground. I will not take issue with him or undertake to discuss some matter which is not raised by the report of the committee.

Mr. JOHNSON of Indiana. Then the gentleman declines to answer the question, as I understand?

Mr. TAYLER. I will answer any question that raises no fresh issue.

Mr. JOHNSON of Indiana. But the fact to which I have called your attention with reference to these 200 alphabetical ballots will throw light upon them as to what is proven in the record. Does the gentleman deny that the election of the contestant——

Mr. TAYLER (interrupting). I hope the gentleman from Indiana will not seek to amplify that part of his argument at this time. He will have his own opportunity.

Mr. JOHNSON of Indiana. But the gentleman has stated what the evidence will show with reference to these ballots——

Mr. TAYLER. No, I simply expressed an opinion.

Mr. JOHNSON of Indiana. And my question now is, whether it has not been proven, and whether he believes it to be true that there were 200 fraudulent alphabetical ballots cast in the seventh precinct of the Second Ward?

Mr. TAYLER. The gentleman from Indiana knows and has always known that I knew that.

Mr. JOHNSON of Indiana. Very well, now——

Mr. TAYLER. Well, I decline to be catechised by the gentleman from Indiana from one end of the alphabet to the other.

Mr. JOHNSON of Indiana. Of course, if the gentleman declines to answer the question, I will not interrupt him.

Mr. TAYLER. The gentleman understands that I have stated from the beginning of my discussion, and I venture to say with unrestful iteration before the House, that 600 alphabetical votes were illegally cast in the Second Ward, and it is not worth while to stand up here now and consume time or to enable the gentleman from Indiana for some ulterior purpose of his own to secure a repetition of the same statement which I have already admitted.

Mr. RAY. I wish the gentleman from Ohio would permit me a question just here.

Mr. TAYLER. Certainly.

Mr. RAY. I understand from the statements made that during the election while the voting was going on the discovery was made that some gentlemen having charge of the polling places deliberately took from the ballot boxes tickets which had been put in and put others in their places, and it was discovered that they were carried away and presumably destroyed. It was stated, I believe, that they substituted Democratic votes for those taken away. Now, if that was done in one place, presumably it may have been in others. How could you determine, then, by taking the boxes and opening and examining the votes, if your proposition should be adopted, how could you determine with any degree of certainty or fairness who was, in point of fact, elected under those circumstances?

Mr. TAYLER. We could not by any such examination of the ballots purge, in my judgment, the fifty-second precinct, in which the character of conduct the gentleman from New York refers to was carried on. We have the testimony of an eyewitness to that; and while I shall not go into that now, but will at a later period in the discussion, I will refer to it briefly for a moment. We have the testimony of the conspirators in the other precincts, and my discussion is based solely on the four precincts on which the committee bases its conclusion, eliminating and expunging all the others in their argument, and the findings which are embodied in the report, and if we had any such conditions in the fifth, sixth, and seventh precincts as were discovered in the fifty-second precinct we could not purge them.

Mr. RAY. Then I understand you to substantially concede that it is impossible to avoid throwing out the entire vote in the fifty-second precinct.

Mr. TAYLER. On the contrary, I would not throw it out, and I will convince the gentleman from New York inside of the next ten minutes that he would not be willing to throw it out.

Mr. RAY. I was going on to assume, if the gentleman will permit me, that the statements of your colleague on the committee were true——

Mr. TAYLER. His statements were true.

Mr. RAY. Then I trust you will explain how you can purge these precincts and get at the exact result.

And then another thing that troubles me, that I would like the gentleman to refer to and clear up as he proceeds. As I understand it, this contest arose soon after the election, and both parties to the contest gave evidence and presented their witnesses and made up their case for the action of Congress. Now, Mr. Tarsney must have known before what he says now is so important for the proper consideration of his case. Why is it that he did not at that time in making up his case ask to have the boxes opened, ask to have the votes examined, and ask to have done then what he asks us to do now? If there is any explanation of the matter I hope the gentleman will furnish it for the information of the House.

Mr. TAYLER. I trust that my friend from New York does not imagine that I, as a member of this committee, and charged with the duty especially devolving upon me to justify myself for differing from my Republican colleagues, would come upon the floor of this House without intending to advert to the very propositions to which he has called my attention, and in due time I will come to them.

I was diverted by the interrogatories from the discussion of another reason, which indicates to me that we have no right to

say, as a body seeking to do justice, that these ballots are absolutely unreliable, because of the fact that I referred to in another connection a moment ago—that in all the mass of testimony we have here before us, with everything that has been said with respect to tampering with ballots, with the same opportunity to tamper with them in one way as another, perhaps, no one has pretended that a Congressional ballot was tampered with or that the kind of tampering which would be essential to effect anything in this Congressional vote was attempted or carried out by anybody, at any time, in any precinct, with respect to any office. There was a change made, as I said awhile ago, in a tally sheet, and a corresponding change made in certain ballots. That was where the promulgated return on the night of election was found to differ from that which was promulgated by the recorder, and by the erasures, apparent on the face of the papers, the fraud was instantly detected and the truth was arrived at.

And so I say here that if we examine these ballots, if there has been any change made in them that will discredit them for the purposes for which we call upon them—I say that that fact will be instantly discerned and we shall be able to say whether or not they are faithful witnesses of the lies to which they were witnesses in the first instance.

Now, I want to refer right here, and with great brevity, to the principle of law that is applicable to a case of this character. For the sake of convenience I take McCrary. The same doctrine is laid down in Paine, as taken from the reports of our courts and of election committees. That is section 303:

The question under what circumstances the entire poll of an election division may be rejected has been much discussed and conflicting views have been expressed by the courts. The power to reject an entire poll is certainly a dangerous power, and though it belongs to whatever tribunal has jurisdiction to pass upon the merits of a contested-election case, it should be exercised only in an extreme case; that is to say, a case where it is impossible to ascertain with reasonable certainty the true vote.

And on the following page:

Indeed, nothing short of the impossibility of ascertaining for whom the majority of votes were given ought to vacate an election.

Now, a brief extract from the well-known case of Washburn *vs.* Voorhies, in the Thirty-ninth Congress, quoted with approval by all writers on this subject:

In adopting this rule—

That is, the rule of striking out an entire return—

the committee do not lose sight, however, of the danger which may attend its application. Wholesome and salutary, not less than necessary, in its proper use, it is extremely liable to abuse. Heated partisanship and blind prejudice, as well as indifferent investigation, may, under its cover, work great injustice. It is not to be adopted if it can be avoided. No investigation should be spared that would reach the truth without a resort to it. But it is not to be forgotten or omitted if the case calls for its application. If the fraud be clearly shown to exist to such an extent as to satisfy the mind that the return does not show the truth, and no evidence is furnished by either party to a contest, and no investigation of the committee enable them to deduce the truth therefrom, then no alternative is left but to reject such a return. To use it under such a state of facts is to use as true what is shown to be false.

Mr. JOHNSON of Indiana. What section is that?

Mr. TAYLER. That is section 438 of the second edition of McCrary. Now, let me advert to the fifty-second precinct for but a moment.

The compulsion of the logic of the majority report has compelled them in the fifty-second precinct to do the gravest injustice, not to the contestee, but to the contestant. Irrevocably wedded to a certain construction of a principle of law, they have been compelled, in order to be consistent, to throw out the entire return from precinct 52. Let me indicate to what kind of principle and what manner of justice the philosophy of that contention seeks to commit this House.

The majority report, and every member of the majority, give credit to the witness Canney, and I make no complaint and have no quarrel with my friends on that score. The whole fabric of their contention respecting the fifty-second precinct is woven round the witness Canney, whom they believe and credit, and he tells the truth, I hope. Note what they do.

We come now to another qualification of this principle, which the majority report contends is an unqualified principle, and that is that you have no right to assert the doctrine that an entire poll must be rejected if tainted with fraud—if apparent wrong is done to the one who was not a beneficiary of the fraud. By what sort of logic or law is it contended that I, who was standing for an election, receiving 100 votes, and my competitor receiving but 50 votes, shall suffer if, by collusion between the corrupt judges, friends of my competitor, the poll is tainted with fraud. It is known that I got certain votes; by what kind of logic do you justify the expulsion of that return? And look at this case here? Suppose that outside of the fifty-second precinct the contestee had an honest and unquestioned majority of 100.

There is the situation as we come down to the fifty-second precinct. In that precinct a credible and corroborated witness testifies that 170 votes cast for Van Horn were changed to and counted for Tarsney. That is a specific fact in the case. The Tarsney majority in the precinct was 180. The honest majority, if we believe these witnesses—and the majority report does—the honest majority in that precinct was at least 160 for Van Horn. Are you going to disregard the returns from the fifty-second precinct? Are you going to throw it out? And in the case which I took as an illustration, are you going to justify the unseating of a man that you know is elected and seat a man that you know is not elected? But that is where the majority of this committee, in order to be consistent, in order to stand by this sacred and revered principle, must plant themselves or be wrong. The principle is not invoked, and was not created to do wrong when you see that you can make visible and apparent the wrong.

Mr. JOHNSON of Indiana. Does the gentleman believe with respect to the fifty-second precinct, Ninth Ward, that it should be counted 160 for Van Horn?

Mr. TAYLER. I was arguing with reference to the position taken——

Mr. JOHNSON of Indiana. Does the gentleman believe that?

Mr. TAYLER. I am here speaking against the inevitable result of the position that the gentleman from Indiana has taken——

Mr. JOHNSON of Indiana. But the question I asked——

Mr. TAYLER. And not to be interrogated about what I might do.

Mr. JOHNSON of Indiana. But certainly the gentleman will——

The SPEAKER pro tempore (Mr. DALZELL). Does the gentleman from Ohio yield?

Mr. TAYLER. I will.

Mr. JOHNSON of Indiana. Now, then, let the House have the benefit of your opinion as to what the action of the committee should be. I understand the gentleman complains that the committee has wrongfully——

Mr. TAYLER. I do not complain about anything.

Mr. JOHNSON of Indiana. Well, will the gentleman be kind enough to tell us, then, what he thinks the committee ought to do, and what the evidence shows in respect to the fifty-second precinct, Ninth Ward, whether it should be thrown out, or whether it should be counted 160 for Van Horn?

Mr. TAYLER. The committee ought to recast its report, is my first reply [applause]——

Mr. JOHNSON of Indiana. The gentleman has not answered my question.

Mr. TAYLER. And my second reply is that if the gentleman believes the testimony of the important witness Canney he ought to say that Mr. Van Horn has 160 majority in the fifty-second precinct of the Ninth Ward.

Mr. JOHNSON of Indiana. I am not asking the gentleman what I should say in connection with the matter. I am asking the gentleman, "what do you say"?

Mr. TAYLER. That is not pertinent to this inquiry.

Mr. JOHNSON of Indiana. Then the gentleman declines to answer my question.

Mr. TAYLER. The gentleman is here in a position where he presents a report on this floor that declares that the committee, in obedience to this proposition of law upon which they plant themselves, are compelled to throw out the fifty-second precinct; and I say that, believing as they do that Canney tells the truth, they have no right to do it. What I might do with it is immaterial to this controversy. My opinion in respect to the general principle of law involved is the only thing this House is caring to hear.

Now, then, to the question which was propounded by my friend from New York. It is said that the contestee was negligent: that the contestee did not take this testimony when he might have taken it, and when he ought to have taken it. Now, I do not want to consume time at this moment in the discussion of a question as to whether or not the contestee was negligent. In the first place, that is discussed in the report of the minority. It will be discussed, I doubt not, by my colleagues on the committee, and I only want to say this in that connection: It was not known until May that these alphabetical fraudulent votes were cast.

It was not definitely known until then that an examination of the ballots would disclose the exact extent of that fraud that was committed in the fifth, sixth, and seventh precincts. But beyond that it was contended that the contestee had no right to examine those ballots. Certain officers or certain contestants, under the law of Missouri, have the right to examine those ballots that are preserved by the recorder of voters, and by a process of exclusion no others have the right. The courts of Missouri have held that these other officers who are not named have no right to examine the ballots. A very able lawyer from the State of Missouri told me to-day that there is no right inherent in any commissioner taking testimony in an election contest—a Congressional election contest—to examine these ballots, and that the courts of Missouri would refuse an examination of them. And surely, if an able lawyer of the State of Missouri would express that as his deliberate opinion, it would be difficult to predicate negligence in the

conduct of the man who had not taken that testimony. That is a violation——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BAILEY. I ask unanimous consent that the gentleman's time may be extended to conclude his remarks.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the gentleman from Ohio may be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLER. I will conclude in a moment.

Several MEMBERS. Take your time.

Mr. TAYLER. I will conclude within ten minutes, and shall not hurry myself either.

I want to say this, that gentlemen who contend that a contested-election case is to be determined by the mere question of negligence or diligence on the part of the contestant or contestee, it seems to me, fall very far short of a just apprehension of the nature of the contest and the great duty of this House. But I shall not stop here to discuss how far a proceeding of this kind is purely an adversary one between the contestant on the one hand and the contestee on the other, or how far in a case of this character the right of a great constituency and the integrity of this body are involved.

But I do say this, and I challenge question of its propriety, that good morals and sound law and common justice demand that where, in any case, it is apparent that returns are permeated by fraud, however wide and far-reaching, and the same testimony discloses an easy and safe and reasonably accurate way of purging those returns of that discovered fraud, the House can not shield itself behind some technical rule and refuse to purge those ballots of their fraud. [Applause.] I doubt not that the principle that a poll fatally tainted with fraud must be totally disregarded is to remain a part of our law, but nevertheless it is a dangerous doctrine and but rarely to be invoked. It is at once the temptation, the opportunity, and the refuge of partisanship. Its force and applicability are oftener determined in the forum of prejudice than of right. It gives too full play to mere opinion, and where that begins judicial investigation is likely to end.

A legislative body seeking to act judicially must be sure that it has exhausted every effort within its power to determine whether the time has come when an entire return must be rejected. If you search the records of contest cases in the House of Representatives I doubt if you will find an instance where a proposition to strike out an entire return, if of the substance of the case, was ever decided on any other than party lines. A principle thus fostered and thus abused is not a principle to be invoked except where the exigencies of the case absolutely demand it, and it is the duty of the House to make such effort as it honestly can make to see whether it can not purge the returns. If, having made an honest effort, it finds itself unable to so purge them, it will at least have the satisfaction of having purged its own conscience. [Loud applause.]

Mr. JOHNSON of Indiana. Mr. Speaker, I move that the House do now adjourn.

Mr. LACEY. I ask the gentleman to withdraw that motion for a moment.

Mr. JOHNSON of Indiana. I withdraw the motion, Mr. Speaker.

Mr. LACEY. There is a bill on the Speaker's table which I should like to have submitted to the House.

SUITS IN LAND-GRANT CASES.

The SPEAKER laid before the House a bill (H. R. 5474) to provide for the extension of time within which suits may be brought to vacate and annul land patents, etc., with amendments of the Senate thereto.

The Clerk proceeded to read the amendments.

Mr. McRAE. Mr. Speaker, how does that bill come before the House at this hour?

The SPEAKER. It was on the Speaker's table. The Chair does not desire to present it if the gentleman from Arkansas objects. The Chair was informed that the Committee on Public Lands had had the matter informally before them, and that the amendments were of slight importance and were to be concurred in.

Mr. McRAE. I do not agree to the amendment of the Senate, Mr. Speaker; I think it ought to be nonconcurred in. I recognize the necessity for disposing of the bill as soon as possible, but I did not suppose it would be called up this afternoon. I am perfectly willing to vote upon it now, but I want to say a word about it first.

Mr. LACEY. Mr. Speaker, I will not press the matter at this time.

The SPEAKER. In the absence of objection, the bill will be withdrawn.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4043) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1897;

A bill (H. R. 3962) to authorize the construction of a bridge across Lake St. Francis, in the State of Arkansas;

A bill (S. 141) granting a pension to Julia A. Hill;

A bill (S. 103) relating to final proof in timber-culture entries; and

A bill (S. 1740) to amend section 5294 of the Revised Statutes of the United States, relative to the power of the Secretary of the Treasury to remit or mitigate fines, penalties, and forfeitures, and for other purposes.

CHANGE OF REFERENCE.

The SPEAKER. Senate bills Nos. 360 and 361 have been improperly referred to the Committee on Claims. As the appropriations provided for are to be paid out of Indian funds the bills ought to go to the Committee on Indian Affairs, and will be so referred.

Mr. DINGLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and the House accordingly (at 5 o'clock and 4 minutes p. m.) adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 3561) providing for the construction of a steam revenue cutter for service on the Atlantic Coast of the United States, with headquarters at the port of New York, reported the same without amendment, accompanied by a report (No. 502); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VAN VOORHIS, from the Committee on Reform in the Civil Service, to which was referred the bill of the House (H. R. 5635) to amend section 1754 of the Revised Statutes of the United States, relating to preferences in the civil service, reported the same with amendment, accompanied by a report (No. 517); which said bill and report were referred to the House Calendar.

Mr. BRODERICK, from the Committee on the Judiciary, to which was referred the joint resolution of the House (H. Res. 96), providing for the disposition of certain property now in the hands of the receiver of the Church of Jesus Christ of Latter Day Saints, reported the same with amendment, accompanied by a report (No. 519); which said bill and report were referred to the House Calendar.

Mr. HITT, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. Res. No. 179) to censure Thomas F. Bayard, ambassador of the United States to Great Britain, for statements made by him in certain speeches, reported the same without amendment, accompanied by a report (No. 520); which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BUCK, from the Committee on War Claims: The bill (H. R. 1035) for the relief of Mrs. Elvira Moore, executrix of J. L. Moore. (Report No. 503.)

By Mr. PUGH, from the Committee on War Claims: The bill (H. R. 5881) for the relief of Bath County, Ky. (Report No. 504.)

By Mr. OTJEN, from the Committee on War Claims: The bill (H. R. 2334) for the relief of B. F. Moody & Co. or their legal representatives. (Report No. 505.)

By Mr. COLSON, from the Committee on Pensions: The bill (H. R. 5225) for the relief of Mrs. Elizabeth M. Williams, of Monroe County, Tenn. (Report No. 506.)

By Mr. CROWTHER, from the Committee on Invalid Pensions: The bill (H. R. 2813) granting a pension to Rita Stine, amounting to $20 per month. (Report No. 508.)

By Mr. LAYTON, from the Committee on Invalid Pensions: The bill (H. R. 1171) to pension Hannah Tazell. (Report No. 509.)

By Mr. SULLOWAY, from the Committee on Invalid Pensions: The bill (S. 137) granting an increase of pension to William W. French. (Report No. 510.)

By Mr. ANDREWS, from the Committee on Invalid Pensions: The bill (H. R. 6132) granting an increase of pension to Thomas M. Scott. (Report No. 511.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pen-

sions: The bill (H. R. 986) for the relief of Hiram P. Pauley. (Report No. 512.)

By Mr. POOLE, from the Committee on Invalid Pensions:

The bill (H. R. 4903) for the relief of Hattie A. Beach, child of Erastus D. Beach, late a private in Company H, One hundred and forty-third New York Volunteers. (Report No. 513.)

The bill (H. R. 4753) granting an increase of pension to Lambert L. Mulford. (Report No. 514.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 3421) to grant a pension to Elizabeth Sadler. (Report No. 515.)

By Mr. KERR, from the Committee on Invalid Pensions: The bill (H. R. 2358) for the relief of Arminda White, widow of Israel White. (Report No. 516.)

By Mr. HARDY, from the Committee on Pensions: The bill (S. 149) granting a pension to Helen M. Jacob. (Report No. 518.)

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

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

By Mr. MOZLEY (by request): A bill (H. R. 6501) to raise revenue, and for other purposes—to the Committee on Ways and Means.

Also (by request), a bill (H. R. 6502) to authorize the construction of certain railways and canals, and for other purposes—to the Committee on Railways and Canals.

By Mr. PATTERSON: A bill (H. R. 6503) to regulate the importation of gunpowder, nitroglycerin, and other explosive substances—to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: A bill (H. R. 6504) providing for disposal of lands on abandoned portions of the Fort Maginnis Military Reservation, in Montana, and for the relief of certain settlers thereon—to the Committee on the Public Lands.

By Mr. TERRY: A bill (H. R. 6505) to revive and reenact an act to authorize the construction of a free bridge across Arkansas River, connecting Little Rock and Argenta—to the Committee on Interstate and Foreign Commerce.

By Mr. GROW: A bill (H. R. 6506) to aid in establishing homes in the States and Territories for teaching articulate speech and vocal language to deaf children before they are of school age—to the Committee on Education.

By Mr. MEREDITH: A bill (H. R. 6507) to increase the salaries of the police-station clerks of the District of Columbia—to the Committee on the District of Columbia.

By Mr. CUMMINGS: A bill (H. R. 6508) providing for an international humane and sanitary conference—to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLER (by request): A bill (H. R. 6509) authorizing the cutting, using, and transporting of down or fallen timber in certain counties of South Dakota—to the Committee on the Public Lands.

By Mr. CURTIS of Kansas: A bill (H. R. 6510) authorizing and directing the Secretary of the Navy to donate one condemned cannon and four pyramids of condemned cannon balls to L. E. King Post, No. 105, Grand Army of the Republic, of Augusta, Kans., and for other purposes—to the Committee on Naval Affairs.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 2375) to pension Patrick W. Halloran—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 2377) granting a pension to John E. Kirkham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 1420) granting an increase of pension to Elizabeth W. Sutherland—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

Joint resolution (H. Res. 118) to pay heir of David Heaton the remainder of salary of his unexpired term in the Forty-first Congress—Committee on Appropriations discharged, and referred to the Committee on Claims.

The bill (H. R. 5933) for the relief of William Norris—Committee on War Claims discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 2243) for relief of Jonathan Morris—Committee on War Claims discharged, and referred to the Committee on Claims.

The bill (H. R. 361) for the relief of Silas P. Keller—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

The bill (H. R. 360) for the relief of Northrup & Chick—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ACHESON: A bill (H. R. 6511) conferring jurisdiction upon the United States Court of Claims to hear and determine the claim of Mrs. Jane W. Mason, Washington, Pa.—to the Committee on the Judiciary.

By Mr. BAKER of Kansas: A bill (H. R. 6512) for the relief of B. C. Sanders—to the Committee on Indian Affairs.

Also, a bill (H. R. 6513) for the relief of Mary White—to the Committee on Indian Affairs.

By Mr. CLARDY: A bill (H. R. 6514) for the relief of James O. Knox—to the Committee on War Claims.

By Mr. CONNOLLY: A bill (H. R. 6515) for the relief of Hannah Bailey Munson—to the Committee on War Claims.

Also, a bill (H. R. 6516) to pension Hannah Bailey Munson—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: A bill (H. R. 6517) for the relief of Mrs. Ellen O'Rorke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6518) for the relief of Albert H. Geering—to the Committee on War Claims.

By Mr. CURTIS of Iowa: A bill (H. R. 6519) granting a pension to Herman Dellit—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 6520) for the relief of Miss B. Sheaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6521) for the relief of Leah Dietrich—to the Committee on Indian Affairs.

Also, a bill (H. R. 6522) granting an increase of pension to G. J. Counterman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6523) granting an increase of pension to August Cronanberg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6524) granting an increase of pension to S. S. Brewerton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6525) granting an increase of pension to John A. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6526) granting an increase of pension to William J. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6527) granting a pension to Mrs. Thomas Russell—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 6528) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols—to the Committee on Invalid Pensions.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 6529) to carry out the findings of the Court of Claims in the case of James H. Dennis—to the Committee on Claims.

By Mr. HEATWOLE: A bill (H. R. 6530) granting a pension to Mrs. Ann Gorham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6531) granting an increase of pension to John G. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6532) to reimburse Hubert Nyssen—to the Committee on Claims.

By Mr. HENDERSON: A bill (H. R. 6533) for the relief of A. A. Hosmer—to the Committee on the Public Lands.

By Mr. JOHNSON of California: A bill (H. R. 6534) to increase the pension of Mrs. Elizabeth M. Stevenson, widow of Col. J. D. Stevenson, late of California, from $8 to $30 per month—to the Committee on Invalid Pensions.

By Mr. KERR: A bill (H. R. 6535) granting a pension to Loozila L. Patterson—to the Committee on Invalid Pensions.

By Mr. LEIGHTY (by request): A bill (H. R. 6536) to pension William H. Robeson, alias Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6537) granting pension to Milo Miner—to the Committee on Pensions.

Also, a bill (H. R. 6538) to pension James Collins, of Angola, Ind.—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 6539) granting a pension to Richard C. Enright—to the Committee on Invalid Pensions.

By Mr. MAHANY: A bill (H. R. 6540) to reimburse Mrs. Bernard F. Gentsch, widow of the late postmaster of Buffalo, N. Y., for moneys personally paid by him and for which the Government received services—to the Committee on Claims.

By Mr. MEIKLEJOHN: A bill (H. R. 6541) to provide for the adjustment, settlement, and payment of claims for supplies furnished the Indian industrial school at Genoa, Nebr.—to the Committee on Indian Affairs.

By Mr. MERCER: A bill (H. R. 6542) to grant a pension to Rev. Warren Cochran, of Omaha, Nebr.—to the Committee on Invalid Pensions.

By Mr. MURPHY of Illinois: A bill (H. R. 6543) to remove the charge of desertion from the military record of Charles Held—to the Committee on Military Affairs.

By Mr. PICKLER (by request): A bill (H. R. 6544) for the relief of H. B. Matteosian, M. D., late delegate of the United States to the International Sanitary Commission of Constantinople—to the Committee on Claims.

Also, a bill (H. R. 6545) for the relief of James A. Stoddard—to the Committee on Military Affairs.

Also, a bill (H. R. 6546) granting a pension to Samuel Holliday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6547) for the relief of Frederick Mehring—to the Committee on Military Affairs.

Also, a bill (H. R. 6548) for the relief of Levi Carnrike—to the Committee on Military Affairs.

Also, a bill (H. R. 6549) granting a pension to Gideon L. McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6550) for the relief of William H. H. Lee—to the Committee on Military Affairs.

Also, a bill (H. R. 6551) for the relief of William Charger and others—to the Committee on Indian Affairs.

Also, a bill (H. R. 6552) granting increase of pension to Alexander C. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6553) for the relief of Henry A. Miller—to the Committee on Military Affairs.

Also, a bill (H. R. 6554) for the relief of Edward Dwyer—to the Committee on Military Affairs.

Also, a bill (H. R. 6555) for the relief of Albert J. Duane—to the Committee on Naval Affairs.

Also, a bill (H. R. 6556) granting a pension to Jacob Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6557) for the relief of Daniel Martin—to the Committee on Military Affairs.

Also, a bill (H. R. 6558) for the relief of John Cashner—to the Committee on Military Affairs.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 6559) for the relief of the legal representatives of Alfred Duplantier, deceased—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 6560) to increase pension of Emily M. Tyler—to the Committee on Invalid Pensions.

By Mr. SIMPKINS (by request): A bill (H. R. 6561) to increase the pension of Martha C. Carter, widow of Rear-Admiral S. P. Carter—to the Committee on Invalid Pensions.

By Mr. TRACEWELL: A bill (H. R. 6562) to increase the pension of Martin A. Stucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6563) to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham—to the Committee on Invalid Pensions.

By Mr. WATSON of Ohio: A bill (H. R. 6564) to pension Rebecca G. Irwin—to the Committee on Invalid Pensions.

By Mr. ELLIOTT of South Carolina: A bill (H. R. 6565) for the relief of John J. Driscoll—to the Committee on War Claims.

By Mr. GIBSON: A bill (H. R. 6566) for the relief of Thomas J. Wear, of Sevier County, Tenn.—to the Committee on War Claims.

By Mr. HILBORN: A bill (H. R. 6567) to increase the pension of Mrs. Elizabeth D. Stevenson, widow of the late J. D. Stevenson, formerly a colonel in the United States Army—to the Committee on Invalid Pensions.

By Mr. CURTIS of Kansas: A bill (H. R. 6568) for the relief of J. A. McCreary, late of the United States Army—to the Committee on Naval Affairs.

PETITIONS, ETC.

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

By Mr. ACHESON: Resolutions of the board of managers of the Pennsylvania Society of Sons of the Revolution, praying for the publication of the records and papers of the Continental Congress—to the Committee on Appropriations.

Also, resolutions of Lodge No. 95, Order Sons of St. George, of Homestead, Pa., indorsing the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, memorial of the Peace Association of Friends, on the attitude of Congresss relative to the Monroe doctrine—to the Committee on Foreign Affairs.

By Mr. ALLEN of Utah: Petition of W. T. Sherman Post, No. 6, of Provo, Utah, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. BARHAM: Petition of citizens of Petaluma, Cal., against appropriating public moneys for sectarian undertakings—to the Committee on Appropriations.

By Mr. BARTHOLDT: Petition of citizens of St. Louis, Mo., protesting against the appropriation of public moneys for sectarian purposes and in favor of a constitutional amendment prohibiting such appropriation—to the Committee on Indian Affairs.

By Mr. BELL of Colorado: Resolution of settlers calling for the investigation of matters relating to the Colorado portion of the so-called Maxwell grant—to the Committee on the Public Lands.

By Mr. BREWSTER: Memorial regarding the closing up of Jupiter Inlet, Florida, from the inhabitants of Dade County, Fla.—to the Committee on Rivers and Harbors.

By Mr. BULL: Papers relating to the case of Mary R. Dean, widow of Amos G. Thomas, to accompany House bill No. 922—to the Committee on Invalid Pensions.

By Mr. COOK of Wisconsin: Letters from George W. Burchard, president of the Dairymans' Association of the State of Wisconsin, together with memorial adopted by that association at their annual convention at Chippewa Falls, Wis., urging the favorable consideration of House bill No. 3010 and the need of legislation on lines of said bill, to regulate and control the manufacture and sale of the article known to the trade as "filled cheese"—to the Committee on Ways and Means.

By Mr. CRUMP: Resolution of the Chamber of Commerce of San Francisco, asking Congress to appoint a commission to investigate the question of Japanese manufactures, etc.—to the Committee on Ways and Means.

By Mr. CUMMINGS: Papers to accompany House bill No. 6517, relating to the case of Mrs. O'Rorke—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Petition of the Woman's Christian Temperance Union of Crawfordsville, Iowa, for the enactment of a Sunday-rest law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of Lodge No. 43, Order Sons of St. George, Pittsburg, Pa., in favor of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DOCKERY: Petition of Jonathan Morris and others, of Santa Rosa, Mo., praying for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. ERDMAN: Petition of residents of Guthsville, Pa., praying for the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, two protests of citizens of Rehrersburg, Pa., against the appropriation of public moneys for sectarian purposes, and petitions urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. FENTON: Petition of J. W. Kates, of Barden, Ohio, and 19 other ex-soldiers of the Union Army, praying for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: Petition of more than 2,000 citizens of western New England in favor of an appropriation by Congress for improving the navigation of the Connecticut River between Holyoke and Hartford—to the Committee on Rivers and Harbors.

Also, resolutions passed by the Commercial Club of Boston, in favor of an appropriation for the improvement of Boston Harbor—to the Committee on Rivers and Harbors.

By Mr. GRAFF: Petition of veterans of the late war residing in Mason County, Ill., favoring the passage of the service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Manito, Ill., for the passage of the Hainer bill, for the relief of prisoners of war who were Union soldiers—to the Committee on Invalid Pensions.

By Mr. HAINER of Nebraska: Petition of the twentieth encampment, Department of Nebraska, Grand Army of the Republic; also, petition of Geo. N. Morgan Post, No. 4, Department of Minnesota, praying for the passage of House bill No. 306, granting a pension to Union ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. HANLY: Papers to accompany House bills Nos. 5330 and 5331, for the relief of Frank Green—to the Committee on War Claims.

By Mr. HARMER: Petition of members of Col. John Clark Council, No. 126, Daughters of Liberty, indorsing and recommending the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HEATWOLE: Papers to accompany House bill granting an increase of pension to John C. Parker—to the Committee on Invalid Pensions.

Also, papers to accompany House bill in the case of Mrs. Ann Gorham—to the Committee on Invalid Pensions.

Also, papers to accompany House bill in the claim of Hubert Hyesen—to the Committee on Claims.

By Mr. HOOKER: Petition of E. Green, mayor, and other citizens of Jamestown, N. Y., against the repeal of section 61 of the act of August 28, 1894, providing for a rebate of taxes paid on alcohol used by manufacturers, etc.—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Black Creek, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union of Black Creek, N. Y., against the sale of intoxicants to immigrants—to the Committee on Immigration and Naturalization.

By Mr. HULL: Petition of Frank P. Crandon and 18 other citizens of the State of Illinois, asking the passage of resolution reviving the grade of Lieutenant-General—to the Committee on Military Affairs.

By Mr. HURLEY: Petition of Munson Steamship Line and 19

other steamship companies and agencies, of New York, for a depth of 30 feet in Buttermilk Channel and in channel north of Governors Island, New York Harbor—to the Committee on Rivers and Harbors.

By Mr. KIEFER: Resolution of the Minneapolis (Minn.) Board of Trade, in reference to the Union Pacific Railroad—to the Committee on Pacific Railroads.

By Mr. LACEY: Petition of J. W. Satchell and others, of Grinnell, Iowa, asking for the passage of the service-pension bill, and for land warrants for soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. LINTON: Resolution adopted by the Chamber of Commerce of Milwaukee, to complete the improvement of the harbor of refuge in Milwaukee Bay—to the Committee on Rivers and Harbors.

Also, two protests of citizens of Belfast, Pa., against the appropriation of public moneys for sectarian purposes, and petitions urging the passage of the proposed amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, resolution adopted by the New York Mercantile Exchange, in favor of regulating the manufacture and sale of filled cheese—to the Committee on Ways and Means.

By Mr. MAHON: Petition of Washington Camp, No. 513, of Saltillo, Pa., and No. 350, of Calvin, Pa., Patriotic Order Sons of America, favoring the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. McCREARY of Kentucky: Petition of members of churches of Nicholasville, Ky., in behalf of a bill for the relief of the book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. MOODY: Petition of W. S. Sawyer and others and of Norman O. Cobb and others, all of Haverhill, Mass., and vicinity, favoring the Stone immigration bill—to the Committee on Immigration and Naturalization.

By Mr. OWENS: Resolutions of a public meeting in the Seventh Congressional district, Kentucky, regarding the atrocities committed by the Turks upon the helpless Armenians—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Pennsylvania: Memorial of citizens of Delaware County, Pa., indorsing Rockdale Council, No. 803, Junior Order United American Mechanics, favoring the recognition of the belligerency of the Cuban insurgents—to the Committee on Foreign Affairs.

By Mr. RUSSELL of Connecticut: Petition of Ezra G. Bill, for pension, to accompany House bill No. 5776—to the Committee on Invalid Pensions.

Also, petition of citizens of Connecticut, in opposition to sundry House bills (H. R. 1227 to 1233, inclusive), known as the Maguire bills, as calculated to injure foreign trade and coastwise shipping—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Connecticut, favoring sundry House bills (H. R. 5288 and others), designed to serve the mutual interest of shipowners and seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCRANTON: Petition of the Keystone Veterinary Medical Association, favoring House bill No. 3012, to give rank to veterinarians in the Army—to the Committee on Military Affairs.

By Mr. SHANNON: Memorial of Charles Mann & Co. and 102 others, requesting that Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of constructing a canal through the Harlem Kills, New York, 15 feet deep and 300 feet wide, for a sum not exceeding $1,450,000—to the Committee on Rivers and Harbors.

By Mr. WATSON of Ohio: Resolutions of the Pennsylvania Society of Sons of the Revolution, asking Congress to purchase and have published the records and papers of the Continental Congress, comprising the official documents dating to the Revolutionary period—to the Committee on Printing.

By Mr. WADSWORTH: Petitions of the Woman's Christian Temperance Union, of Pekin, Stafford, and Geneseo, N. Y., against the sale of beer at certain military posts—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Union, of Pekin, Stafford, and Geneseo, N. Y., against the sale of beer and intoxicating liquors to immigrants—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Resolution of Washington Camp, No. 53, Patriotic Order Sons of America, of Cold Point, Pa., indorsing the Stone immigration bill and requesting its passage—to the Committee on Immigration and Naturalization.

By Mr. WILSON of Idaho: Petition of Thomas Turner and other ex-soldiers of the Union Army, asking the passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. WOOMER: Petition of Joseph P. Remington and faculty of Philadelphia College of Pharmacy, in favor of bills to increase the pay of hospital stewards in the Army—to the Committee on Military Affairs.

Also, petition of Harry H. Parson, councilor of Golden Star Council, No. 6, and 125 members, of Middletown, Pa., in favor of the passage of the Stone immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Emily Dissinger, president, and 15 members of the Woman's Christian Temperance Union of Cornwall, Pa., in favor of the Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WRIGHT: Seven petitions of citizens of Washington, urging the passage of House bill No. 5220, or some similar measure, requiring the Eckington and Soldiers' Home Railway Company to adopt rapid transit on its lines, and opposing the extension of the tracks of said company until its existing lines are modernly equipped and operated—to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *February 26, 1896.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 7th instant, calling for statistics and information which the records of the Pension Office disclose from the 1st day of July, 1895, to the 1st day of January, 1896, of invalid pensioners pensioned under the general law, etc., and also a statistical statement showing the number of pension certificates issued during the six months ended January 1, 1896, transmitting a letter and accompanying inclosures from the Commissioner of Pensions containing the information desired; which, with the accompanying papers, was, on motion of Mr. GALLINGER, referred to the Committee on Pensions, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 7th instant, calling for information as to whether the schedule relating to the names, organizations, and length of service of those who had served in the Army, Navy, or Marine Corps of the United States in the war of the rebellion was prepared and the information required taken, etc., transmitting a letter and accompanying inclosures from the Commissioner of Labor in charge of the Eleventh Census, containing the information desired; which, with the accompanying papers, was, on motion of Mr. GALLINGER, referred to the Committee on Pensions, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Wellington, Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting further appropriations for institutions under ecclesiastical control; which was referred to the Committee on Appropriations.

He also presented a petition of the Glass Bottle Blowers' Association of the United States and Canada, praying for the reenactment of the law providing for the free and unlimited coinage of both gold and silver at the ratio of 16 to 1; which was ordered to lie on the table.

Mr. CAMERON. I present a petition of the Glass Bottle Blowers' Association of the United States and Canada, with headquarters at No. 119 South Fourth street, Philadelphia, Pa., praying for the reenactment of the law providing for the free and unlimited coinage of both gold and silver at the ratio of 16 to 1. I ask that the petition be read.

There being no objection, the petition was read, and ordered to lie on the table, as follows:

OFFICE OF GLASS BOTTLE BLOWERS' ASSOCIATION
OF THE UNITED STATES AND CANADA,
No. 119 SOUTH FOURTH STREET,
Philadelphia, Pa., February 17, 1896.

At the last annual convention of the Glass Bottle Blowers' Association the following resolution was passed by the convention, and the general secretary of the association was ordered to send a copy of the same, under seal, to the President, Vice-President, Secretary of State, and members of both Houses of Congress:

"*Resolved*, That it is the deliberate judgment of the Glass Bottle Blowers' Association of the United States and Canada that Congress should reenact the law of 1837, which provides for the free and unlimited coinage of both silver and gold at the ratio of 16 to 1, thus restoring the American law of coinage as it was until 1873, when silver was demonetized without debate, and without the knowledge of the American people, and that this should be done at once, without waiting for the cooperation of any other nation."

WILLIAM LAUNER,
General Secretary of the Glass Bottle Blowers' Association.

Mr. LODGE presented a petition of the Commercial Club of Boston, Mass., praying that an appropriation be made for the improvement of Boston Harbor; which was referred to the Committee on Commerce.

He also presented a petition of 72 citizens of Haverhill, Mass., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.