possibly benefit Cuba if at some time in the future she gets a ship of war and that ship of war happens to come into one of our ports.

I am sorry to have detained the Senate so long. I make no apology, however, to those Senators who think we are endeavoring to delay on this side of the Chamber, because I have taken the time to-night instead of waiting until to-morrow.

Mr. THURSTON. I understand that I had the floor and yielded it to the Senator from Massachusetts. I shall desire to take it to-morrow at 2 o'clock on the pending resolution.

The VICE-PRESIDENT. To-morrow at 2 o'clock the Senator from Nebraska will be recognized as entitled to the floor.

Mr. MORGAN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, May 20, 1897, at 12 o'clock meridian.

SENATE.

THURSDAY, *May 20, 1897.*

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

The Journal of yesterday's proceedings was read and approved.

DIFFERENTIAL DUTY ON SUGAR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, agreeably to the request of the German ambassador, copies of correspondence in regard to the protest of the German Government against differential treatment of bountied sugars in the pending tariff bill; which was read, and, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed.

LANDS IN GREER COUNTY, OKLA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, setting forth the necessity for an extension of the time allowed by the act of January 8, 1897, to bona fide purchasers of lands in Greer County, Okla., to place their claims of record in the local office at Mangum, together with a copy of a draft of a section prepared in the General Land Office granting an extension of time required and calling attention to the necessity of the proposed legislation; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 42) appropriating $50,000 for the relief of suffering American citizens in the Island of Cuba.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Ninth Annual Convention of Railroad Commissioners, praying for the enactment of legislation effectually to prohibit the transportation evils and abuses, relating to carriers engaged in interstate commerce, such as are described in the annual reports of the Interstate Commerce Commission for the years 1890 to 1896; which was referred to the Committee on Interstate Commerce.

Mr. SHOUP presented the petition of S. D. Coulter and 49 other citizens of Boise City, Idaho, praying for the enactment of legislation for the more rigid restriction of immigration; which was ordered to lie on the table.

Mr. MCBRIDE presented a petition of 48 citizens of Washington County, Oreg., praying for the abrogation of the Hawaiian reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of 41 citizens of Multnomah County, Oreg., praying for the enactment of legislation for the more rigid restriction of immigration; which was ordered to lie on the table.

Mr. TURPIE presented a memorial of C. H. Ankeny & Co., of Lafayette, Ind., remonstrating against the proposed increase of duty on watches and watch movements; which was ordered to lie on the table.

He also presented a memorial of the Tappan Shoe Manufacturing Company, of Muncie, Ind., remonstrating against the imposition of a duty on foreign hides; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Evansville, Ind., remonstrating against the passage of the so-called Nelson bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Art Institute, of Chicago, Ill., praying that all works of art imported into this country be admitted free of duty; which was ordered to lie on the table.

He also presented the petition of W. C. Rall, past chief conductor of Division No. 120, Order of Railway Conductors, of Huntington, Ind., praying for the passage of Senate bill No. 1479, to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was referred to the Committee on Interstate Commerce.

Mr. HOAR presented a petition of sundry citizens of Massachusetts, praying for the enactment of legislation for the more rigid restriction of immigration; which was ordered to lie on the table.

Mr. ELKINS presented sundry petitions of citizens of West Virginia, praying for the enactment of legislation restricting immigration; which were ordered to lie on the table.

He also presented sundry memorials of citizens of West Virginia, remonstrating against the enactment of legislation intended to destroy the present system of ticket brokerage; which were referred to the Committee on Interstate Commerce.

REPORTS OF A COMMITTEE.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 135) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Bros., and others, reported it without amendment, and submitted a report thereon.

Mr. PASCO. I am directed by the Committee on Claims to submit a supplemental report to accompany the bill (S. 415) for the relief of Anna W. Osborne. I ask that the report be printed.

The VICE-PRESIDENT. The report will be printed under the rule.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 2006) to remove the charge of desertion from the military record of Richard J. Huntoon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MCBRIDE introduced a bill (S. 2007) for the relief of John Kelly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 2008) granting an increase of pension to Rosa S. Webb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 2009) to provide for the restatement, readjustment, and payment of dues to army officers or ex-officers in certain cases; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 2010) to establish a new land district, to be known as the Yukon land district, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Territories.

Mr. HOAR introduced a bill (S. 2011) to place John Dolan on the retired list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 2012) providing that the circuit court of appeals of the eighth judicial circuit of the United States shall hold at least one term of said court annually in the city of Denver, in the State of Colorado, or in the city of Cheyenne, in the State of Wyoming, on the first Monday in September in each year; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2013) for the relief of Hattie A. Phillips; which was read twice by its title, and referred to the Committee on Claims.

TRANSPORTATION OF FOOD CONTRIBUTIONS TO INDIA.

Mr. HALE. I introduce a joint resolution, which I ask to have read. Then I shall ask unanimous consent for its consideration on a statement which I will make.

The joint resolution (S. R. 43) directing the Secretary of the Treasury to give an American register to the foreign-built steamships *Massapequa* and *Menantic*, to enable them to carry grain under the American flag to the sufferers by famine in India was read the first time by its title and the second time at length, as follows:

Whereas there is now stored in New York warehouses about 3,000 tons of grain contributed by the charitable people of the United States for the famishing inhabitants of India; and

Whereas there has been contributed about $100,000 for the purchase of additional food products for the same purpose; and

Whereas it is incumbent upon the United States Government to furnish at the earliest possible moment transportation for this grain to India to relieve the starving poor; and

Whereas it is desirable that this grain should be transported under the flag of the United States; and

Whereas there can not be chartered a sufficient number of United States registered steamships to carry this grain to India: Therefore, it is

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby directed to cause the foreign-built steamships *Massapequa* and *Menantic*, owned by Charles W. Hogan, of the firm of T. Hogan & Sons, of New York City, a citizen of the United States, to be registered as vessels of the United States, upon being notified by the Secretary of the Navy that a contract has been entered into between the Navy Department and said Charles W. Hogan, of the firm of T. Hogan & Sons, for the transportation of about 8,000 tons of wheat in bulk or its equivalent in space for corn to India for the famishing poor.

SEC. 2. The Secretary of the Navy is hereby authorized to accept the proposition of T. Hogan & Sons made to him in their letter dated May 13, 1897, and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

to enter into a contract with Charles W. Hogan, of said firm, to carry the aforesaid wheat or equivalent of corn in bulk in the steamships *Massapequa* and *Menantic* to India, and a sufficient sum of money is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

Mr. HALE. Mr. President, there is no opportunity in this emergency for any committee to consider the joint resolution. Senators will remember that by joint resolution approved by the President we provided that the Secretary of the Navy might, either in naval vessels or American vessels that he could charter, transport the gifts of grain, etc., which have been given by American citizens for the suffering people in India. The Secretary has found two things. No naval ships are adapted to such transportation. The statement of that fact will at once carry with it its demonstration. Everyone will see that the ships of the Navy are not built for any such purpose. He has also found that he can not charter any American registered ships. He can not find them. He has searched far and wide, and they are not obtainable.

Under these conditions and under the act of Congress the Secretary is unable to move the large quantities of supplies that have been given by benevolent people and are now in New York. I sent a moment ago for a letter from the Secretary of the Navy on the subject, but I will ask to have read now a letter which I have received from an American citizen in New York.

The VICE-PRESIDENT. The letter will be read.

The Secretary read as follows:

THE ARLINGTON, *Washington, D. C., May 20, 1897.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

DEAR SIR: I am informed that the Secretary of the Navy has sent to Congress (presumably to your committee) the proposition of my firm, T. Hogan & Sons, of New York city, to carry the grain contributed by the American people for the starving poor of India. I inclose copy of my firm's proposition to Secretary Long, dated May 13th instant. I have purchased since the date of the letter containing the proposition both of the ships named in the letter from the firm, and have bills of sale for the same. I am a citizen of the United States. Both of the ships have arrived in New York harbor within the past twenty-four hours, and their cargoes can be discharged and the grain for India loaded on them and they can be ready for the voyage in one week from this date. I take the liberty of inclosing herewith for the consideration of yourself and your committee a joint resolution which I should be pleased to have you and your committee report favorably to the Senate.

The adoption of this resolution will enable the United States Government to ship this grain in ships wholly owned by a citizen of the United States, wholly officered by citizens of the United States, and carrying the flag of the United States. It is the speediest method of sending the relief to India, and would save the Government the humiliation of having to send it in vessels owned by foreigners, officered by foreigners, and carrying the foreign flag. No charter can be made for the transportation of this food in a foreign vessel as speedily as a charter can be made with us, and besides the price I have charged for the transportation, being below cost, will be largely exceeded if the transportation is made in vessels owned by foreign subjects, as there is no inducement for them to lower their rates. The editor of the Christian Herald, who has charge of the transportation of this grain, is convinced that our proposition is the only one that promises an early settlement of the transportation question. He has recommended to you and to the Secretary of the Navy the acceptance of our proposition.

In addition to the advantages to be derived in the acceptance of our proposition hereinbefore set forth, our vessels would make a very valuable addition to the auxiliary navy; and we are perfectly willing that section 4 of the act of Congress, approved May 10, 1894, entitled "An act to encourage American shipbuilding," which placed the *City of Paris* and the *City of New York* in the auxiliary navy, shall be added to the joint resolution. These vessels, as you will see by reference to my letter to Secretary Long, are first-class steamships in every respect. We could carry easily 1,000 soldiers in each ship, and having repeatedly carried over 600 head of cattle across the Atlantic, in case of war these vessels would prove valuable troop ships, and could be arranged to carry fully 600 horses in addition to 4,000 tons of coal or measurement of stores in the lower hold.

Very truly, yours,

CHAS. W. HOGAN.

P. S.—Address me care room 38, Corcoran Building, Washington, D. C.

Mr. HALE. I ask that there also be read a letter to the Secretary of the Navy, which is referred to in the communication just read.

The Secretary read as follows:

T. HOGAN & SONS, 95 BROAD STREET, *New York, May 13, 1897.*

SIR: In view of the efforts made by our Government to procure American steamers to take the cargoes of grain to the starving people of India, we would state that two of our steamers, in every way suited for the business, are due here with cargoes within the next week and could be discharged so as to be at the service of the Government within a short time thereafter.

The names of these steamers are *Massapequa* and *Menantic*, each of which will carry 4,100 tons gross weight of cargo in addition to 500 tons bunker coals, and when loaded will steam about 10 knots per hour. They were built in October, 1893, by Messrs. Jos. L. Thompson & Sons, Sunderland, England, and are first class in every respect. They are 1,935 tons net register or 3,027 tons gross register each, 322 feet in length, 42 feet 7 inches breadth, and 28 feet 6 inches molded depth, and are classed 100 A1 at British Lloyds. These steamers belong to the Menantic Steamship Company, Limited, the stock of which is owned by American citizens.

We would be willing to take a full cargo of grain in each, provided the Government would naturalize these two steamers before they leave this side. On this condition we would charge for grain in bulk $6 per ton of 2,240 pounds hence to Bombay, or $7 per ton of 2,240 pounds hence to Calcutta. Should it be requisite to ship the cargoes in bags our price would be $6.70 per ton to Bombay and $7.70 to Calcutta.

We are satisfied that these two steamers would be a valuable acquisition to the merchant marine of this country and afford the means of giving employment to quite a number of American citizens.

Trusting that this matter will receive your favorable consideration,

We are, sir, yours respectfully,

T. HOGAN & SONS.

Hon. JOHN D. LONG,
Secretary of Navy, Washington, D. C.

Mr. HALE. Now I ask that there be read a brief letter from the Secretary of the Navy.

The Secretary read as follows:

NAVY DEPARTMENT, *Washington, May 18, 1897.*

SIR: Referring to public resolution No. 8, "Authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor in India," approved April 7, 1897, I have the honor to submit the following statement:

The resolution, after reciting the fact that a famine exists in India which can readily be relieved from the surplus products of this country, now being freely contributed by the people of the United States, authorizes the Secretary of the Navy, first, to employ and place at the disposal of the collector of the port of New York any ship or vessel belonging to the Navy best adapted for such service, or, secondly, to charter and employ "a suitable American steamship or vessel" for the purpose, with a cargo capacity of 2,000 to 4,000 tons.

The use of a naval vessel for the transportation of these supplies is wholly impracticable. None of the older vessels of the Navy are in a condition to warrant their use for such an undertaking, and with respect to the modern vessels it may be said that their construction differs so radically from that of vessels of the merchant service employed in the carrying trade, the space allotted in mercantile vessels to cargo being filled in the latter with machinery, armament, and necessary quarters for officers and men, as to preclude their use for purposes of transportation. There is, therefore, no naval vessel adapted or readily adaptable to the purpose.

The utilization of a vessel of the Navy being out of the question for the reasons stated, the Department has made every effort to charter a suitable American vessel, but with little success. Indeed, it appears, unfortunately, to be a fact that at the present time few American vessels of sufficient size are available for the purposes named in the resolution. Propositions have, however, been received from the owners of vessels sailing under a foreign flag, but deemed to be otherwise suitable, offering to transport to Bombay or Calcutta the food supplies referred to, provided such vessels can be admitted to American registry and thus brought within the terms of the resolution; and it is understood that vessels owned wholly by American citizens, but not admitted to American registry because built abroad, can be chartered upon terms deemed reasonable.

This Department is in receipt of reports indicating that sufficient food supplies have been contributed to load two vessels, whereas the resolution authorizes the chartering of but one.

While it seems impossible to obtain an American vessel of 4,000 tons, it might occur that two such vessels of 2,000 tons each could be procured. Under these circumstances, and in order that the efforts of the contributors to this work of international benevolence may not fail of success for want of the necessary means of transportation, I have the honor to recommend that the authority conferred by the public resolution be so enlarged as to empower this Department to charter two vessels having a capacity of two to four thousand tons each instead of one such vessel; and, inasmuch as even these smaller vessels may not be procurable within a reasonable time, that further special authority be granted by Congress for the admission to American registry of one or two such vessels as may be required, of about 4,000 tons each, for the transportation of supplies from New York to India, in pursuance of public resolution No. 8.

It is suggested that the terms, with respect to inspection, etc., provided in section 3 of the "Act to encourage American shipbuilding," approved May 10, 1892, in pursuance of which the foreign-built steamers *New York* and *Paris* were granted American registry, might with propriety be adopted in the case under consideration.

In this connection attention is invited to the inclosed copy of a communication from Messrs. T. Hogan & Sons, offering to charter to the Government, for the purpose of transporting food supplies to India, the vessels *Massapequa* and *Menantic*, upon terms specified, if these vessels can be "naturalized."

Very respectfully,

JOHN D. LONG, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

Mr. CHANDLER. I shall ask that the joint resolution which the Senator from Maine has introduced, sent here by the Navy Department, may go over until Monday. I think the Secretary of the Navy has made a mistake in the remedy which he proposes to apply in connection with the difficulty which he encounters. Congress should at once remove the restriction upon the Secretary in hiring a ship to transport the food products to India which requires that it shall be an American ship.

Mr. HALE. If the Senator will allow me, this is the language of the joint resolution passed April 7, 1897:

Or to charter and employ, under the authority of the United States, a suitable American steamship or vessel.

That is the trouble with the Secretary.

Mr. CHANDLER. Yes, but the Secretary should have recommended to us to strike out the word "American," which we never should have put into the original authority. When we were providing for speedily sending the contributions of the liberal people of the United States to the starving people of India, we should not have limited the means of transportation to American ships. Everyone knew perfectly well, as the Senator from Maine has stated, and as the Secretary of the Navy has stated, that there would be found no suitable naval vessel, because a ship of war is not suited to transport cargo, and the United States possesses no naval transport vessels. So that authorization was a mere form. We should have authorized the Secretary of the Navy to transport the contributions in any steamship which he could procure at short notice for a reasonable price. He has discovered that there is no American steamship promptly available, and he now proposes that we shall give an American register to one or two foreign ships in order that they may carry the contributions.

Mr. HALE. The Secretary does not enforce this remedy. He simply refers to it, and incloses the communication from the New York parties who own the ships. I do not understand that the Secretary urges Congress especially to do this.

Mr. CHANDLER. The Senator will excuse me. I thought the Senator introduced a joint resolution coming from the Secretary for the admission of these ships to an American register.

Mr. HALE. No; the Secretary only refers to the measure. It does not to any further extent than that have his indorsement. He only refers to it as suggesting a remedy.

Mr. CHANDLER. The simplest thing in the world is for the Senator from Maine to introduce a bill striking out the word "American" from that authorization. These ships ought to carry the contributions, if they are ready to go. They ought not to be detained, but there is no need of admitting them to an American register. All we need to do is to authorize the ships, with the nationality that now belongs to them, to transport under an English register, if they are English ships, these American contributions to the suffering people of English India.

Mr. PERKINS. Mr. President——

Mr. CULLOM. Will the Senator allow me to make a suggestion?

Mr. MORGAN. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from Alabama will state his point of order.

Mr. MORGAN. I understood that the Senator from New Hampshire objected to the present consideration of the joint resolution.

Mr. CULLOM. I desire to suggest, as there have been a good many documents read which we have heard only in part, that it would be as well that the whole matter should go over and let the papers be printed.

Mr. PERKINS. That was the request I rose to make, and to supplement it with the statement that a few weeks since I was the author of a similar resolution. The charitable people west of the Missouri River contributed sufficient to load the ship. We had no difficulty in finding an American ship to transport the gift of the American people to the sufferers in India. The price that is proposed here to pay for these ships, granting them an American register, I venture to say, will amount to much more in value to the owners of the vessels than will the amount of freight, if we are obliged to pay it. I believe we have American ships flying the American flag that we can charter to take this freight, and we should pay them a larger sum than we pay to any ship flying a foreign flag.

But I want to second the request of the Senator from Illinois, that all the documents may be printed in relation to this matter, and that they may lie upon the table until Monday next.

Mr. HALE. Mr. President——

Mr. MORGAN. I object to the further discussion of this subject, inasmuch as it goes over to Monday.

The VICE-PRESIDENT. The point of order made by the Senator from Alabama is sustained by the Chair.

Mr. HALE. Will the Senator let me say one word?

Mr. MORGAN. Yes.

Mr. HALE. I see the force of the points that have been made by the Senator from Illinois, the Senator from New Hampshire, and the Senator from California, and I do not object to the whole matter going over in order that we may have time to consider it, and perfect some measure that will perhaps cover the point suggested by the Senator from New Hampshire.

I ask that there also be printed the act of April 7, 1897, so that all the documents relating to the subject may appear together.

The VICE-PRESIDENT. The act will be printed in the RECORD, in the absence of objection, and also printed with the other papers in document form.

The act referred to is as follows:

[PUBLIC RESOLUTION—NO. 8.]

Joint resolution authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor in India.

Whereas a famine exists in India which is daily causing thousands of deaths among the poor, which famine can readily be relieved from the surplus products of other parts of the world; and

Whereas generous people of the United States in different States are freely giving wheat, flour, and corn for the relief of the famishing inhabitants in India: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to employ and place at the disposal of the collector of the port of New York any ship or vessel belonging to the Navy of the United States best adapted for such service for the purpose of transporting to the famishing poor of India such contributions as may be made for their relief, or to charter and employ under the authority of the United States a suitable American steamship or vessel, with a cargo capacity of 2,000 to 4,000 tons, for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved April 7, 1897.

The VICE-PRESIDENT. The joint resolution introduced by the Senator from Maine lies over.

AMENDMENTS TO THE TARIFF BILL.

Mr. HALE submitted an amendment intended to be proposed by him to the bill (H. R. 379) to provide revenue for the Government and to encourage the industries of the United States; which was ordered to lie on the table and to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the bill (H. R. 379) to provide revenue for the Government and to encourage the industries of the United States; which was referred to the Committee on Finance, and ordered to be printed.

Mr. HARRIS of Kansas (by request) submitted two amendments intended to be proposed by him to the bill (H. R. 379) to provide revenue for the Government and to encourage the industries of the United States; which were ordered to lie on the table and to be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

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

VICTOR H. MACCORD.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and is hereby, directed to furnish for the use of the Senate a copy of Secretary Olney's note to Mr. Richard R. Neill, No. 210, dated Department of State, December 28, 1896, and copies of all communication and correspondence between the State Department and its legation at Lima, Peru, relating to the claim of Victor H. MacCord, a citizen of Pennsylvania, late a consular agent of the United States to Peru, against the Government of Peru, in South America.

BRIDGES ACROSS THE MISSOURI, MISSISSIPPI, ETC.

Mr. CAFFERY. A few days ago the Senate passed the bill (S. 426) to authorize the construction of bridges across the Missouri River, between its mouth and the mouth of the Dakota or James River; and across the Mississippi River, between the mouth of the Minnesota River, in the State of Minnesota, and Donaldsonville, in the State of Louisiana; and across the Illinois and Des Plaines rivers, between the mouth of the Illinois and the city of Joliet, in the State of Illinois; and to prescribe the character, location, and dimensions of the same. I enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed. I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

FIRST LIEUT. BENJAMIN W. LORING.

Mr. PLATT of New York. I desire to call up the bill (S. 1337) to commission First Lieut. Benjamin W. Loring a captain. The bill was passed over yesterday for the purpose of information.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BATE. That is the case I objected to yesterday. I have since read the whole of the report. It is a peculiar case. While I can not support it, I do not propose to antagonize it at this time, especially as it has come unanimously approved by the Committee on Naval Affairs, who, I suppose, investigated it thoroughly, and it did not come from the Committee on Military Affairs, as I had at first supposed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MORGAN. Mr. President——

Mr. HOAR. Let the title of the bill be read again.

The SECRETARY. "A bill to commission First Lieut. Benjamin W. Loring as captain."

The VICE-PRESIDENT. The Senator from Alabama is recognized.

Mr. HOAR. What became of the bill which has just been before the Senate?

Mr. MORGAN. I object to any further consideration of the bill unless upon a motion to reconsider. It has passed.

Mr. HOAR. I rose before the Chair declared the bill passed, and after the passage of the bill the question is upon the title. So I am in time. I desire simply to state to the Senator who has the bill in charge that a bill to commission a person as an officer of the United States is not certainly a bill within the power of this body, and that the title should be changed. It is a bill to authorize such a commission. I merely suggest that the words "to authorize the President" be inserted in the title of the bill.

Mr. PLATT of New York. I ask that that amendment be made in the title.

The title was amended so as to read: "A bill to authorize the President to commission First Lieut. Benjamin W. Loring a captain."

WAR IN CUBA.

Mr. MORGAN. I ask that the Senate proceed to the consideration of the joint resolution (S. R. 26) declaring that a condition of public war exists in Cuba, and that strict neutrality shall be

maintained. I desire that the Senator from Nebraska [Mr. THURSTON], who has the floor, may have an opportunity to proceed with his remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama that the Senate proceed to the consideration of joint resolution No. 26 at this time?

Mr. HALE. The Senator proposes to take up the Cuban resolution now instead of waiting until 2 o'clock?

Mr. MORGAN. Yes; it is the regular order for 2 o'clock. I desire to take it up now so that the Senator from Nebraska may proceed with his remarks.

Mr. HALE. I do not object to that at all. I did not understand the request.

The VICE-PRESIDENT. If no objection be made, that will be the order.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 26) declaring that a condition of public war exists in Cuba and that strict neutrality shall be maintained, the pending question being on the motion of Mr. HALE to refer the joint resolution to the Committee on Foreign Relations.

Mr. THURSTON. Mr. President, this is the first time I have risen in my place to speak upon the Cuban question. For two regular sessions and a part of an extraordinary session of Congress I have occupied a seat in the Senate of the United States. During all that time the Cuban question has held a foremost place. It has been considered and discussed without limit and without restriction. It has been referred and reported, referred and reported, referred and not reported, in one form or another time and time again. During all this time the Cuban situation has appealed to and has aroused the sympathy and enlisted the interest of the liberty-loving people of the United States.

During all this time it has been exploited by the great newspapers of our country, whose brave correspondents have written their dispatches from the field of battle, knowing that at any moment death might close the written page. During all this time this question has been the subject of inquiry by individual citizens and by public officials. It has been the occasion for platform declarations on the part of all the great political parties of the country in national convention assembled. The records of the Senate are filled with reports and information upon the subject, and there are volumes and volumes of testimony in the archives of the State Department.

Mr. President, after the lapse of all this time, in view of the vast and varied information as to what has taken place in a little island at our very door, it does seem to me that every man in the United States ought to be ready and must be ready for action at this time. If there is a Senator upon this floor who has not yet information enough to enable him to conscientiously, honestly, and immediately act upon this great question, I respectfully commend him to the enthusiastic suffrage of his constituents for another term in the Senate.

Mr. President, my party has shown me where my duty lies. In the great Republican national convention held in the city of St. Louis in June last, over the deliberations of which I had the distinguished honor to preside, the Republicans of the United States, with a mighty and a triumphant shout that seemed to lift the roof above our heads, ratified and adopted the following resolution:

> From the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other American people to free themselves from European domination. We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.
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> The Government of Spain having lost control of Cuba, and being unable to protect the property or lives of resident American citizens, or to comply with its treaty obligations, we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island.

Mr. President, the great Senator from the State of Massachusetts [Mr. HOAR] has endeavored to place an impossible interpretation upon that declaration of the Republican platform, but I ask the Senate to read it for themselves. The Senator from Massachusetts says that the pledge of our party is to actively use the influence and good offices of this Government to restore peace and give independence to the island; and the Senator from Massachusetts says—at least the Senator implies—that the duty of the Senate and of the United States is to intervene in the Cuban situation rather than to first acknowledge the belligerency of the participants in that great struggle.

I ask the Senator from Massachusetts what conditions precedent are necessary to authorize the intervention of the United States in the Cuban situation for the purpose of securing the independence of that island? Is interference for independence justifiable on our part unless a state of war exists? Is it justifiable on our part unless the revolutionists have a government of their own? Is it justifiable unless they have a territory which they hold and occupy against all comers? Is it justifiable unless they have maintained that struggle long enough so that, in the opinion of this country, their speedy overthrow is not probable or certain? Is interference on our part for independence justifiable until the revolutionists occupy a position before the world as warriors in the field, as defenders of a government of their own, and as accredited belligerents before the civilized world?

For my part, with my weaker apprehension of this great problem, it seems to me that the preliminary step of all others which would alone justify the active intervention of this country for the purpose of securing independence is to accord to those people a standing as belligerents, entitled to the treatment and the rights of belligerents. And reading that declaration of my party, as I believe aright, I insist that it can not be faithfully enforced, it can not be faithfully carried out unless, if the facts justify it, we first declare that the revolutionists in Cuba are entitled to the rights of belligerents, and thereby lay the foundation upon which we can afterwards properly and decently and lawfully intervene.

It has been whispered about the Halls of this National Capitol that we should in some way side-track the pending resolution because it comes from a Democratic source. It is said that this Administration is of the Republican party and that the Republican party should have full credit for any steps taken by the Government to settle this vexed and disturbing question.

Mr. President, I am a partisan of the ultra type. I stand by the declarations of my party. I labor for its welfare, and I glory in its success, but over and above my duty to my party, I hold my love of country, my sympathy with humanity, and my worship of Almighty God; and I would be unworthy of the further confidence of my great party if I took any action upon the pending resolution influenced in the slightest degree by party considerations. No Republican, from party considerations, can afford to vote against the pending resolution, even although it was inspired and introduced by the venerable Senator from Alabama [Mr. MORGAN], who has, unfortunately, wasted so many years of an otherwise splendid life in following the false doctrines and worshiping the false idols of the Democratic party.

Mr. MORGAN. Mr. President, if the Senator will allow me, I wish to say, as was stated by the Senator from Ohio [Mr. FORAKER] on yesterday, that this resolution, in substance, if not in exact words, was copied from a resolution twice offered in the Senate by the honorable Senator from Ohio who is now the Secretary of State, and I think before that time it was offered in the House of Representatives. So that, if there is any political origin of this resolution at all, it originated in the brain of what I suppose might be considered the leading Republican to-day in the United States next to the President. So that in merely copying this resolution I claim no sort of agency in its origination, except in the same sense precisely that the honorable Senator is now patriotically expressing, disregarding all considerations of party, and looking alone to our own duty and the welfare of our own people. I had the honor to introduce the resolution, but after it had been passed in another form by the Senate more than a year ago.

Mr. THURSTON. Mr. President, I thank the Senator for his statement; but, without regard to that, this is a great, patriotic question, and for my part I can not consent to tolerate for a single moment the idea that any party consideration should be given to it.

The eminent Senator from Massachusetts has sought to interpose against the passage of the present resolution international law and the Constitution of the United States. I do not yield to the venerable Senator in my respect for international law, that great accumulated code of centuries, under which the commerce of the world is peaceably and safely carried on; but international law was not written by any delegated body representing the peoples and the countries of the earth. It is a series of chapters that were formulated by the cannon and by the sword. It is a series of rules laid down by the power of the great maritime nations of the earth for their protection and in their interest.

Mr. President, the book of international law has been contributed to by all the great powers to secure them in particular rights. In 1812 international law permitted a man-of-war of Great Britain to stop our merchantmen on the high seas and take the sailors from our ships for impressment into the British service; but, thank God, the sailors and marines of 1812 wrote with their blood another chapter of international law that made the deck of an American ship American soil. There is yet ample room for the writing of another chapter; and, if it is necessary for the proper solution of the Cuban question, I pray to God that my country may write that chapter in harmony with the advanced spirit and civilization of the closing hours of the nineteenth century.

Mr. President, what is the requirement of international law upon the question of whether or not this Government shall accord to the Cubans belligerent rights? I will discuss it dispassionately and as clearly as I can, without any attempt to arouse sentiment or to stir up passion or prejudice. International law, as laid down by the accepted writers, requires that a people, in order to have

their belligerency acknowledged, must first set up the standard of a revolution. That has been done in Cuba. They must for a certain length of time maintain a territory against the enemy. That has been done in Cuba for two years and a half. Read the declaration that was presented by the Senator from Ohio on yesterday, wherein the fact is thoroughly established that for all the period of that revolution one province of Cuba has been maintained and held by the Cuban patriots and revolutionists.

International law says that there must be an established form of government. Has there not been in this case? Could a war of this character for two years and a half have been carried on, think you, unless it were carried on under the form of an organized government, with some central authority behind it to secure moneys to arm and equip its soldiers, to issue commissions, and to authorize and direct the movements of the army?

International law also says that there must be a seat of government, and I have heard it contended upon this floor that belligerent rights can not be accorded because there is not found upon the map of Cuba a known or a fortified or an important town wherein the seat of the revolutionary government has been established.

A seat of government need not be held within fortified walls; it need not be a place where the habitations of men are clustered together and about. Sir, it need not be held within buildings made by hands or under domes erected for the purpose of beauty and adornment. It may be that the Cubans, from the necessities of the case, have gone to the mountains and have set up their seat of government under the eternal stars.

Liberty has always fled to the mountains for its safety and its shelter. In the hilltops the spirit of liberty first knew birth. In the eternal hills the standard of revolution for liberty has always been raised, and down from the mountains have always come the sturdy patriots who have eventually wrested from tyranny and oppression the governments of many of the peoples of the earth. God bless the hills; and if there is no reason other than that the revolutionary government is held in the mountains, where Providence has given them bastions and parapets and escarpments and fortifications without cost, then I say that international law has been fully complied with and there stands no reason, so far as a seat of government is concerned, why this declaration can not now be properly made.

Mr. President, international law requires that a state of warfare shall be carried on to such an extent that the civil authorities of the dominant government are no longer enabled to preserve and maintain the peace. Is there a man on all the earth who believes that for the past two years the civil authorities in Cuba have been enabled to preserve the peace and tranquillity of that island by the ordinary civil procedure, backed up by any proper aid of the military arm? No defender of the Spanish cause, no one who apologizes for their atrocities, no one who seeks to hinder and delay action upon this resolution, has so far even suggested that Spain can hold that island in peace and tranquillity under the ordinary processes of the civil authorities.

What then, Mr. President? International law requires that the revolution must have so far progressed that there is serious doubt about the power of the mother government to suppress it or subdue it in the near future. Is there any doubt that the war in Cuba has progressed that far? Has anyone challenged it? Why, Mr. President, let me read to you the dispatch in the newspaper of this morning coming from Spain, the utterance of one of her greatest statesmen:

MADRID, *May 19*.

At a meeting of the Liberal senators and deputies to-day Señor Sagasta, former premier, made an important speech, in the course of which he said: "We have 200,000 troops in Cuba"—

And no war! No war, with 200,000 troops gathered from the farms and the hillsides of Spain, the last desperate levy of the Spanish authority upon the youth of that land. Two hundred thousand troops in Cuba, and no war! Cuba is pacified; no trouble; the day for action by the United States of America has passed away! Only 200,000 Spanish troops in that little island!—

"but we are not even masters of the territory trodden by our soldiers."

I do not take the newspaper correspondence; I do not take the unverified statements from interested parties; I take the public declaration made by the former premier of Spain on yesterday to the Spanish people in the capital of that Kingdom:

But we are not even masters of the territory trodden by our soldiers. The picture could not be gloomier. We have war in Cuba and in the Philippines.

War in Cuba, not on the authority of newspaper correspondence; not on the authority of a letter from one who is in the insurgent ranks; not on the authority of rumor or repute, but on the authority of the former premier of Spain. He says, "We have war in Cuba;" and can civilized mankind question the sincerity or propriety of the Government of the United States in saying the same? Yet we are constantly hearing that the island is pacified.

The commander of 200,000 men has sent his bulletins over all the world and announced that peace prevails. What for, Mr. President? He who runs may read. Spain has drawn upon her last available man; Spain has exhausted her credit in the money centers of Christendom. If she gets another loan with which to carry on that sanguinary war for even a few more months she must do it by satisfying the money loaners of the world that she is already within sight of ultimate victory, and that the resources of that island are within her grasp for the repayment of the loan.

Peace in Cuba! If there is peace in Cuba, it is the peace of devastated fields. Peace in Cuba! If there is peace in Cuba, it is the peace of blazing homes. Peace in Cuba! If there is peace in Cuba, it is the peace of ravished women. Peace in Cuba! If there is peace in Cuba, it is the peace of starving children; yea, and its pæans are sung alone by the silent lips of the uncoffined dead, whose white, upturned faces are nightly kissed by the pitying stars. No, no, Mr. President, there is war in Cuba; bloody, sanguinary, awful war. Our ears can not be dulled to its roar; we can not lightly put aside the fact. War is in Cuba; war has been maintained in Cuba for two years and a half; and to-day Spain is no nearer the subjugation of the revolutionists than she was at the moment of the first engagement.

What then? All the conditions of international law are met. That being the case, I state as an absolute and unanswerable proposition that this Government has the right to recognize the belligerency of the revolutionists, and in availing itself of that right it does not offer any affront under the law of nations to the Government of Spain. Read what the international law writers have said upon this subject. I have not the time, nor is it my purpose to-day, to present them in detail to the Senate, but I know what the principles are. I have read them and all that has been written on the subject.

The right of deciding when a cause for recognition of belligerency exists is a right belonging solely and alone to the nation that takes the action. With that decision and that declaration no other government on earth can find fault. It is a right we exercise, recognized by the law of nations, often acted upon by the great powers of the world. When Spain recognized the belligerency of the Southern Confederacy, we neither did nor could we have taken exception to that determination and that action on her part. It was her right to decide then, and it is our right to decide now.

Why should we not act? The great Senator from Massachusetts, it seems to me, has dwarfed and narrowed the consideration of this proposition. He puts it upon purely commercial and material and monetary considerations. Why should we not act? Mr. President, Cuba lies at our very doors, within a few hours' sail from our ports. We have with her, or had with her, a great and an advantageous trade relation. Our citizens have acquired and occupied and carried on great plantations in the Island of Cuba for their own advantage and for the trade advantage of the people of this country.

Why should we not act? There is no nation, there is no place upon the face of the earth with which we have such immediate, such direct, such important commercial and other relations as with and in the Island of Cuba. Greece and Turkey may engage in war, and it matters little to us. Russia, Germany, Italy, and England may embroil themselves; Africa may become the seat of great strife and warfare; but they are distant countries; our relations with them are not relatively of the same immediate importance as our relations with the Island of Cuba.

Why should we not act? I will put it upon no other than purely commercial grounds, if you please. During the pendency of that war our trade has been practically cut off; we have lost the advantage of the Cuban market. During these two years and a half the interests of American citizens in that island have been swept away by sword and fire. During these two years and a half the citizens of our country temporarily resident therein have been subjected to the inconveniences and the dangers, and oftentimes to the horrors, of that warfare. Yea, even to-day, in the sunshine of the nineteenth century, in "a pacified island," American citizens, 800 in a group, are homeless and houseless and hungry and starving and appealing to us just for bread. Has a situation ever before arisen which has shown so great necessity for action upon the part of this Government as does the Cuban present situation?

Mr. President, why should we not grant belligerent rights to the revolutionists? We should do it, first, because every thoughtful man is convinced that Spain never can subdue that island, and that if peace comes to it, it will come in some other way. If the plantations once more bloom and blossom, it will be from some other cause. If our citizens once more have protection and shelter and food, it will be because of some other reason than any probable or anticipated triumph of the Spanish authorities over the revolutionists. Why should we not act now?

It is the abiding conviction of the American people, fortified by the solemn facts of the case, that if peace ever comes to Cuba it will come under the Cuban flag, under the government of its own people, as a part of that grand result which will drive the last

claimant of despotic authority in America to the other side of the Atlantic Ocean.

Mr. President, I am not asking or urging intervention at the present time. The grounds are not properly laid. We can not intervene in Cuba now. We can not carry out the ultimate declaration of the Republican party now. We must first lay the foundation, and that foundation can only be laid by a declaration on the part of the proper power in the United States according belligerent rights to the Cuban revolutionists.

How shall that action be taken? It has been gravely urged on the part of Senators opposing this resolution that this proposed action calls for the exercise of one of those constitutional powers exclusive in its nature and vested alone in the President of the United States. I yield to no man in my respect for the Constitution of my country—that sublime document which has stood and will stand for ages yet to come as the bulwark of human liberty—and yet we can not close our eyes to the fact that constitutions are written by statesmen in the light of the knowledge and the experience of their own times, while they are construed, as generation follows generation, by the gathered wisdom and the ripened experience of progressive and advancing civilization.

Mr. President, I propose to discuss for a few moments the question as to how the power of this Government to recognize belligerent rights can properly be exercised. I ask Senators to read the Constitution of the United States in all its provisions, and tell me in what line there is any direct grant either to the President or the Congress to recognize the belligerency of a revolutionary people. It can not be found. Criticism has been made upon the fact that there is no such direct grant in that great instrument to the Congress of the United States; neither is there any direct grant of that power to the President of the United States.

In whatever way, by whatever authority that power is to be exercised, that action taken, the right to do it must be derived from the implied and not the expressed powers conferred upon one branch or the other of this Government under the Constitution of the United States. Congress has power to regulate commerce, Congress has power to make war, Congress has power to raise armies, and it is given special power and broad authority to exercise all such other powers as are necessary to carry into force and effect the powers specifically given.

Under what provision is the claim made that the Executive alone can act in this matter? I call the attention of Senators to the effect of that proposition. If the Executive alone can act, then for four long years the one-man power in the United States may stand in the way of the unanimous desire of the people of this country in its relations to a neighboring people. I assert, in the first instance and in the broadest possible way, that neither by direct provision nor by intendment did our fathers ever vest in any one man the power to stand for four years against the wishes and the will of the American people.

There is given to the President of the United States the right to receive foreign ministers and ambassadors, but does that give the President of the United States the sole and exclusive right to determine for himself and for the whole period of his executive term what nations or what peoples are upon such relations with us that they are entitled to send ambassadors and ministers to the United States?

In the President of the United States under the Constitution is vested the executive power, and when you run this question down, it will be found that the contention of the opposition rests finally and alone upon the broad proposition that the recognition of belligerent rights or the independence of a neighboring people is a mere executive act. I deny it. I deny it for the people of this country, who have a right to participate in any such action. Executive power! What is executive power? Where shall we turn to discover that indefinite, that shifting, that transitory line of demarcation among powers purely executive and powers quasi executive, and powers partially legislative and powers partially executive? Where shall we turn? Will it be to the recorded decisions of the courts of our country?

I have read every case that has been cited on the great question of executive power as applied to a situation of this kind. I grant you—and I call the Senators' attention to the proposition—that while the courts of our country have repeatedly declared that the President of the United States may lawfully give recognition to a people under conditions similar to that of the Cubans, while the courts of our country admit that when such recognition is accorded by the action of the President of the United States, it stands as the action of the country, I challenge the Senators to find me one case, to read me one line in the decisions of the courts of the United States which, directly or indirectly, by exact statement or by intendment, denies that that same power may be otherwise exercised or that the Congress of the United States may not also act.

Where shall we turn for the definition of executive power? Shall we go to the established doctrines of monarchies under other systems? We can not safely look there. If we do, the Congress of the United States, under our Constitution, as to all those subjects over which it is given jurisdiction, has the same absolute power of action as has the Parliament of Great Britain, and the power of Great Britain through its Parliament has never been limited, but is supreme. Where shall we go? Let us go to the spirit of republican institutions which animated our fathers when they drew that sublime instrument, and going there, I insist that they did not believe in a government of any one man, and they did not intend to vest, and did not vest in any one man the sole power of action in great and important matters affecting the welfare of the whole people.

Mr. President, I grant you that this act of recognition partakes in some degree of an executive function, but not wholly and alone. It is one of those quasi executive-legislative actions that can be taken properly either by the President or by the Congress of the United States. Why not? When the Congress of the United States acts, it acts as the Senate, it acts as the House, and it acts as the President. All three branches concurring in the joint resolution exercise their full power and have their full say. Yet the Senator from Massachusetts [Mr. HOAR] has repeatedly upon this floor put the apparently posing proposition: "Suppose the Congress of the United States recognizes Cuba, and suppose that when Congress adjourns the Cuban revolution is over and the Spanish authority is supreme. Suppose in the meantime we have accepted and received an ambassador from that country. What will happen?"

When the state of facts ceases to exist the power of the ambassador is gone. You might as well tell me that because the President of the United States has received an ambassador from Greece, if Greece to-morrow should be wiped out of existence, the Congress of the United States could not, by appropriate action, declare the newly formed relations of this country with Greece and Turkey and the other European powers.

Mr. President, it is best that the Congress of the United States should act in a grave crisis like the one existing at the present time. We have the utmost confidence in our present Executive. There is no man living upon the earth who has a higher estimation of his grand and glorious qualities than the speaker of the hour. It is not a question of the present Executive. It is a question to be considered for all time and as to all Executives who may follow him. It is best that this great power of recognition and of intervention and of acknowledgment of independence should be exercised by the Congress of the United States, by the three coordinate branches of the Government acting jointly and together, rather than to trust its exercise to any living man, or any Executive we may ever have.

When it is proposed that this great power, upon which may depend the peace and happiness and prosperity of this country, the improper exercise of which may lead to bloody and disastrous war, shall rest with one man alone, I cry to the people of my country, "Take care; it is a dangerous ground to stand upon." I say to my country, "Take care; it is a dangerous place upon which to rest the welfare and the safety of our posterity."

The Senator from Massachusetts [Mr. HOAR] has sought to stop the passage of the joint resolution by pointing out that its enactment will operate entirely for the benefit of Spain and disastrously to the revolutionists of Cuba. Is it not strange that the party who is to be most benefited by the passage of the joint resolution has inspired its opposition wherever that opposition has been found?

Is it not strange that Spain, which is to be accorded the right of search of American ships, is the only power upon all the earth that is protesting vigorously against this action on the part of the Government of the United States? I judge of probable results by the anticipation of the parties in interest, and when I find one party earnestly opposing and protesting against a particular action and the other party earnestly and eagerly seeking it, I am satisfied for myself to believe that those two great parties in interest know what they want and what the effect of our action will be.

Mr. President, what will be the changed relations as to the Cuban people and the Spaniards when the revolutionists are accorded the recognition of belligerency by a great power like ours? In the first place—and I say it advisedly, and Spain knows it—from the hour that recognition is given, Spain can not borrow a dollar for her bankrupt treasury from the money loaners of the earth. She can not get another dollar to buy a sword, to load a musket, to sail a ship. Spain knows it. From the hour that recognition is accorded by a great power like ours, the Cuban revolutionists will be the parties who can find faith and credit with the money loaners of the earth. Spain knows that, too.

To-day there is no government in Cuba of a kind or character or of a recognized existence that will make a Cuban bond collectible even if independence be afterwards achieved. But from the hour that the revolutionary forces are recognized by a great nation as entitled to belligerent rights, from that hour, if they eventually achieve their independence, their securities can be enforced as the valid and existing obligations of the new government. These are the propositions: To-day Spain has the credit. After we have

recognized the Cubans, the revolutionists will have the credit in the money markets of the world. That means the settlement of the whole controversy. That means the favorable termination of the revolution. That means the independence of Cuba.

But this is not all, Mr. President. There is something else. The great Senator from Ohio [Mr. FORAKER] pointedly stated yesterday the other advantages that would accrue to the Cuban people and the other advantages that would accrue to the people of the United States in our maritime relations and at our ports by the recognition of belligerency.

To-day the Cuban cause has not even a name that is accepted in the civilized world. To-day her ships have no right upon the seas; her armies no place upon a recognized field. To-day, if a small schooner manned by Cuban sailors were to put into an American port for refuge, we could not maintain our treaty obligations with Spain and protect it in our harbor. To-day Spain can sail her ships into the harbors of the United States and load them with guns and ammunitions, with soldiers, with horses, with cannon, and freely sail out upon the high seas without surveillance, without detention, without inspection, and she can carry those munitions of war to the Cuban shores.

Mr. President, it is within the knowledge of Senators upon the other side of the Chamber that the authorities of Spain have been purchasing munitions of war and horses in the United States, taking them freely from our ports to use against the insurgents in Cuba. And yet we are compelled under our treaty, under the law of nations, under the statutes of Congress, to police our harbors, to spy upon every act of any suspected man, to chase every little vessel that sails from our shore for fear she carries a dynamite gun or a bomb of some kind to be used against the Kingdom of Spain.

I do not altogether agree with the Senator from Ohio that the acknowledgment of belligerent rights will particularly change our duty in our harbors and our ports toward the Cubans, but it will change our duties toward the Spanish people and put Spain and Cuba on the same footing in every port of the United States. That is an advantage to Cuba. That is an advantage to us.

The Senator from Massachusetts, great in all things, has argued upon this floor that we ought not to perform our plain duty because if we do Spain, under the law of nations, can search our ships upon the high seas. To-day under the law of nations Greece can search our ships upon the high seas; Turkey can search our ships upon the high seas. If Great Britain and France go to war we must maintain neutrality between them, and either party may search our ships upon the high seas. Is that inconvenience; is that right on the part of Spain a reason why this great Republic should fail in the performance of a solemn and important duty?

The Senator from Massachusetts has stated that Ulysses S. Grant—great in war and great in peace—said that the right of search of American vessels by Spanish ships would lead to war. Why lead to war? If that search were conducted in accordance with the rules of international law, there could be no provocation for war upon either side, and if that search were conducted without regard to the rules of international law by Spain, or any other power on the face of God's round globe, then there ought to be war, to maintain the honor of the nation.

Mr. President, war is an abho rrent thing. I hope that its bloody shadow may never fall athwart our sky again. War is a terrible thing, and yet no advance toward liberty has ever been made except by the bloody pathway of war. War in defense of human liberty and human right is God's thunderstorm; it clears the air for humanity's advance.

Let us have no talk of war. It is nonsensical. It is interjected in this debate for the mere purpose of delaying, of procrastinating, of defeating action in this important matter.

Mr. President, I have already occupied the time of the Senate too long. I have only sought, in a general way, to show to the people of the United States that our proposed action is right and just. I am a conservative—conservative in thought, in judgment, and in action. I hold by inheritance the stubborn conservatism of the New England hills. By my professional life I have been taught that every question should be carefully considered, scrutinized, and examined, and that hasty action is always dangerous.

I have not been hasty in reaching the conclusion to vote for the pending joint resolution. I have not resolved upon my course without the most careful and patient examination of the Constitution of my country. I have not determined what I would do without listening to all this great debate, without fortifying myself with a thorough knowledge of international law and all the facts that exist in regard to the Island of Cuba. When I vote there will be behind my vote my deliberate judgment, my conscience, and my manhood as an American citizen.

Mr. President, I am free to confess to the great Senator from Massachusetts that in the consideration of this question my sympathy, my love of country, my love of liberty have gone hand in hand with my investigation of the important facts and my study of the principles of law that govern the case. I would not divest myself in this important action from all considerations of sentiment.

Almost thirty years ago a story went the rounds of the American press, and this was it: The story said that one day a little ship was captured by the Spanish authorities in an attempt to land arms upon the Cuban shore. The crew were seized, tried by drumhead court-martial, and sentenced to be shot at the sunrise of the morrow. Among those men was one humble, simple American sailor. He had enlisted for the voyage without knowing the destination of the vessel or the character of the cargo carried; yet he was, seized and tried, if you may so call it, and sentenced to be shot at the sunrise of the morrow.

In some way late at night word reached the American consul at the nearest seaport town. He had no opportunity to wait upon the authorities of Spain; he had no chance to appeal for official action; but, as a representative of the United States, at daylight of the morning he mounted his horse and hastened away to the scene of the execution. When he arrived he found these sailors, and among them the American sailor, drawn up in line, and opposite them, with guns in their hands ready to shoot them down, were the soldiers of Spain.

Our consul went to the officer in charge and said, "Sir, that man is a citizen of the United States. He has committed no intentional crime against the King of Spain. In the name of my country I demand that he be given an opportunity in the civil courts of Cuba to establish and maintain his innocence." The officer said, "Sir, I have the warrant of the King of Spain to shoot that man at the rising of the sun, and he will surely die."

The sun came over the sea, kissing the distant billows with a tinge of glory. That same ray of sunshine, it may be, shone through the window of a little cottage in the northern land, upon the sleeping face of a devoted wife and the curly head of the innocent babe that lay at rest upon her holy breast.

The sun came over the sea and fell upon the brow of this American citizen condemned to die. The order was given, "Ready! Aim!" The American consul, seeing that no other effort would avail, drew from his bosom a silken flag of our own free land, and, springing forward, wrapped its glorious folds around this man condemned to die, and turning to the soldiery of Spain cried out, "Shoot if you dare; but if you shoot that man, you shoot the flag of the greatest nation of the earth!" And the flag saved him.

Mr. President, that story may have been but the merest fancy of a romancer's brain, but I have loved to believe it true. I have loved to believe that the flag of my country would protect its citizens on land and sea the wide world round. I have loved to believe that the power and prestige of my country would be recognized by all of the potentates of all the earth. I have loved to believe, I do believe, that the United States of America readily accepts that supreme position of power and leadership assigned her by Providence as the one great nation of the Western Hemisphere, the one great republic of the earth. I have loved to believe that the friendly offices, the divine sympathy of our people would go readily and speedily forth to give succor and aid and comfort and assistance to every people struggling to achieve freedom for themselves. These to the selfish and sordid and grasping spirit of mercenary times may seem but dreams, but on their realization hangs the welfare of mankind.

Mr. President, I love the Constitution. I observe the laws of my country. But under the Constitution and by the laws of my country I insist that this Government can now at this time give the Cuban revolutionists a proper standing before the world. Under the Constitution and by the law we can give them the right to float a flag on land and sea; we can give them a right to insist upon the ordinary and recognized usages of civilized warfare; we can give them a right to stand side by side with Spain in the money markets of the world, and we can see to it that from this day on in the Island of Cuba no American citizen shall be deprived of his property, his liberty, or his life without due process of the law.

Mr. President, these things the United States of America can constitutionally, lawfully, and properly do. Let us do them now. Yea, Mr. President, and as an earnest of our sincerity and good faith, let us dispatch the most powerful battle ship of the United States to Cuban waters. Let us station her there in the harbor of Habana—in the harbor of Habana, where her frowning guns may disturb the spirit of tyranny by night, and where by day the shining stars of her floating flag may gladden the eyes and inspire the hearts of those who struggle to be free. [Applause in the galleries.]

Mr. ELKINS obtained the floor.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair will ask the Senator from West Virginia to suspend a few moments while the Chair lays before the Senate a message from the President of the United States.

Mr. ELKINS. Certainly.

PACIFIC COAST DEEP-WATER HARBOR.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was

read, and, on motion of Mr. WHITE, was, with the accompanying papers, ordered to lie on the table, and to be printed.

To the Senate of the United States:

I transmit herewith, in response to the Senate resolution of the 10th instant, addressed to the Secretary of War, a report from that officer, and accompanying map and papers, relating to the completion of the improvement of the harbor for commerce and of refuge at Port Los Angeles or at San Pedro, Cal., under the provisions of the river and harbor act of June 3, 1896.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *May 20, 1897.*

MANUFACTURE OF ARMOR PLATE.

Mr. BUTLER. With the permission of the Senator from West Virginia, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate the amounts of armor plate purchased by the Government at various times from the Bethlehem Iron Company and the Carnegie Steel Company, respectively, and the price paid per ton, and how much financial assistance, if any, the Government has given these companies, either by extra price per ton for armor plate or in any other way to assist them in building and equipping and conducting their armor-making plants.

Mr. HALE. All of that information is contained in the reports that have come from the previous investigation made by the Committee on Naval Affairs. The Senator can find in those volumes every item of information that he seeks for; but if he prefers to go over the ground again and oblige the Navy Department to make a new report, I have no objection. There is no need of the resolution.

Mr. BUTLER. I would prefer to have the information together in the form of a report from the Department just at this time, inasmuch as the question will come before Congress at an early day.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I dislike to object, but what the Senator from Maine states is exactly true. The report of the committee and the report of the Secretary of the Navy, Secretary Herbert, give every single fact that the Senator from North Carolina asks for.

Mr. HALE. And in very compact form.

Mr. CHANDLER. And it can be collated and put together in five minutes. I can take, and so can the chairman of the Committee on Naval Affairs take, the resolution, and from the documents already printed by the Senate in document form, and inserted in the RECORD by the Senator from Pennsylvania [Mr. QUAY] as a special number of the CONGRESSIONAL RECORD, I can in five minutes write out the answers to the questions put by the Senator in his resolution.

Mr. BUTLER. Then certainly it will not give the Department very much trouble, and it will be very valuable information to the Senate. We shall get it in a very compact form, and it will give the Department very little trouble to collate it.

Mr. CHANDLER. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will go over, under objection.

Mr. BUTLER. I hope the Senator from New Hampshire will not object, inasmuch as the matter is now before the committee.

Mr. CHANDLER. If the Senator wants to have the resolution passed on Monday next, I shall not make any objection; but I do think that, when we have from a Department every fact that can be given, certainly every fact the Senator asks for and which ought to be made public, we ought not to ask them to duplicate the information merely to gratify the notion of one Senator. However, if the Senator wants it passed on Monday next, I shall not object. I do object now, Mr. President.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 42) appropriating $50,000 for the relief of suffering American citizens in the Island of Cuba.

WAR IN CUBA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 26) declaring that a condition of public war exists in Cuba, and that strict neutrality shall be maintained, the pending question being on the motion of Mr. HALE to refer the joint resolution to the Committee on Foreign Relations.

Mr. ELKINS. Mr. President, it is not my purpose to detain the Senate with a discussion of the merits of the pending resolution. I want to speak more particularly to the motion to refer the resolution to the Committee on Foreign Relations, so that it may have full consideration, be reported upon, and the facts, findings, and conclusions of law be made fully to appear for the information of Senators before they vote on this most important and far-reaching subject.

The joint resolution was introduced on the 1st day of April, and there is not officially before the Senate one fact in its support. There is no report containing the evidence and the facts whatever before the Senate that would enable the Senate to reach a conclusion. There is no finding of facts, as there should be, to support the statements in the resolution. There is no information from the Foreign Relations Committee or any other committee as to the effect of the resolution, nor are there any reasons before the Senate, except the able speeches of Senators in its behalf, to show why it should pass.

Ordinarily any joint resolution of moment or any bill is referred to a committee. What for? To have it investigated, considered, and passed upon, and a report made for the information of the Senate. We can not take out of the Treasury of the United States a hundred dollars without having the report of a committee upon the subject. Now, here is a joint resolution which promises to be, and perhaps is, the most important subject which the Senate will be called upon to consider during the present session. It is a great transaction taking place in the Senate of the United States, in the presence of the country and the whole world looking on, which will either assist in the birth of a new nation or lead to war, or possibly both, and yet it does not have the consideration of a committee.

It is not treated in the usual and ordinary way that joint resolutions and bills are treated in the Senate. There is nothing to establish, prove, or support in any way the statements set forth in the resolution. I may remark just here that this extraordinary session of Congress was called for one purpose only, to look after the interests of the country, provide revenue for a bankrupt Treasury, and revive languishing industries. We have trials, troubles, and difficulties at home, the welfare of our people to care for, and we ought not to take on ourselves the burdens of other people. People out of employment, hunting for work to support worthy families, need our care quite as much as the Cubans.

The joint resolution recites—

That 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.

Now, Mr. President, Senators are here in a double capacity, legislative and judicial. We are called upon to vote whether this is a fact or not, and I insist there is nothing before the Senate to prove or establish the fact that there is a public war in Cuba. Senators have their own information and their own ideas on the subject; but there is nothing before the Senate that wears the stamp of authority to support the statement.

If there is a public war there, we are entitled to know, before we vote upon the joint resolution, all about the war. We are entitled to know the number of soldiers on either side. We are entitled to know where the insurrectionary government has its capital or headquarters. We are entitled to know if battles have ever been fought there of any moment, and if so, where. We are entitled to know the number of insurgents, so as to judge how respectable their claims are to be called an army. But there is not one word; and I challenge the Senators on the other side advocating the immediate passage of the joint resolution to show, in proper form, any fact in support of these statements. I mean facts officially ascertained and determined in a proper way.

Has this resolution been referred to the State Department for report, information, and advice? The State Department has all needed information on the subject. The usual rule of the Senate is to refer all bills and resolutions to the proper Department for report and suggestions, so that Senators may be advised and have all the facts before them. If, as claimed, all the facts are in favor of the Cuban insurgents and support this resolution, why not bring them into the Senate in the ordinary way?

Mr. CHANDLER. Mr. President, will the Senator from West Virginia allow me to answer that challenge?

Mr. ELKINS. I will be interrupted for that purpose.

Mr. CHANDLER. The Senator, on the 28th day of February, 1896, last year, voted himself, on two or three roll calls, in support of a resolution in the exact language of the resolution which he has just read. Now, that is something of authority. But there were also before the Senator at that time the report of Senator Cameron from the Committee on Foreign Relations, and the papers accompanying the report in two documents, Fifty-fourth Congress, second session, Report No. 1160, Senate Document——

Mr. ELKINS. I understand the Senator.

Mr. CHANDLER. Wait a minute. Those documents were before the Senator then to justify his vote at that time and they are before him now. When the Senator challenges the Senators who desire to vote upon the joint resolution without referring it to a committee for some evidence, here is the evidence backed up by his own vote one year ago.

Mr. ELKINS. That resolution was a concurrent resolution and this is a joint resolution; one has the force of law, and the other is only advisory, and the Senator knew it when he interrogated

me. I tell the Senator now there is not a scintilla of evidence, there is not a fact before the Senate wearing the stamp of authority, in support of the pending resolution. There never was a resolution like this in this Senate before. The other resolution was quite different. This resolution means a great deal more. This means the coercion, the embarrassment of the President of the United States in the performance of a duty that belongs to him alone, and compels him to do what perhaps he may not want to do, namely, veto the joint resolution or approve it. I want the Senator now to make good his statement. Where is the fact that you have before the Senate under this resolution?

Mr. CHANDLER. Here they are.

Mr. ELKINS. That is not in support of this joint resolution, and you know it. Does that come from any committee?

Mr. CHANDLER. Certainly.

Mr. ELKINS. What committee?

Mr. CHANDLER. It was reported from a committee.

Mr. ELKINS. What on?

Mr. CHANDLER. A minority report from the Committee on Foreign Relations.

Mr. ELKINS. On what?

Mr. CHANDLER. On a resolution——

Mr. ELKINS. Yes, a resolution, but not the one now under consideration. This resolution proposes, in my judgment, to take from the President his rightful prerogative under the Constitution. It proposes to embarrass him in the discharge of a delicate duty that belongs to the Executive under the Constitution, and not to Congress.

If you want to help the Cuban cause or do justice between Spain and the insurgents, this is not the proper way. This is not the way to restore peace to that unhappy island, but it is the direct way to intensify the war and imbitter at least one of the parties to it.

Mr. CHANDLER. If the Senator will allow me, and not get excited, in the exact language of the joint resolution that he is now talking against, except that one was a concurrent and the other is a joint resolution. But that makes no difference in the assertion nor in the facts upon which the Senator gave his vote two years ago, and now for some reason or other has changed his vote.

Mr. ELKINS. The Senator admits that that was in support of a concurrent resolution before the Senate two years ago.

Mr. CHANDLER. A year ago.

Mr. ELKINS. A year ago, then. The Senator has not made good his proposition that there is anything officially before the Senate in support of this resolution. Senators are not permitted to know anything officially. The distinguished Senator from Ohio [Mr. FORAKER] let in a little official light in the debate yesterday. How eager the Senate was to get this mite of official information which he had, and one other Senator, as I know. Why not give the facts to the Senate and to the country? Let me tell Senators who advocate this resolution that this question is of tremendous importance to the whole country, and the facts should not rest with a few Senators, who are permitted to know all about the case when others are not. This question concerns deeply the people of the United States; they are entitled to know the facts.

I repeat with emphasis that you have produced nothing here in support of the joint resolution. Bringing out the report on another and different resolution passed a year ago, I hold, proves nothing. Courts in the trial of an ordinary case would not proceed in this way. A judge who had to pronounce judgment or give a decision would require the facts to be presented.

It is evident that the resolution is going to pass. Why can it not be passed in the orderly and dignified way? The Senate is engaged in an important and serious transaction. Why can not the resolution be referred to the Foreign Relations Committee, and this great committee bring in a report Monday, Tuesday, or Wednesday, giving all the facts, their findings, and the law, stating as well the rights of all parties in interest if the resolution should become a law? There is no disposition to delay a vote upon this question. It is evident that Senators are going to vote for the joint resolution. Ought we not to inform the people of the United States and the world upon what we based our judgment and action? Should we not leave recorded in the Senate the reasons that moved Senators to vote for the resolution?

History will be made up in this matter after this fashion: A resolution of five lines recognizing the belligerency of the insurgents in Cuba passed the Senate on such a day; no facts given; no reasons assigned. Those who follow us in the Senate will look in vain for something, for some reasons for this strange precedent, this departure from the orderly procedure of the Senate in such cases. Those who come after us can not hear and be captivated and fascinated by the oratory we have listened to from the distinguished Senators who have spoken in the last two or three days. The people are entitled to know, and posterity is entitled to know, and the world should know, why and how the Senate reached a conclusion on this subject. Called on to vote, I have no light or information on this subject that is authoritative, only vague rumor.

The resolution says:

A state of public war maintained by force for some time, etc.

How long? First, we ought to have knowledge as to the character and duration of the war. We should know where the capital of the insurgents is situate. Where and to whom will you send this resolution when it is passed? How is the President of the United States to find the post-office address of the president of the Cuban Republic? Who knows where it is? You will have to send General Miles with the Army to deliver this joint resolution. You can not find the Cuban officials. So far as we know, under this resolution, there is no proof of their existence.

The contest in Cuba has been likened to our civil war. Why, the Confederate government had a capital. It had a congress. It had courts. It exercised authority and jurisdiction through civil and military power over a third of the Republic and a third of the inhabitants.

You always knew where to find the Confederate army, Confederate generals, the Confederate government, its president and officers. This government maintained itself for four years. Its armies and generals were as fine as the world ever saw, and the people engaged in the revolt against the United States were brave, courageous, intelligent; nearly everything favored their success but the cause for which they struggled, and notwithstanding all this, we denied the right of European nations to recognize their independence. And the Cuban insurrection is cited as a parallel. Why did not the distinguished Senator who drafted the resolution say how long the war has been maintained—for two years, or three years, or one year, or long enough to authorize us to believe and feel it is an actual and public war? The resolution goes on to say further:

And that the United States of America shall maintain a strict neutrality between the contending powers, according to each all the rights of belligerents.

Mr. President, the Senate ought to be advised by the Foreign Relations Committee as to what these belligerent rights are and how far and in what way the resolution will affect or help the Cuban insurgents; how far it will affect the people of the United States, and how far it will affect the Spanish Government, and present our relations with each and all of those people. We are entitled to know this at the hands of the Foreign Relations Committee and to be advised on all these points. Then we could vote knowingly and perhaps wisely on this subject.

The question of belligerent rights is a legal question. The Senator from Ohio differs from the distinguished Senator from Massachusetts on this subject, but if we had the report of the Foreign Relations Committee, matured, well digested, fortified by authorities, then we would know, or feel we knew, what the law is in this case, as well as all the important facts necessary to reach a conclusion.

Mr. President, we do know, from the speech of the Senator from Ohio yesterday, that there is danger of war if the joint resolution passes, so far as the United States is concerned. I have some patriotism left in me, and I love liberty, but I stand here as the trustee of a great nation, not to be moved by my sympathies nor by pure sentiment, nor to work myself up into a frenzy about oppression and outrage on the part of a people struggling for independence and forget the true interests of my country.

Sympathy and sentiment should have no part or place in the treatment of foreign questions. We can only be guided by justice, international law, and the interests of our own Government.

The distinguished Senator from Illinois [Mr. MASON], in his great speech, said the Spaniards taxed children immediately after birth and brides at the altar. Listening to him and his lurid eloquence, I wondered why Spain did not tax grown-up men and women.

Mr. MASON. Very few of them grow up.

Mr. ELKINS. And he reasoned from this unjust taxation a state of war existed in Cuba, and therefore we must recognize belligerency. The peroration of the distinguished Senator from Nebraska [Mr. THURSTON], which moved the Senate, as his glowing periods always do, is in keeping with the line of argument of the Senator from Illinois. He declares he loves liberty, and therefore we must pass this resolution.

That is not the way to proceed in a dignified transaction which may involve this country in war and the possible expenditure of a thousand million of dollars of the people's money. There is danger of war; but one of the Senators favoring this resolution says, "In case of war, what can Spain do?" Even if Spain is weak and could do nothing, we should proceed with caution and justice on our side. I will tell you what Spain can do. She can declare war and not fire a gun, and it would cost this Government $500,000,000 to even get ready to meet Spain.

We know Spain can not conquer us; we know that we are powerful and in the end must conquer Spain. But after spending thousands of millions to do this, we would in the end have Cuba,

and we do not want Cuba. Mr. President, we can not pass this resolution without the danger of war. The Senator from Ohio brought out this fact in his able speech. The moment that this resolution is passed the right will vest in the Spanish Government to search our ships. With the inflamed popular mind in this country and with the feeling in the Senate, Spain could not take a sailing vessel of a hundred tons into port without our gunboats going down there and taking it away. We would not wait for any proceedings in her courts.

There is danger of war; and I insist that we should proceed with caution and be fortified with facts; that we should be advised. Why should the Senator from Ohio not let us have all the light he has on the subject? He read a long letter of Secretary Olney and a part of the reply from the Spanish minister. Why not have both of these letters in full, and all other facts, before the Senate? We are entitled to them, and the people of the United States are entitled to them. If we are not entitled to them, then the President of the United States should say we are not entitled, and not Senators.

In my judgment, Mr. President, this proceeding should be initiated by the Executive. He has the power and the jurisdiction under the Constitution. He is in possession of all the facts and has all the information. He has his hand on the pulse. He knows every hour what is going on in Cuba. He is as patriotic as any of the Senators who become frenzied with patriotism and love of liberty. He can be trusted. I am willing to follow where he leads. He knows when this Government should take action. His oath is as solemn as ours, and the interests and dignity of the Government are safe in his hands. Leave this great question with him, where it belongs; in his own way and at the proper time he will act and act wisely. It does seem to me to proceed in this way is a sort of impeachment of the wisdom and patriotism of the President of the United States.

As yet he has advised no course of action; he has said nothing on this question to us; no message from him has reached us that the time has come in his judgment for action. Responding to popular clamor, the Senate proposes to pass a resolution which coerces the President, forces him to take action before he may desire to do so. The passage of this resolution can only embarrass him and possibly bring him into conflict with Congress. He has sent his own agent to Cuba. I am satisfied he is giving this question the best and wisest consideration. Congress is powerless to control his action.

Mr. President, there is no precedent for this proposed action. Nothing of the kind has ever been attempted before. I doubt if anything like this proceeding has ever occurred in the history of the Government—forcing the Executive to take action that may involve the country in war, and against his judgment. We can not go on in this way, with a conflict between the executive and legislative branches of the Government.

I have not had time to examine this question. I do not belong to the Foreign Relations Committee. Senators can not pursue all great questions coming before the Senate to proper conclusions. We are charged with different duties, and we must rely on the great committees of the Senate. The Foreign Relations Committee makes no report; is not asked to make any.

Mr. FORAKER. The resolution has not yet been referred to the committee.

Mr. ELKINS. No; and it is not intended to be referred. That is what I am speaking about. It has been for a month before the Senate and not referred to the Foreign Relations Committee. I ask, in common fairness to Senators who have to vote on this question; I ask, in the name of the people of the country, who are entitled to the confidence of the Senate in this great transaction, Why not have a report? I do not assume to deny anything that is charged or alleged here for or against the Cubans or Spain.

There is nothing said about the indignities perpetrated by the insurgents; they are not accused here in the Senate of the United States, and I do not know that they can be accused; but I know that in another revolution in that island General Quesada, it is said, shot down 680 Spanish prisoners. Nobody has tried to bring out such facts. It is the cruelties of Spain all the time of which we hear. I favor the Republican platform on the subject of Cuba; I am for peace on the Island of Cuba; I am for doing ample justice to Cuba, but I do not believe that this resolution will reach these ends. I think the President can and should be trusted to do what is right, and in due season he will act.

I am not here to make any charges against the insurgents in Cuba; I am not here to excuse or to assail; but I am here as an American Senator to say that I am not advised either by the Executive of the United States or by the Foreign Relations Committee, or by anyone else, as to just what is the best course to pursue. I am not against doing justice to Cuba and bringing to a speedy termination the contest going on in Cuba, but before I act or undertake to say what should be done I want to know the facts.

We are asked as judges to pronounce judgment. Give us something to pronounce it on more than oratory—even good oratory. What we want is information. If you want to make one of these overpatriotic liberty-loving Senators angry, just ask him for facts. One of them stated that 800 of our people were impounded in Cuba. Who impounded them? Did he learn that from the State Department?

Mr. MASON. May I ask the Senator a question?

Mr. ELKINS. Yes.

Mr. MASON. Have you read the President's message on that subject?

Mr. ELKINS. I have.

Mr. MASON. Does it not state that from six to eight hundred Americans were confined in the towns there?

Mr. ELKINS. He did not say "impounded." The Senator proves a state of war in Cuba by the fact that Americans are in towns, and somebody must have driven them there, and therefore there is war. That is the argument of the Senator from Illinois.

Mr. MASON. Who do you think put them there?

Mr. ELKINS. I think a lot of the Americans put themselves in the towns of Cuba. They can get no work, and are therefore destitute. I suppose if I were an American down there, and did not have work, and was in need, I should try to get some money from the United States; but this would not be a good argument to prove a state of war.

Mr. MASON. Does not the Senator believe that war exists? Does not the President state the people there are not permitted to go out to work?

Mr. ELKINS. Well, Mr. President, that is the Senator's argument——

Mr. MASON. That is the fact.

Mr. ELKINS. That these poor Americans can not get work, and therefore there is a state of war, and we must recognize the insurgents as belligerents. Many of these facts are in the imagination of these Senators.

Mr. CHANDLER. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. ELKINS. Always. That Senator does not occupy much of the time of the Senate, and I always like to hear him.

Mr. CHANDLER. The Senator says this is all in the imagination and that we are sensitive when we are asked for facts. When the Senator, on the 28th day of February, 1896, voted that, in the opinion of Congress, a condition of public war existed between the Government of Spain and the Republic of Cuba, what facts did he have to warrant that vote of his?

Mr. ELKINS. Because just such allegations were made from newspaper reports as are now made I was led to believe that they were; but it was not upon such a proposition as this. Besides, Mr. President, I was misled as to the facts then, and I do not intend to be again deceived. I want official information, not newspaper reports

Mr. CHANDLER. Then the Senator admits he was mistaken in his vote of a year ago?

Mr. ELKINS. No. I do not admit anything. I did not vote upon such a resolution as this; one entirely different. Of course a majority can force anything through. But really, Mr. President, I do not think this is the best procedure, even for the insurgents. If the insurgents have the good case that Senators claim they have, why not make out the case, and make it out not only to the satisfaction of the Senate, but to the people of the United States and the world.

If the facts exist, this can be easily done. Let the Foreign Relations Committee make out the case, so that this action of ours, whatever it may be, and the record we are about to make, will be justified in the eyes of the world.

This is no trifling matter. It is a great transaction, as I have said, and the world looks on.

Mr. President, I did not feel that I ought, as a Senator, to allow this vote to be had without making my protest against action being taken here without light, without knowledge, and without the facts.

I am just as good a friend of Cuba as any of the Senators favoring this resolution. I favor Cuba as much as they. I desire peace on the island and the independence of Cuba as much as they. I believe in the Republican platform and love liberty and hate oppression as much as they; but I believe in a different method of procedure to make plain all these things than the one proposed by this resolution. I believe in leaving this question where it belongs, to the President of the United States, and trusting in him and his good judgment.

Mr. WHITE. Mr. President, those who are opposed to the adoption of this resolution, and those who, while favoring its ultimate passage, believe that it should be referred in any event, have been listening here patiently, by the hour and day, to the remarks of those who hold the affirmative. We are astonished as we stand in the presence of the obstructive tactics of those who allege in lengthy oratorical effort that they favor the pending proposition.

I am persuaded, unless this obstruction be continued by the alleged friends of the resolution, we can have a vote upon it this afternoon and can dispose of the entire subject.

I propose to make a very few remarks. I am not aware that more than one or two Senators intend to submit additional views. But if the Senator from New Hampshire [Mr. CHANDLER], who, I observe, is looking at me, does not obstruct us further, I have no question that he will have the opportunity of recording himself, so that the public may know just where he stands.

Mr. CHANDLER. I am always grateful to the Senator for what he accords to me, whether it be a bottle of California wine or his attention when I speak, and I will not interrupt him in the remarks that he is about to make, except, as he has said he is to speak a little while and then help us to a vote, I should like to ask him a question.

Mr. WHITE. There it is, Mr. President; obstruction already. But still the Senator may proceed.

Mr. CHANDLER. Certainly the Senator is willing to have a question asked him?

Mr. WHITE. I have listened so long to obstructive tactics that I am willing for the continuance. I do not feel competent to prevent the misfortune.

Mr. CHANDLER. The Senator's waggery is irresistible. The Senator a year ago proposed a substitute for the resolution, which then passed, which declared that a state of war existed in Cuba and recognized belligerency; and it was the opinion of the Senator that the Executive should recognize the belligerency of those who were maintaining themselves in Cuba in armed opposition to Spain. Now, if the Senator please—I do not ask him to speak, but I hope I have not frightened him from speaking—will he be kind enough to enlighten the Senator from West Virginia [Mr. ELKINS] as to the facts which led him to propose one year ago that the United States, by its Executive, should recognize the belligerency of the Cuban insurgents?

Mr. WHITE. Mr. President, I do not shrink from the task of attempting to enlighten the Senator from West Virginia [Mr. ELKINS], because I feel that he can absorb a sensible suggestion; but I am glad the Senator from New Hampshire [Mr. CHANDLER] has not put upon me the burden of bringing about a similar result as to himself. [Laughter.] I also feel, though it is somewhat foreign to this subject, that I ought to correct the Senator in reference to a personal remark. He referred to me as having in his case donated some California wine.

I heretofore supposed that there was not anything about the transaction referred to by him to indicate that the Senator from New Hampshire was not able to make the proper discrimination or to appreciate the exact character of my gift; and I wish to remark, as the Senator from Ohio [Mr. FORAKER] would say regarding a diplomatic message not fit for the public ear, that it was brandy, not wine, which I contributed to my friend from New Hampshire. [Laughter.]

Mr. President, the Senator from New Hampshire forgets the resolution which I offered some time ago in the Senate. It expressed an opinion favorable to the recognition of belligerency. It did not purport to declare, but merely advised belligerency. It was not adopted. I afterwards voted for a resolution which was adopted, and which I attempted to quote two or three days ago in the absence of the original, but I find, by referring to the RECORD, that I did not quote it correctly. So I will now refer to the actual resolution which was passed. It reads:

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.

Resolved further, That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

The Senator from New Hampshire seems to think that I am about to say something inconsistent with my attitude then, and, if I have that Senator's attention, I may express to him, in rather sorrowful mood, too, that he has evidently not listened to anything I have heretofore uttered upon this topic.

I took the position then, and attempted to enforce it by such argument as I was capable of making, that the recognition of belligerency and of independence was, in each case, purely an Executive function. I am attempting to do the same now. I have not made any argument, and do not intend to make any argument, with reference to the fact of war in Cuba, or as to whether there is or is not sufficient basis for Executive action.

It seems to me somewhat singular that my friends upon the other side of the Chamber, who have led the credulous American people to believe that much confidence should be reposed in the present Executive, are now casting in his pathway the serious obstructions apparent here, many of which are projected by the Senator from New Hampshire and by others equally ardent in the Republican cause.

I do not intend to repeat what I have heretofore stated upon the question of jurisdiction. If I understood the Senator from Nebraska [Mr. THURSTON] aright, he declared that he had examined all the decisions upon this subject, and that nowhere was there a case stating that the Executive had exclusive jurisdiction. I shall not run over precedents again. I have collected many and furnished them to the Senate. I will refer him to an authority which he and his associates may deem indifferent. I mean Judge Story. That great lawyer and judge said:

It is very clear that it belongs exclusively to the executive department of our Government to recognize, from time to time, any new governments which "may arise in the political revolutions of the world; and until such new governments are so recognized they can not be admitted by our courts of justice to have or to exercise the common rights and prerogatives of sovereignty."

That phraseology will be found in 3 Sumner, page 372, and a similar interpretation of the Constitution will be discovered in Judge Story's Commentaries on the Constitution, wherein he considers the construction placed upon the ambassador clause of the organic law by Mr. Rawle, and dissents from the latter view. But it will serve no useful purpose to continue this discussion upon this line. The matter has been fully covered, and I rise principally for the purpose of saying a word or two with reference to misconceptions, as it seems to me, which prevail in some quarters regarding the effect of the passage of this resolution.

I have said that I do not intend to run over the facts regarding the question of the existence or nonexistence of war. Perhaps if I needed much evidence as to the existence of a war I could find it in the statement of the Senator from Illinois [Mr. MASON], who stated that a newspaper correspondent from Chicago had been killed in Cuba, and the Senator asked, "Will anybody now doubt that there was war?" Of course it must have been a very serious situation which could have resulted in the taking away of any life, and perhaps nothing less than a large army, estimated, I believe, at 200,000, would have succeeded in troubling a Chicago newspaper man. [Laughter.]

But apart from the question of belligerency, I will respond to a few suggestions made yesterday. I understood the Senator from Ohio [Mr. FORAKER] to say that each insurgent so-called can be considered a pirate or should be considered a pirate or traitor. The law upon that subject is not in a very clear condition. But I think our policy is plainly demarked. It is very well stated in a late compilation—Glenn on International Law. On page 101 that author says:

Acts of rebels or insurgents, if done under the sanction of an organized community or sovereign state, would be considered as acts of war. After belligerency has been recognized they in fact become lawful as acts of war, but previous to such recognition they possess all the characteristics of piracy, or at least would be technically so classed. It is true that the test of piracy is the want of competent authority, but the acts of insurgents are performed for the purpose of establishing a new order of things, or a new community, and are undertaken for a public end in contradistinction to a private pursuit for the satisfaction of personal greed or personal vengeance by means of murder or robbery on the high seas.

Such persons are not and should not be considered as enemies of the human race, but simply as enemies of the particular country against which their acts are directed. If, therefore, the insurgents limit their acts to such as are recognized as pertaining to belligerents, they should not be considered as piratical. If, on the other hand, their acts are not limited as stated, but they are guilty of indiscriminate plunder and other acts of violence, or the society which they represent is not sufficiently stable to hold out guaranties that their acts will be so limited and controlled, they can be treated as pirates.

The right to treat these people as pirates when they overstep the bounds of recognized belligerency must be recognized, because, if denied, the commerce of all nations would be at the mercy of all marauders and irresponsible insurgents, under the cloak of war. In the case of United States *vs.* The Ambrose Light it was held that a vessel on the high seas, in the hands of insurgents who have not been recognized as belligerents by any independent nation, may be regarded as piratical; but the decision in this case has been very much criticised, and in Wharton's Digest (section 381) the author not only severely criticises it, but cites letters to the same effect from Fiore, Martens, Baron de Neumann, Calvo, and others. As illustrating the foregoing, certain cases arose during the civil war in this country in 1861-1865.

Then follows a discussion of the subject, and the author concludes that under our system and practice we can not recognize or claim insurgents to be piratical. Senators who may desire to examine this subject more fully will find in 3 Wharton, page 468, a very full discussion, with references to Woolsey, Calvo, Phillimore, and all modern authors upon international law. There seems to be a practical consensus of opinion that parties contending who are recognized not as belligerents, but whose insurgency has been admitted, can not be justly treated as pirates, and such recognition of insurgency (not belligerency) has been accorded here. There is, therefore, no danger that the Cuban insurgents can be adjudged pirates by our courts.

Said the Supreme Court in the *Three Friends* case:

The distinction between recognition of belligerency and recognition of a condition of political revolt, between recognition of the existence of war in a material sense and of war in a legal sense, is sharply illustrated by the case before us; for here the political department (in this case the President) has not recognized the existence of a de facto belligerent power engaged in hostility with Spain, but has recognized the existence of insurrectionary warfare prevailing before, at the time, and since this forfeiture is alleged to have been incurred.

So that we have a decision by the court that the President, styled in this opinion the political department, had recognized the existence of insurgency. It is clear, therefore, that we will not treat the

insurgents of Cuba as pirates. But we can not, as to the subjects of a foreign state, control domestic action unless we intervene and take possession of the country. This we may do in any case if we have the inclination and the power combined.

Again, yesterday the distinguished and honorable Senator from Ohio [Mr. FORAKER], in the course of his very eloquent and instructive remarks, referred to the Revised Statutes of the United States. The sections which he named, as he stated, constitute our neutrality law. Under these particular provisions of our municipal law we find the definition of crime and the punishment prescribed not only as to insurgents, but also as to those who, being recognized belligerents, engage in fitting out military enterprises or organizing expeditions here.

These provisions of our Federal law are as applicable to recognized belligerents as they are to insurgents. It was claimed some time ago that the sections read here had no application to insurgency. This contention was overthrown in the *Wiborg* and *Three Friends* cases. It was determined, particularly in the latter case, that these sections apply equally in cases of belligerency as in cases of insurgency, and, indeed, so thoroughly is the distinction heretofore attempted to be made demolished by these adjudications that it is now immaterial in a libel or in an indictment to aver belligerency at all. It is not a matter upon which the court is called upon to make a finding, and it is a recitation which would be stricken from a pleading as irrelevant and redundant, because it is of no importance legally as to whether or not belligerency has been conceded.

What rights have the insurgents, then, under prevailing conditions? What rights will they have if belligerency is accorded? The enactments under consideration, as I remarked, apply equally to both cases. Section 5286 of the Revised Statutes is in these words:

> Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding $3,000 and imprisoned not more than three years.

Under that law Captain Hart was indicted in the eastern district of Pennsylvania, and on the trial before Judge Butler, in the United States district court, that distinguished jurist charged the jury in effect as follows:

> (1) Setting on foot, within the United States, a military expedition, to be carried on from thence against the territory or dominion of any power, etc., with whom the United States are at peace; (2) providing the means for such an expedition, as, for instance, means for transportation.
>
> To justify a conviction of preparing or providing means for such a military expedition, it must be proved (1) that a military expedition was organized in this country, and (2) that defendant, in the district of his trial, provided means for it, as charged, with knowledge that it was such an expedition.
>
> It is lawful for men, many or few, to leave this country as individuals, without combination or organization here, to go abroad, even by the same vessel, with the purpose of enlisting with a body of insurgents to fight against a foreign government; and it is immaterial that the vessel also carries arms, as merchandise, which are to be carried on shore in packages, as merchandise, by the men, who so intend to enlist. And the transportation of such persons, knowing their intent, constitutes no offense.

That is the decision of the United States court, rendered on the 22d of February of this year.

This, Mr. President, disposes of the proposition that was made here by the Senator from Illinois [Mr. MASON], to the effect that it is impossible to transport arms or ammunition from here to Cuba unless there is a recognition of belligerency. I assert that the indictment which was so framed in the Hart case would be good in the presence of the recognition of belligerency, and that no additional word would in that event be necessary to its legal efficacy.

In other words, recognition or nonrecognition is immaterial as far as the transportation of supplies is concerned. So true is this that if we adopt this joint resolution, if the House adopts it, if it is signed by the President and becomes a valid declaration of belligerency, it will be impossible to test its legal effect, for no case will, under existing conditions, be framed to challenge it. No issue can be presented to the courts of the United States as to the Cuban insurgents which will test the validity of this recognition, because it will be practically without legal force.

True, I concede that it may have a moral force. Senators who favor the joint resolution are right as to that. It may stimulate and assist the Cubans by encouraging them, and perhaps give them some status abroad not based upon any potentiality in law, but predicated, possibly, upon the notion that the adoption of the joint resolution discloses the possibility or probability of intervention upon the part of the United States.

Mr. BACON. Will the Senator from California permit me to ask him a question?

Mr. WHITE. Certainly.

Mr. BACON. I ask it because I know the Senator has given very careful investigation to this question not only as it affects the question before the Senate, but in matters of business in his profession. As the law now is, it would be a violation for any party to fit out in this country an expedition for the aid of the insurgents in Cuba.

Mr. WHITE. Yes.

Mr. BACON. It is not unlawful for the Spaniards to fit out an expedition here for the purpose of putting down that insurrection. Am I correct? If the right of belligerency were granted to the Cubans, would it still be lawful for the Spaniards to fit out expeditions in this country for the purpose of putting down the insurrection in Cuba?

Mr. WHITE. The question addressed to me by the Senator suggests a matter which I was just about to consider, and I will consider it immediately.

As a practical proposition, there is nothing in the suggestion. If it were possible for Spain to organize an expedition in this country, or to use this country as a basis of warlike supply, there would be a practical side to the suggestion, but as it is now no one pretends that Spain is equipping any force here. How can she do so? She has no sympathy and can expect no comfort or assistance here. Public sentiment is so universally against her that the proposition of the Senator from Georgia is relieved of any practical character and becomes no more than a theory—perhaps a legal distinction such as the Senator indicates.

Mr. BACON. If the Senator will permit me, I will say that the question was suggested by the statement which I understood the Senator to make that the legal status of the parties would be in no wise changed. I think in that important particular the legal status would be very materially and radically changed.

Mr. WHITE. I spoke of this country and the insurgents. To those parties I alluded. There is no difference at all in the status of this country toward insurgents as between themselves, and no practical difference as to Spain, because Spain fits out no expeditions, and, as I say, in the nature of the situation can fit out no expeditions in this country. Perhaps the effect of the *Three Friends* case may be to prevent Spain, even where there is no recognition, fitting out expeditions here. As to this, I am not prepared to fully express myself. It is not important.

I have said that there is nothing to prevent the insurgents loading arms upon a ship and sending the same as merchandise to Cuba except the danger of capture. We can not prevent this, and if there is any officer of any gunboat or vessel who assumes to impede such traffic he is violating the law as laid down on the 22d day of February by the district court for the eastern district of Pennsylvania and long the law of the United States.

Mr. MASON. Will the Senator from California yield to me for a question?

Mr. WHITE. Certainly.

Mr. MASON. What are the men in prison for now in Baltimore?

Mr. WHITE. I will say to the Senator that if he had honored me by being in the Chamber a few moments ago it would not be necessary for me to say what I will now repeat. Captain Hart—I suppose he is the person to whom the Senator refers—was indicted for violation of section 5286 of the Federal statutes, for fitting out and organizing an expedition, and the court in that case charged the jury (I will read from the charge again):

> It is lawful for men, many or few, to leave this country as individuals, without combination or organization here, to go abroad, even by the same vessel, with the purpose of enlisting with a body of insurgents to fight against a foreign government; and it is immaterial that the vessel also carries arms as merchandise, which are to be carried on shore in packages, as merchandise, by the men who so intend to enlist. And the transportation of such persons, knowing their intent, constitutes no offense.

Now, a conviction was had because it appeared from the testimony that the defendant organized a military expedition; that the vessel was fitted out to fight; that the men upon it were prepared for war, and in one of the cases heretofore tried the parties charged actually engaged the Spaniards upon the sea. If we recognize belligerency, and if Captain Hart does the very things which he has done in the past, he will be subject to indictment and punishment under the section of the Revised Statutes read by me, regardless of whether the Cubans are insurgents or belligerents.

Mr. CHANDLER. Will the Senator allow me to help him a little?

Mr. WHITE. I am always thankful for the assistance of the Senator from New Hampshire, although I hope he will not prolong the debate.

Mr. CHANDLER. I merely wish to ask the Senator a question. The Senator is quite right, as I concede, in his statement about the law. The neutrality laws are the same, whether the insurgents remain insurgents or are recognized as belligerents. We pledge ourselves by those laws not to allow expeditions to be fitted out in our ports against a power with which we are at peace; and we shall remain at peace with Spain after the passage of the joint resolution. So it makes no difference, as the Senator from Massachusetts said yesterday and as the Senator from California states now.

Under those circumstances, I wish to ask the Senator why a year ago he wanted the United States to recognize the belligerency of the Cuban insurgents?

Mr. WHITE. I will say to the Senator that at the time I remarked—and I regret that my remarks then made had only passing effect upon the Senator from New Hampshire—that I did not believe the adoption of the resolution would have any real result beyond such moral benefit as might be derived therefrom by the insurgents, but that, as the sentiment was in favor of such a resolution, I would vote for it. Notwithstanding the somewhat injurious effect which the declaration of belligerency would have upon the country, I was willing to go that far. I did not, however, vote to declare belligerency, but only to advise the Executive, which is not the proposition before the Senate.

Mr. CHANDLER. But the Senator did not vote to advise the Executive to do a thing which the United States ought not to do. He voted to advise the President to do what he thought he ought to do. Now, the Senator did that to help Cuba, as I understand him to say——

Mr. WHITE. Yes.

Mr. CHANDLER. Because of the moral effect upon the Cuban cause of the resolution which he proposed, and which was voted down, and the resolution which we adopted, and for which he voted. Why is he not now willing to vote to give Cuba the same moral assistance which he wanted to give her a year ago?

Mr. WHITE. Is it possible that the Senator from New Hampshire has not arisen to the fact that the present is an attempt by Congress to declare belligerency? Does he not know that he is not presenting the same proposition? Let him present in lieu of the pending joint resolution the resolution proposed by me before, and I will vote for it; but I will not, with my views of the jurisdiction of this body, vote for the pending proposition.

Mr. CHANDLER. The Senator voted for the resolution that was passed before, which is in the exact language, I repeat—it seems to be hard to get it into the heads of some Senators—of the resolution proposed to-day, except that one was a concurrent resolution——

Mr. WHITE. Yes; "except."

Mr. CHANDLER. And the other is a joint resolution. But the declaration that it was advisable to recognize belligerency was the same a year ago that it is now. A year ago the Senator was for it, to-day he is against it.

Mr. WHITE. The Senator does not state the facts. I admit that it is very hard to penetrate the minds of some Senators, and that there are obstructions to the entrance of ideas into the heads of those who do not wish to learn. The effect of the pending resolution, if it pass as a joint resolution and receives Executive sanction, will be, according to the Senator, the absolute recognition of belligerency.

We do not make a suggestion here of our opinion to the Executive, as we did before. There we passed a concurrent resolution with the explicit understanding on the part of those who voted for it, and our words are of record here, that it was nothing more than an expression of opinion, that it was a concurrent resolution, which had no effect as law, and was nothing more than advisory to the Executive, who treated it as such, negatively.

Now you assert that the Congress itself has the power to pass the joint resolution as an original proposition and to declare belligerency, and, passing it over the Executive's veto, to make it an efficacious announcement of belligerency. That I deny, and denying it, I am against the proposition. The argument of the Senator that I am inconsistent is not warranted by the facts and is not sound in reason, and I am astonished that the Senator should have interrupted me for the purpose of making a suggestion so utterly void of merit.

Mr. CHANDLER. I should like to ask the Senator whether he is just as much in favor of having belligerency recognized now as he was a year ago, and only objects to having Congress and the President do it by joint resolution instead of having it done by the President and upon the advice of Congress by a concurrent resolution? Is that the only difference?

Mr. WHITE. This utterly irrelevant question will be answered by me as follows: As I am not as intimate with the political powers now in possession of the Government as is the Senator from New Hampshire, I do not care to advise those powers with reference to the discharge of their constitutional duty, unless the condition shall become so flagrant as to warrant me in saying something. I hope the Senator from New Hampshire will not continue thus to hamper the progress of his own party on the way to good times. [Laughter.] I trust that the joint resolution will get out of the way of the tariff bill, because we know that when that measure passes, there will be no shortage in our funds, no end to our pleasure, and we can then, perhaps, afford to declare war with profit to ourselves and disadvantage to our enemies.

Mr. President, the law as laid down in the district court of Pennsylvania is not inconsistent with previous decisions. All are in the same line. I had occasion heretofore, probably a couple of years ago, to call attention to the circumstance that when the Chilean difficulty was on hand, we refused to recognize the insurgents. Our executive department and the legislative department utterly ignored the existence of the party there which finally became dominant. At the time that party controlled the navy, had with it nearly all the representatives of the house and the senators, possessed a large part of the Chilean territory, and finally succeeded.

During the progress of that revolution the Chilean insurgents sent a vessel to a port of the United States convoyed by a ship of war as far as Cape San Lucas. The vessel thus convoyed—the *Itata*—came within our waters and shipped $80,000 worth of arms, purchased in the city of New York and sent by rail to San Francisco and then transferred by schooner on board this vessel. Our Government, having refused to recognize the insurgents, conceived the idea that its duty led to the prosecution of the men who had purchased the arms and to libel the vessel. We sent the *Charleston* down to the harbor of Iquique and seized the *Itata* and brought her back to the United States. The United States filed a libel in the southern district of California against the vessel, and, under the criminal laws of the United States, tried a Chilean congressman who had purchased the arms; and yet the court of appeals, in passing upon the case, said:

"It will thus be seen that the cases relied upon are clearly distinguishable from the case of the *Itata*. It is true that in this case there were criminating circumstances sufficient to arouse suspicion as to a hostile intent on the part of the *Itata*. The sending of the war ship *Esmeralda* as a convoy for a part of the way, the *Itata* being under the command of a captain of the navy, with soldiers, cannon, and muskets on board; the concealment of the cannon; the change of dress of a part of the crew; the failure to give the bond required by law; the circuitous methods adopted to take the arms and ammunition from the schooner *Robert and Minnie*, are all proper circumstances to be considered, and were perhaps sufficient to cast the burden of proof upon the *Itata* to establish her innocence by showing, as she did, that notwithstanding these suspicions and incriminating circumstances, she was not a war vessel; that she had done nothing, and did not intend to do anything, contrary to the provisions of section 5283; that she was not fitted out or armed, or attempted to be fitted out or armed, or procured to be fitted out or armed or furnished, with intent that she should be employed "in the service of any foreign prince or state, or any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States were at peace."

The case of *The Florida* (4 Ben., 452) was a libel against the vessel for an alleged forfeiture claimed to have been incurred by a violation of section 5283 of the Revised Statutes, and in its facts bears a closer analogy to the facts of this case than any of the other cases to which our attention has been called. The court said:

"Admitting that persons acting as agents of the insurrectionary party in Cuba—

This was a former Cuban war—

"were the real owners of the vessel and her cargo of arms and munitions of war, and that the transaction of the borrowing by Darr from Castillo of the money wherewith the vessel and her cargo were purchased was a sham, and that the vessel was to proceed with her cargo to Vera Cruz, and there the vessel and cargo were to be transferred by Darr, their nominal owner, to persons acting for the insurrectionary party in Cuba, and that thence the vessel was to take the cargo to some point off the coast of Cuba, and land it on the shore by the use of rafts made out of the lumber on board, towed by the steam launch on board through shallow water to the shore, and that Darr and such real owners of the vessel and cargo had intent to do all this in fitting out the vessel and putting her cargo on board, still a violation of the third section of the act of 1818 is not thereby made out."

A perusal of that case, decided in 4 Benedict, will reaffirm everything I have said.

The issues in the *Itata* case were practically determined in United States *vs.* Trumbull, 48 Federal Reporter, 107.

When Mr. Trumbull, the Chilean congressman, was under indictment for his admitted participancy in loading the *Itata* with arms, ammunition, and other supplies for the Chilean insurgents, Judge Ross, then district, and now circuit, judge of the United States, said:

There is nothing in the evidence tending to show that any of the arms or ammunition were intended for use by the *Itata*. On the contrary, the whole case shows that the defendants caused them to be put on board of her with the intention that she should transport them to Chile for the use of the insurrectionary party there.

This does not constitute the fitting out, arming, or furnishing of the *Itata* with intent that she should be employed to cruise or commit hostilities in the service of the insurrectionary party against the then Government of Chile. In principle the case is, I think, much like that of the *Florida*, decided by Judge Blatchford in 1871 and reported in 4 Ben. 452.

Judge Ross proceeds to show that Judge Blatchford in that case adopted the view which justified the purchase and shipment by the insurgents of arms and supplies.

The following are the sections of the Revised Statutes to which I have alluded:

SEC. 5281. Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not more than $2,000 and imprisoned not more than three years.

SEC. 5282. Every person who, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, shall be deemed guilty of high misdemeanor, and shall be fined not more than $1,000 and imprisoned not more than three years.

SEC. 5283. Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and

armed, or knowingly is concerned in the furnishing, fitting out, or arming, of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or who issues or delivers a commission within the territory or jurisdiction of the United States for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than $10,000, and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of the informer, and the other half to the use of the United States.

SEC. 5284. Every citizen of the United States who, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming any private vessel of war, or privateer, with intent that such vessel shall be employed to cruise, or commit hostilities, upon the citizens of the United States, or their property, or who takes the command of, or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel, with a view to share in the profits thereof, shall be deemed guilty of a high misdemeanor, and fined not more that $10,000, and imprisoned not more than ten years. And the trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

SEC. 5285. Every person who, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessels, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be deemed guilty of a high misdemeanor, and shall be fined not more than $1,000 and be imprisoned not more than one year.

SEC. 5286. Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides, or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding $3,000 and imprisoned not more than three years.

Mr. President, I am opposed to the passage of the joint resolution, because I believe this subject-matter to be within the exclusive authority of the Executive, and I base this conclusion upon the reasons heretofore assigned. When the Executive refuses to act, and whenever Congress concludes that a time has come for war, we may discuss that momentous problem. No such issue is tendered. It appears to me that when Senators standing in their places here assert that the declaration of belligerency is not or should not be offensive, and then, in the same breath, proceed to make statements in connection with their reasons for that declaration which are in themselves grossly offensive, the motive is at once disclosed, and that the real object is ultimately to bring about a war, though they do not venture the direct announcement.

Mr. President, I know that it is easy to incite the fervid imaginations and patriotic sentiments of the American people. I know, and glory in the thought, that every American loves right. Liberty is cherished by each of our people. In the generosity of their hearts they wish universal freedom. But the man who appreciates true liberty knows how to conserve it. He knows that in desperate conflict liberty is not always ultimately victorious. He knows that though this Government is powerful enough to subvert Spain, and powerful enough to wrench Cuba from her hands, when that end has been accomplished it is exceedingly dubious whether the cause of liberty will have been promoted here or our interests favorably affected.

I said a day or two ago that grave problems confront us now. Let us not be diverted from their consideration. Let us defend our citizens. Our Executive has the power to do so. He has behind him the sentiment of the American people, and whenever he appeals to Congress for any aid in that direction he will receive a ready response. But a few days have passed since Mr. McKinley took charge. He has sent his own messenger to Cuba to investigate. He is acting within the power conferred upon him by the Constitution, and though he were not so acting, I should not feel myself at liberty to disregard constitutional obligations.

We must each decide this question for ourselves; but it is satisfactory to me to feel that the Executive will not fail in his duty here, but will meet the situation properly and wisely.

The Senator from New Hampshire [Mr. GALLINGER] showed us a copy of a resolution which had been offered here by the present Secretary of State, and to-day the distinguished and honorable Senator from Alabama again informed us that after all the pending resolution was either a copy or a paraphrase of one or two that had been offered by the present Secretary of State.

Have we any doubt of his feelings in this matter? Have we any question as to what his sentiments are? Why is it that Senators who say that they are really anxious to know the facts are not willing to submit this proposition to a man whose views, when he was a Senator, have been often expressed, who is as familiar with this subject as anyone in this Chamber, and who has the facilities which are given him by law enabling him to know more about it than any member of this body? Why is it that they are unwilling to trust him or to trust the Executive elected by their own votes?

Though I am opposed politically to both, though I regard the policies which they have stated to be theirs as fraught with disaster to the American people, nevertheless I do not intend to permit my political views or prejudices to enter into the consideration of this grave subject; and whatever may be done by others, my vote will be cast first for reference. If that motion fails, my vote will be cast against the joint resolution. If the joint resolution passes, we may be relieved from responsibility, as far as anything direct is concerned, but I could not avoid responsibility in the presence of my construction of the Constitution if I voted affirmatively in this regard. I know the sentiment of Senators who are antagonistic to the joint resolution. They do not desire delay. We have taken comparatively little time in this debate, and I believe there is nothing to prevent a vote this afternoon.

Mr. HAWLEY. Mr. President, I wish to say merely a few words. I suppose every man sometimes wonders why the rest of the world does not think precisely as he does. I am to some extent in that situation now. I wonder why the majority of the body does not see that it is the wiser course to refer the joint resolution. I wonder why the friends of the joint resolution do not see how clearly it would be an advantage to their cause if the resolution should come back from the Committee on Foreign Relations accompanied by a report which should clearly and distinctly set forth to us what is meant by a declaration of belligerency; what is meant technically in this connection by a state of war, with a codification of the valuable papers or extracts from the papers submitted by the Senator from Ohio [Mr. FORAKER], adding to it some suggestions made to us by the Senator from Nebraska [Mr. THURSTON], and especially his statement of the remarkable and applicable declaration of Sagasta, late prime minister, that a state of war does now exist.

I submit that all of us, though supposed to know these things, are not ready with an answer to the legal questions which might be asked of us. Such a report would do justice to the Committee on Foreign Relations and justice to the Senate in this very important and perhaps very serious emergency. Of course most of this can be found, if one will read the RECORD for two or three weeks, but it might be put in six or eight pages of an ordinary miscellaneous document. It would strengthen the cause of the people with whom I shall not vote, but I should be glad to send to my constituents a clear, legal statement of the views which in the minds of other Senators justify the passage of such a joint resolution. I think it would be better for all of us, on whichever side we may be, to have such a report made, and it can be well done. The speeches made by members of that committee are such, and the character of the men who have not made speeches is such, that we know the report may easily be made complete, logical, legal, instructive, and brief.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine [Mr. HALE] to refer the joint resolution to the Committee on Foreign Relations, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER]. Being advised that he would vote the same way that I shall, I will cast my vote, I vote "nay."

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. Were he present, he would vote in favor of referring the resolution and I should vote "nay."

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. ELKINS (when his name was called). I am paired with my colleague [Mr. FAULKNER]. If he were present, I think he would vote "nay," and I should vote "yea."

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] has a general pair with the junior Senator from Colorado [Mr. WOLCOTT].

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

Mr. BATE (when the name of Mr. HARRIS of Tennessee was called). My colleague [Mr. HARRIS] is paired with the senior Senator from Vermont [Mr. MORRILL], neither of whom is in the Chamber.

Mr. KENNEY (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. PENROSE]. I do not know how he would vote. He not being here, I withhold my vote. Were he present and voting, I should vote "nay."

Mr. KYLE (when his name was called). I am paired upon this question with the Senator from Connecticut [Mr. PLATT]. The Senator from Nebraska [Mr. ALLEN] is absent, and would vote "nay" were he present. I should like, with the consent of the

director of pairs on this side, to transfer my pair to the Senator from Nebraska [Mr. ALLEN] and vote.

Mr. MILLS. The Senator from South Dakota can do it.

Mr. STEWART. There is no objection.

Mr. KYLE. I should like to ask the Senator from Florida [Mr. PASCO] if the Senator from Nebraska [Mr. ALLEN] is paired with any Senator?

Mr. PASCO. I do not now know of any arrangement to pair him. If I learn that one has been made, I will advise the Senator from South Dakota.

Mr. KYLE. Then I transfer my pair to the Senator from Nebraska [Mr. ALLEN] and will vote. I vote "nay."

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. MCMILLAN]. If he were present, I should vote "nay."

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

Mr. MANTLE (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I do not see him in the Chamber. If he were here, I should vote "nay."

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST].

The roll call was concluded.

Mr. FORAKER. I have a pair with the junior Senator from South Carolina [Mr. EARLE]. I am told that if he were here he would vote "nay." Therefore I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. DANIEL. I beg leave to state that if my colleague [Mr. MARTIN] were here he would vote "nay." Therefore the Senator from Montana [Mr. MANTLE], who is paired with my colleague and would vote the same way, is at liberty to vote.

Mr. MANTLE. I thank the Senator from Virginia for the information. I will vote. I vote "nay."

Mr. BURROWS. My colleague [Mr. MCMILLAN] is paired with the Senator from Kentucky [Mr. LINDSAY]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. PASCO. The senior Senator from West Virginia [Mr. FAULKNER], who is absent, desired me to announce that he is paired with his colleague [Mr. ELKINS]. If the senior Senator from West Virginia were present, he would vote "nay," against the reference of the joint resolution.

Mr. COCKRELL. My colleague [Mr. VEST], as has been announced, is paired with the junior Senator from Minnesota [Mr. NELSON]. If my colleague were present, he would vote "nay."

Mr. PASCO. I wish to announce the pair of the Senator from Rhode Island [Mr. ALDRICH] with the Senator from Colorado [Mr. TELLER]. If the Senator from Rhode Island were present, he would vote "yea," and the Senator from Colorado would vote "nay."

Mr. HOAR. I think a pair has been announced with the Senator from Colorado.

Mr. PASCO. To what pair does the Senator from Massachusetts refer?

Mr. HOAR. I do not remember now. Another pair has been announced, I believe.

Mr. PASCO. I think no other pair has been arranged for the Senator from Colorado. I was authorized to make the pair I have announced.

The result was announced—yeas 19, nays 34; as follows:

YEAS—19.

Allison,	Gear,	Hoar,	Wellington,
Burrows,	Hale,	McBride,	Wetmore,
Caffery,	Hanna,	Perkins,	White,
Davis,	Hansbrough,	Shoup,	Wilson.
Fairbanks,	Hawley,	Spooner,	

NAYS—34.

Bacon,	Clark,	Mason,	Stewart,
Baker,	Cockrell,	Mills,	Thurston,
Bate,	Daniel,	Morgan,	Tillman,
Berry,	Gallinger,	Pasco,	Turner,
Butler,	Harris, Kans.	Pettigrew,	Turpie,
Cannon,	Heitfeld,	Pettus,	Walthall,
Carter,	Jones, Ark.	Pritchard,	Warren.
Chandler,	Kyle,	Rawlins,	
Chilton,	Mantle,	Roach,	

NOT VOTING—35.

Aldrich,	Frye,	McEnery,	Platt, N. Y.
Allen,	George,	McMillan,	Proctor,
Clay,	Gorman,	Martin,	Quay,
Cullom,	Gray,	Mitchell,	Sewell,
Deboe,	Harris, Tenn.	Morrill,	Smith,
Earle,	Jones, Nev.	Murphy,	Teller,
Elkins,	Kenney,	Nelson,	Vest,
Faulkner,	Lindsay,	Penrose,	Wolcott.
Foraker,	Lodge,	Platt, Conn.	

So the Senate refused to refer the joint resolution to the Committee on Foreign Relations.

Mr. FAIRBANKS. Mr. President, it has not been my purpose until now to invite the attention of the Senate in this debate, and it is my present intention to add but a few words. I shall not indulge in criticism upon the Senate or its members, for my brief presence here has but increased my respect for both. My observation is that there is no one here who possesses more patriotism or love of liberty than others; that in that respect there is an absolute equality here. I further observe, Mr. President, as this debate has progressed, that there is no difference among the honorable Senators with respect to their desire for the freedom of Cuba. All wish to see peace reign and liberty established in the desolated island. The difference arises, sir, with regard to the means which shall be employed to attain the hoped-for end.

The immediate division of opinion has been with reference to the motion of the distinguished Senator from Maine [Mr. HALE] to refer the resolution of the honorable Senator from Alabama [Mr. MORGAN] to the Committee on Foreign Relations. Those who opposed the reference felt that they had adequate information upon which to act, while those who favored the reference desired in an orderly and usual way to secure information in the State Department bearing upon the subject under consideration; and they also desired to have the deliberate judgment of the able Committee on Foreign Relations with respect to it. Their desire in this regard was intensified by the partial disclosures made yesterday by the distinguished Senator from Ohio [Mr. FORAKER].

Mr. President, it seems to me that those who favored the reference for the reasons indicated are not wanting in humanity and love of country and are not unreasonable in their demands. Few questions can arise in this Chamber more momentous than this, and it should have that consideration which comports with its magnitude. Some Senators may be satisfied with the fragmentary information of affairs in Cuba, which they have from private sources, from the public press, and from the State Department, but others may not be.

It would seem that as a predicate for action upon this question, so important in its immediate results and which shall become a notable precedent, there should be upon the table of every Senator all the official information obtainable and a well-considered report from the appropriate committee. Each Senator must act upon the solemnity of his oath, and a nice regard for the obligation he has taken upon his entrance to this Chamber demands that he have the essential facts officially ascertained before he records his deliberate potential judgment.

I observe that this course was adopted by the Senate at the last session. The resolution concerning Cuba was referred to the Committee on Foreign Relations. The committee, after mature deliberation, reported it back to the Senate with substitute resolutions. The majority report was presented by the honorable Senator from Alabama, who now opposes the reference of his own resolution upon the same subject in the same manner to the same committee. If deliberation and orderly procedure was observed then, why not now? What exigency has arisen which demands the present departure from the practices of the Senate in the past?

Mr. President, I shall not stop to discuss the question as to whether, under the Constitution, the recognition of belligerency is an executive or legislative function, or whether the executive and legislative branches of the Government should act conjointly. But it seems to me that in the conduct of our foreign affairs the practice has been for the Committee on Foreign Relations to act upon these international questions to some degree in conjunction with the executive department of the Government. If such has not been the practice heretofore now is the time to set a good precedent.

A new Administration is in power, not yet three months old—an Administration charged with great responsibility. Shall we act in this grave matter regardless of its views or policies respecting foreign affairs? Shall the Congress take one position and the Executive another upon a question of such moment and obvious delicacy? If so, what will be the effect, not only upon the fortune of Cuba, but upon our domestic affairs, sensitive and unsettled as they are?

Mr. President, if I correctly apprehend those who favor the resolution of the Senator from Alabama, one of the chief purposes to be accomplished by the recognition of belligerency is to legitimatize the war in Cuba; it is to change barbarous warfare into civilized warfare. The immediate purpose is not to stop the war, but to alter its character.

Sir, I hold to the opinion that all war is barbarous. I am against war, civilized or uncivilized, except it be necessary to redeem people from oppression, or be for national defense, or to sustain the national honor in the protection of American citizenship. I preferred a reference of the joint resolution to the Foreign Relations Committee, that it might determine whether under all the facts, according to the official information in the possession of the Government, it could not report a resolution which will accomplish what the resolution offered by the Senator from Alabama fails to secure, and that is, peace and the independence of Cuba.

Upon the recognition of belligerent rights, Mr. President, we

do not stop the war; we merely dignify it. When will it cease? How much longer will the slaughter continue? How much longer will the sword and torch devour? No one can tell; no one can measure the loss.

I would prefer a policy more certain, more direct. Let us come out into the open and be for war or against it. If a great moral responsibility rests upon us, as I believe it does, let us discharge it squarely and fairly.

Sir, I would forthwith tender the good offices of this Government to the Spanish cabinet, to the end that war cease. And further, I would open amicable negotiations to secure the independence of Cuba, which, under the providence of the Almighty, is its manifest destiny. If these peaceful and honorable methods fail and the war should continue, I would have no hesitancy in reaching out the mighty arm of this Government and saying, "This war shall cease." But, sir, such an extreme measure will not be necessary to accomplish an honorable peace.

Some of the distinguished Senators who belong to the party which holds my loyal allegiance have professed to support the resolution of the Senator from Alabama because, as they hold, it is in consonance with the platform adopted at St. Louis. I heard the distinguished Senator from Nebraska [Mr. THURSTON], who presided over the deliberations of that great congress of American citizens assembled at St. Louis with such conspicuous ability, read the platform this morning and declare his approval of it. With due deference to the honorable Senator, I must utterly and entirely repudiate the suggestion that the resolution proposed by the Senator from Alabama is in accord with the Republican platform, for, in my judgment, it is against it. The platform upon the Cuban question declared that—

From the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other American people to free themselves from European domination. We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty.

The Government of Spain having lost control of Cuba, and being unable to protect the property or lives of resident American citizens, or to comply with its treaty obligations—

Note carefully what follows—

we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island.

This language is free from ambiguity. Its meaning is not involved in the slightest doubt. Peace and independence are to be obtained through the active agency of the United States.

Let me read the resolution offered by the Senator from Alabama:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 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 shall 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 policy to which this resolution commits the Government is one of—

Strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

I yield to no Senator, I yield to no Republican in my attachment to the doctrines of the Republican party. I believe that when the platform was adopted at St. Louis it was a covenant to be executed honestly, fearlessly, faithfully, and I am here, Mr. President, to execute it to the best of my humble ability.

The scope and purpose of the resolution and the Republican platform are totally dissimilar. The former recognizes the rights of belligerency and maintains an attitude of strict neutrality—nothing more—while the platform requires the Government to tender its good offices to restore peace and give independence to the island. The distinction between tendering the good offices of the Government and acknowledging belligerency, according to international law, is broad and marked.

I believe the golden moment of which the honorable Senator from Massachusetts [Mr. HOAR] has spoken has arrived. The condition in Cuba, except the horrors in the pestilential camps, which the President's message has wisely attempted to mitigate, seems to be worse than ever; the hold of Spain on Cuba is less certain; her revenues have decreased; the burdens of war have increased. The rainy season is at hand, when the march must stop. A large army is to be maintained at heavy cost until the seasons permit a new campaign. The issue is in the balance. Sir, it would seem that the highest considerations which can move men or nations would suggest the tender and acceptance of the good offices of this Government.

Mr. President, before closing, I wish to say that I am deeply sensible of the distress in Cuba. I have no doubt of the substantial accuracy of the reports of the press of the country with respect to it. I am also conscious of the distress and suffering in our own country. Every hour the pathetic appeals of our own countrymen come to us. Over 2,000,000 good and loyal American workmen are walking the streets and highways of our country asking for work; seeking not charity, but a chance to labor. Their eyes are on this Chamber. Every hour is precious to them. They are not threatened by the barbarity of Weyler, but by the cruelty of want.

For every soldier that falls on the fields of Cuba a hundred fall in the ranks of labor. The manufacturers have been discouraged and the merchants have been idle in the marts of trade. In the name of these, sir, I protest against delay in the consideration of the matters for which we were convoked in this extraordinary session. "Pass the tariff; pass the tariff" comes from our expectant countrymen night and day. A tariff law and a currency commission are the imperative demands of the hour. Whatever will interfere with early securing them, no matter how important it is, I shall steadfastly oppose.

I offer as an amendment to the resolution of the Senator from Alabama what I send to the desk.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Secretary will state the amendment proposed by the Senator from Indiana to the joint resolution.

The SECRETARY. It is proposed to strike out all after the resolving clause and insert:

That the Congress of the United States views with deep solicitude the deplorable civil strife in the Island of Cuba, which is so destructible to life and property, and which is embarrassing and destroying the commerce of the United States with Cuba. The highest motives of humanity and public interest require the cessation of hostilities and the establishment of peace, and that the President shall, in a friendly spirit, tender the good offices of the United States to Spain, to the end that bloodshed may speedily cease and that honorable and permanent peace may be established in the Island of Cuba; and further,

That the President, in a spirit of amity, tender the good offices of the United States to Spain in an endeavor to secure the independence of Cuba upon terms alike honorable and just to all powers concerned. And if the President shall be unable by such friendly intercession to secure the independence of Cuba, within a reasonable time, he shall communicate the facts to Congress, with his recommendations thereon.

Mr. CAFFERY. Mr. President, I do not propose to take up any considerable time of the Senate after the question has been so thoroughly discussed and so ably discussed on both sides. I will say to the Senator from Indiana [Mr. FAIRBANKS] that from the vote upon the motion to commit the joint resolution to the Committee on Foreign Relations it is very easy to perceive what will be the fate of his substitute. It will be voted down likewise.

While we all sympathize with the Cubans, and while we all respect and admire their efforts to obtain independence, it appears to me that there is a consideration of much more moment which has been entirely lost sight of in this discussion. It is whether or not this joint resolution of the Senator from Alabama [Mr. MORGAN] is in conformity with the Constitution of our country, and, if it is, whether we have pursued, in the matter of the consideration of that resolution, the ordinary form of procedure that we apply to any matter of the commonest business before the Senate.

The contention has never been successfully met that the prerogative or power of recognizing the independence of a new nation or the fact of belligerency rests with the Executive. There have been general assertions, but there has been nothing, in my opinion, in the way of argument to show that the Congress of the United States is charged with the power of recognizing a new state or recognizing a condition of belligerency. That first point has not been met.

The precedents of one hundred years have been adduced to the Senate to show that the lawmaking branch of the Government is without authority in the premises for recognizing belligerency or recognizing independence. The uniform custom and practice of the Government, if the matter were of doubtful construction, would settle the point in favor of the recognition of the independence or the condition of belligerency by the executive branch of the Government. So the first point, in my opinion, largely transcends any question of sympathy for a struggling people, for the question of a flagrant violation of our Constitution would have a much more far-reaching consequence than the question of promoting the interests of the Cubans in their struggle for liberty.

But, Mr. President, it has been shown with as much potency as possible that even the recognition of belligerency would do the Cubans no good. So we are confronted with the proposition that the precedents of a hundred years and the plain deductions from the Constitution itself must be violated in order that this Senate may express its views upon a question of fact being enacted in a distant country. If there was anything more needed to show the utter inability of this body as a mass to properly consider questions of fact, we have that evidence in the disclosures of yesterday. It appears that several Senators, members of the Foreign Relations Committee, visited the Secretary of State in order to glean some information as to what was going on in Cuba. This information was detailed by them, filtered out by them to the Senate of the United States, after a series of questions amounting to almost cross-examination.

What did we glean? We gleaned the statement from the honorable Senator from Alabama that the communications between the United States consuls in Cuba and the Secretary of State ought

not to be given out to the public or to the Senate with the names of the consuls attached for fear of massacre—I suppose of those consuls. The distinguished Senator from Ohio filters out information to the purport or to the extent that if this information is given out there would be some fear of violence somewhere. He does not go to the extent of the massacring of General Lee or our consuls; and upon this testimony, delivered before the Senate, we are called upon to recognize a condition of belligerency in Cuba!

First, the testimony has nothing to do as to the matter of fact; second, it does not come to us in proper form. If it be true that the lives of American consuls in Cuba are threatened with violence, that would be an occasion for us to sever diplomatic relations with Spain, which probably, with the strained relations existing between the United States and Spain to-day, would develop into war. But that does not signify that there is a case of belligerency in Cuba.

Mr. President, it is easy to inflame the patriotic disposition of the American people. It is a much more difficult task in times of excitement to curb the erroneous patriotic sympathies of a large mass of people, and that, in my opinion, is what we ought to do to-day. There is no sentiment which will create applause, there is no remark which will create enthusiasm in regard to this matter, unless it is in an exaltation of the Cubans and in condemnation of the Spaniards. Our sympathy for liberty ought not to lead us to undertake, first, a province that we can not fill—the province of finding matters of fact; and, second, of passing upon matters of fact without the power and the capacity to procure all the evidence.

It leaked out in the communication yesterday that the Secretary of State did not want even to give the names of the consuls. The Secretary of State can withhold and has withheld the information, and it is absolutely prerequisite to forming a judgment upon a matter of this sort that we should have the evidence, and all the evidence, in the most official way; and we have none.

General Grant had this case, or a similar one, under consideration for ten years. His then able Secretary of State, Mr. Fish, after investigating every condition surrounding the insurrection in Cuba, rightly declared that there was no cause or no pretext for the United States recognizing belligerency in Cuba.

The last Administration had this matter under consideration, and from the testimony adduced before Mr. Olney he concluded that there was not such a condition of affairs as would warrant the recognition of public war in Cuba. The present Administration has had it in hand, and likewise, with all the information gathered in advance, and with the fresh information before them, with every desire and opportunity to do justice in the premises and keep the United States within the lines of international law, they have not seen fit to recognize a state of belligerency in Cuba.

Who, Mr. President, is to recognize such a question of fact? I propounded to the honorable Senator from Virginia [Mr. DANIEL] the question, when he was debating this matter before the Senate a day or two ago, whether the province of a legislative body was to find matters of fact or to enact legislation, and from what article of the Constitution he implied the authority upon the part of this body to go into investigations of matters of fact. You can not deduce it from the general power of legislation; it does not flow as a natural or as a necessary consequence. We enact laws for this great nation; we prescribe the rule of conduct of these 70,000,000 people; but we have no authority or power to go outside of the United States and to establish any matter of fact of any kind or character whatever; and the question of belligerency is a pure question of fact.

International law writers differ as regards some of the immaterial facts necessary to exist before you can recognize; but they generally agree, on the whole, and they universally agree, so far as I know, and the practice of nations is in accord with it, that it is purely a question of fact, to be deduced from a congeries of facts, to be deduced from the surrounding facts; and it is a question which a great nation ought to approach with a great deal of care, a great deal of circumspection, and a great deal of caution; and here we are to plunge into a possible collision with Spain without having even the evidence upon which you could send a man to the penitentiary for stealing a ginger cake.

No sort of evidence of any kind has been adduced to this body which a jury would consent to take and arrive at a proper solution and a proper finding of a matter of fact. Our evidence has been entirely ex parte; it has been altogether on one side. Inflammatory newspaper articles, sensational newspaper reports, unauthenticated and irresponsible, are gravely cited as establishing a matter of fact. That sort of evidence, Mr. President, does not satisfy me. I have no doubt that some of the gentlemen who give these startling statements in regard to Cuba believe what they stated, if they were a hundred miles off from the scene; but these statements have been controverted by the facts themselves.

Some of these newspaper correspondents have proven more than their case. They have established the fact of a triumphant insurrection; they have established the fact of the Cuban insurgents holding possession of the country and chasing and locking up the Spaniards in fortified towns. If that be so, Mr. President, their independence is already achieved.

Then, again, pronunciamentos from Weyler are heard, and Spanish sympathizers come into the press and make their statements. Upon statements, we may say, of interested parties, statements largely emanating from the Cuban junta, which fights its battles at a safe distance, the Senate of the United States is called upon to pass upon this international fact of very considerable and grave moment.

I protest against this action. I deny the authority of the Senate of the United States to sit as a commissioner to find a fact. If it has that authority, bring your evidence from both sides; let all sides be heard; let there be a patient, careful, and patriotic consideration of the question, and let not our minds be carried away with exaggerated sympathy or with simulated patriotism.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana [Mr. FAIRBANKS].

Mr. MORGAN. I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama to lay the amendment on the table.

Mr. HALE. Let us have the yeas and nays on that, Mr. President.

The yeas and nays were ordered.

Mr. HALE. Now, let the Chair state the question, so that Senators may understand it.

The PRESIDING OFFICER. The question is on the motion to lay on the table the amendment proposed by the Senator from Indiana.

Mr. HALE. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the resolving clause and insert:

That the Congress of the United States views with deep solicitude the deplorable civil strife in the Island of Cuba, which is so destructible to life and property, and which is embarrassing and destroying the commerce of the United States with Cuba. The highest motives of humanity and public interest require the cessation of hostilities and the establishment of peace, and that the President shall, in a friendly spirit, tender the good offices of the United States to Spain to the end that bloodshed may speedily cease, and that honorable and permanent peace may be established in the Island of Cuba; and, further,

That the President, in a spirit of amity, tender the good offices of the United States to Spain in an endeavor to secure the independence of Cuba upon terms alike honorable and just to all powers concerned. And if the President shall be unable by such friendly intercession to secure the independence of Cuba within a reasonable time, he shall communicate the facts to Congress, with his recommendations thereon.

The PRESIDING OFFICER. The pending question is on the motion to lay the amendment which has just been read upon the table, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE], but I transfer that pair to the senior Senator from Virginia [Mr. DANIEL] and vote "yea."

Mr. ELKINS (when his name was called). I am paired with my colleague [Mr. FAULKNER].

Mr. FORAKER (when his name was called). I am paired with the junior Senator from South Carolina [Mr. EARLE], but I understand that, if here, he would vote "yea." I therefore vote "yea."

Mr. WALTHALL (when Mr. GEORGE'S name was called). I again announce that my colleague [Mr. GEORGE] is paired with the Senator from Colorado [Mr. TELLER]. I ask that this announcement may apply to any other yea-and-nay votes taken during the day.

Mr. GORMAN (when his name was called). I have a general pair with the Senator from Maine [Mr. FRYE], and therefore withhold my vote.

Mr. KENNEY (when his name was called). I again announce my pair with the junior Senator from Pennsylvania [Mr. PENROSE]. He not being present, I withhold my vote. If he were present, I should vote "yea."

Mr. KYLE (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. PLATT], as before, to the Senator from Nebraska [Mr. ALLEN], and vote "yea."

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. MCMILLAN]. If he were present, I should vote "yea," but he being absent, I withhold my vote.

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. PLATT], and therefore withhold my vote. If he were present, I should vote "yea."

Mr. MANTLE (when his name was called). I desire to again announce my pair with the junior Senator from Virginia [Mr. MARTIN]; but with the statement made upon the other vote by the senior Senator from Virginia [Mr. DANIEL], I think that I am at liberty to vote upon this question. I therefore vote "yea."

Mr. NELSON (when his name was called). I am paired with

the Senator from Missouri [Mr. VEST], and therefore withhold my vote.

Mr PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH], who is absent from the Senate Chamber, and therefore I withhold my vote.

The roll call was concluded.

Mr. CULLOM. I have a general pair with the senior Senator from Delaware [Mr. GRAY], and shall therefore withhold my vote.

Mr. BATE. I desire to announce that my colleague [Mr. HARRIS of Tennessee], who is not present, is paired with the Senator from Vermont [Mr. MORRILL].

Mr. CAFFERY (after having voted in the negative). I am paired on this question with the Senator from Virginia [Mr. DANIEL], who is absent. I voted inadvertently, and therefore desire to withdraw my vote.

The PRESIDING OFFICER. The Senator's vote is withdrawn.

The result was announced—yeas 35, nays 15; as follows:

YEAS—35.

Bacon,	Clark,	Jones, Ark.	Rawlins,
Baker,	Clay,	Kyle,	Shoup,
Bate,	Cockrell,	Mantle,	Stewart,
Berry,	Davis,	Mason,	Thurston,
Butler,	Foraker,	Mills,	Tillman,
Cannon,	Gallinger,	Morgan,	Turner,
Carter,	Hansbrough,	Pasco,	Turpie,
Chandler,	Harris, Kans.	Pettigrew,	Walthall.
Chilton,	Heitfeld,	Pettus,	

NAYS—15.

Allison,	Hale,	McBride,	Wetmore,
Burrows,	Hanna,	Pritchard,	White,
Fairbanks,	Hawley,	Spooner,	Wilson.
Gear,	Hoar,	Wellington,	

NOT VOTING—38.

Aldrich,	George,	Martin,	Quay,
Allen,	Gorman,	Mitchell,	Roach,
Caffery,	Gray,	Morrill,	Sewell,
Cullom,	Harris, Tenn.	Murphy,	Smith,
Daniel,	Jones, Nev.	Nelson,	Teller,
Deboe,	Kenney,	Penrose,	Vest,
Earle,	Lindsay,	Perkins,	Warren,
Elkins,	Lodge,	Platt, Conn.	Wolcott.
Faulkner,	McEnery,	Platt, N. Y.	
Frye,	McMillan,	Proctor,	

So the motion to lay the amendment on the table was agreed to.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. HALE. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Mr. President, I do not think anything further that can now be said or done can stay the march of the joint resolution. The votes already taken in the Senate show that so far as this body goes the foreign policy of the present Administration has been taken possession of and is to be shaped by its political opponent. I believe that to be an unprecedented thing in the history of all Administrations. I believe the passage of the joint resolution involves the United States possibly, and I fear probably, in the danger of actual war in the near future, and I call attention—and that is why I have risen—to the record which the roll call has made to-day.

The solid opposition vote against the Republican party, including Democrats and Populists, with two exceptions, have declared, by a vote of 34 to 19, against even arresting this measure long enough to send it to the committee of this body which, by its rules, has authority over the subject-matter. That vote is made up, as I have said, by the solid opposition to the Republican party, with two exceptions—the Senator from California [Mr. WHITE] and the Senator from Louisiana [Mr. CAFFERY]—and nine Republicans; and to-day the Administration stands before the country with its foreign policy, and a possible war involved, mapped for it by practically the solid vote of the opposition and a fraction of Republicans.

I lament that most remarkable condition. I grieve that at the outset of President McKinley's Administration this is to be done, without deliberation of a committee, without the act of the President in any way suggesting it, nay, in the face of the fact that the President has shown his interest in the subject by communicating to us a special message in which he has asked for relief and in which he has carefully excluded every other suggestion. We have the President of the United States, elected lately as its President, new in office, on record as submitting to the Senate his judgment of the extent to which Congress should go at present, and that recommendation is to be ignored by literally going beyond anything he has suggested, a result to be accomplished in this body by the solid votes of our opponents and a fraction of Republicans.

I can not hinder that. No Senator sympathizing with me can hinder it. No amount of speaking can deter the Senators from voting finally on the subject-matter. It is a fact that here in the Senate seems to be the center of this determination to drive Congress and the United States on to the perilous edge of war, and that can not be hindered with the constitution of the Senate, as is manifest by the votes we have had this afternoon. Contenting myself with the fear—I will not say prophecy—that at no distant day regrets will arise in many Senators' minds for the action of to-day, and with my protest against this action, I shall take no more of the time of the Senate.

Mr. GALLINGER. Mr. President, I have said very little in the course of this debate, and I propose to say but little in its closing hours. We have heard all sorts of reasons given why the joint resolution should not be adopted, and now that we are about to take the final vote we have had a new reason thrust upon us, and that is a political one.

I do not share in the apprehensions which seem to fill the mind of the distinguished Senator from Maine [Mr. HALE] so far as the Republican party is concerned in the record it is making to-day. I was at the great convention in St. Louis, and I heard the platform read, I think, by the distinguished Senator from Ohio [Mr. FORAKER], who addressed us so eloquently yesterday, and who was chairman of the committee on resolutions; and I remember, as I sat there in that auditorium, with probably 10,000 people, interested and earnest, with what acclaim the resolution relating to Cuba was accorded the approbation of that great audience. Sir, from that time to the present I have stood consistently upon the record we made in St. Louis and upon that plank of the Republican platform. If I as a Republican violate to-day any tenet of my political faith because I stand upon that platform now as I did then, I am willing to take my individual responsibility so far as my individual act is concerned.

I think those of us who believe the time has arrived to say a word and cast a vote for Cuba need not fear the indignation either of the American people or of the political party to which we belong. I am ready, sir, to risk my interests in the hands of that party upon the platform I occupy and upon the vote I cast, and I am willing that the distinguished Senator from Maine should square his account with the people whom he so ably represents in this Chamber.

Mr. President, what have we said to-day; what are we trying to say to-day? We are trying to say to the American people and to the world that a state of war exists on the Island of Cuba; and that is all we are trying to say. I have in my desk extracts from almost every writer upon international law which justify me in saying upon their authority that a state of flagrant, wicked, murderous war exists in the island, and yet we hesitate to declare it.

What are those 200,000 Spanish soldiers doing in the Island of Cuba? Are they there for their health? [Laughter.] Have they gone there for a holiday excursion? Are they there for any other purpose than to wage a relentless war upon the people who are trying to establish the principles of freedom and independence in that once beautiful and now desolate isle? And yet all we are trying to say to-day, supported by facts incontrovertible, and which every Senator can ascertain for himself, if he will take the trouble, is that those 200,000 Spanish soldiers with cannon and with muskets and with murderous implements of warfare are waging in that island a war against the people who are trying to establish their independence and to become a free republic.

Mr. President, that is all I care to say. I have no apologies to make, either to the distinguished Senator from Maine, to the Republican party, or to the country, for the action I have taken, and which I propose further to take upon the votes on this great question. I am willing to risk my political faith; I am willing to risk anything that may come to me politically or otherwise, when the conscience of the American people is aroused as it is aroused on this great question; and I shall cast my vote for the passage of the joint resolution with the sincere conviction that I am doing my duty to myself, to my State, and the nation I love as well as the Senator from Maine or any other Senator in this Chamber loves it.

Mr. WELLINGTON rose.

Mr. GALLINGER. Does the Senator from Maryland desire to interrupt me?

Mr. WELLINGTON. May I ask the Senator from New Hampshire a question?

Mr. GALLINGER. Certainly.

Mr. WELLINGTON. The Senator has said something about loyalty to the platform of the party adopted in St. Louis. I wish to ask him whether he does not recognize the fact that to-day we have voted upon this floor against a resolution presented by the Senator from Indiana [Mr. FAIRBANKS] that was couched in the exact language of the Republican platform adopted at St. Louis?

Mr. GALLINGER. When I am in a battle, I do not permit the enemy to furnish me with my ammunition. [Applause in the galleries.]

Mr. WELLINGTON. Upon this occasion, however, the Senator from New Hampshire has allowed the enemy to furnish him with his ammunition.

Mr. GALLINGER. If I had allowed the Senator from Maryland to furnish the ammunition, it would certainly have come from the enemy. There is no doubt about that. [Applause in the galleries.]

Mr. HOAR. Mr. President, are we to have order in the galleries, or are we to proceed without order?

The PRESIDING OFFICER. At the suggestion of the Senator from Massachusetts, it is the duty of the Chair to notify the occupants of the galleries that demonstrations of any kind are not permitted. If they continue, the galleries will be cleared.

Mr. HOAR. It was the duty of the Chair to do that without my suggestion.

Mr. THURSTON. I suggest to the Senator from New Hampshire that the amendment proposed by the Senator from Indiana was not in the exact language of the platform of the Republican party and, in my judgment, was not in harmony therewith.

Mr. GALLINGER. There is no question about that, but I do not care to take a single moment of the time of the Senate beyond what I have occupied, and which has been so courteously granted to me. I am done. I stand upon my individual responsibility and record as a Republican and as a member of this body, and I shall esteem it one of the grandest privileges of my life, an opportunity such as will seldom come to me, to cast my vote in behalf of the same principles that underlie our own grand Republic and that go to make up the highest possible privilege of American citizenship, that of independence as a nation and liberty as a people.

Mr. SPOONER. Mr. President, I am constrained by my view of duty to vote against the joint resolution. I had intended to address the Senate with some elaboration—I supposed I should have an opportunity on Monday—against the power of Congress to exercise what I consider an executive function. My memoranda are not accessible, and I am ill, and shall content myself simply with a statement of the reasons which impel me to record my vote against the joint resolution.

I think the President of the United States, without any aid from Congress, has the power to proclaim neutrality and to recognize the belligerency of Cuba. President Washington did it in the war between England and France, and his action drew upon him great criticism, for England had oppressed and made war upon us, while France had been our friend.

Mr. COCKRELL. Was there any belligerency in that case? Were they not two established nations?

Mr. SPOONER. That fact is of no consequence. He did it, and as an executive act.

Mr. COCKRELL. He recognized belligerency?

Mr. SPOONER. He recognized belligerency.

Mr. COCKRELL. The belligerency of which one?

Mr. SPOONER. It was a proclamation of neutrality, and the consensus of opinion has sustained his power. Essentially, what is the recognition of belligerency but a declaration of neutrality? What follows from a recognition of belligerency except neutrality? There is nothing in the pending joint resolution——

Mr. HOAR. "The United States shall maintain a strict neutrality," is the language of the joint resolution.

Mr. SPOONER. There is nothing in the joint resolution, in fact and in law, but a mere declaration of belligerency. All that follows it is surplusage, because, the fact of belligerency being recognized or declared, rights of belligerency follow, not from any law of ours, not from our Constitution, but from the law of nations.

A ship flying the flag of the Cuban Republic would have a right to enter one of our harbors, not by virtue of any act of Congress, but because of the law of nations. Senators have asked here in a sneering way, "What is the law of nations?" The Supreme Court of the United States, in the Prize Cases, answered that question through Mr. Justice Grier thus:

> The law of nations is also called the law of nature. It rests upon the common consent and the common sense of nations.

I doubt not the Senator from Alabama will concede that if every word of his joint resolution were stricken out except the declaration that a state of public war exists between the Cubans and Spain, all the rights or declarations which follow would result from international law. The resolution, if passed and valid, would be efficient for no other purpose save that of recognizing belligerency.

Mr. President, as I have said, the President has the power to recognize the belligerency of Cuba without any action of Congress. President Lincoln blockaded the Southern ports. The Supreme Court of the United States held it to be valid. Recognition of belligerency by executive act being valid, I am led to say that there is one thing in all this discussion which I have not been able to understand, and that is how it can be an executive act, as all Senators seem to admit, and at the same time be a legislative act and within the constitutional competency of Congress.

It must be one or the other. It can not be both. From my understanding of the theory of our Government and the Constitution under which we live, the President has the power, and I think the sole power, to recognize, sometimes in conjunction with the Senate, independence. Under the Articles of Confederation the Congress had the power to send and receive ambassadors. Under the Constitution of the United States the power is given to the President to send ambassadors and other ministers and to receive them.

That involves in its very nature and its essence the power to recognize independence. If he accepts an ambassador or minister, that recognizes by an Executive act the independence of the government which sends him. If he accredits one to another government, that recognizes the independence of that government.

It has been argued that Congress has the power to overrule that. I deny it. Congress has the power, I admit, to repeal every act creating the office of consul or minister or ambassador to a particular country; Congress has the power to repeal every act fixing a salary to be paid to ambassadors, to ministers, and to consuls, if it chooses to exercise the power; but notwithstanding all that, the power is lodged in the President of the United States, and no Congress can deprive him of it, to send envoys and ministers if they go without salary, and he has the power to receive them from their governments and to conduct our foreign relations through them here.

Congress has power to declare war. That power is conferred by the Constitution upon Congress. Congress can declare war against the Republic of Cuba, using that phrase, and thereby recognize the existence of the Republic of Cuba; but that will be a result, an incident in the exercise of a clearly conferred and indisputable power resting in Congress. It is another matter to declare the fact, for independence is a fact, substantively by Congressional action. Congress has power to pass an act regulating our commerce with the Republic of Cuba. That would recognize in legislation the Republic of Cuba; but it would be an incident in the exercise of a clear legislative power, and only that.

Congress might by act regulate commercial intercourse with the "Republic of Cuba," and still the President might decline to receive a minister from the Republic of Cuba or to send one there. Congress can pass an act fixing the value of the coins of the "Republic of Cuba" for circulation throughout our country, and in that way recognize the existence of the Republic of Cuba; but it would be a mere incident in the exercise of a power which confessedly is legislative, conferred upon the Congress.

I repeat, that I do not see how the power in question can be at once executive and legislative. The Constitution provides, in my view, no such anomaly. If it be legislative, it is for Congress to take the initiative and Congress alone. If it is executive, it is for the President to take the initiative and the President alone. If it is legislative, Congress could not delegate the power to the President. If executive, the President can not turn it over to Congress. Congress has the power to abrogate a treaty the day after it is made, but that does not in the slightest degree deprive the President, in conjunction with the Senate, the President taking the initiative, of course, from exercising the treaty-making power given by the Constitution. I discover in the Constitution no power, express or implied, to pass this measure.

What is this proposition? It is a proposition to recognize in a qualified way the government of Cuba. I do not stand here to contend that there is, in fact, no Republic of Cuba. There may be. The President, in the exercise of his functions, using all the facilities which from the foundation of the Republic have been given into the hands of the President, may ascertain facts which will justify him a month hence in recognizing the independence of a "Republic of Cuba." I say that a recognition of belligerency is a qualified recognition, because you can only accord belligerent rights to an entity, a governmental entity, supported in a manner by force of arms.

I can not persuade myself to believe that the framers of the Constitution intended to give to the President the power of recognizing independence, and yet to give to the Congress the power to exercise this qualified recognition of belligerency. The one is no more or less simply a fact than is the other.

Now, Mr. President, upon what possible theory is it that this can be called legislation? What is it? Senators will not question that it is nothing more than the declaration of a fact, or that, the fact being lawfully declared, international law gives certain rights. Where does Congress obtain under the Constitution the power to simply declare a fact, or, if you choose to say so, to simply recognize a fact? Is that legislation? An act passed by Congress within the power conferred upon it by the Constitution is a rule of conduct. It is not a rule of conduct which lasts only a week. It is not a rule of conduct which is to be binding only in the daytime. It is a rule of conduct which lasts until the power which made it unmakes it.

When there is a changed condition of facts, when there is no longer occasion for such a law, when the public interest no longer

demands its operation, the Congress can and will repeal it. No other power can repeal it. But how about the assertion of a fact, something that may be true to-day and false next week? War changes from day to day the condition of affairs. To-day there may be a condition of public war in Cuba. Sixty days from now, notwithstanding this attempted recognition of belligerency, there may be none.

But you will have what our friends call a law upon the statute book declaring the fact of belligerency. How long is this to be operative? Six months later a new rebellion may have been organized and carried to a condition of public war. Would this thing you call a law be operative? Would it impose any duty upon the Executive? Would Congress have to pass a new law declaring the new fact or would this answer the purpose?

Mr. President, I stand by the Republican platform at St. Louis, although I never yet have been willing to admit that a party platform can constrain a Senator on either side of this body upon a question of constitutional law. But I yield to no man in my loyalty to the Republican party or in my loyalty to its platform declarations. I deny, however, that this platform commits the party to this proposition.

It is said that the people of the United States demand this action of the Senate.

It is unquestioned that the people of the United States deeply sympathize with Cuba. So do I. I hope for her independence and prosperity. I am not in my heart any friend of Spain in her relation to Cuba. She has in that regard forfeited any claim to sympathy or friendship by long years of misrule, oppression, and broken promises in Cuba. Senators have no right to say, if a Senator thinks it his duty to vote against this joint resolution, that he is in hostility to Cuba, that he is friendly to Spain, that the spirit of liberty does not dwell in his heart. Not at all.

The people of the United States have not been advised that this proposition is a novel one, and that never in the history of the Republic has it been carried into effect before, although the power has been by different public men sometimes asserted. If this were a concurrent resolution expressing the opinion of Congress as to what the action of the Executive ought to be, that would be one thing. It is not that. It would then only be advisory. That might strengthen the hands of the Executive in a moral way. This would tie them in a legal way, if it be law, Mr. President. Congress before has passed resolutions expressive of its opinion upon such questions.

It is proper that Congress should do it in certain circumstances. This is a proposition to go beyond any precedent, so far as I know, and to compel the President to express his public approval or dis approval of this Congressional declaration of a fact.

Recognition of belligerency is not only to my mind executive in its nature, proper only to be exercised by an Executive who can gather in an authentic way the facts upon which his action should be predicated, but it is exclusively executive. This is a proposition designed necessarily to force the hand of the President in a grave matter of our foreign policy. Never from the foundation of the Government, as I understand it, has the Senate, although a part of the treaty-making power, claimed the right to demand of the President papers in the Department of State relating to our foreign relations.

President Washington denied that right. The Senate has always recognized the right of the President to decline. Not so as to matters which we have a right to know in order to discharge intelligently our duty in passing laws. It can not be possible that the Senate can demand of the present Administration—demand, I use the word advisedly—that there shall be transmitted here for the use of the public, or use in public, the reports of our consuls in Cuba, and the correspondence between Secretaries Olney and Sherman and Spain.

If the President should decline upon the ground that in his judgment it was incompatible with the public interests, no Senator would insist that it was discourteous to the Senate. The right to withhold such information must, in the very nature of things, rest with that department of the Government which, under the Constitution and in accordance with our traditions, has charge of our foreign relations.

If the Congress of the United States, or the Senate, had possessed and successfully exercised the power during the war to bring out by a resolution into the light of day the correspondence which was going on between Mr. Seward and the British Government in relation to the *Trent* affair, we would have had war between Great Britain and the United States. There might be to-day a negotiation well along, initiated by the executive department with Spain, for the independence of Cuba. If Congress could and should pass a law interfering with our relation to Cuba, changing the attitude of the United States to Cuba, that negotiation would inevitably be embarrassed or defeated.

Negotiation with foreign nations, as negotiations among business men, requires unity of action. There can not be too many engaged in negotiation at once. It must be confidential; it must be, in order to be successful, in a measure secret. It is hardly possible, I submit to Senators, although I know that I submit it vainly, that if this were a legislative power under the Constitution, neither House of Congress would have had from the beginning, unchallenged, the right to demand information from the State Department essential to enable it to legislate intelligently upon a subject within its constitutional legislative capacity.

And yet there is not a writer upon our constitutional law—Story, Pomeroy, Kent, and all—who does not concede that communications sent and received in the course of our intercourse with foreign nations may, in the discretion of the President, be kept away from the public, or, what is nearly the same thing in these days, from the Senate.

Mr. President, I beg leave to repeat that I can not conceive it possible that this power can be a concurrent power, that it can be lodged in the Executive and at the same time lodged in the Houses of Congress. The concurrent jurisdiction and the principle which regulates it we all understand. That jurisdiction which first attaches goes on to the end. Two jurisdictions can not be efficiently exercised at the same time.

The conclusion and action of each might differ, and this would practically destroy the power. The principle of concurrent jurisdiction can not possibly apply to coordinate departments of the Government; otherwise we might have the Houses of Congress passing a joint resolution one way, and the President acting in another—Congress declaring a fact one way, and the President declaring it another way. This joint resolution, if it be passed, and it will pass this body, will be a vicious precedent, in my judgment, and a fruitful source of weakness and friction in the conduct of our foreign relations.

We have had in all the years of our history little cause to criticise the management of our foreign affairs by the executive department. As a rule, from the beginning to to-day they have been managed with discretion, with ability, and with true American spirit.

There is no occasion now for any innovation. There is no occasion, if there be warrant, for Congress to attempt to force the President into an unwilling partnership in the conduct of our foreign relations, the most sensitive, the most far-reaching, and at times the most delicate and dangerous of any function devolved upon any department of the Government.

Mr. Clay went as far as anyone in asserting the power of Congress jointly with the Executive to recognize independence; but Congress never passed anything but an advisory resolution. Scattered all through the books are the utterances of the ablest statesmen of both parties denying the power of Congress to trench in this wise upon the power of the Executive.

Mr. President, no Senator will doubt that if this practice is now inaugurated it will be pursued. No Senator who stops to think will doubt that there is danger at least that in this most difficult and delicate relation and transaction of the Government the Congress will at inopportune times for the interest of the people intervene in the conduct of our foreign affairs. The President would be likely to wait for Congress. Congress would not be as likely to wait for the President. In such matters there is obvious weakness in divided responsibility. I am not afraid of "one-man power" in the President in this regard.

He is responsible to the people, and is subject to impeachment. We heard during the war much about "one-man power." We heard Abraham Lincoln denounced from one end of the land to the other as usurping and exercising legislative and judicial functions, that we were living under a "one-man power;" but to-day all the people from ocean to ocean rise up and bless him, and his memory throughout the world is fragrant, and to be fragrant forever.

General Grant was permitted by Congress to pursue his way with reference to the recognition of Cuba through many years. He was a liberty-loving man; he was a soldier; he was an American; he was in favor of the Monroe doctrine. No Congress sought to force him in what was then and what is now a situation of danger by compelling him to sign or veto a declaration of belligerency. Shall we do it with our new President? The power must at least be considered doubtful, as eminent lawyers in this body differ about it.

If it be a doubtful question whether Congress possesses the power to pass such a resolution, should one be passed and the President forced to sign it or veto, except under extraordinary circumstances, evincing either blindness or indifference to the popular will?

A President might and would likely be placed at a very unfair disadvantage by such action. He might, from information in his possession which he could not make public, feel it a duty to withhold approval and be disabled from giving to Congress frankly and fully his reasons for disapproval.

Senators on the other side waited a great many months for Mr. Cleveland to act in the Cuban matter, fourteen, I think, or more. He was not perhaps very greatly beloved at times by his party in

the Senate. Yet you did not insist upon forcing his hand by such action upon the Cuban question. The Senate did not vote to force him to sign or to veto a joint resolution—the same in legal effect as a bill—declaring belligerency.

Yet now, when this Administration has been in power only since the 4th of March, it is proposed to force the hand of President McKinley by compelling him to sign or disapprove a bill declaring that public war exists in Cuba. I deny the power thus to act and I deny the justice of such action.

He has sent a messenger of his own choice to Cuba to investigate. He may employ and send there agents known and unknown. He has facilities for investigation which we have not. He will be able to furnish to the Senate after a little, if it is in his opinion wise to do it, the result of his investigation, and he will be able to act upon full and authentic information in adopting a policy with reference to Cuba not only as to belligerency, but in general.

I ask again, Why attempt to force the hand of the President in this way, within ninety days after he has taken the oath of office, in the absence of any desire expressed on his part for Congressional action? Is it fair to a President? Is it fair to the country? Is it a good precedent, Senators? I do not doubt the sincerity of any colleague in this body; I do not doubt his love of liberty; I do not think because he chooses to speak upon a question he is a legislative filibuster.

I believe every Senator in this body wishes to do in a calm and deliberate way his duty. I say to Senators on the other side: The time may come when the political situation will be changed. You may have another Democratic President. I hope you will not, but you may have another Democratic President. You may at the same time have a Republican Congress, and your President may be confronted with a situation of delicacy and danger, as the present President is, and as was President Grant.

I doubt if you would think it statesmanship, I doubt if you would think it wise, when he was performing in a confidential way, as he must in such affairs, his duty, when he was seeking that information upon which alone he could intelligently base Executive action, to force him by a joint resolution.

I suspect that if William McKinley had been defeated at the last election, if Mr. Bryan had been chosen and occupied the White House, and it was proposed by a Republican Congress to take away from him this important phase of the conduct of our foreign relations, to force him to approve or to disapprove a Congressional declaration of fact, to put upon him in this way a policy with reference to a great and delicate matter which he did not believe to be right or in the interest of the American people without further information, which he was seeking, Senators on the other side would make the rafters shake in this building with their eloquent denunciation of it as unjust to the Executive.

I deny, Mr. President, that the people are demanding the establishment of any new precedent of this kind in the legislative history of our Republic. They sympathize with Cuba. They wish to see Cuba free, as I wish to see Cuba free. But I believe, Mr. President, that the American people have implicit confidence in the present occupant of the White House. They chose him in the constitutional way to be their President. They placed in his hands, under the Constitution, the executive power, and I firmly believe, if this matter were submitted to them to decide, they would say, "Give him a fair chance."

There is no reason to doubt his sentiment in regard to Cuba. There is no reason to doubt his patriotism. He testified his love of liberty under our flag on many a battlefield. He never has made an utterance or done an act in public or in private life not in harmony with liberty and true, patriotic, American policy. He did not falter in his duty as a soldier. He will not falter in his duty as a President. Give him a fair chance.

Mr. President, I rose simply to explain in a few words the reasons why I can not, with my conviction of duty, vote for the pending joint resolution. I am painfully aware that I have spoken in a desultory way, and I have taken very much longer time than I intended, for which I apologize to the Senate.

Mr. GORMAN. Mr. President, during the entire consideration of the Cuban question I have contented myself with remaining quiet and not taking part in the discussion, recognizing, as I have, the delicacy of the question involved, and with a desire to see the executive branch of the Government take such action as the facts presented to them would warrant. We have waited for months and months, and, so far as we are advised, no action looking to the relief of those people, the settlement of that controversy, or the protection of American interests has been had.

I had preferred, in view of the conditions in our own country, the distress among our people commercially, that nothing should intervene to prevent a steady progress to a better condition of affairs. Nor would I now say one word but for the utterances of the distinguished Senators from Maine and Wisconsin, who seek to make somewhat a party matter of the consideration of the pending resolution, and to arraign, as the Senator from Maine has done, nearly all of those who are in opposition to the Republican party in the Senate as being actuated by motives intended to embarrass the present Administration.

Mr. HALE. Mr. President, did I in the least wise either arraign or refer to any motive? Did I indicate that I suspected any improper motive? I only brought out the remarkable fact that the resolution here, brought in by the oldest Democratic Senator, was supported by every Democrat except two and carried by that solid vote of the other side, and a fraction, nine only, of Republicans. Did I anywhere, may I ask the Senator, arraign the other side or intimate an arraignment; and should the Senator be sensitive on that point unless there is something to make him sensitive? I did not suggest it. He is the first who has suggested any political motive why it is that he and his fellows are found solidly voting to force the President's hand. Neither the Senator from Wisconsin nor I charged any improper motive. But it is a picturesque fact that the country will take notice of.

Mr. GORMAN. If the Senator from Maine did not intend to convey the impression to the country that a solid vote on this side and of all in opposition to the present Administration was a political movement, I have no idea what he meant; and the Senator from Wisconsin follows it by the plain statement that if Mr. Bryan had been elected President of the United States instead of Mr. McKinley, we would have found a different condition of affairs on this side of the Chamber. What can it mean, I ask the Senator in all fairness, if it was not simply intended to convey the impression to the country that political sentiments enter into the matter of votes upon this question? He denies it. He says he does not intend to make such a statement. Of course I accept it, but I could not permit such a statement to go out without entering my protest against it.

Mr. President, I know how serious a matter we are dealing with. I could not be found to cast my vote, no matter who was President, for a resolution of this character unless the case was an exceptional one. President Cleveland, during his Administration, and in the last message which he delivered to Congress, informed us of the serious condition in Cuba as he understood it. He asked Congress not to take action to precipitate further and graver affairs, and Congress waited. But with true statesmanship he informed Congress that the time might come (and he intimated that it might come within a reasonably short period) when some action would be required to protect life and liberty and our commercial interests, which are great, in that island. Have we reached that period? I was never satisfied in my own mind until yesterday that a case was before us where I could not hesitate longer to act. That was the most remarkable spectacle that has ever been presented to the Senate of the United States.

The Senator from Wisconsin [Mr. SPOONER] and the Senator from Maine [Mr. HALE] say that no such action as is contemplated by this resolution has ever been taken by Congress from General Washington's day until this. No such case has ever been presented to the Senate of the United States as was presented here yesterday with the statement from the Senator from Alabama [Mr. MORGAN] and the Senator from Ohio [Mr. FORAKER], both members of the Committee on Foreign Relations, that the President of the United States and the Secretary of State had informed them that they could not communicate to Congress the information which they had officially from our representatives on the Island of Cuba for fear that those representatives would be assassinated or that their lives would be in danger. Yet this Administration, with that message delivered in that extraordinary way, so far as we are advised has taken no action whatever to protect the lives of the honored men who represent the United States in the Island of Cuba.

With a fleet of magnificent vessels lying in Hampton Roads and along the coast as far as New Orleans, not a gunboat has been ordered to Cuba to protect the lives of our representatives, to say nothing of the property interests and the commerce which are involved. When such a case arises, it is the duty, in my judgment, Mr. President, of Congress to take some action; and it seems that the only action that is feasible is the passage of this resolution. I shall vote for it not with any hostility to the Administration, but because I believe the Administration, if the message which comes to us through our own members be true, is derelict in its duty. It has not protected American interests or the lives of our representatives, and whether the Administration be Democratic or Republican, I want the opportunity to give my expression that that condition shall no longer continue.

Is there a Senator here who represents the Administration, who is in political accord with it, who will say that the President and the Secretary of State, having the powers they have, have taken the proper action to protect our people? If so, then I believe that Congress ought to wait; but in the absence of such an assurance, in the face of the fact that we know protection has not been given, what should be done? Remain silent and permit these interests to be sacrificed? No, no, Mr. President. Pass the resolution as it is, if nothing better can be had, and, if it amounts to nothing more, it will be a declaration to the country that at least the

Senate of the United States insists in the present condition that some action shall be taken.

Mr. HOAR. I desire to ask the Senator, before he proceeds to his next sentence, whether I clearly understand his last, because I should like to know that. Do I understand the Senator to say that he puts his support of this resolution and asks for its passage on the ground of the delinquency of the present President of the United States, and that he would not vote for it but for that delinquency?

Mr. GORMAN. I say in the present condition, as communicated to us by Senators, members of the Foreign Relations Committee, it becomes, in my opinion, my duty to vote for a resolution which expresses the opinion of this body that some vigorous action should be taken to protect life, liberty, and property in the Island of Cuba.

Mr. HOAR. Do I understand the Senator to say further that the President has been delinquent, and but for that belief he should not have supported the resolution? I so understand him, and I want him to make it distinct to the Senate.

Mr. GORMAN. I say if it be true that the State Department possesses information which has convinced the Secretary of State and the President of the United States that they can not with safety give the names of our consuls in Cuba who gave the information, then the Executive is delinquent when he fails to send a vessel of war to protect our representatives. No great nation on the face of the earth that I know of in any case of war or insurrection would permit its own representatives to be thus in jeopardy when they had the power to protect them. Does the Senator from Massachusetts deny that proposition? Does not the Senator from Massachusetts agree with me that our representatives ought to be protected? The Senator nods his head.

Mr. HOAR. I do not agree with the Senator from Maryland in the fact that there has been any delinquency on the part of the President, and I do not propose to vote for a resolution which is based by nine-tenths of its supporters, speaking through their leader, upon that proposition.

Mr. MASON. Whether it is right or not?

Mr. HOAR. Does the Senator from Illinois think it is?

Mr. MASON. I think it is.

Mr. GORMAN. Mr. President, I should have regarded it as most unfortunate in this or in any other case where questions between this country and foreign nations were involved that this Chamber should ever be divided by that aisle. No such division has ever existed heretofore when we have dealt with the rights of American citizens in any country on the face of the globe, and I do not believe it exists now. I resent the suggestion that there is any political advantage or any political pressure or sentiment which influences a single vote on this side of the Chamber, so far as I know, and I trust it may always be so. I hope, during the present Administration, to follow President McKinley in every act of his that looks to promoting the welfare of this people abroad. He shall have as earnest support from me as had his two predecessors. But in view of this failure, as I view it, on their part, I believe that it becomes my duty to support this resolution, though it may not be more than an expression of the opinion of the Senate of the United States.

Mr. HALE. Failure by whom? The Senator says in view of their failure. Failure by whom?

Mr. GORMAN. By the executive branch of the Government.

Mr. HALE. I supposed so.

Mr. MILLS. By both the President and the Secretary of State.

Mr. GORMAN. The Senator asked me to whom I applied the remark. I applied it to the President of the United States and the Secretary of State, who sent this message to the Senate of the United States by two or three Senators. I assume that what has been said here is the literal truth; and coming from those, too, who have the power, and who, being clothed with the power by the Constitution, ought to have acted. Because of their failure, I am ready to take my share of the responsibility of having the Senate say that American interests must be protected.

Mr. President, as to party advantage in this question, there is none. I know that the great business interests of the country centered in our section upon the seaboard are hostile to anything being done in Congress which would put in jeopardy for a moment their languishing trade, and I am in sympathy with their desires to an extent; but I can not permit that to control me when I believe the honor of the country and the lives of our representatives in a foreign land are in jeopardy.

Mr. CAFFERY. Before the Senator sits down, I should like to make an inquiry of him. I desire to know whether any danger to the lives of our consuls in Cuba has any relation whatever as evidence to establish the fact of public war; and, if so, in what direction?

Mr. GORMAN. I have no idea that we shall have a war, Mr. President.

Mr. CAFFERY. No; that is not my question. My question is, whether the fact of the danger of assassination by somebody, whether by the insurgents or by the Spaniards, of our consuls in Cuba, is any evidence of the fact of public war, and whether or not that danger may not arise from murderous people in a state of profound peace as well as in a state of public war?

Mr. GORMAN. The Senator and I both know, and everybody knows, that there is war in Cuba of very great proportions. There is no doubt that it exists. To what extent the Cubans have a government in a fixed place is a question which has been debated, and I do not intend to go into it. The country is satisfied upon that point. It is true there is a difference of opinion in this body, but the underlying fact that the President and the Secretary of State of this great nation of 70,000,000 people are afraid to intrust to the Senate of the United States the names of our consuls who give the President information is enough, in my opinion, to warrant the sending of war vessels to Cuba, and saying to the world that that condition shall not continue. In my judgment, such action will not produce war, but if it shall, we have gone to war, Mr. President, for very much less cause.

Mr. CAFFERY. Mr. President, I did not intend by the question I asked the Senator from Maryland to say that our action would produce war or get us into war; but the point of my question was simply whether, with this evidence before us, which the Senator says has convinced his mind to vote for this resolution, this evidence that there is danger to life of the American consul in Habana from some murderous gang or band of assassins, is any proof whatever of such a condition of public war as would authorize the United States to recognize it as a national affair? The lives of those gentlemen, or of any consul, can be in danger in any lawless community from attacks of mobs.

If the fact that the lives of those gentlemen, or any of them, are in danger is conceded, that does not by any means establish the fact of international war or public war. Some time ago I read in the newspapers that there had been an American envoy or consul shot somewhere in Central America. That is no evidence of public war in that country. It is a very slim basis for Congress to predicate the fact of public war on. It might be a case of declaration of war on the part of the United States against Spain for not protecting the lives of its citizens; but it would not establish at all the case of belligerency in Cuba, even if it existed. So I say that we are apt to run off at a tangent in this matter, and not apt to consider the real question before the body. Is there that sort of proof before this body—conceding its jurisdiction—to justify any Senator in voting to establish by his vote a case of public war between Spain and her revolting colony?

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

Mr. HALE. The yeas and nays, I think, have been heretofore ordered on that question.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. LODGE], but he stated to me before he left here that if the resolution came to a vote he would vote for it, and I was authorized to vote. I therefore vote "yea."

Mr. ELKINS (when his name was called). I am paired with my colleague [Mr. FAULKNER], and therefore withhold my vote.

Mr. PASCO (when Mr. FAULKNER'S name was called). The Senator from West Virginia [Mr. FAULKNER] is not in the city. He desired me to announce that if present he would vote "yea" on the passage of the resolution. His pair with his colleague has already been announced.

Mr. FORAKER (when his name was called). I am paired with the junior Senator from South Carolina [Mr. EARLE], but I am informed that if he were present he would vote "yea." I therefore vote "yea."

Mr. GORMAN (when his name was called). I have a general pair with the Senator from Maine [Mr. FRYE], which I have observed on all the votes leading up to this final vote, but I understand from the Senator's colleague and from members of the committee that the Senator from Maine is in favor of the joint resolution. Therefore I take the liberty to vote.

Mr. HALE. I can say to the Senator that, while my colleague left no message of that kind, it is my impression that he would vote that way; but I do not know, and I would not claim to state how he would vote if present.

Mr. MORGAN. I think I know that he would vote "yea."

Mr. GORMAN. Then I vote "yea."

Mr. BATE (when the name of Mr. HARRIS of Tennessee was called). This being the final vote on the joint resolution, I desire to say that my colleague [Mr. HARRIS of Tennessee] has a pair with the Senator from Vermont [Mr. MORRILL], and that my colleague, if present, would vote "yea."

Mr. KENNEY (when his name was called). Under the terms of my pair with the junior Senator from Pennsylvania [Mr. PENROSE] I am at liberty to vote on the joint resolution, and therefore I vote "yea."

Mr. LINDSAY (when his name was called). I have a general pair with the senior Senator from Michigan [Mr. MCMILLAN], and therefore withhold my vote. If he were present, I should vote "yea."

Mr. GALLINGER. The Senator from Utah [Mr. CANNON] was compelled to leave the Chamber a moment ago. He is very earnestly in favor of the resolution, and requested me as a special courtesy to him to secure a pair. If agreeable to the Senator from Kentucky, the Senator from Utah might be paired with the Senator from Michigan [Mr. MCMILLAN] with whom the Senator from Kentucky is paired, and that would allow the Senator to vote.

Mr. LINDSAY. With that understanding I vote "yea."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. PLATT]. If he were present I should vote "yea," but being paired, I withhold my vote.

Mr. MANTLE (when his name was called). I have a general pair with the Senator from Virginia [Mr. MARTIN], but I am informed that he would vote in favor of this resolution, if present, and I shall therefore vote. I vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. ROACH]. As he is absent, I shall withhold my vote.

Mr. CLARK (when Mr. WARREN'S name was called). My colleague [Mr. WARREN] is unavoidably absent from the Chamber. He asked me to announce that, if present, he would wish to be recorded in favor of the passage of the resolution.

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY]. I understand that the Senator from Louisiana [Mr. CAFFERY] has a pair with the Senator from Virginia [Mr. DANIEL]. I suggest that we transfer our pairs, so that we can both vote, and the Senator from Virginia will stand paired with the Senator from Delaware. Is that agreeable?

Mr. CAFFERY. I will inform the Senator that I voted inadvertently, but intended to withdraw it, the Senator from Virginia [Mr. DANIEL] with whom I am paired not having voted; but under the arrangement suggested by the Senator from Illinois I will let my vote stand.

Mr. CULLOM. I vote "yea."

Mr. HAWLEY. My colleague [Mr. PLATT of Connecticut] is absent and paired with the Senator from Nebraska [Mr. ALLEN]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. COCKRELL. My colleague [Mr. VEST] is unavoidably detained upon important work outside of the Senate Chamber. He is paired with the junior Senator from Minnesota [Mr. NELSON]. If my colleague were present, he would vote "yea."

The result was announced—yeas 41, nays 14; as follows:

YEAS—41.

Bacon,	Cullom,	Lindsay,	Rawlins,
Baker,	Davis,	McBride,	Shoup,
Bate,	Deboe,	Mantle,	Stewart,
Berry,	Foraker,	Mason,	Thurston,
Butler,	Gallinger,	Mills,	Tillman,
Carter,	Gorman,	Morgan,	Turner,
Chandler,	Hansbrough,	Nelson,	Turpie,
Chilton,	Harris, Kans.	Pasco,	Walthall.
Clark,	Heitfeld,	Pettigrew,	
Clay,	Jones, Ark.	Pettus,	
Cockrell,	Kenney,	Pritchard,	

NAYS—14.

Allison,	Gear,	Hoar,	White,
Burrows,	Hale,	Spooner,	Wilson.
Caffery,	Hanna,	Wellington,	
Fairbanks,	Hawley,	Wetmore,	

NOT VOTING—33.

Aldrich,	Gray,	Morrill,	Sewell,
Allen,	Harris, Tenn.	Murphy,	Smith,
Cannon,	Jones, Nev.	Penrose,	Teller,
Daniel,	Kyle,	Perkins,	Vest,
Earle,	Lodge,	Platt, Conn.	Warren,
Elkins,	McEnery,	Platt, N. Y.	Wolcott.
Faulkner,	McMillan,	Proctor,	
Frye,	Martin,	Quay,	
George,	Mitchell,	Roach,	

So the joint resolution was passed. It is as follows:

Resolved by the Senate and House of Representatives, etc., That 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 shall 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.

EXECUTIVE SESSION.

Mr. HALE. 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 thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until Monday, May 24, 1897, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 20, 1897.

GOVERNOR OF ARIZONA.

Myron H. McCord, of Phœnix, Ariz., to be governor of Arizona, vice Benjamin J. Franklin, removed.

SECRETARY OF ARIZONA.

Charles H. Akers, of Prescott, Ariz., to be secretary of Arizona Territory, vice Charles M. Bruce, removed.

UNITED STATES ATTORNEY.

Joseph H. Gaines, of West Virginia, to be attorney of the United States for the district of West Virginia, vice Cornelius C. Watts, resigned.

ASSISTANT COMMISSIONER OF PATENTS.

Arthur P. Greeley, of Concord, N. H., now an examiner in chief in the patent office, to be Assistant Commissioner of Patents, vice Samuel T. Fisher, resigned.

EXAMINER IN CHIEF, PATENT OFFICE.

Thomas G. Steward, of Plano, Ill., now a principal examiner in the Patent Office, to be an examiner in chief in the Patent Office, vice Arthur P. Greeley, nominated to be Assistant Commissioner of Patents.

POSTMASTERS.

Earle E. Doud, to be postmaster at Sheffield, in the county of Colbert and State of Alabama, in the place of James R. Crowe, removed.

Daniel E. Sherman, to be postmaster at Montrose, in the county of Montrose and State of Colorado, in the place of James F. Kyle, removed.

Charles F. Douglass, to be postmaster at Ashland, in the county of Cass and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

Samuel H. Watson, to be postmaster at Mount Vernon, in the county of Jefferson and State of Illinois, in the place of Allen C. Tanner, removed.

Hiram Yerkes, to be postmaster at Fairmount, in the county of Vermilion and State of Illinois, in the place of Samuel H. Gunder, removed.

Jasper H. Thornburg, to be postmaster at Boonville, in the county of Warrick and State of Indiana, in the place of Jacob B. Ashley, resigned.

James L. Berry, to be postmaster at Humeston, in the county of Wayne and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

C. N. Marvin, to be postmaster at Shenandoah, in the county of Page and State of Iowa, in the place of George C. Pearce, removed.

James A. Wilson, to be postmaster at Williamsburg, in the county of Iowa and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896. Richard H. Mobley, appointed by the President, and by him nominated to the Senate, not having been confirmed.

Joe Carey, to be postmaster at Garnett, in the county of Anderson and State of Kansas, in the place of J. T. Highley, resigned.

William E. Hogueland, to be postmaster at Yates Center, in the county of Woodson and State of Kansas, in the place of Harrison C. Rollins, resigned.

Edward U. Fordyce, to be postmaster at Bowling Green, in the county of Warren and State of Kentucky, in the place of John B. Gaines, resigned.

J. D. Wilson, to be postmaster at Cloverport, in the county of Breckinridge and State of Kentucky, in the place of Lela Henley, whose commission expired April 12, 1897.

David M. Donaldson, to be postmaster at South Hadley Falls, in the county of Hampshire and State of Massachusetts, in the place of John Kirkpatrick, removed.

William G. Earp, to be postmaster at Swampscott, in the county of Essex and State of Massachusetts, in the place of George W. Marshall, deceased.

John T. Lovett, to be postmaster at Little Silver, in the county of Monmouth and State of New Jersey, in the place of J. Elwood Harvey, removed.

Emmett B. Hawkins, to be postmaster at Huntington, in the county of Suffolk and State of New York, in the place of Camillus P. Rogers, removed.

Ellsworth Sweet, to be postmaster at Waterloo, in the county of Seneca and State of New York, in the place of Samuel R. Welles, removed.

J. H. Porter, to be postmaster at New Wilmington, in the county of Lawrence and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1897.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 19, 1897.

Simon S. Matthews, whose nomination was delivered to the Senate on April 20, 1897, to be register of the land office at Jackson, Miss.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1897.

ASSISTANT SECRETARY OF THE TREASURY.

Frank A. Vanderlip, of Illinois, to be Assistant Secretary of the Treasury.

PROMOTION IN THE ARMY.

General officer.

Brig. Gen. Zenas Randall Bliss, to be major-general.

SOLICITOR OF INTERNAL REVENUE.

George Morgan Thomas, of Kentucky, to be Solicitor of Internal Revenue.

UNITED STATES CIRCUIT JUDGE.

William W. Morrow, of California, to be United States circuit judge for the ninth judicial circuit.

SECRETARY OF LEGATION.

Stanton Sickles, of New York, to be secretary of the legation of the United States at Madrid.

PROMOTION IN THE NAVY.

P. A. Engineer Frank H. Eldridge, to be a chief engineer.

SURVEYOR OF CUSTOMS.

Richard S. Bostwick, of Illinois, to be surveyor of customs for the port of Galena, in the State of Illinois.

INDIAN AGENT.

Samuel G. Morse, of Port Angeles, Wash., to be agent for the Indians of the Neah Bay Agency, in Washington.

REGISTER OF THE LAND OFFICE.

David C. Fleming, of Sterling, Colo., to be register of the land office at Sterling, Colo.

POSTMASTERS.

H. S. McGiffin, to be postmaster at Edgerton, in the county of Rock and State of Wisconsin.

E. S. Goodell, to be postmaster at Viroqua, in the county of Vernon and State of Wisconsin.

Daniel Gunn, to be postmaster at Kinmundy, in the county of Marion and State of Illinois.

Frederick Chapman, to be postmaster at Woodstock, in the county of Windsor and State of Vermont.

A. E. Kincaid, to be postmaster at Walnut, in the county of Pottawattamie and State of Iowa.

Marion Bruce, to be postmaster at Rolfe, in the county of Pocahontas and State of Iowa.

Fletcher W. Boyd, to be postmaster at Covington, in the county of Fountain and State of Indiana.

James E. Zook, to be postmaster at Ballard, in the county of King and State of Washington.

Alfred Cruse, to be postmaster at Iron Mountain, in the county of Dickinson and State of Michigan.

Henry R. Huntington, to be postmaster at Benton Harbor, in the county of Berrien and State of Michigan.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 20, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

THE JOURNAL.

The Journal of Monday last was read, omitting the text of the conference report on the Indian appropriation bill, Executive communications referred, bills, resolutions, memorials, and petitions introduced and referred.

Mr. SIMPSON of Kansas. Mr. Speaker——

The SPEAKER. Without objection, the Journal will be considered as approved.

Mr. SIMPSON of Kansas. The Journal has not all been read, has it? I would like to have it all read.

The SPEAKER. It has been read in the usual manner.

Mr. SIMPSON of Kansas. I want it all read.

The SPEAKER. The gentleman has a right to ask for the reading of the entire Journal; and the Clerk will read the parts that have not been read.

The Clerk then read the parts of the Journal omitted in the first reading.

The SPEAKER. Without objection, the Journal will be considered as agreed to.

Mr. SIMPSON of Kansas. Mr. Speaker, I rise to correct the Journal.

The SPEAKER. The gentleman will state his correction.

Mr. SIMPSON of Kansas. I notice here the introduction of bills of different kinds, and particularly bills introduced in pension cases. Here is a bill introduced by Mr. BOTKIN of Kansas, which was referred to the Committee on Invalid Pensions. Now, Mr. Speaker, the correction I want made is this: That there is no such committee. The Speaker not having appointed the committee, there is no Committee on Invalid Pensions; and consequently a bill can not be referred to a committee that does not exist.

Now, the RECORD goes to the public libraries and the newspapers, and the people out in my State have access to them. There are many old soldiers who are desirous of having their claims acted upon in this House who write to me about this matter——

Mr. PAYNE. I rise to a point of order.

Mr. SIMPSON of Kansas. And I have to reply to them, "You can not get any action on the claim, because there is no such committee appointed;" and therefore I——

The SPEAKER. The gentleman has made no proposition.

Mr. PAYNE. I rise to a point of order.

The SPEAKER. The gentleman from New York rises to a point of order.

Mr. PAYNE. The gentleman from Kansas stated that he rose to correct the Journal, and there is nothing before the House. I move, therefore, that the Journal be approved, and on that I wish to say a word or two.

Mr. SIMPSON of Kansas. My correction, Mr. Speaker, is this.

The SPEAKER. The gentleman did not state any proposition.

Mr. SIMPSON of Kansas (continuing). That this is a false record, and that the record ought to be corrected. I said there is no such committee——

The SPEAKER. The gentleman has stated no proposition, and the gentleman from New York [Mr. PAYNE] moves that the Journal be approved.

Mr. PAYNE. Mr. Speaker, I want to say a word or two upon that, because I think it better that debate be had before the previous question is ordered than afterwards. The Journal has been read to the House, not only what is usually read, but the whole thing has been read in extenso; and it does not seem that there is anything of criticism to be offered upon the Journal itself. The gentleman from Kansas has occupied some five or ten minutes, and has not been able to suggest any mistake made in the Journal itself. Therefore I move the previous question upon the approval of the Journal.

Mr. SIMPSON of Kansas. Mr. Speaker, the gentleman from New York——

Mr. BLAND. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLAND. The gentleman from Kansas was on the floor, and the gentleman [Mr. PAYNE] can not take him off the floor.

The SPEAKER. The gentleman from New York made a point of order that the gentleman from Kansas had made no proposition for the House to discuss.

Mr. BLAND. He made a point of order, but he can not take him off the floor on a point of order. The gentleman from Kansas has the right to make a motion to strike out matters.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SIMPSON of Kansas. Division, Mr. Speaker.

The House divided; and there were—ayes 120, noes 36.

Mr. SIMPSON of Kansas. No quorum, Mr. Speaker.

The SPEAKER. There is evidently a quorum present.

So the previous question was ordered.

The SPEAKER. The question now is on the approval of the Journal.

The question was taken; and the Journal was approved.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I submit a privileged report. After the reading I shall demand the previous question.

Mr. BAILEY. How is that? I understood the gentleman from Pennsylvania made some observation about the previous question.

Mr. DALZELL. I shall demand the previous question as soon as it is read.

Mr. BAILEY. Then, of course, it must be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. —, have had the same under consideration, and ask leave to report it with the recommendation that it do pass.

Resolved, That upon the adoption of this resolution the House shall proceed to the consideration of Senate resolution 42, and at the end of the debate, which shall not exceed two hours, a vote shall be taken thereon to its final disposition.

Mr. DALZELL. I ask for the previous question on the adoption of the resolution.

Mr. BAILEY. I desire, Mr. Speaker, to submit the views of the minority of the Committee on Rules.

Mr. DALZELL. I submit to my friend from Texas that I have the floor, and I do not yield it.

The SPEAKER. The Chair thinks they would have to be filed with the Clerk.

Mr. BAILEY. Does the gentleman from Pennsylvania insist that he has the floor?

Mr. DALZELL. I do.

Mr. BAILEY. Then I insist that he has not the floor until the Speaker has first stated the question. The gentleman who introduces a proposition in this House can not retain the floor while the Speaker is stating the question; and so the gentleman from Pennsylvania——

Mr. DALZELL. The Clerk had read the report.

Mr. BAILEY. The gentleman from Pennsylvania must certainly have yielded the floor.

The SPEAKER. The Chair recognized the gentleman from Pennsylvania, and the gentleman from Pennsylvania has asked for the previous question.

Mr. DALZELL. I gave notice prior to the reading of the report that I should do so.

Mr. BAILEY. And that evinced your unseemly haste. The Chair can undoubtedly, in his discretion, recognize the gentleman from Pennsylvania as often as he pleases, but the Chair must exercise that discretion as often as the gentleman from Pennsylvania seeks recognition. We are not willing to have it ruled that when a gentleman rises for one purpose and submits a proposition, he still retains the floor while the Speaker is stating the proposition. And if I needed to enforce that observation, I need only invoke the ruling of the Chair the other day, when the gentleman from Missouri [Mr. BLAND] had appealed from the decision of the Chair and the gentleman from New York promptly rose and moved to table the appeal. The gentleman from Missouri contended that he had not yielded the floor. The Chair ruled that he must have yielded the floor while the Chair was stating the question on the appeal.

The SPEAKER. The gentleman from Texas is correct. The gentleman from Pennsylvania [Mr. DALZELL] is recognized. [Laughter.]

Mr. BAILEY. Now, Mr. Speaker——

Mr. DALZELL. I move the previous question.

Mr. BAILEY. Mr. Speaker——

Mr. DALZELL. I decline to yield the floor to the gentleman from Texas. I do not want to be guilty of any discourtesy.

Mr. BAILEY. Then I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DALZELL. I have the floor.

Mr. BAILEY. I do not infringe the right of the gentleman from Pennsylvania when I submit a parliamentary inquiry.

Mr. DALZELL. I did not hear the remark of the gentleman; I beg his pardon.

Mr. BAILEY. The gentleman ought to be listening. I know he is determined upon his course; but let him pursue it in an orderly way.

Mr. DALZELL. We will try to do so.

Mr. BAILEY. And with some fair degree of decency. [Applause on the Democratic side.]

Mr. Speaker, I submit as a question of order that it is not competent for the Speaker, with the assistance of a majority, to deny the minority on this floor an opportunity to be heard. It is power enough that the Speaker bestows recognition.

The SPEAKER. Will the gentleman from Texas state his parliamentary inquiry?

Mr. DALZELL. This is not a parliamentary inquiry.

Mr. BAILEY. I will state it. I was proceeding to lay the predicate for stating it——

The SPEAKER. The Chair thinks that the question hardly needs a predicate. [Laughter.]

Mr. BAILEY. Well, it needs it in order to make gentlemen on the other side understand. If they were disposed to be fair, there would be no need of it. [Applause on the Democratic side.]

Now, Mr. Speaker, as I was proceeding to say——

The SPEAKER. Will the gentleman state his parliamentary inquiry?

Mr. BAILEY. It would appear that the minority are going to be denied the opportunity to present every proposition——

The SPEAKER. The gentleman from Texas is not in order.

Mr. BAILEY. Then I say to the gentleman from Pennsylvania that if he will withdraw the demand for the previous question and permit us to offer our proposition——

The SPEAKER. The question is on the demand for the previous question.

Mr. DALZELL. I must decline to withdraw the demand.

The SPEAKER (after putting the question). The ayes seem to have it.

Mr. BAILEY and Mr. LEWIS of Washington called for a division.

The question being again taken, there were—ayes 123, noes 84.

Mr. BAILEY. I call for tellers.

Mr. DALZELL. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 81, answered "present" 25, not voting 130; as follows:

YEAS—117.

Adams,	Davison, Ky.	Johnson, N. Dak.	Russell,
Alexander,	Dayton,	Ketcham,	Shannon,
Arnold.	Dingley,	Knox,	Shattuc,
Babcock,	Dolliver,	Kulp,	Sherman,
Baker, Md.	Eddy,	Lacey,	Smith, Ill.
Barber,	Ellis,	Landis,	Southard,
Barrows,	Evans,	Linney,	Sprague,
Bartholdt,	Faris,	Littauer,	Steele,
Beach,	Foote,	Loud,	Stewart, Wis.
Booze,	Fowler, N. J.	Loudenslager,	Stone, C. W.
Brewster,	Gardner,	Low,	Stone, W. A.
Broderick,	Gibson,	McCleary,	Strode, Nebr.
Bromwell,	Gillet, N. Y.	Marsh,	Sturtevant,
Brown,	Graff,	Mercer,	Tawney,
Brownlow,	Grosvenor,	Mitchell,	Tayler, Ohio
Bull,	Grout,	Mudd,	Tongue,
Butler,	Harmer,	Odell,	Updegraff,
Cannon,	Hawley,	Olmsted,	Van Voorhis,
Clarke, N. H.	Heatwole,	Otjen,	Walker, Va.
Cochrane, N. Y.	Hemenway,	Packer, Pa.	Wanger,
Codding,	Henderson,	Parker, N. J.	Ward,
Connell,	Henry, Conn.	Payne,	Warner,
Cooke,	Henry, Ind.	Pearce, Mo.	Weymouth,
Corliss,	Hicks,	Pearson,	White, N. C.
Crumpacker,	Hilborn,	Pitney,	Williams, Pa.
Curtis, Iowa	Hitt,	Prince,	Wilson, N. Y.
Curtis, Kans.	Howe,	Quigg,	Yost.
Dalzell,	Howell,	Ray,	
Danford,	Hull,	Robbins,	
Davenport,	Hurley,	Royse,	

NAYS—81.

Bailey,	De Vries,	Livingston,	Robinson, Ind.
Baker, Ill.	Dinsmore,	Love,	Sayers,
Barlow,	Elliott,	McClellan,	Settle,
Bartlett,	Epes,	McCormick,	Shafroth,
Bell,	Fitzpatrick,	McCulloch,	Shuford,
Bland,	Fleming,	McDowell,	Simpson,
Bodine,	Fox,	McMillin,	Skinner,
Botkin,	Handy,	McRae,	Slayden,
Brewer,	Hartman,	Marshall,	Sparkman,
Broussard,	Hay,	Martin,	Stark,
Brundidge,	Henry, Miss.	Maxwell,	Stephens, Tex.
Burke,	Henry, Tex.	Meyer, La.	Tate,
Castle,	Hinrichsen,	Miers, Ind.	Underwood,
Clayton,	Howard, Ala.	Ogden,	Vandiver,
Cochran, Mo.	Hunter,	Osborne,	Vincent,
Colson,	Jett,	Otey,	Wheeler, Ala.
Cooney,	King,	Pierce, Tenn.	Williams, Miss.
Cooper, Wis.	Lamb,	Plowman,	Young, Va.
Cowherd,	Lanham,	Rhea,	
Cummings,	Lewis, Ga.	Richardson,	
De Graffenreid,	Lewis, Wash.	Ridgely,	

ANSWERED "PRESENT"—25.

Adamson,	Cooper, Tex.	Mahon,	Sperry,
Ball,	Dorr,	Miller,	Terry,
Bingham,	Gaines,	Mills,	Young, Pa.
Brenner, Ohio	Gunn,	Minor,	Zenor.
Brosius,	Jenkins,	Sims,	
Brucker,	Jones, Wash.	Smith, Ky.	
Brumm,	Lybrand,	Spalding,	

NOT VOTING—130.

Acheson,	Davidson, Wis.	Latimer,	Sauerhering,
Allen,	Davis,	Lentz,	Shelden,
Baird,	De Armond,	Lester,	Showalter,
Bankhead,	Dockery,	Little,	Simpkins,
Barham,	Dovener,	Lorimer,	Smith, S. W.
Barney,	Ermentrout,	Lovering,	Smith, Wm. Alden,
Barrett,	Fenton,	McAleer,	Snover,
Belden,	Fischer,	McCall,	Southwick,
Belford,	Fitzgerald,	McDonald,	Stallings,
Belknap,	Fletcher,	McEwan,	Stevens, Minn.
Benner, Pa.	Foss,	McIntire,	Stewart, N. J.
Bennett,	Fowler, N. C.	McLaurin,	Stokes,
Benton,	Gillett, Mass.	Maddox,	Strait,
Berry,	Greene,	Maguire,	Strowd, N. C.
Bishop,	Griffin,	Mahany,	Sullivan,
Boutelle,	Griggs,	Mann,	Sulloway,
Bradley,	Grow,	Meekison,	Sulzer,
Brantley,	Hager,	Mesick,	Sutherland,
Burton,	Hamilton,	Moody,	Swanson,
Campbell,	Hepburn,	Moon,	Talbert,
Capron,	Hill,	Morris,	Taylor, Ala.
Carmack,	Hooker,	Newlands,	Todd,
Catchings,	Hopkins,	Northway,	Vehslage,
Chickering,	Howard, Ga.	Norton,	Wadsworth,
Clardy,	Johnson, Ind.	Overstreet,	Walker, Mass.
Clark, Iowa	Jones, Va.	Perkins,	Weaver,
Clark, Mo.	Joy,	Peters,	Wheeler, Ky.
Connolly,	Kelley,	Powers,	White, Ill.
Cousins,	Kerr,	Pugh,	Wilber,
Cox,	Kirkpatrick,	Reeves,	Wilson, S. C.
Cranford,	Kitchin,	Rixey,	Wright.
Crump,	Kleberg,	Robb,	
Davey,	Knowles,	Robertson, La.	

So the previous question was ordered.

The following pairs were announced:
Until further notice:
Mr. McCALL with Mr. McLAURIN.
Mr. JENKINS with Mr. STOKES.
Mr. PITNEY with Mr. CARMACK.
Mr. OVERSTREET with Mr. DE ARMOND.
Mr. BRUMM with Mr. COX.
Mr. McINTIRE with Mr. HOWARD of Georgia.
Mr. BINGHAM with Mr. DOCKERY.
Mr. KERR with Mr. ROBB.
Mr. MESICK with Mr. PETERS.
Mr. LORIMER with Mr. BERRY.
Mr. MILLER with Mr. CLARDY.
Mr. STEVENS of Minnesota with Mr. JONES of Washington.
Mr. WHITE of Illinois with Mr. SIMS.
Mr. BISHOP with Mr. BREWER.
Mr. HENDERSON with Mr. BRANTLEY.
Mr. SPALDING with Mr. CRANFORD.
Mr. DORR with Mr. MADDOX.
Mr. LYBRAND with Mr. LENTZ.
Mr. DAVIDSON of Wisconsin with Mr. NORTON.
Mr. HOPKINS with Mr. McALEER.
Mr. BELKNAP with Mr. MAGUIRE.
Mr. HAGER with Mr. ALLEN.
Mr. YOUNG of Pennsylvania with Mr. BENTON.
Mr. WILLIAMS of Pennsylvania with Mr. ROBERTSON of Louisiana.
Mr. MORRIS with Mr. WHEELER of Kentucky.
Mr. JOY with Mr. MARSHALL.
Mr. HAMILTON with Mr. TODD.
Mr. WRIGHT with Mr. ADAMSON.
Mr. WM. ALDEN SMITH with Mr. BRUCKER.
Mr. CHICKERING with Mr. BRADLEY.
Mr. DAYTON with Mr. PIERCE of Tennessee.
Mr. FOSS with Mr. DAVEY.
Mr. McEWAN with Mr. VEHSLAGE.
Mr. BELDEN with Mr. SULZER.
Mr. BELFORD with Mr. SWANSON.
Mr. SIMPKINS of Massachusetts with Mr. LESTER.
Mr. PUGH with Mr. SUTHERLAND.
Mr. BARHAM with Mr. LITTLE.
Mr. LOVERING with Mr. FITZGERALD.
Mr. SPERRY with Mr. GRIGGS.
Mr. STEWART of New Jersey with Mr. TAYLOR of Alabama.
Mr. POWERS with Mr. GAINES.
Mr. REEVES with Mr. BALL.
Mr. MILLS with Mr. SULLIVAN.
Mr. SULLOWAY with Mr. TALBERT.
Mr. MAHON with Mr. BENNER of Pennsylvania.
Mr. SAUERHERING with Mr. STRAIT.
Mr. DOVENER with Mr. DAVIS.
Mr. BARNEY with Mr. BANKHEAD.
Mr. HILL with Mr. LATIMER.
Mr. ACHESON with Mr. WILSON of South Carolina.
Mr. HOOKER with Mr. CATCHINGS.
Mr. SHELDEN with Mr. RIXEY.
Mr. BOUTELLE with Mr. CLARK of Missouri.
Mr. FISCHER with Mr. CUMMINGS.
Mr. JOHNSON of Indiana with Mr. MOON.
Mr. BROSIUS with Mr. ERMENTROUT.
For this day:
Mr. HEPBURN with Mr. STALLINGS.
Mr. GILLETT of Massachusetts with Mr. TERRY.

Mr. COOPER of Texas. Mr. Speaker, on political questions I am paired with the gentleman from Iowa, Mr. PERKINS. This appears to be a political question, and therefore I desire to withdraw my vote.

Mr. TERRY. I wish to inquire whether the gentleman from Massachusetts, Mr. GILLETT, is recorded as voting?

The SPEAKER. He did not vote.

Mr. TERRY. Then, having voted "no" on this question, I desire to withdraw my vote, being paired with the gentleman from Massachusetts.

Mr. JENKINS. I have voted in the affirmative; but I wish to withdraw my vote, being paired with the gentleman from South Carolina, Mr. STOKES.

Mr. SIMS. I supposed that the pair I have had with the gentleman from Illinois, Mr. WHITE, expired to-day; but as that pair has just been announced, I presume it continues. I will therefore withdraw my vote. I voted in the negative.

Mr. GAINES. As I find that I am paired with the gentleman from Vermont, Mr. POWERS, I desire to withdraw my vote.

Mr. ADAMSON. Mr. Speaker, I wish to inquire whether the gentleman from Massachusetts, Mr. WRIGHT, voted on this question?

The SPEAKER. He did not.

Mr. ADAMSON. I am paired with that gentleman. I have voted in the negative, but desire to withdraw my vote.

Mr. BALL. Mr. Speaker, I have voted "no" on this question; but finding that I am paired with the gentleman from Illinois, Mr. REEVES, I withdraw my vote.

Mr. MILLS. I wish to inquire whether the gentleman from Mississippi, Mr. SULLIVAN, has voted?

The SPEAKER. He has not.

Mr. MILLS. I am paired with that gentleman, and therefore withdraw the vote that I cast in the affirmative.

Mr. BINGHAM. Mr. Speaker, I thought that the gentleman from Missouri, Mr. DOCKERY, with whom I have been paired was present and had voted. I am paired with him, and therefore desire to withdraw the vote which I have cast in the affirmative, and to be recorded as "present."

Mr. BRUCKER. Mr. Speaker, I am paired with my colleague, Mr. WM. ALDEN SMITH. I voted "no," and desire to withdraw my vote and be marked "present."

Mr. DORR. Mr. Speaker, as I find I am paired with the gentleman from Georgia, Mr. MADDOX, I will withdraw the vote which I have cast in the affirmative.

The result of the vote was announced as above stated.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to the floor for twenty minutes, and the gentleman from Texas [Mr. BAILEY] is entitled to the floor for twenty minutes.

Mr. DALZELL. Mr. Speaker, I do not propose to occupy any great length of time. I will simply restate the terms of the resolution. It provides that the House shall now proceed to consider Senate resolution No. 42, and that there shall be debate thereon, if the House so desires, for two hours. Senate resolution No. 42 passed the Senate on Monday last, and is in these words:

That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of destitute citizens of the United States in the Island of Cuba, said money to be expended at the discretion and under the direction of the President of the United States in the purchase and furnishing of food, clothing, and medicines to such citizens and for transporting to the United States such of them as so desire and who are without means to transport themselves.

This resolution was passed by the Senate, I may say, without debate, pursuant to a message from the President of the United States to Congress, which advised Congress that, according to official reports, there are some six or seven hundred Americans in the Island of Cuba who are destitute, poverty stricken, and in disease. The House will observe, therefore, that the only question before the House is whether or not the House will join the Senate in its action, whether the American Congress will respond to the call of the American President and come to the relief of suffering Americans in the Island of Cuba, whether we shall provide the means that shall take food to the hungry and medicine to the sick. No other question, so far as I can see, is before the House for discussion, outside of this one.

I do not apprehend—I think the Committee on Rules did not apprehend at the time—that there was any necessity for two hours' debate; but lest there should be any criticism of the committee's action, that provision was inserted. And I assume, Mr. Speaker, that the time will be divided between the two sides of the House, although I assume also that there will be only one side when the question comes to a vote.

I reserve the balance of my time.

Mr. OGDEN. Before the gentleman from Pennsylvania [Mr. DALZELL] sits down, will he be pleased to give the House some information as to the cause of this suffering of these six or seven hundred American citizens in Cuba? Will he state what is the necessity for our appropriating this money?

Mr. DALZELL. The question under discussion now is the adoption of this rule. When we come to debate the resolution, the gentleman will probably receive information upon that question, if he goes to the proper sources. They are just as open to him as they are to me.

Mr. BAILEY. Mr. Speaker, I agree with the gentleman from Pennsylvania [Mr. DALZELL] that the only question now before the House is the adoption of the Senate resolution, but he must not mislead the country into believing that that is the only question which ought to be before the House.

I desire to read a proposition which does not conflict with, but which is supplemental to, the proposition now before the House, and which itself would be before the House except for the opposition of the Republican members. I ask the Clerk to read the resolution which I attempted to offer.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution the House shall proceed to the consideration of Senate resolution 42, and at the end of the debate, which shall not exceed two hours, a vote shall be taken thereon, to its final disposition; and upon the final disposition of the Senate resolution, the House shall proceed to consider the following resolution, to wit:

Joint resolution declaring that a condition of public war exists in Cuba, and that strict neutrality shall be maintained.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 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 shall 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.

Mr. BAILEY. That, Mr. Speaker, is the resolution which I sought to offer this morning and the reading of which was prevented by the demand for the previous question. Last Monday the majority of this House evidenced to the country that they would suffer American citizens in Cuba to starve rather than permit this House to vote on a resolution recognizing the belligerency of the Cuban patriots. To-day they have shown themselves willing to trample upon the rights of the minority and to disregard the ancient and well-established methods of procedure rather than be brought face to face with a vote on this proposition.

It is well enough for the majority to execute its will, but it ought to do so frankly and fairly. There is not a gentleman on that side of the Chamber who does not know that, if this House were once permitted to vote upon the direct proposition to recognize the belligerency of Cuba, it would carry by an overwhelming majority. [Applause on the Democratic side.]

And so it is, Mr. Speaker, that when we are denied the opportunity to bring that question before the House it is not the will of the majority which you are enforcing, but it is the will of the majority which you are suppressing. [Applause on the Democratic side.] If you believe you can vote it down, why not meet it like men and vote it down? The country would have vastly more respect for you if you faced it in that way than it will have for you when you refuse to face it at all, and run from it every time it is presented to you.

Mr. Speaker, it is a singular course which the majority have determined to pursue. They have resolved to take $50,000 from the public Treasury to relieve the distress of American citizens in Cuba. They admit that the distress which they seek to relieve is due to the war which now desolates that unhappy island, and yet, while they recognize that great distress has been produced by this war, they blindly refuse to recognize the existence of the war.

If war does not exist in Cuba, Spain has no right to confine American citizens in overcrowded towns and cities, thus exposing them to the horrors of pestilence and famine; and her resort to such an extreme measure is a confession before all the world that war wages between her and her revolted colony. If war does not exist between Spain and Cuba, then war ought to exist between the United States and Spain [applause on the Democratic side], because the cruelties which have been practiced upon our people are defensible only upon the ground that they are the necessities of war.

There are two, and only two, manly and self-respecting courses open to us. Either we ought to demand of Spain an immediate and a complete reparation for the wrongs which she has inflicted upon our citizens, or else it is our duty to recognize the existence of a war, which alone can excuse those wrongs.

The attitude of the Republican members of this House upon this question must greatly surprise the Republican masses throughout the country. But a short time ago you were eager to assist Cuba, and you bitterly denounced a former Administration for its inactive and indifferent policy. When the Republican party assembled in its national convention last summer, it went far beyond the resolution upon which we are asking you to vote. You were not then content to let the people of Cuba fight their own battles and win their own victories, but, pretending a zeal for liberty which you do not cherish, you professed yourselves willing to help them. You declared that it is the duty of the United States not merely to recognize that a war existed, but you went further and declared that it was our duty to terminate that war. Without being asked to recognize the independence of the Cuban Republic, you went to the extent of committing yourselves to aid in the establishment of its independence. Here is your platform. It declares that—

> We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty. The Government of Spain having lost control of Cuba, and being unable to protect the property or lives of resident American citizens, or to comply with its treaty obligations, we believe that the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island.

[Applause on the Democratic side.]

Those are fine words; but they are in strange contrast with your actions to-day. Then you promised more than the deliberate judgment of the country would have sanctioned; now you perform less than the dictates of reason and justice demand. You have halted—not because conditions have changed, for the changes have simply aggravated the conditions—but because powerful influences have been exerted to prevent your proceeding. The stock gamblers have become alarmed, and they would rather see their country insulted than to have their operations disturbed. The immensely rich, always and naturally on the side of power, have appealed to you to desist; and preferring, as you always have, the interests of wealth above the rights of humanity, you are endeavoring to evade and postpone this question. Gentlemen, you may escape it here by violating your rules and overriding the minority, but you can not escape it before the American people. To them you must answer, and neither a demand for the previous question nor a point of order will save you from their indignant judgment. [Applause on the Democratic side.] They understand as well as we do the real question which we are trying to settle here to-day. They know that we will join with you in relieving American citizens from destitution and hunger, and that we only ask you to join with us in affording to the Cuban people the right to relieve themselves from Spanish despotism.

We do not ask you to declare war against Spain, or to do anything which will justify Spain in declaring war against us. Our recognition of Cuban belligerency can not constitute a just cause of offense to Spain; and if that nation should be so rash as to provoke a war with us because we had exercised a right conceded by all of the authorities on international law, the responsbility, sir, will be upon them and not upon us. And much as I should deplore a war, even under such circumstances, I would not shrink from it; for bad as war is, its calamities can not be compared with the loss of national self-respect; nor would I weigh its dreadful consequences against the performance of our duty toward a weak and struggling nation. [Applause on the Democratic side.]

We do not call upon you now to redeem your promise to assist in the establishment of Cuban independence; we simply ask you to recognize the right of the Cuban people to fight for their own independence; and surely this Government ought to be swift to recognize that sacred right wherever a brave and an oppressed people are striving to assert it. [Applause on the Democratic side.] I do not forget that when our fathers were engaged in their glorious struggle for independence, men of other nations were gladly welcomed to their ranks; and, remembering that, I shall never vote to leave the sentence of a pirate's death suspended over those who give to Cuba the same aid which America so gladly received from France. [Applause on the Democratic side.]

Mr. DALZELL. I yield so much of my time as he may want to the gentleman from Illinois [Mr. HITT].

Mr. HITT. Mr. Speaker, the necessity for the measure that is before the House, appropriating $50,000 for the relief of our suffering fellow-citizens in Cuba, is abundantly shown by the President's message, and in detail, as he states, by the reports of our officers. Its urgency is apparent to any man who is an American and capable of sympathy with suffering human beings. We have done the like often before for our fellow-citizens; and in this case it is necessary that Congress should act, because there is no fund within the reach of the Department that can be used for this purpose without action of the Legislature. We had a fund that I thought was available for such purposes, called the "emergency fund," and the President proposed to use it, but the law officers have given an opinion that it can not be used in this specific case.

The method of employing this $50,000 is simple and evident. The men who need it are many of them personally named in the dispatches. Those who are American citizens, who are destitute and suffering, are personally known and reported by the various consuls and consular agents. They are scattered in many places in the Island of Cuba. A telegraphic dispatch from the Secretary of State, by direction of the President, to those consuls to immediately draw for the money necessary to give relief by the purchase of food for men who are in want, to procure medical attendance for the sick—all that can be done in a few hours in most cases; and it is urgent, it is pressing. It ought to have been done when the message came into this House Monday, and it would have been done if a gentleman had not attempted, for pure poli tics, to bring in an old resolution passed a year ago, passed twice, and changed from the form of a concurrent resolution or expression of the opinion of the country into a joint resolution which is a law, by which we might peremptorily interfere and embarrass the President by a sudden intrusion of legislative power into a negotiation. [Applause on the Republican side.]

That is the point of it all. The amendment that the gentleman proposes, bear clearly in mind, is not an expression, such as resolutions ordinarily are. It is to be a law; and that in the midst of negotiations; at a time when a new Administration has come into power and is actively engaged, and with strong sympathies, in a cause in which all our hearts are sympathetic. Already, only a few weeks installed in power, it has secured the liberation of all Americans who were imprisoned except those who were charged with being seized with arms in their hands. More than fifty liberations of American citizens have been granted under the energetic and firm demands of this Administration. Even the individuals who were claimed to be liable to martial law, taken in arms, have been accorded civil procedure as in ordinary cases.

In the meanwhile it is proposed to suddenly take the subject out of the President's hands by declaring recognition of belligerency, while the whole great subject is under discussion, and the President not aiming at any further war or belligerency by anybody,

but at peace and the independence of Cuba. That is the declaration of the Republican party, that is the purpose of the Republicans in power—to secure peace with independence. [Loud applause on the Republican side.]

The state of affairs in Cuba has greatly changed since a year ago. The comparative force and respective resources and hopes of the Cubans and of the Spaniards have changed. The war is clearly becoming hopeless to Spain. Did you read the last telegraphic dispatches from Spain giving declarations of a man who will within a few days probably be the prime minister of Spain? Far different from the confident, repelling, arrogant assertions of Mr. Canovas, the present minister, who is conducting this war.

Mr. Sagasta said on yesterday that the war was substantially hopeless. That utterance is from Spain—Spanish opinion at the center, from the man who very soon will be charged with power. That impression has been produced by the facts in Cuba and by the position of the Executive of the United States; and while this is actively going on a gentleman who desires to play politics comes in and proposes by a law to interfere with negotiations by legislative action declaring a recognition of belligerency, which must be decided within ten days from the time it reaches the President, with all the consequences, giving Spanish naval vessels the immediate right to search all our ships, with risks of "perilous collision" and war. He said he did not want war, nor did he court it.

Now, the declaration of belligerency is a serious step which will entail many consequences. I have believed that the Cubans were belligerents, because they were in fact carrying on war. That was my opinion. I have declared it here; and last year urged it upon Democrats to try to get as many votes as I could on that side for that declaration of opinion. But I am not charged, nor was I then charged, with executive power, and did not then assume to interfere by more than this expression of the opinion of the House. [Laughter on the Democratic side.] The Executive is in possession of all the facts, with the whole state of negotiations, and is directly responsible for the result of the action taken. We know the general facts known to the world, not what ends the Executive is securing, or how it is being done. That makes a great difference. Gentlemen think that is amusing. Do they not know that the declaration of an opinion on a general view of a case as to what the general line of action should be is very different from attempting by law to fix each step that must be taken by the Executive, moving all the parts of the power with which he is charged, in the presence of any exigency. [Laughter on the Democratic side.]

Mr. RICHARDSON. Then you admit you are speaking "in a Pickwickian sense?"

Mr. HITT. I do not. I was speaking from the standpoint of common sense—the practical and successful conduct of grave public business.

Now, there was undoubtedly a great deal known to the President and his advisers then—many facts and details that we did not know. But on the face of things there was, we believed, a genuine belligerency, a state of war in Cuba. And we think so now.

The question of recognizing that belligerency is for our Government purely one of expediency. It is our duty to act in view of the interests of the people of the United States. That is a duty devolving upon the Executive. In this question we know well the disposition of the Executive. We know by many declarations—by the evidence of many acts thus far in these few weeks—the purpose, the spirit on the part of the Executive. We know the view that was in the mind of the Secretary of State, why he brought in this very resolution and advocated it as an expression of the opinion of the people in warm sympathy with the Cubans. But he has to consider all sides, all facts, the whole outlook of the question. And, really, no one among us all wants any belligerency at all. We want peace, and we want the independence of Cuba. That is the real purpose in view. That is what we should seek to attain.

I do not pretend to know all the facts connected with the negotiations that may be in progress, but I do know that no negotiation can be forwarded by having another part of the Government interfere, and by legislative acts—by law—suddenly change the situation. Does anybody believe that our President or the Secretary of State will sacrifice the rights of Americans or abandon them anywhere, will abate one jot or tittle of demand for everything that concerns our interests; that he or any of those with him will forget the high faith that we have so long cherished in the Monroe doctrine, the sympathy that our people feel for every people in the world struggling for liberty, and our belief that this continent is destined to freedom and self-government forever?

It has been stated so often as the policy of the Government that you may believe—everyone ought to believe—that our Executive is earnestly exerting every force to practically succeed in that purpose. And I think the best thing we could do just now would be to act upon his request for the means to relieve the American citizens who are starving. As he has already secured relief for American citizens who were in prison, we hope and believe that soon he will solve, as far as the powers within his reach, the circumstances that surround the case, will admit, and as speedily as possible, the whole Cuban question; and then we shall have free Cuba by our side.

Mr. BLAND. I should like to ask a question for information. I understood the gentleman to say a few moments ago that the war was about at an end, that the Cubans were all whipped.

Mr. HITT. I have made no such suggestion.

Mr. BLAND. I understood the gentleman to say that the war was about at an end.

Mr. HITT. I did not say so; I said nothing of that kind as to the Cubans. A Spanish statesman says the Spanish cause is substantially hopeless.

Mr. DALZELL. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. PAYNE). Five minutes.

Mr. DALZELL. How much time has the gentleman from Texas remaining?

The SPEAKER pro tempore. Ten minutes.

Mr. DALZELL. I hope my friend from Texas will now occupy his time.

Mr. BAILEY. I yield my time to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. As I am informed by the gentleman from Texas that he desires to reply to the remarks of the gentleman from Illinois [Mr. HITT], I yield the time back to the gentleman from Texas and will take time on the general debate.

Mr. BAILEY. Mr. Speaker, I occupied more time than I had first intended, and in doing so I left less time than the gentleman from Alabama desired. Inasmuch, however, as it suits him better to occupy the ten minutes which will be required to complete his remarks at a later stage of the proceedings, I will avail myself of the time remaining to call the attention of the House and the the country to some remarkable admissions which have been made by the gentleman from Illinois [Mr. HITT].

The gentleman from Illinois declares that my whole purpose in this procedure is to raise a political question, and thus obtain some political advantage. Is the gentleman from Illinois ready to admit that whether or not we shall recognize the right of the Cuban people to fight for their own independence is a political question? I am more than ready to accept that test. And let it be understood that every Democrat is in favor of recognizing their right, and that all Republicans are against it. [Applause on the Democratic side.]

The gentleman unwittingly said that in the last Congress, when he and his party were not charged with the Executive power, he played politics——

Mr. HITT. No.

Mr. BAILEY. And voted for a resolution identical with that I am trying to force this House to vote upon to-day.

Mr. HITT. May I interrupt the gentleman?

Mr. BAILEY. Here is the record.

Mr. HITT. May I interrupt the gentleman?

Mr. BAILEY. Certainly.

Mr. HITT. That the gentleman may do me no injustice, I will say that instead of my "playing politics" a year ago, I refused then to amend the resolution, which was concurrent and expressive of the opinion of the American people, to do what the gentleman is doing now and which I was asked to do—to put a trap for Cleveland and make the resolution a law, so as to force diplomacy and take diplomacy in the hands of the House.

I refused to do it because I did not believe it was a patriotic act on the part of an American legislator to invade the proper constitutional function of another branch of the Government because the President was a Democrat.

Mr. BAILEY. Mr. Speaker, I am ready to confess that I have not reached such skill in diplomacy that I am willing to vote an opinion which I would not crystallize into a law. [Applause on the Democratic side.] If I believed that the Cuban people are entitled to belligerent rights, I would vote to accord such rights to them by joint resolution, by concurrent resolution, or by a statutory enactment. The difference between the gentleman from Illinois and myself is that he will say what he means, but he will not make it effective. [Applause on the Democratic side.] If the gentleman desires to assume that position, I do not envy him the attitude he voluntarily takes.

The truth about it is that the Democratic party—no, not the Democratic party, but a President elected by the Democratic party—was then responsible for the executive administration of the Government. We had been compelled to repudiate him on other questions; and it was charitable enough on the part of the gentleman from Illinois to come to his rescue on this question. [Laughter and applause on the Democratic side.] He had done the Republican party so many favors that it was a poor return for the gentleman to do him that. [Renewed laughter and applause.] Yet, Mr. Speaker, we are told that for two years this question has been avoided, and although these people have been entitled to this

recognition, they have been made to wait until, waiting, they have almost despaired.

We do not oppose sending provisions to the starving Americans in Cuba. We favor doing so; but while we are anxious to send bread to our own people, we desire to send with it a message to the Cuban patriots that this great Republic is not indifferent to their noble aspirations for freedom. [Applause.] The Republicans desire to send the bread without the message. We desire to send both, because the message will do more to relieve their sufferings than all the bread your ships can carry. [Applause.]

Mr. DALZELL. I yield the remainder of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, while the gentleman from Texas has been masquerading before the people of the country no human wisdom can tell how many men of the United States have died of starvation in the Island of Cuba. While he has been masquerading here no estimate can be given of how many women and children have been turned naked and hungry out under the pitiless storms of that tropical country. He has delayed the relief sought to be extended three days.

No greater exhibition of unmixed demagogy ever was presented to the American Congress than the declaration of the gentleman from Texas that he desires in good faith to lead a great movement of a great nation to settle a great controversy between the United States and the Government of Spain. When did this zeal of his become manifest? When was it that he first was seized by this desire to be a leader of a great crusade on behalf of the people of Cuba? He stood silently by while the then President of the United States defied the expression of Congress and refused to act under its declaration.

I heard then no protest from the eloquent gentleman. I did not understand at that time that he felt clothed with such responsibility as demanded that he should rise up here and, at the head of the various factions of the army that somebody else has at last secured solid action from [laughter], should proclaim his undying allegiance to liberty and the cause of free Cuba.

Let me say to the gentleman that the Republicans of the United States were born and raised in sympathy with Cuba—free Cuba. It was a Republican President who, against the protest of the Democratic party, sought to relieve Cuba of her troubles long ago. And it is the Republicans on this floor who feel a genuine and honest sympathy for Cuba. And when the right time comes, in the right order of things and upon their own motion they will be found voting not only for belligerent rights to Cuba, but they will be found demanding liberty and national independence for the men of Cuba who have suffered. [Applause on the Republican side.]

But, Mr. Speaker, they will do it in their own way. [Renewed applause.] The minority may shift their commanding officers. [Laughter.] The minority may retire their failing generals and bring into action new men to take charge of their conglomerate organization [renewed laughter], but the Republicans on this floor will stand together behind the great leader of their party, and when the proper time comes they will march to the music of the Union, and liberty, and free Cuba. [Applause.]

But we will not be put into line of battle by the enemy. The note of the bugle that will sound the rallying cry will not be blown by the breath of a Democrat. [Applause.] The current Administration in the brief two months of its existence has done more for the liberation of Cuba than was ever done in the four years of Cleveland's Administration—ten thousand times to one. It has organized a public sentiment in this country in favor of action, and is ready to lead that sentiment. [Derisive laughter on the Democratic side.]

Mr. WHEELER of Alabama. When did that sentiment commence? I thought it had existed a long time.

Mr. GROSVENOR. Now, if the gentleman will not put four pages of that remark into the CONGRESSIONAL RECORD, I shall be greatly obliged to him. [Laughter.] This Republican Administration, by its course of procedure, has liberated more than fifty American citizens from the prisons of Cuba and is moving in its own way to greater results.

The SPEAKER. The time of the gentleman has expired.

A MEMBER (on the Democratic side). Regular order.

The SPEAKER. The regular order is demanded. The question is on agreeing to the resolution reported by the Committee on Rules.

Mr. BAILEY. I move to recommit the resolution reported by the Committee on Rules to the Committee on Rules, with instructions to report back that resolution with an amendment providing for the consideration of the resolution recognizing the belligerent rights of the Cuban people.

Mr. DALZELL. Mr. Speaker, I make the point of order that the amendment is not germane to the pending resolution.

The SPEAKER. The Chair thinks that is very clear, but will hear the gentleman from Texas.

Mr. BAILEY. I recognize, Mr. Speaker, that no amount of argument will change the ruling of the Speaker, and I appeal from that decision, and on that I demand the yeas and nays.

The SPEAKER. The Chair has not made any ruling, but the Chair will make a ruling in accordance with what the gentleman from Texas [Mr. BAILEY] evidently thinks is the proper parliamentary ruling, which is that the amendment is in no wise in order.

Mr. BAILEY. I do it on the assurance of the gentleman from Pennsylvania [Mr. DALZELL] that the Chair would so hold.

The SPEAKER. The Chair thinks the gentleman from Texas [Mr. BAILEY] probably had a more "inner light" than that. [Laughter.]

Mr. BAILEY. I demand the yeas and nays upon the appeal.

Mr. DALZELL. I move to lay the appeal on the table.

Mr. BAILEY. But when I demand the yeas and nays, Mr. Speaker, what purpose—even admitting that the gentleman could have the right to do that—what purpose is there in doing it? We do not delay it, and I insist upon the yeas and nays upon the appeal.

Mr. DALZELL. I have the right to make the motion which I have made.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] moves that the appeal be laid on the table. The Chair has decided that the motion to recommit is not in order. The gentleman from Texas [Mr. BAILEY] takes an appeal from that, and the gentleman from Pennsylvania [Mr. DALZELL] moves that the appeal be laid on the table.

Mr. BAILEY. But before the gentleman from Pennsylvania [Mr. DALZELL] moved to lay the appeal on the table "the gentleman from Texas" had demanded the yeas and nays upon it.

The SPEAKER. Precisely; and if the appeal is not laid on the table, the House will either order or not order the yeas and nays, as it pleases.

Mr. BAILEY. I simply wanted to demonstrate to the country that the majority are not willing to face this question.

Mr. DALZELL. This does not demonstrate anything of the kind.

The SPEAKER. The question is on the motion to lay the appeal on the table.

The question being taken, on a division (demanded by Mr. BAILEY) there were—ayes 109, noes 79.

Mr. BAILEY. Tellers, Mr. Speaker.

Mr. DALZELL. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 83, answered "present" 12, not voting 144; as follows:

YEAS—114.

Adams,	Davison, Ky.	Hurley,	Russell,
Alexander,	Dayton,	Johnson, N. Dak.	Shannon,
Arnold,	Dingley,	Ketcham,	Shattuc,
Babcock,	Dorr,	Knox,	Sherman,
Baker, Md.	Eddy,	Kulp,	Smith, Ill.
Barber,	Ellis,	Lacey,	Southard,
Barrows,	Evans,	Landis,	Sprague,
Bartholdt,	Faris,	Linney,	Steele,
Booze,	Foote,	Loudenslager,	Stewart, Wis.
Brewster,	Fowler, N. J.	Low.	Stone, C. W.
Broderick,	Gardner,	McCleary,	Stone, W. A.
Bromwell,	Gibson,	Marsh,	Strode, Nebr.
Brown,	Gillet, N. Y.	Mercer,	Sturtevant,
Brownlow,	Graff,	Minor,	Tawney,
Butler,	Grosvenor,	Mitchell,	Tayler, Ohio
Cannon,	Grout,	Mudd,	Tongue,
Clarke, N. H.	Harmer,	Odell,	Updegraff,
Cochrane, N. Y.	Hawley,	Olmsted,	Van Voorhis,
Codding,	Heatwole,	Otjen,	Walker, Va.
Connell,	Hemenway,	Packer, Pa.	Wanger,
Cooke,	Henderson,	Parker, N. J.	Ward,
Corliss,	Henry, Conn.	Payne,	Warner,
Cousins,	Henry, Ind.	Pearce, Mo.	Weymouth,
Crumpacker,	Hicks,	Pearson,	White, N. C.
Curtis, Iowa	Hilborn,	Pitney,	Williams, Pa.
Curtis, Kans.	Hitt,	Prince,	Wilson, N. Y.
Dalzell,	Howe,	Quigg,	Yost.
Danford,	Howell,	Ray,	
Davenport,	Hull,	Royse,	

NAYS—83.

Bailey,	Epes,	McClellan,	Robinson, Ind.
Baker, Ill.	Fitzpatrick,	McCormick,	Sayers,
Barlow,	Fleming,	McCulloch,	Settle,
Bartlett,	Fox,	McDowell,	Shafroth,
Bell,	Gunn,	McMillin,	Shuford,
Bland,	Handy,	McRae,	Simpson,
Bodine,	Hartman,	Marshall,	Sims,
Botkin,	Hay,	Martin,	Skinner,
Broussard,	Henry, Miss.	Maxwell,	Slayden,
Brundidge,	Henry, Tex.	Meekison,	Smith, Ky.
Burke,	Hinrichsen,	Meyer, La.	Sparkman,
Castle,	Howard, Ala.	Miers, Ind.	Stark,
Clayton,	Hunter,	Ogden,	Stephens, Tex.
Cochran, Mo.	Jett,	Osborne,	Tate,
Cooney,	King,	Otey,	Underwood,
Cowherd,	Kleberg,	Pierce, Tenn.	Vandiver,
Cummings,	Lamb,	Plowman,	Vincent,
De Graffenreid,	Lanham,	Rhea,	Wheeler, Ala.
De Vries,	Lewis, Ga.	Richardson,	Williams, Miss.
Dinsmore,	Lewis, Wash.	Ridgely,	Young, Va.
Elliott,	Love,	Robbins,	

ANSWERED "PRESENT"—12.

Bingham,	Brumm,	Mahon,	Terry,
Brosius,	Jenkins,	Spalding,	Young, Pa.
Brucker,	McEwan,	Sperry,	Zenor.

NOT VOTING—144.

Acheson,	Cooper, Wis.	Kerr,	Pugh,
Adamson,	Cox,	Kirkpatrick,	Reeves,
Allen,	Cranford,	Kitchin,	Rixey,
Baird,	Crump,	Knowles,	Robb,
Ball,	Davey,	Latimer,	Robertson, La.
Bankhead,	Davidson, Wis.	Lentz,	Sauerhering,
Barham,	Davis,	Lester,	Shelden,
Barney,	De Armond,	Littauer,	Showalter,
Barrett,	Dockery,	Little,	Simpkins,
Beach,	Dolliver,	Livingston,	Smith, S. W.
Belden,	Dovener,	Lorimer,	Smith, Wm. Alden
Belford,	Ermentrout,	Loud,	Snover,
Belknap,	Fenton,	Lovering,	Southwick,
Benner, Pa.	Fischer,	Lybrand,	Stallings,
Bennett,	Fitzgerald,	McAleer,	Stevens, Minn.
Benton,	Fletcher,	McCall,	Stewart, N. J.
Berry,	Foss,	McDonald,	Stokes,
Bishop,	Fowler, N. C.	McIntire,	Strait,
Boutelle,	Gaines,	McLaurin,	Strowd, N. C.
Bradley,	Gillett, Mass.	Maddox,	Sullivan,
Brantley,	Greene,	Maguire,	Sulloway,
Brenner, Ohio	Griffin,	Mahany,	Sulzer,
Brewer,	Griggs,	Mann,	Sutherland,
Bull,	Grow,	Mesick,	Swanson,
Burton,	Hager,	Miller,	Talbert,
Campbell,	Hamilton,	Mills,	Taylor, Ala.
Capron,	Hepburn,	Moody,	Todd,
Carmack,	Hill,	Moon,	Vehslage,
Catchings,	Hooker,	Morris,	Wadsworth,
Chickering,	Hopkins,	Newlands,	Walker, Mass.
Clardy,	Howard, Ga.	Northway,	Weaver,
Clark, Iowa	Johnson, Ind.	Norton,	Wheeler, Ky.
Clark, Mo.	Jones, Va.	Overstreet	White, Ill.
Colson,	Jones, Wash.	Perkins,	Wilber,
Connolly,	Joy,	Peters,	Wilson, S. C.
Cooper, Tex.	Kelley,	Powers,	Wright.

So the motion to lay the appeal on the table was agreed to.

Mr. TERRY. If there are no additional pairs, I desire to say that I voted "no" on this call; but, being paired with the gentleman from Massachusetts, Mr. GILLETT, I desire to withdraw my vote.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now is on the adoption of the resolution.

The question was put; and the resolution was agreed to.

The SPEAKER pro tempore. The Clerk will now report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 42) appropriating $50,000 for the relief of destitute citizens of the United States in the Island of Cuba.

Resolved, etc., That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the relief of destitute citizens of the United States in the Island of Cuba, said money to be expended at the discretion and under the direction of the President of the United States in the purchase and furnishing of food, clothing, and medicines to such citizens, and for transporting to the United States such of them as so desire and who are without means to transport themselves.

The SPEAKER pro tempore. Under the special order, debate on this resolution is limited to two hours. The Chair will recognize the gentleman from Illinois [Mr. HITT] to control the time in the affirmative and the gentleman from Texas [Mr. BAILEY] to control the time in the negative. If no one desires to debate, the Chair will put the question.

Mr. WHEELER of Alabama. We all desire to debate. [Laughter.]

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. BAILEY. I yield fifteen minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is said that times change and men change with them—whole bodies of men change with them. It was but a little time ago when the Republican party was boasting in loud tones that it was the party of "courage" in this country; above all things, that it was the party of "courage." But we have become so accustomed of late to see the Republican party run away from great public questions that it has ceased to be a novelty. We saw it at the beginning of this session run away from the Pacific railroad bill; we saw it later on run away from the consideration of the bankruptcy bill as it came from the Senate, and we see it now running away from the consideration of the Cuban question. When we come to examine more closely, Mr. Speaker, we find, however, that the Republican party has not changed its skin, nor the leopard its spots; we discover that back of each of these questions lies a plutocratic influence which is interested in nonaction.

Not only do whole bodies of men change as times change, but even the Speaker of this House, unchangeable, like the laws of the Medes and Persians, as we fondly imagined, changes with the times, too. There was a time a little while ago when, if he had been the chief of some Indian tribe, they would have called him "Big Man Defiant of Everything;" and now, to-day, they would add another title, and call him "Big Man Afraid of His Following." He is wiser than Epimetheus. He does not want to open Pandora's box. He is afraid to allow you men upon that side of the House to consider almost any great public question for fear chaos would follow in council; and upon this particular question he knows that American manhood, whether Democratic or Republican, would assert itself in favor of freedom wherever freedom's battle flag was hung to the breeze, whether in Cuba or elsewhere.

Now, Mr. Speaker, there are some other changes of more importance to the world than these; and the change that I note as the saddest is the change in the spirit of the great English-speaking race on both sides of the Atlantic. Time was when the names of Kossuth and Bolivar, or the cause of freedom in South America, or the cause of freedom in Greece, stirred every Anglo-Saxon heart in the world. But to-day it must be said of this great race, the greatest that the world ever saw and perhaps ever will see, that the British branch of it is aiding the despotisms of Europe in preserving the power of the barbarous Turk, while it manacles the sea power of Greece in the Mediterranean, while the American branch of the race is refusing even a hearing to the cause of freedom at their very back doors, in the very center of the American Mediterranean, where a people are struggling for the common right which every people possesses to change their form of government when old governments are unsatisfactory to civilization or do not answer to the public welfare.

In the great American House of Congress, where once Clay thundered, and where Benton and Mason and men of their type thundered in behalf of freedom everywhere, we can not obtain the poor boon of having an admitted fact passed upon and recognized, if that fact is one the consideration of which would be favorable to those people. Mr. Speaker, belligerency is simply a question of fact. It is not a question of law. There is nothing mysterious about it. Belligerency is "a condition of public warfare," and when you recognize belligerency in a country you merely recognize that public warfare exists there, and that as a consequence both sides should be accorded equal treatment.

The republicans in Cuba to-day are knocking at our back door, praying only that we shall take cognizance of the fact of existing war—belligerency. They are not asking any favor of your present Administration, only equal privileges with the Spaniard. Yet the Republican House of Representatives has to-day voted down a resolution which merely recognizes the existence of the fact of belligerency. I know you will say that you have not voted it down, that you have merely refused to consider it; but when you deliberately shut your eyes to a fact, and that fact is a fact the recognition of which is necessary to neutrality, necessary to doing equal justice to belligerents, you can not fool the people long with the idea that you have not deliberately done it. I know that the gentleman from Illinois said that the President was about to interfere by "diplomacy."

By the way, Mr. Speaker, did you ever think how utterly too-too mysterious it makes a man to be on the Committee on Foreign Relations of either House of Congress? I have known gentlemen who were the very pictures of geniality and bonhomie and frankness go upon that committee and become at once afflicted with the disease of mystery. Whenever anything is touched upon which affects foreign relations, the cry goes up: "Hush, hush, hush, for this is the bogey man! The most interminable consequences will follow if you put your unholy hands upon this sacred thing!"

But there is nothing mysterious about the question of Cuban belligerency, and the idea that the President, if he is really trying to bring about a recognition of Cuban belligerency or of Cuban independence, can possibly be injured by having the world know that the legislative branch of the American Government agrees with him, is entirely too absurd for serious consideration.

Mr. Speaker, there seems an easy way in which all these House and Senate proceedings can be brought to an end. Let the gentleman who has been and who will be chairman of the Committee on Foreign Affairs in this House rise upon his feet now or at any time and say that the President has told him that he intends, by executive action, to recognize Cuban belligerency. If he will do so, there will be no other word spoken here. Let the President say it to the country, and there will be no word further spoken here.

Now, then, Mr. Speaker, as I said a moment ago, belligerency is a fact. The question is, Does a condition of public warfare exist between certain peoples, or between certain fractions of a people? If so, belligerency exists. Is it a fact, then, that a condition of public warfare exists in Cuba to-day? I want no better evidence than that which was furnished by the gentleman from Illinois, when he quoted from Signor Sagasta, the leader of the Liberal party in Spain to-day, and who will probably soon be the premier of that country.

Mr. Sagasta said in so many words, "We (the Spaniards) exercise no administration or domination in the territory of Cuba east of Sacugeunay." He says, furthermore:

We have 200,000 troops in Cuba, but we are not even masters of the territory trodden by our soldiers.

Gentlemen say that there are no facts upon which to support the recognition of Cuban belligerency. Signor Sagasta answers them.

Mr. Speaker, no facts! There are facts that would support a declaration of war upon the part of the people of America against Spain. The gentleman himself says the executive department acknowledges, everybody acknowledges, that between 700 and 800 American citizens are, under military orders, herded up like sheep in certain refuge cities in Cuba, without anyone to care for them or any ability to do anything for their own support, and without any provision being made by the Government of Spain for supporting them.

Spain has no more right to put men to death by starvation than she has to put them to death by the bullet; and yet Spain must be affected with the natural consequences of her own deliberate act when she drives men, women, and children, under penalty of military execution, from their homes, to herd them, while deprived of ability to engage in their life avocations, in certain places chosen by her, and there leaves them without food, clothing, or shelter. It is the cruelest of possible murders, and 700 or 800 of the people subjected to this treatment are American citizens!

What would have been thought during the late civil war if General Grant or General Lee had issued a proclamation, or if the government of either of the contending forces had issued a proclamation to the effect that all men, women, and children, including British subjects and French citizens, be gathered together in four cities—let us say New York, St. Louis, Memphis, and Washington—and then had made no provision whatever to feed them or clothe them, no provision even to furnish them with a local habitation while they were there?

Do you suppose that Great Britain—the other great branch of the English-speaking race—would not have spoken to us in unmistakable tones? Do you suppose that Napoleon III—at that time seated upon the imperial throne of France—would not have followed that action with action of his own which would have meant something against the power that was maltreating defenseless aliens and in favor of the power on the other side? Yet this is a fact which nobody denies: These hundreds are thus huddled and herded.

Now, what does the Republican party propose to do? Gentlemen, I ask you seriously to consider this. You propose to treat American citizens who are thus huddled, deliberately, as I believe, for starvation and for pestilence, not like American citizens, but like paupers. You propose to send them relief, you propose to deal out charity to them instead of dealing out what this magnificent race has always dealt out to its citizens everywhere, under every sun and in every clime—protection in the enjoyment of their rights. Notice of protection, intervention for protection, is the step that you ought to take here to-day.

I shall, of course, vote to send relief, but my only objection to this resolution is that it does not go far enough. Even the resolution attempted to be proposed by Mr. BAILEY of Texas, as an amendment to the one now being considered, does not go far enough, in my opinion. And why do gentlemen object to recognizing Cuban belligerency, to recognizing a plain and palpable fact—a condition of existing public warfare in Cuba? Why, sir, we have objection made based on a condition of things of which the American "middle classes" and "lower classes"—meaning by those terms the less rich and the least rich—are growing tired day by day. The only objection made is that it will "disturb business relations."

In this latter end of the nineteenth century, men seem to think not only that "the age of chivalry has gone," but that this magnificent piece of humanity that God has created and which we call man, with "an imagination to body forth the shapes of things unknown," with an intellect to probe into the very secrets of nature, with a heart to feel for suffering and for liberty everywhere in the world, is nothing but a miserable money-making machine. It is bad enough for an individual to feel that way. He sinks immediately to the contempt of all men. He sinks to the contempt of God Almighty.

Poetry goes out from him; imagination ceases to exist with him. Chivalry is dead; manhood itself is sapped. But for a nation—and, worse than all, for a great race like the two branches of this English-speaking race of ours—to come to the conclusion, as they seem to have done lately, that the only thing to be considered in their relations with the other nations of the earth is the money question, the trade question, the effect on stocks and bonds, the disturbance of business, carries degradation so far that I do not believe any man was ever gifted with power to express the contempt that a real man ought to feel for it. [Applause.]

[Here the hammer fell.]

Mr. BAILEY. I yield five minutes more to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I say away with considerations like that, where justice and freedom stand before you! It was said in the old days that a Roman citizen, wherever he walked on the face of the globe, being disturbed in the exercise of his rights, held himself up proudly and said, "Civis Romanus sum." And I want to see the day when, wherever an American citizen may be, he shall hold himself proudly, and in response to all attempts at outrage shall say, "I am an American citizen."

And I want to see the time when a naturalization paper from this great Republic may be like the flag of the Republic itself, when it shall protect whatever and whoever stands under it, and when all the world shall know that no prince, power, or potentate, no nation, no sovereign's satrap, dares to question it or dares to go behind it; when it shall cover a citizen like a shield against all outrage and all infamy.

I said a moment ago that we were coming to the point where considerations of business relations prevented you from recognizing officially a fact when it was plain, patent, and acknowledged of all men. But that is not all. We seem to be coming to the point where, if civilization itself is confronted with business interests, civilization must stand aside; when outrage and rape and arson at our very doors—things that curdle the very blood when we read about them—are to be passed over lightly with the remark, "Do not put your unholy hand on this; you can not tell what may follow; this is a matter of diplomacy." And when we push the matter further, we find that behind the "diplomacy" is always some matter of business interests.

But, leaving that consideration, I hold that, from the standpoint of business even, vulgar and plebeian as that consideration is, this war ought to be put an end to, and we have the power to put an end to it. From the standpoint of political expediency we ought to intervene. Why, not long ago gentlemen cheered as if they were wild when something was said about the annexation of Hawaii and the acquirement of a little coaling station more than a thousand miles from the nearest point on the American Continent.

I am not a jingo; I am not an annexationist. I would not try to spread the wings of the American eagle all over the islands of the sea. Nor would I upon every occasion flop those wings and scream in exultant boast at our own prowess. But there is a proper sphere of influence within the view of every nation—the sphere of its own proper action; and if the Gulf of Mexico, the American Mediterranean, is not within our national sphere, then I know not what is. The Island of Cuba commands the mouth of the Mississippi River, bearing the greatest inland commerce in the world.

It will command the mouth of the Nicaragua Canal when it is dug, and it will therefore command the passage to and fro of American troops and ships from coast to coast. We want it within the hands of a friendly power, and the Cubans will be friendly. Spain is historically, traditionally, and from the very natures of the Spaniard and the Anglo-Saxon an enemy to the English-speaking race always and everywhere when she dares to show her enmity.

Therefore, as a mere matter of political expediency, while I would do no wrong, while I would start no crusade of "manifest destiny," I would take advantage of every piece of good fortune that may befall ourselves, and every piece of bad fortune that may befall any of our natural enemies, to weaken them in the American Mediterranean and to establish there, so far as we can, our own power or the power of peoples who are friendly to us, who from the very nature of things would be friendly, who, whether or not they were under our protection in a territorial government later on, as might happen, would be allies, just as Platæa and Athens were allies by reason of propinquity and by necessity of situation. [Applause.]

[Here the hammer fell.]

Mr. BAILEY. Mr. Speaker, I assume, of course, that the gentleman in charge of the time on the other side of the House will now consume some part of it.

Mr. HITT. I yield three minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, having visited the Island of Cuba in January last, I wish to advocate the passage of this resolution appropriating money for the relief of American citizens on that island. In doing so I am influenced by my personal observation of the condition of affairs there.

I am somewhat surprised that this resolution should be termed in anywise political; and I know that gentlemen who are opposing its passage by filibustering are certainly not familiar with the real condition of our American citizens on that island.

I do not intend, Mr. Speaker, to enter into any argument upon the legal phases of this question—whether Congress or the President should take the initiative in passing a law to recognize the belligerency of Cuba. I propose to devote my time entirely to showing the pressing necessity of relieving American citizens in the prison pens, starving, as they were in January last, and in a condition of far greater suffering as I know they are to-day.

I visited Habana for the purpose of investigating the Cuban question. I visited the country round about Habana for 30 or 40

miles; and every case that I shall state to this House is a case that came under my own personal observation and was investigated for my own personal satisfaction. I want to state the case of Charles Govin, an American citizen, to show that Spain has no right at this time to claim from us that we are infringing upon international law or any treaty rights when we propose to relieve Americans suffering on that island.

By reason of the advantages given me, I visited the Cabanas fortress—I think on the 2d of January. A prisoner was brought out to me who exhibited the marks upon his arms, and told me that a short time before he had been captured in the insurgents' army with one Charles Govin, an American citizen. He told me that when Govin was captured he was entirely uninjured; that he exhibited to the commanding officer of the Spanish guard who took him his papers as a citizen of the United States, his appointment as a correspondent of a newspaper in the city of New York—I think it was the Journal—and his passport admitting him to that territory. And when the Spanish officer discovered what those papers were he struck them from his hands and tied him to two other prisoners for the night.

This same prisoner told me that the next morning at daybreak Charles Govin was taken out in plain view, tied to a tree, and the Spanish cavalry ordered to ride by and cut him with their machetes as they did so, which order was obeyed until the man was attually cut to pieces by the Spanish cavalry. And when this prisoner with whom I talked, Mr. Speaker, was afterwards put in the Cabanas prison, he applied to the consul-general of the United States, claiming his right as an American citizen and stating that he did not assert such right on the field because he "feared the fate of Charles Govin." The whole official correspondence is here, Mr. Speaker, published in Senate Document 39 of the Fifty-fourth Congress. The correspondence is open to all of us. That is the treatment that one American citizen received.

Mr. Speaker, it was my good fortune to meet the brother of Charles Govin at Tampa, Fla. Because the claim is made that these same people come to the United States and procure fraudulent papers and go back to Cuba, I want to say that this man was as thorough an American as I am myself—a permanent resident of the United States—as was also his brother Charles, who was so cruelly murdered by the Spanish.

Mr. SIMPSON of Kansas. Will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. ROBBINS. If it is not to come out of my time.

The SPEAKER pro tempore. Of course it will come out of the gentleman's time.

Mr. SIMPSON of Kansas. I wish to ask the gentleman a question.

Mr. ROBBINS. Very well.

Mr. SIMPSON of Kansas. Does the gentleman think he can change those conditions by an appropriation of $50,000?

Mr. ROBBINS. I think, Mr. Speaker, that $50,000 will relieve to that extent, and, if it is necessary, the following of it up by $100,000, the sending of food and medicine, is the very thing we want to do. This is the beginning of a great work. We do not want to quibble about forms of law and diplomacy. We want to send these people substantial relief, and send it at once.

One other case, Mr. Speaker. Here is the card of Frederic L. Craycroft, who called on me at the Hotel Ingleterre, in Habana, and who came from the State of Indiana, I believe. I am not sure but that he was a citizen of the late Judge Holman's district. By the death of a friend this young man, who was 26 years of age, was called to Cuba to settle up an estate, which consisted of a farm within 20 miles of the city of Habana. He told me that the Spanish troops came to his place early in December, under the command of a commissioned officer, troops that were sent by Spain to the Island of Cuba to enforce the law and preserve order. He told me that that commissioned officer demanded money from him, and when he refused to give it, struck him on the head with his sword.

I saw myself the mark on the young man's head and saw his clothes that were cut. I saw these at the American consulate. Mr. Speaker, when he was finally knocked down and almost kicked into insensibility, he gave the commissioned officer $100, and his soldiers grabbed up some $29, all that he had left, and took his horse and other property. On that same expedition, that same Spanish officer, with these men, went on burning up the houses and killing peaceful citizens—pacificos, as they are called—until in that raid 28 peaceful citizens were killed. This American, when I saw him, almost a month later, was a fugitive in the city of Habana, living upon the alms of the American citizens in Habana, fearing to return to his farm.

Mr. SIMPSON of Kansas. Now, what good will this $50,000 do those dead men?

Mr. ROBBINS. This man is not dead.

Mr. SIMPSON of Kansas. Will you let them be killed first and feed them afterwards?

Mr. ROBBINS. This man is starving in the city of Habana, driven from his plantation. Fifty thousand dollars, if properly expended, will at least give him bread, that he may live.

Mr. Speaker, we all know the case of Julio Sanguily, an American citizen who was tried and condemned contrary to the treaty rights with Spain. His lawyer was imprisoned. The lawyer who took his appeal at Madrid was deprived of his office. These are some ways in which Spain is treating citizens of the United States.

Mr. Speaker, after the battle of Guanabacoa, the day after that fight, I saw American citizens, whom certainly the gentleman from Kansas [Mr. SIMPSON] would say should be relieved by an appropriation of money. The day after that fight there were huddled in the little city of Guanabacoa, within 6 miles of Habana, more than 2,000 people, they told me, and the streets were crowded. They told me those people had been driven in from the provinces outside.

Spain does not make any pretense of furnishing those people with food. They have been driven from their plantations, deprived of their horses, deprived of every means of support, and among those 2,000 fugitive people from the country round about they told me, and I heard it officially at the American consulate, there were some eight or ten American citizens that were in actual want and in actual starvation.

Mr. BRUCKER. Mr. Speaker, I should like to ask the gentleman when it was that he saw all of these horrors taking place?

Mr. ROBBINS. I went to the Island of Cuba on the 24th day of December and came away in January of this year.

Mr. BRUCKER. Is not what you saw and what you describe here the legitimate result of war?

Mr. ROBBINS. To attack peaceable citizens, to kill women and children, to drive old men, defenseless women, and little children from the country, from their homes, into the towns to starve, is not "legitimate war" nor the result of "legitimate war." It is extermination; it is cold, cruel, deliberate murder.

No, this terrible condition of affairs is the result of the "brutal policy of Spain" and not the result of "legitimate war."

No, I say again, it is not the legitimate result of war, Mr. Speaker. In the treaty with Spain which I have here, Spain guarantees protection to every American citizen on the Island of Cuba, under the articles of 1795, and again in protocol of 1877, this right is guaranteed, but under this proclamation of General Weyler, issued October 21, 1896, this condition of affairs is brought about in Cuba—and I want to read just one paragraph of it for the enlightenment of gentlemen upon the other side. This proclamation reads:

> That all the inhabitants of the country districts, or those who reside outside the lines of fortifications of the towns, shall within a delay of eight days enter the towns which are occupied by the troops. Any individual found outside the lines in the country at the expiration of this period shall be considered a rebel, and shall be dealt with as such.—*Proclamation of General Weyler, dated October 21, 1896, sec. 1.*

Mr. Speaker, all the inhabitants—Americans, pacificos, noncombatants, men, women, and children—are driven into the towns by this nefarious proclamation of the butcher Weyler, to starve, as they are doing, in those fortified towns of Cuba; for to remain outside means to be shot, as these poor wretches have learned by bitter experience. To be driven into the towns means death by starvation and disease.

Mr. BRUCKER. I should like to ask the gentleman another question, Mr. Speaker.

Mr. ROBBINS. I can not be interrupted. I have only ten minutes.

Several MEMBERS. Go ahead.

Mr. ROBBINS. I do not wish to refuse. I will answer the gentleman in any way I can; but my time is so short.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. ROBBINS. Mr. Speaker, this condition of affairs existing in the Island of Cuba, this is the condition of affairs existing with reference to some 600 or 800 Americans resident in the country districts of Cuba, as we are informed by the President's message, and it ought to demand at the hands of the American people some immediate and urgent relief. If this appropriation can be expended for their relief, it ought to be granted gladly and at once. Talk about a condition of war! Here, Mr. Speaker, is the list of American prisoners confined in the Cuban prisons.

This list, which is officially furnished by the Secretary of State to the United States Senate, and is a Senate document, discloses the names of 74 American citizens. We have been told to-day by the chairman of the Committee on Foreign Affairs [Mr. HITT] that nearly all of them have, by the urgency of a Republican Executive, been liberated from those prisons since the 4th of March. We want to go further, Mr. Speaker. We want to relieve the suffering of American citizens in Cuba in these starvation pens in these fortified towns; this condition of affairs which has been brought about, not by the legitimate results of war, but by the results of an order the parallel of which is only found in the Inquisition, the order that General Weyler promulgated in the fall of 1896.

I believe Cuba should be free. I will vote to acknowledge the

Republic of Cuba at the first opportunity. Spain has broken every treaty obligation with us. She has murdered our citizens and destroyed their property. We owe her nothing now. Our duty to our own citizens demands that we protect their lives and property and relieve them from starvation. Does citizenship of the United States mean nothing? Will we not protect it? We have notified the world that we will not permit any other nation to interfere between Spain and Cuba. Yet we will not. We spend thousands of dollars guarding our ports and patrolling the high seas to prevent arms, men, and supplies from being shipped to Cuban patriots, while the Spaniards buy all these here and send them openly to Cuba. Let us grant equal rights to each. Let us acknowledge belligerency; recognize the independence of the Cuban Republic. Let us grant, Mr. Speaker, to the Cubans the Spaniard's chance.

Let us appropriate this money and appropriate it quickly, Mr. Speaker, and if that does not bring about the release of American citizens from starvation and death, let us send after it another $50,000, and if that does not bring the result, then I for one shall vote for and do all that I can to send after these donations war ships and armed troops. I believe first, Mr. Speaker, in attempting in some rational and substantial manner to relieve these starving Americans quickly and without delay. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. BAILEY. I yield ten minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, we are all agreed as to the necessity for relieving these suffering Americans in Cuba, and I presume that we are all agreed upon another proposition, that there is war in Cuba. I do not think that any intelligent Republican will dare to deny that proposition.

Now, the only practical question to-day before this House and before the people of America is how best and most safely and surely to relieve these people in whom we are interested in Cuba. Your proposition is to feed them for thirty-one days with $50,000, for that is the length of time that it will suffice. At the end of thirty-one days you must repeat the appropriation, and at the end of sixty-two days you must repeat it again.

Now, I shall vote for the $50,000, but I lay down the proposition that it is not the practical way in which to get at this business. In the first place, what brought about the necessity for the expenditure of the $50,000? The simple fact that General Weyler, in a war on noncombatants, has driven them from their rural homes into the cities and villages of Cuba, without any excuse under the heavens but that he intends to exterminate every Cuban on the island.

Those he can not kill or banish he proposes to starve to death; and I want to say to my friend from Illinois [Mr. HITT], of whom I am so fond, that it came with very bad grace from him this morning to throw across onto this side of the House the charge that the gentleman from Texas [Mr. BAILEY], the leader of the minority, was delaying the provisioning of these starving people. You and your party could have done just the same thing last Monday which you did to-day. Your Committee on Rules could have brought in this rule on last Monday just as well as to-day. Why did you not do it?

But there is another thing that I want to bring to your attention. John Sherman, Secretary of State, knew just as well on the 5th of March of the existing condition of affairs as he knows them to-day.

Mr. HITT. How do you know that?

Mr. SHAFROTH. The gentleman from Illinois scarcely needs to ask that question, for he was chairman of the Committee on Foreign Affairs in the last House.

Mr. LIVINGSTON. Why, of course he was. Now, Mr. Speaker, since the 5th day of March he has had access to the private files and correspondence from Cuba, that have been kept from Congress, and intentionally kept from the public, for fear of creating a feeling which would have compelled decided action in behalf of these Cuban people. Much was and is expected of this Administration. The last did not meet the demands so urgently pressed upon it by Congress and the public. This should have and, if acceptable to the people, must have more Americanism and less Spanish and less English.

There should be Americanism in it sufficient at least to insure safety to Americans in Cuba. You have an Administration that for sixty days, since Mr. McKinley and Mr. Sherman came in, knew that there were starving Americans in Cuba; John Sherman for sixty days knew that these people were starving, and yet you charge on this side, upon the minority leader of this House, that he purposely delayed this provision for four days, when you have simply deliberately and knowingly delayed it for more than sixty days.

Now, let me suggest that it would have been delayed sixty days more if it had not come to the knowledge of the Republican Administration that the Morgan resolution in the Senate had just dragged itself along for thirty days and could drag no longer, that the Senate was bound to act upon it, and that they were going to pass it; and just at the very threshold or doorway of its passage you come in here with a proposition and say, "Give us a little more time and the President will certainly do it."

Oh, I remember these promises from the Executive, made when the question was up for the repeal of the purchasing clause of the Sherman Act, that gave so many Democrats on this side so much trouble, and that from that day to this made them cover their faces in shame. Now, Mr. Speaker, I want to suggest, in all candor, to that side of the House one way out of this whole business. Vote the $50,000 to feed these starving American citizens, and send along with it a notice to General Weyler that he must turn these noncombatants loose and let them go back to the rural districts where they can get fruits and roots and meat to live upon, and get rid of the $50,000 appropriated hereafter. Why not?

Mr. STEELE. Who will live on roots?

Mr. LIVINGSTON. The gentleman says, Who would live on roots? For gentlemen over there, I would not be sure but that it would be a very good thing for them to live on roots for a while. [Laughter and applause on the Democratic side.] It might cause them to have a little more Americanism if they had to live on roots for a while in Cuba. [Renewed laughter.]

But, Mr. Speaker, let me suggest in all candor a removal of the cause that brought on these existing conditions that call for this appropriation; and I know, sir, that you will agree with me, and I know that my friend from Illinois will agree with me, that the only way to practically and permanently get rid of this thing is to remove the cause that brought about this necessity. Now, the necessity is brought about by Weyler's order. I should notify him that it must be revoked.

Mr. HITT. May I ask the gentleman a question?

Mr. LIVINGSTON. Certainly.

Mr. HITT. Do you not think the better way to remove the cause would be to have the President, with all his authority and with all the ability of his advisers, to secure the independence of Cuba instead of the belligerency or anything else? [Applause on the Republican side.]

Mr. LIVINGSTON. Yes. Will you answer one question for me? Will the President do that? [Applause on the Democratic side.] Now, answer. That is fair. When will he do it? My friend is an honest man; let him answer that.

Mr. HITT. Mr. Speaker, I have no right to speak by any authority.

Mr. LIVINGSTON. Then you have no right to make that proposition to me. [Laughter on the Democratic side.]

Mr. HITT. I asked you a question, and you have asked me one.

Mr. LIVINGSTON. Yes.

Mr. HITT. Do you want an answer?

Mr. LIVINGSTON. I do want an answer.

Mr. HITT. Then I will answer the gentleman. As one member, and speaking for myself, I have reason to believe that the President is taking as active——

Mr. LIVINGSTON. This comes out of my time. Be in a hurry and go ahead.

Mr. HITT. The President is taking as active and as effective steps as he can looking to securing the independence of Cuba. I just stated to you a fact showing the outlook in Cuba, that that conviction is shared at headquarters in Spain, that the minister who will probably be in charge of that Government in a few days has said as to the Cuban struggle that the prospect is substantially hopeless for Spain. [Applause on the Republican side.]

Mr. LIVINGSTON. Let me ask the gentleman one further question. Have you any confidence, to any extent, in Spanish promises? Now, come down to it, honestly.

Mr. HITT. I do not think that there is any promise in question.

Mr. LIVINGSTON. Now, from the same process of reasoning, we can reason all along the other side, and I know you are candid. I have a great deal of faith in Mr. McKinley, although he is a Republican. I am afraid, however, that he is in the hands of the Philistines, as Cleveland was. [Laughter and applause on the Democratic side.]

I am afraid they will manipulate him, and I would rather act so to give him more backbone, so that he would send a declaration: "To General Weyler: For once and forever that order of yours must be revoked; these noncombatants must go back to their homes in the rural sections, so that they can get their own food. We will not submit to it, by the eternal!" That is what we ought to do; and why not amend your resolution? Why not do that?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BAILEY. I yield ten minutes to the gentleman from Alabama.

Mr. WHEELER of Alabama. Mr. Speaker, the highest parliamentary body of the greatest Government on earth is called upon to determine from the evidence before it whether war does or does not exist on the Island of Cuba.

That is the only question, Mr. Speaker.

Only on yesterday, at the very time prominent Republican statesmen were asserting that war did not exist on that island, the distinguished Spanish senator and ex-premier, Señor Sagasta, was making a speech in Madrid, in which he asserted in the most positive terms that war did exist; that Spain had 200,000 troops in Cuba, but he painfully admitted that Spain was not master even of the territory trodden by her soldiers. I read his exact words as they appear in the cablegram from Madrid in the Post of this morning:

MADRID, *May 19*.

At a meeting of Liberal senators and deputies to-day Señor Sagasta, former premier, made an important speech, in the course of which he said:

"We have 200,000 troops in Cuba, but we are not even masters of the territory trodden by our soldiers. At the same moment Carlism is organizing itself in the peninsula and menaces us with a new war, thanks to the impunity it enjoys, while the seeds of separatism are germinating in some of the provinces.

"The picture could not be gloomier. We have war in Cuba and in the Philippines, and we have attempts at civil war at home."

Two hundred thousand Spanish soldiers in arms and in line of battle in the Island of Cuba, and an official report before us stating that

EIGHT HUNDRED AMERICANS DESPOILED, IMPOUNDED, AND STARVING.

Eight hundred American citizens are driven from their homes, deprived of their property, despoiled of their estates, impounded and corralled and starving in the towns and villages of Cuba, and yet men who have forgotten that honor and chivalry are the priceless heritage of the American people would make us believe that the Island of Cuba is blessed with profound peace.

For three years the Spanish bulletins have been reporting frequent engagements with superior bodies of insurgents. They have told us of the slaughter of the insurgents in battle, and the sound of musketry shooting down helpless prisoners, including combatants and noncombatants, including Cubans and Americans, has been heard every day of the reign of the Nero of the nineteenth century: "King Weyler the First;" and yet, after all this slaughter, the distinguished Spanish senator and ex-premier proclaims in Madrid, Spain's beautiful capital:

We have 200,000 troops in Cuba, but we are not even masters of the territory trodden by our soldiers.

This is an important statement from a Spanish senator and ex-premier, and the gentleman from Illinois [Mr. HITT] who has just taken his seat informs us that Señor Sagasta will in a few days again become the premier of that Government, and this fact gives even more significance to his words. He tells the people of Spain that because of an insurgent army of superior numbers the 200,000 Spanish troops are not even masters of the territory they stand upon, and the gentleman from Pennsylvania who spoke half an hour ago told us that the warfare carried on by these 200,000 soldiers was brutal, cruel, and atrocious.

The statement by Señor Sagasta that—

Spain is not even master of the territory trodden by her 200,000 soldiers—

is an admission that the Cubans have practically the control of the entire island. This alone entitles the struggling patriots to the rights of belligerents.

All works on international law assert that actual possession of the territory is sufficient.

Wildman, quoted approvingly by Halleck, pays 68, says:

When, in the result of a civil war, a state changes its government, or a province, or colony, that before had no separate existence, is in the possession of the rights of sovereignty, the possession of sovereignty de facto is taken to be possession de jure; and any foreign power is at liberty to recognize such sovereignty by treating with the possessor of it as an independent state. In international transactions possession is sufficient.

Davis in international law, page 200, says:

The parties to a war are called belligerants. The recognition of such rights by foreign governments in no way involves the recognition of the rebellious government as a separate political recognition. It only implies that the laws of war are to prevail in the military operations.

Lorimer, Vol. 1, page 142, says:

By recognizing belligerent rights neutral powers pronounce no judgment whatever, either on the merits of the claim or the probability of its ultimate vindication. Belligerent recognition is a mere declaration of impartiality. To withhold from the claimant for recognition the rights of belligerency, whilst we extend them to the parent state, would plainly be to take part against it in the war.

Notwithstanding all this, the money changers and owners of Spanish bonds tell the people that there is no war in Cuba, and that we must not recognize Cubans as entitled to belligerent rights.

SPANISH ARMY IN CUBA FIVEFOLD OUR ARMY OF 1776 OR 1812.

From 1776 to 1781 the average enrolled force of our continental soldiers was 38,263, while the average force of British troops in America during that time, which I take from eleven different official reports, was 32,208, to which force should be added their American adherents, which at one time numbered 8,954 men, making the average British force somewhat in excess of 40,000 soldiers; yet all historical works, including our school histories, tell us that the period from Lexington and Concord, April 19, 1775, to Yorktown, October 19, 1781, was a condition of bloody, cruel, and desolating war.

Our losses during that seven-years conflict was but 2,200 killed and 6,500 wounded, a less number than the Spaniards claim are killed in a single season, either killed in battle or shot down in Weyler's slaughter pens. In the war of 1812 we had 1,877 killed and died of wounds, and 3,737 were wounded and recovered; and in the war with Mexico 1,049 were killed and died from wounds, and 3,928 were wounded and recovered.

MANY TIMES GREATER THAN THE ARMIES IN MEXICO.

The greatest force commanded by General Taylor, with which he won the victories of Palo Alto, Resaca de la Palma, and Monterey, was 6,650, and his great victory at Buena Vista was accomplished with a force of 4,733 men, and Santa Anna's entire army at that battle was reported on paper as 19,993 men.

General Scott carried the Stars and Stripes from Vera Cruz to the halls of Montezuma with an army whose maximum strength was 12,776 men, and the entire force brought against him by Santa Anna was estimated to be 30,000 strong [applause]; and yet American history has dignified these occurrences as real, actual, bloody warfare. Mr. Speaker, we have to either stop Fourth of July celebrations and undo the elections of Old Hickory in 1848 and Pierce in 1852, who the people elected because they were told that old Zach Taylor and Franklin Pierce were both heroes in actual war, or else we have got to admit that the array of hostile armies more than five times as formidable as those which fought the campaign in Mexico or the battles of the Revolution have created a condition of actual war in Cuba.

TEN TIMES JACKSON'S ARMY IN THE VALLEY.

Stonewall Jackson in his campaign in the Valley had less than 17,000 men, and much less than that number in his engagements at Kernstown with General Shields, at McDowell with General Milroy, at Front Royal and Winchester with General Banks, and at Cross Keys and Port Republic with Generals Frémont and Shields, and yet all these gallant soldiers, driven from these fields by the sagacity, skill, and courage of the superb Jackson, hastened forward couriers, dispatches, and telegrams assuring the Government that the once peaceful valley of Shenandoah had become a theater of actual war.

If we are to vote that war does not exist in Cuba, we must also vote that there was no war in the Shenandoah Valley.

LESS THAN TWO HUNDRED THOUSAND CONFEDERATES UNDER ARMS IN 1863.

Again, Mr. Speaker, the War Record Reports tell us that in 1863 the total effective of all the Confederate force east of the Mississippi River was only 153,780 men, and it must be remembered that in 1861, before half that number of soldiers were in the field, the Spanish Cortes declared that war existed between the United States and the Confederate government. If we now decide that there are not a sufficient number of Spanish troops in Cuba to create a condition of war, we must also decide that war did not exist in this country from 1861 to 1865, and we must follow up that by repealing all the pension laws, bringing the dead to life, making the lame to walk, revising history, and teaching the children that there were no such persons as Lincoln, McClellan, Grant, Sherman, Sheridan, Hancock, Schofield, or Lee, Jackson, and Jefferson Davis. We must do one of these things, Mr. Speaker, or else admit that the same facts which created a condition of war in one country does not create it in another.

FRANCE HAD BUT 195,801 SOLDIERS IN 1815.

The returns of all the armies of France of June 1, 1815, show that their entire strength was 195,801 men. This included the Army of the North with which the Emperor fought the battles of Ligny, Quartre Bras, and Waterloo; Army of the Rhine, under Rapp; Army of the Alps, under Suchet; Army of the Jura, under Lecourbe; Army of the Var, under Brune; Army of the Eastern Pyrenees, under Decaen; Army of the Western Pyrenees, under Clauzel, and Army of the La Vendee, under Lamarque. The entire force under arms in France was therefore less in number than the strength of the Spanish army which Señor Sagasta tells us is now fighting a war of oppression and conquest in Cuba.

If Republican statesmen are right that war does not now exist in Cuba, then war did not exist in Europe, and the stories of Napoleon and Wellington and Blucher and Waterloo are fairy tales which should be blotted out of history.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WHEELER of Alabama. I ask two minutes more.

Mr. BAILEY. I have yielded all the time under my control.

Mr. WHEELER of Alabama. I ask unanimous consent for an extension of two minutes.

There was no objection.

Mr. WHEELER of Alabama. I thank the House for this courtesy.

The trouble is, Mr. Speaker, that the controlling element in this country has changed.

HONOR THE DOMINANT SPIRIT ONCE; GOLD THE CONTROLLING POWER NOW.

From 1776 to 1865 the dominant spirit which controlled in this Republic was one of honor, glory, chivalry, and patriotism. The dominant spirit of to-day is the pride of gold, of palaces, of marriage alliances with dukes, and princes, and counts, and an exercise of the whole power of the Government in the interests of money changers, millionaires, and monopolies, and this, too, whether they are Astors, Goulds, Vanderbilts, or Rockefellers of America, or Barings and Rothschilds from across the sea.

I do not know what others may say or how others may vote, but I for one proclaim on this floor that war, cruel, brutal, murderous war, does exist in that "gem of the ocean"—that beautiful "Queen of the Antilles"—and I here assert that it is our duty as the representatives of the greatest people upon earth to so declare in the highest councils that exist under the canopy of heaven. [Applause.]

If this declaration will aid our brethren struggling for liberty, we are only doing what we promised to do when God vouchsafed victory and liberty to us. If we fail to do this, we are recreant to our pledges, to Christianity, to civilization, to humanity, and to God. [Loud applause.]

Mr. HITT. I yield five minutes to the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS. Mr. Speaker, as I entered the House a moment ago, I heard a gentleman from Georgia making an appeal to this side of the Chamber to pass these belligerent resolutions to "stiffen the backbone" of the man to whom the American people have just intrusted the charge of this Government.

I wish to say, in reply to the gentleman from Georgia, that the man who within thirty days after taking his seat in the executive chair forced open the prison doors of Cuba and set free the sixty Americans who had been languishing in prison cells, owing to the weakness of the Democratic Administration, needs no strengthening at the hands of either side of this Chamber. [Applause.]

Mr. Speaker, there have been some comments made here upon the Committee on Foreign Affairs of the last House. As the chairman of the subcommittee that had charge of the subject of Cuba in that Congress, I wish to say that, while not occupying that official position now—while, in fact, not a member of any committee—I wish to state that we reported to this House a resolution which called for the protection of American property and the protection of the liberty of American citizens to the point of armed intervention. And we need no suggestion now from the Democratic side of the Chamber as to what the Republican party should do.

Our position on this subject is declared in our platform. We stand pledged to that position, and we will carry it out. But, sir, we will do it in our own way and in our own time, and upon the suggestion of the executive branch of this Government, not at the dictation of a minority party whom the people of this country have just sent to the rear. We hold ourselves responsible, and we will meet the issue. When our Executive sends to this Congress a message asking us to provide for feeding starving Americans, we ask no suggestion from the other side of the Chamber.

We will feed starving Americans; and if gentlemen on the other side want to go on record against it on a parliamentary quibble, let them do so at their peril, and the people will hold them accountable for their actions. The people of the North and of the South will ask, Was there any objection when it was proposed to send food to Russia? Was there any objection when it was proposed to send food to India?

Nay, more. Coming right to our own homes, was there any objection when, in view of the floods in the Mississippi Valley, aid was sought here? And yet gentlemen from the other side, coming from that very section, have the effrontery to stand in this Chamber and to oppose by a parliamentary quibble, for the sake of a small political advantage, the sending of food to starving Americans in Cuba.

Mr. Speaker, this is not a question of international law. The question is not whether our country is in danger of being involved in any difficulty. Spain, that has kept at arm's length any propositions from the last Administration, has received this proposition cordially—has offered no opposition to feeding these people. Where is the necessity for any action on the part of this House to "strengthen the backbone" of the Executive? Has Spain ever accepted any proposition of any kind from the last Administration? No, sir; for she knew the weakness of the Executive; she knew she had the sympathies of the Executive and the Secretary of State on the Cuban question; and she would not have dared to hold out her hand so that this might be done. The "backbone" is there in the present Executive; and if Spain had dared to refuse this offer of America to feed her sons residing in a foreign land, the force would have been there and food would have gone, if we had been obliged to fire it down the throats of the hot-headed Spaniards. [Applause.]

[Here the hammer fell.]

Mr. BAILEY. I yield ten minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, to a plain and average American citizen it seems to be strange, if not anomalous, for time to be so precious here that this House can devote but two hours to the consideration of the important question now before us, when it is remembered that under the rule of the Republican majority we adjourned last Monday, when this matter was first presented, over until to-day. But in the brief time allowed me I can advert only to this offense against proper legislative deliberation, this prevention of free speech, and the injustice done here to the minority. And I can not hope to do more than refer to some of the features of the Cuban question.

Mr. Speaker, in the discussion indulged in here to-day, brief as it has been, there have been made some remarkable utterances. Some members of the majority who are charged with the responsibility of acting or of defeating action have said repeatedly that this Administration would extend to the Cuban patriots and to the suffering Americans in the Island of Cuba a complete remedy and a complete cessation of the ills which they endure. But when these self-constituted witnesses are cross-examined by gentlemen on this side of the Chamber and are called upon for their authority to make any such statement, they disclaim their authority; and, in the language of the gentleman from Illinois [Mr. HITT], they each say: "I have no right to speak by any authority. As one member, and speaking for myself, I have reason to believe," etc.

The country has heard too often the language of diplomacy and evasion. It has so often heard in respect to the great economic question—that of the currency—which has agitated this country for several years past, the old, old cry of "Wait, wait; don't discuss, don't agitate, and confidence, prosperity, and happiness will come to the people," until now confidence has been lost in your professions. [Applause on the Democratic side.] Let us not longer delay, but let us give the Americans in Cuba some evidence, some action, that will assure them that this great Government is not only willing to contribute the means to alleviate their present suffering, but intends to see to it that other atrocities shall not be committed.

The resolution proposed by the gentleman from Texas would doubtless do all this, while the isolated proposition embodied in the joint resolution reported by the Republican members of the Committee on Rules extends temporary succor only. The complaint against the resolution reported by the committee is not that the proposed relief is not timely and proper, but that it falls short of meeting the whole exigency of the case.

The question involved in the resolution which the gentleman from Texas, the leader on this side, attempted to offer, and has had read, is not a new one. Its favorable disposition here ought not to admit of any further delay. Is there any man in this House, is there any American anywhere, who can read the newspapers, the great disseminators of intelligence, is there anyone thus blessed who can doubt the situation in Cuba and doubt our duty to-day? I say that the proposition is not new. If you of the majority have voted down the amendment offered by the gentleman from Texas upon the ground that you have not information of a state of war in Cuba, you stultify the former House of Representatives, including the members here present who were members of that House; you stultify the Senate of the United States.

In the time of President Cleveland Congress knew of a state of war existing there. The Senate and the House by a formal concurrent resolution so declared. That resolution was reported to the Senate by Mr. Sherman, who is now Secretary of State. Since then the evidence has accumulated. So that the existence of a war in Cuba can no longer be doubted. The disclosures made in the Senate on yesterday furnish overwhelming and indisputable proof that a war does exist in Cuba. I ask that if there be any doubting Thomas let him thrust his hand into the gaping wounds laid bare by the members of the subcommittee of the Senate Foreign Affairs Committee on yesterday.

These startling and interesting disclosures are here in the RECORD and are doubtless familiar to the gentlemen on the Republican side, who tell us to wait and say to us that the President ought to postpone action until he is in possession of fuller and better information from the special agent he has sent to Cuba. I shall not consume time to read these disclosures. Suffice it to say that reports now on file in the State Department—and they have been there for some time past—show that the Island of Cuba is, in the main, not pacified, but in a state of war; that two-thirds of its territory is in possession of the Cuban insurgents; that Spain, with her vast number of soldiers—about 200,000—sent to that unhappy land within the last three years, has not been able to subdue the unconquerable patriots in that stricken island.

I am glad that the gentleman from Illinois [Mr. HITT] has added to this discussion the statement that Mr. Sagasta, who will shortly be the new prime minister of Spain, said on yesterday that the war in Cuba was substantially hopeless for Spain. Then why not pass the resolution proposed by the gentleman from Texas, a resolution that may induce the President to take some immediate and active steps toward protecting American property and interests

and American lives? Why delay when we are now informed that if the State Department should publish to the world the names of the American consuls in Cuba who have by official reports told of the conditions and horrors there it would probably bring upon these officers, entitled to all the protection that this great country can afford, Spanish violence, and perhaps death by means of the Spanish stiletto or the Spanish dagger?

I appeal to you, my Republican countrymen, not to let the center aisle in this Chamber be a dividing line between Americans for Americans in Cuba on this side and Republicans for Spain, with her bloody atrocities, on the other. No, gentlemen, when you now delay, we doubt you; and when I say we, I speak for this side of the Chamber. I say that the great common people of America, that make America great, to whom we belong, doubt your sweet and fervent pretensions.

More than two years ago this war began in Cuba. But not until yesterday did we get the fullest authentic information in the case, and we are indebted to the Senate of the United States and not to the President for this information. I might refer to the Senate of the United States as that great popular branch of the American National Legislature. [Applause on the Democratic side.] It responds more readily in these latter days to the popular will than this supposed popular branch, under Republican domination.

It is that Senate which stands to-day as the one deliberative body of the Congress; that Senate which has in the past, when all else failed, been the last refuge of the people of my beloved Southland when political passion and persecution sought to nullify their self-government; that Senate which now is our only hope against the organized rapacity of the insolent money power. No longer ago than yesterday, and I might say, I trust with propriety, in that same Senate, there was a disclosure of the attitude of the last Administration in regard to Cuba, and its offer to Spain of friendly mediation, and the rejection of that mediation. The correspondence showing what that Administration announced as its policy was furnished there. I desire to read a part of what Mr. Olney, as Secretary of State, said to the Spanish minister on April 4, 1896:

It is now some nine or ten months since the nature and prospects of the insurrection were first discussed between us. In explanation of its rapid and, up to that time, quite unopposed growth and progress, you called attention to the rainy season, which from May or June until November renders regular military operations impracticable. Spain was pouring such numbers of troops into Cuba that your theory and opinion that, when they could be used in an active campaign, the insurrection would be almost instantly suppressed seemed reasonable and probable. In this particular you believed, and sincerely believed, that the present insurrection would offer a most marked contrast to that which began in 1868 and which, being feebly encountered with comparatively small forces, prolonged its life for upward of ten years.

It is impossible to deny that the expectations thus entertained by you in the summer and fall of 1895, and shared not merely by all Spaniards but by most disinterested observers as well, have been completely disappointed. The insurgents seem to-day to command a larger part of the island than ever before. Their men under arms, estimated a year ago at from ten to twenty thousand, are now conceded to be at least two or three times as many. Meanwhile, their discipline has been improved and their supply of modern weapons and equipment has been greatly enlarged, while the mere fact that they have held out to this time has given them confidence in their own eyes and prestige with the world at large. In short, it can hardly be questioned that the insurrection, instead of being quelled, is to-day more formidable than ever and enters upon the second year of its existence with decidedly improved prospects of successful results. Whether a condition of things entitling the insurgents to recognition as belligerents has yet been brought about may, for the purposes of the present communication, be regarded as immaterial.

The Spanish Government then asked for delay on account of the rains. The rainy season has come and gone, and there is yet no peace. To-day you ask for delay on the plea of desiring to procure information. What more information do you want? You do not want to delay in this matter for the purpose of recognizing the independence of that country, but the belief is entertained by many that you wish to delay so that Spain may carry on, not the process of pacification, not the process of liberating imprisoned Americans, not the process of protecting American interests, not the process of stopping her bloody butcheries, but that you want to delay in order that the Spanish Government may carry on a war of extermination. Then, when a war of butchery shall have done its worst, the "diplomats" will come before Congress and say: "The situation has changed. We were once in favor of recognizing the belligerent rights of that country, we were once in favor of recognizing its independence, but the situation has changed." And indeed it will change, perhaps, if the United States longer submit to the outrages that are daily perpetrated upon our own citizens and are threatened against our consuls.

This resolution, proposed by the distinguished gentleman from Texas, identical in form, has been under the public eye and in the public prints and under discussion since the 1st day of April last, when it was introduced in the Senate. I will read what the author of this Senate resolution, a distinguished Senator, Mr. MORGAN of Alabama, whose learning has adorned the pages of our legislative history for nearly twenty years, said in regard to such resolution:

But our people have suffered in one respect a degree of mortification and humiliation as well as a degree of personal distress that it has always been within the power of our Government to prevent. If the Government of the United States had taken care of its own people in the Island of Cuba according to the full measure of its duty, many a life would have been saved in the former struggles and in the present one, much property would have been spared from destruction, great anguish of feeling would have been spared to our people, both native born and adopted. But the Government of the United States has not taken proper care of her own people in Cuba, and it is time that we begin to do so.

The object of the introduction of the joint resolution which is before the Senate to-day is to put the Government of the United States in a proper legal attitude toward the Government of Spain in Cuba, and to enable us simply to take care of our own citizens. I have always declared that this was my leading motive, and in fact my exclusive motive, as a Senator of the United States, in whatever support I have given to measures here in respect of our controversies and difficulties with Spain in the Island of Cuba. I have kept my mind fixed firmly and exclusively upon the duty of the Government of the United States to the citizens of the United States in the presence of this state of facts. I am trying to get from the Congress of the United States—and I hope the Executive will concur with us—a definition and statement of a legal status or situation which makes it possible for us, under the laws of nations, to protect the lives and property of our people in the Island of Cuba.

In accomplishing this result, Mr. President, it may turn out—and I would be very glad that it should—that assistance will be given to the people of the Island of Cuba in the establishment of their independence, in freeing themselves from an abominable yoke, which, so far as they are concerned, has never resulted in any benefit to the people there at all, but has been imposed upon them and maintained over them for the mere purpose of leeching out of them their substance and of keeping them as serfs and feudatories to the Crown of Spain and to the nobility and gentry of that country. I should be very glad that a result of that sort should follow; but whether that result shall follow, or one still more disastrous to the people of Cuba, nevertheless it is a duty that we can not abdicate to take care, so far as in us lies, of our people in that island.

We are willing on this side to give this relief or remedy as far as it may go, but we want some expression and some action, if need be, that will prevent further atrocities. In the one hand you offer charity, but in the other hand you ought to offer assurance that these atrocities shall not again be perpetrated. The world ought to understand, and Spain, with all her cruelties and barbarities, ought to understand, that there is an American conscience that has been quickened in behalf of suffering human beings, whether they be citizens of the United States by nativity or adoption, or patriots in the Cuban Republic. [Applause on the Democratic side.]

But, Mr. Speaker, some gentlemen on that side of the Chamber have said that the President has been in office but a few weeks; therefore let us delay any expression other than what may be implied from this appropriation of money. You did not talk that way at your convention last summer at St. Louis. You then comprehended the situation. Your President was elected upon a platform that comprehended the situation. The country understood it. Instead of affairs growing better they have grown worse. So we say, now that you have the opportunity to fulfill your promises, do not give the country more promises, but relieve the necessities of suffering Americans and give some guaranty that these atrocities shall not be repeated, that these six or eight hundred American people may return to their peaceful occupations, that they may be protected in their lives, liberty, and the pursuit of happiness.

Also, give the Cuban patriots the kindly assurance that this great Republic recognizes the march of republicanism; that on the Western Hemisphere monarchy is out of place; that it is our belief that only republics should grow and flourish on this side of the world. Let the Cuban flag float upon the high seas without danger to the Cuban patriots of being condemned as pirates and hanged from the yardarms of their vessels. Let the Cuban flag unfold to the breezes on every high sea in every clime. Let it be planted among the banners of nations. Let the Cuban patriots have their Yorktown, if they can win it by their own swords. Let them have their George Washington, and add another illustrious name to those of the apostles of human liberty. [Applause on the Democratic side.]

Mr. Speaker, I need not say that this resolution for the recognition of belligerency should not be a dividing line between the political parties, for, sir, in their conventions last summer, these parties declared for a vigorous American foreign policy, expressed sympathy for the Cuban patriots, and announced for the protection of Americans in foreign lands.

The gentleman from Illinois [Mr. HITT] has suggested that the declaration of belligerency is a serious one, and so it is. But my reply is that the gentleman himself voted for such a declaration in the last Congress, and that if the declaration is serious now it was serious then. Besides, sir, if the condition of affairs in Cuba then were such as to justify the declaration then, they more abundantly justify the declaration proposed by the gentleman from Texas now, for the conditions in that war-cursed land have not been modified by the vast army of Spain, but those conditions have been aggravated beyond the point of exaggeration.

If we were concerned a year ago in ending the war, we are much more concerned now. Behold the spectacle of the Spanish fleet guarding that little island, situated, as it is, within about 100 miles of our own shores! Witness the long and ineffectual effort of Spain to conquer the Cubans. No one on this side of the House wants war, but we wish to terminate a war which Spain can never terminate until she acknowledges the birth of the new Republic of

Cuba. We are forced to protect our own rights where Spanish impotency has failed.

Look at the Administration of Mr. Cleveland and that of Mr. McKinley sedulously and vigilantly taking care that this Government does not permit its citizens to furnish aid to the Cubans! We see monarchy endeavoring to suppress liberty by murdering its devotees. Absolutism warring for subjugation and continued oppressive taxation. Power impotent against the right. Power that can not conquer the unconquerable, and that now confessedly is unable to make secure the rights, interests, and lives of the citizens of a great and hitherto friendly nation. We can not be indifferent to the spectacle. Our country and its citizens first, and our country and its citizens in every emergency forever. Let us love the immortal sentiment of Webster, "Our country to be cherished in all our hearts; our country to be defended by all our hands." [Applause.]

APPENDIX.

We reassert the Monroe doctrine in its full extent, and we reaffirm the right of the United States to give the doctrine effect by responding to the appeals of any American state for friendly intervention in case of European encroachment. We have not interfered and shall not interfere with the existing possessions of any European power in this hemisphere, but those possessions must not, on any pretext, be extended. We hopefully look forward to the eventual withdrawal of the European powers from this hemisphere and to the ultimate union of all English-speaking parts of the continent by the free consent of all of its inhabitants.

From the hour of achieving their own independence the people of the United States have regarded with sympathy the struggles of other American people to free themselves from European domination. We watch with deep and abiding interest the heroic battle of the Cuban patriots against cruelty and oppression, and our best hopes go out for the full success of their determined contest for liberty. The Government of Spain having lost control of Cuba, and being unable to protect the property or lives of resident American citizens or to comply with its treaty obligations, we believe the Government of the United States should actively use its influence and good offices to restore peace and give independence to the island.—*From the Republican Platform* adopted at St. Louis in 1895.

The Monroe doctrine, as originally declared, and as interpreted by the succeeding Presidents, is a permanent part of the foreign policy of the United States, and must at all times be maintained.

We extend our sympathy to the people of Cuba in their heroic struggle for liberty and independence.—*From the Democratic Platform* adopted at Chicago in 1896.

We tender to the patriotic people of Cuba our deepest sympathy in their heroic struggle for political freedom and independence, and we believe the time has come when the United States, the great Republic of the world, should recognize that Cuba is, and of right ought to be, a free and independent state.—*From People's Party Platform* adopted at St. Louis in 1896.

Mr. BAILEY. I yield ten minutes to the gentleman from Tennessee.

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. MCMILLIN. That is as much as I shall want.

Mr. BAILEY. I yield it to the gentleman.

Mr. MCMILLIN. Mr. Speaker, if anything can show the importance of this Congress being organized or in condition to do business, it is the fact that we are in such a disorganized state—committees not appointed—that if every man on this side of the House, and two-thirds of the men on the other side of the House wanted to pass a resolution or to adopt measures concerning Cuba or anything else, it could not be done as a matter of right.

If every man who is to be on the next Committee on Foreign Affairs were to-day here and were in favor of the adoption of a resolution recognizing the belligerency of Cuba, they could not find any way to express it. Let it not be forgotten at any stage of these proceedings that the House of Representatives, as at present constituted, is one man and two committees, and that the other members might just as well not be in Congress for the power they can have in originating or putting through legislation that does not meet with favor elsewhere.

The session drags along; important questions arise daily; the country is in a desperate condition, and yet the House is unorganized, and business can only be done by special rules, and then without any investigation by or report from a committee.

Now, sir, as to the merits of the resolution. Mr. Speaker, this is a proposition to send to destitute citizens in a foreign country supplies, without which it is said they will starve. It is a function peculiarly governmental.

It can not be done by individuals, because Spain might refuse to allow individuals to send supplies. It can not be done by the several States, because she could exercise the same authority as to the States that she could as to the individual. But when 70,000,000 American people, with the American flag, and, if need be, with an American squadron along with that flag, send those supplies, the Government of Spain dare not refuse to let us feed our starving. It is work that individuals and States can not do. What has brought about this condition of affairs in Cuba?

The Spanish Government has ordered all the inhabitants in a certain territory to come within the Spanish lines or be treated as outlaws and public enemies. This has filled the towns with half-naked or half-starved people who have been forced to leave their supplies at their deserted homes. Some here question our right to acknowledge the belligerent rights of the struggling Cubans. I can not see how they can do it. We clearly have the right, and ought without further parley to do it.

A war exists there that has taken from 150,000 to 200,000 soldiers from Spain, and they have not thus far been able to suppress what they call an insurrection.

Two hundred thousand soldiers mustered, the biggest army Spain has mustered since the Napoleonic wars, the mother country almost exhausted and impoverished, and yet we are told that no state of belligerency exists there! Suppose that the same action that has characterized us had characterized France in our war for independence, as was stated in the eloquent appeal of my friend from Alabama [Mr. CLAYTON] who has just said, "Give Cuba her Yorktown." We could not do so, because America would have had no Yorktown, and independence would at least have been deferred.

Sir, I believe in the doctrine of Thomas Jefferson, "Peace, commerce, and honest friendship with all nations, and entangling alliances with none." But I believe in that further doctrine of which he was the magnificent exponent, that the American Government has the power and the American Government ought to exercise the authority to protect every American citizen, whether he is in the Occident or in the Orient; and if I were President of the United States, there would be an American armed vessel in sight of the Cuban coast to-day. [Applause on the Democratic side.]

So far as I am concerned, I would be glad to vote for a resolution that I understand the Senate is now voting on, to recognize the belligerency of Cuba. Not belligerents, when the man, as has been told us by the gentleman from Illinois, who is to be the next premier has admitted that the war is a failure! Not belligerents, when they control two-thirds or three-fourths of all the territory of the country now! Not belligerents, when the Spaniards have been forced to drive American citizens and other citizens into the towns and herd them so that they are reduced to a state of starvation like a lot of sheep! Not belligerents, when 200,000 troops can not suppress them!

When the gentleman from Pennsylvania has the facts that have been detailed within his knowledge to-day, how can he hesitate to recognize the belligerency of Cuba? How can the gentleman from Illinois, the distinguished gentleman who was chairman of the Committee on Foreign Affairs in the last Congress, fail to support a resolution of that kind, when every intimation he has made here to-day is that the war there is a failure?

Oh, but they say that the Government of the United States ought not to declare belligerency in that territory. What, gentlemen, in your opinion, does constitute belligerency? When, in your opinion, may we declare the Cubans belligerents?

Some reference has also been made to the fact that during the Administration of Mr. Cleveland we passed a resolution here through both Houses of Congress favorable to Cuba and that he disregarded the expressed will of the people. Our friends on the opposite side criticise him for it.

I beg the gentleman to remember that the resolution faces Mr. McKinley, the present President, and ought to be just as potent with him as his predecessor. It is just as obligatory, morally and otherwise, on President McKinley to-day as it was on President Cleveland at any time.

Mr. Speaker, I do not propose to speak for other people. I do not know how others may feel upon this question; but I for one, believing that a republican form of government is that which is wisest and best for men, seeing the great progress that this great Republic has made under our free institutions, seeing what its influence has brought about in France, and that it is moving on in other countries, never expect to see the day when Cubans think they ought to be free and exhibit the power they now exhibit that I would not say Cuba is entitled to belligerent rights along with Spain. [Loud applause on the Democratic side.]

Let them have equal rights and an equal chance among our people along with Spain. Let us not help to crush Cuba by showing favoritism to Spain.

Who has not seen with sorrow the bombardment of the Christians in Crete? Who has not heard the sad wail of the dying Christians whom the oriental invaders have put to the sword? The Turk aspires to pull down the cross and raise the crescent over Mars Hill, where the lion-hearted Paul preached Christ nearly two thousand years ago. To-day the Turk has barely been halted this side of Athens. In these struggles of might against right will we sit silent?

Month after month we have sat here and allowed the cries of our citizens in Cuba to go unheeded. We have allowed the patriotic voice of a suffering and aspiring people to go unheard. We have given no greedy ear, as we should have done, to the cry that Cuba should be accorded belligerent rights and given a fair chance in her struggles for freedom. Let us make haste to undo this wrong.

Let us do what Jefferson would have done; let us do what Jackson would have done; let us do what Polk would have done, and what we will be inexcusable for if we do not do; not simply send supplies to those of our citizens who are suffering there, but, as

far as a neutral power may do, send words of good cheer to the aspiring Cubans and wish them godspeed in their great struggle. [Loud applause on the Democratic side.]

Mr. Speaker, if I have any time, I yield it to the gentleman from Arkansas [Mr. McRAE].

Mr. BAILEY. Mr. Speaker, I ask unanimous consent that fifteen minutes be allowed to gentlemen on the floor who represent the Populist party. I think it ought to be done in all fairness. I had intended to yield that much time myself, but in computing the time I found that I have made a mistake. I have conferred with the gentleman from Illinois, and he agrees that this is a reasonable request, and I therefore ask for fifteen minutes for them.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the time for debate be extended fifteen minutes, that time to be controlled by representatives of the Populist party.

Mr. ODELL. I object.

Mr. BAILEY. Mr. Speaker, I appeal to the gentleman's sense of fairness. There are twenty-one members of the Populist party on the floor; and I appeal to him not to do that.

Mr. DINGLEY. I hope the gentleman will not put it on any such ground as that. Here is a question on which there is but an affirmative and negative side. The time has been equally divided, and the gentleman from Texas has controlled the time of the opposition. Now, I am entirely willing to grant this request as a matter of courtesy, that gentlemen shall have that time, but I am not willing that the gentleman shall put it on the ground of fairness.

Mr. BAILEY. Mr. Speaker, the gentleman from Maine can say that in fairness I ought to have granted the time.

Mr. DINGLEY. I agree in that.

Mr. BAILEY. But I insist that in all fairness these gentlemen are entitled to recognition.

Mr. DINGLEY. But the gentleman himself has deprived them of their right.

Mr. BAILEY. I make no point on that. My simple request is that they may be allowed fifteen minutes. I repeat the request.

The SPEAKER pro tempore. Is there objection to the request that the time for debate be extended fifteen minutes?

Mr. SHATTUC. May I ask what is the name of the Populist who is to occupy the time?

Mr. BAILEY. I ask that the gentleman from Kansas [Mr. SIMPSON] be permitted to control that time.

Mr. SHATTUC. I object.

The SPEAKER pro tempore. The gentleman objects.

Mr. BAILEY. Mr. Speaker, I ask, then, that the time for debate be extended fifteen minutes, and that I be permitted to control the additional time.

Mr. SIMPSON of Kansas. As one of the interested parties, I would like to say just one word in regard to this matter. The gentleman from Texas [Mr. BAILEY] asked me what time we wanted as the Populist party. I told him fifteen minutes. He said he would give us fifteen minutes. It seems he has already given his hour away to his side of the House, and that leaves us outside of the breastworks, so to speak. Now, Mr. Speaker, I do not want to be under obligation to the gentleman from Texas [Mr. BAILEY] or the Democratic party in this matter.

Mr. BAILEY. Then I withdraw the request. [Laughter and applause on the Republican side.]

Mr. SIMPSON of Kansas. And therefore, Mr. Speaker, I ask unanimous consent for fifteen minutes.

[Cries of "Regular order!"]

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the time for this debate be extended fifteen minutes, and that the time be controlled by himself.

Mr. LACEY. Is that to be used in opposition to this resolution?

Mr. SIMPSON of Kansas. Well, I can not say. I have not consulted with all the members of my party.

Mr. ODELL and others. I object.

Mr. HITT. Mr. Speaker, if the gentleman from Kansas [Mr. SIMPSON] will accept it, I will yield to him. How much time does he desire?

Mr. SIMPSON of Kansas. Fifteen minutes.

Mr. HITT. How much does the gentleman wish for himself alone?

Mr. SIMPSON of Kansas. Ten minutes.

Mr. HITT. I yield the gentleman that much time. [Applause.]

Mr. SIMPSON of Kansas. If the gentleman from Illinois [Mr. HITT] does not object, I will yield five minutes to the gentleman from Colorado [Mr. BELL].

Mr. HITT. I have no objection.

Mr. BELL. Mr. Speaker, it occurs to me that we are about to do something that is of great importance and ought to be thoroughly considered. In the first place, it is admitted that we have about 800 impoverished American citizens in a foreign country. This fact we all deplore. We come forward and in harmony with the American spirit say we should relieve their distress. With that proposition I agree; but I want to suggest this for consideration: We are making a great many appropriations, and in this case we are making an appropriation that, unless things change, must be repeated and repeated over and over again.

Now, my friends, I want you to look at this proposition. I have information as to the condition of affairs in Cuba from an eyewitness, a man who has been in Cuba for over two months. He tells me there is no scarcity of provisions on the Island of Cuba. He ridicules the idea of our proposition to send provisions there. He says that the Americans with whom he associated (and his associations were mostly with them) ridicule the idea of Americans here trying to benefit them by sending them provisions.

He says there is no famine of provisions on the Island of Cuba; but he says there is a famine of guns and powder among the insurgents, and what they want is not to be fed in prison. And you must bear in mind, gentlemen, that if an American citizen is forced from his plantation, where he has been living in plenty, into the circumscribed military limits of a city, he is as much in prison as though he were in the stockade of the Spanish Government.

Seven hundred or eight hundred American citizens are in prison; they are not at liberty. But what they ask—so say the men who give us information from there—is that the American people shall so aid them that they may return to their plantations, where they have abundance, and enjoy the liberties of American citizens. They are noncombatants and entitled to return to their peaceful homes.

Now, suppose we make this appropriation. You contribute $50,000 to the Spanish cause. You do nothing else with this money, as they are Spanish prisoners, and Spain should be forced to care for them, feed and clothe them, until permitted to return to their homes. And bear in mind, I am going to vote for this proposition.

Mr. CANNON. Why?

Mr. BELL. Because of the fact that, as you say, our people are in distress there and must have immediate relief.

Mr. CANNON. But you say they are not.

Mr. BELL. And your party is doing this simply to avoid doing something substantial and in order to distract the attention of the American people from the real cause of the distress.

Mr. CANNON. Then why should you help us to do that?

Mr. BELL. I am willing to give those people this temporary relief, hoping that the American people will be strong enough to withstand the commercial spirit and the demands of the vested interests which are seeking to put this measure through this House to-day in order to prevent a recognition of the belligerent rights of Cuba. In this proposition nothing else speaks but those interests.

Gentlemen may talk of the backbone of their President—and I have the highest regard for him; but when it was announced in the newspapers that there would be a conference with the Cabinet preparatory to sending a message to Congress, practically every paper in this city, as well as papers throughout the country, teemed with the information that Mr. Atkinson and others came speedily to Washington to see that nothing in that message should interfere with vested rights in Cuba.

It is not any principle of humanity that actuates this resolution. There is nothing in it but a little temporary relief. It does not take the men out of prison in Cuba. And I care not what you say, a man forced within the limits of the lines of the military of Spain within an incorporated city is in a Spanish prison. Now, are you willing to say that the American people will stand by and feed those paupers in the Spanish prison? I will vote for a proposition of this kind once, but I hope I shall never have to do so again.

[Here the hammer fell.]

Mr. SIMPSON of Kansas. Mr. Speaker, in the first place, I want to acknowledge the generosity of the gentleman from Illinois [Mr. HITT] in granting me ten minutes, without which I would not have had the opportunity to be heard on this question.

I have listened to the speeches on this resolution; but I have heard very little as to the question before the House. This, as I understand it, Mr. Speaker, is a proposition to take $50,000 out of the Treasury of the United States, gathered by taxation from the people, and to give it to some supposed starving Americans in Cuba. Ordinarily I am very ready to vote for propositions of this kind for charitable purposes. I voted to send relief to the sufferers along the Mississippi. But, Mr. Speaker, that was at home. I contend that charity should at least begin at home. We have many thousands of people on the verge of starvation in this country, and it seems to me we ought first to address ourselves to their needs.

Mr. Speaker, I picked up a leading Republican newspaper the other day, in which I read an interview with ex-Postmaster-General Wanamaker, in which he gets off somewhat of a "calamity howl." At least it would be called a "calamity howl" if I should utter such words. He said:

I confess that five years of listening to a steady stream of people passing through this office with their tales of woe, suffering, and starvation have worn upon me, and I confess, also, that I am alarmed by the increase in the numbers of that procession the last few months.

That is in the great city of Philadelphia—the City of Brotherly Love. And certainly, if anywhere in the United States, charity ought to begin there.

The gentleman from Pennsylvania [Mr. ADAMS] intimated to this House that the Republican party here want no suggestions from the minority; that in good time they will attend to all these matters concerning Cuba. That is the explanation of the violation of their platform declarations and the promises of their speakers on the stump. They promise not alone to relieve the people of Cuba, but "in their own good time" to bring prosperity to the country. When will that time come, gentlemen? You know to-day that you are in power under false pretenses. You went before the country and you said: "Elect the Republican party and you will get prosperity at once." Yet here is that prominent member of your own party, ex-Postmaster-General Wanamaker, declaring—

The country is not prosperous. Since the outset of the last Presidential campaign the party press and political leaders generally fixed the November election of 1896 as the date of the beginning of good times. A full half of the year has expired since the will of the Republican party was declared. Thus far but one of the important issues of the campaign is nearing settlement, and hardly any noticeable improvement of the wretched times is manifest.

Mr. RICHARDSON. Mr. Wanamaker does not say that.

Mr. SIMPSON of Kansas. That is the language of Mr. Wanamaker, one of the great Republican leaders, who goes down into his "bar'l" and contributes to the campaign fund every Presidential year.

Gentlemen on the other side suggest that "in good time" they will attend to all these matters. When will that bugle note be blown? Gentlemen, I want to make here and now the prophecy that that note will never be sounded until it comes from some back-stairs office of some of the sugar syndicates or bondholders' conventions. Whenever the great "property interests," as you are pleased to call them, give consent that the belligerent rights of struggling Cuba shall be recognized, then the Republican party will fall in line, will march in step to their music, and not before. [Applause.]

[Here the hammer fell.]

Mr. HITT. I yield three minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, of course I do not expect or desire, in the course of three minutes, to enter into any discussion of the Cuban question. I am for all proper measures looking to the establishment of a republic in Cuba. I also want to say that the zeal of our Democratic friends for the immediate recognition of Cuba is something that rather astonishes me, in view of the fact that for four years they had absolute power in the executive branch of the Government, and for a large part of that period absolute power in Congress, and yet took no steps to secure the recognition of Cuba at the hands of their own Executive.

I want to say further that this measure of relief for starving Americans should not be coupled with anything which does not relate to its distinct purpose—the immediate relief of suffering Americans in Cuba. This relief must be given out under the authority of Spain, and would be inoperative if coupled with a practical declaration of war.

Mr. Speaker, I believe that the Republicans of the United States are in favor of extending belligerent rights to Cuba after our Executive has made the fullest effort to learn all the facts on which to base action, and then it will be done in a proper and substantial way and at the proper time. Within the last three weeks the President of the United States has sent to Cuba a man of highest character and ability to gather information to be laid before the President. When this information, showing the true situation in Cuba, is submitted, we shall hear from the Executive in a special message, and the Republicans of the House of Representatives will respond by granting appropriate relief to the struggling patriots of Cuba. I believe that relief will be the recognition of belligerent rights at least.

I wish to say further, Mr. Speaker, that to expect our Republican President in sixty days to take up this question, reverse the foreign policy of the previous Administration, and enter upon an entirely new line of policy is asking something unreasonable. Our Democratic friends claim to have faith in the Americanism of President McKinley. Why not trust him? If my friend from Tennessee [Mr. MCMILLIN] is correct in his statement that no matter how strong the sentiment of this House may be on any question we can not get consideration of it when the House desires to consider it, I want to suggest to him that we need liberty here about as much as they need it in Cuba. [Laughter and applause.]

Such a statement from so able and experienced a Representative is an absurdity. The majority of the members of this House can absolutely control its action. The majority has the right and the power to block all other legislation and force the consideration of any measure at any time such majority may desire.

Mr. Speaker, this House has never yet been unable to obtain consideration of any question where the dominant sentiment of the House demanded its consideration. That dominant sentiment may not be on the Democratic side, and it certainly is not at this time. So that their failure to secure consideration is no evidence of lack of power in the majority. To say that we can not get consideration of a resolution at the proper time is nonsense, and such statements do not deceive any member of the House or any citizen of the country. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. HITT. I yield ten minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I can not fully excuse myself for seeking an opportunity to add a single word to this discussion; and I would not be willing to consume one moment of time now but for the position assumed in the speech made this morning by the Democratic leader of this House, the gentleman from Texas [Mr. BAILEY].

What, Mr. Speaker, is the subject-matter before the House? It is something coming to us in the message from the President of the United States. The statement in that message is:

Official information from our consuls in Cuba establishes the fact that a large number of American citizens in the island are in a state of destitution, suffering for want of food and medicines. This applies particularly to the rural districts of the central and eastern parts.

The agricultural classes have been forced from their farms into the nearest towns, where they are without work or money.

Mr. Speaker, it is a source of some humiliation to me, and certainly it must be to all the members of this House who think rightly upon a question like this, that we are here to-day consuming two hours of time in the discussion of a proposition to vote relief, not to Cubans, but to American citizens in the Island of Cuba. It certainly would have been a source of pride to every member of this House if this resolution had been agreed to to-day without the adoption of any rule, and without the consumption of one minute of time. And yet such was not the fact. It would have been the source of still greater gratification if this resolution had been agreed to in this House on Monday last.

Mr. Speaker, why was it not agreed to on Monday last? It was not agreed to then for the reason that objection was made to its consideration. From which side of the House did that objection come? From this side? No, sir; it came from the other side of this House. Who was it that objected on the other side of this House to the consideration of this resolution on Monday last? Was it some gentleman who spoke for himself simply? No, sir; the objection to the consideration of this resolution on Monday last came from the Democratic leader in this House. He has seen fit here to-day, as have other gentlemen on his side of the House, to charge that this side of the House is running away from a great and important American question.

Mr. Speaker, the question that came to this House on Monday last was a question of bread, not for starving citizens of another country, but for hungry and starving American citizens. On this side of the House no member raised a voice against the immediate consideration of a question to vote bread to starving American citizens. The objection, as I say—and we all understand it, and it must go to the country in that way—the objection that came to the consideration of that question, a question of bread to starving Americans, came from the Democratic side of this House and from the Democratic leader on the other side of this House.

Now, Mr. Speaker, the resolution will be agreed to. There will be no dissenting voice; but I simply wish that it may be well understood by the country that the reason why this beneficent measure was not acted upon and agreed to on Monday last was because of the fact that it was Democratic objection that interposed.

Mr. BARTLETT. Who made the motion to adjourn on Monday, and who voted for it—Democrats or Republicans?

Mr. BROWN. The motion was made and carried for the reason that your side of the House said that we should not vote bread to starving Americans unless we at the same time engaged to take up the consideration of the question of belligerency. [Applause on the Republican side.] We were ready then to vote bread. We are ready now to do it. The responsibility for the delay rests upon you. The country understands that the reason why this resolution was not agreed to three days ago was because of your objection.

Mr. FITZPATRICK. Will the gentleman yield for a question? Are you not ready to vote for the belligerency of the Cubans?

Mr. BROWN. I shall be ready in my own good time and in the good time of this Republican Administration to meet that question.

Mr. FITZPATRICK. One other question. When will that good time come?

Mr. BROWN. That good time will speedily come, in my opinion. This Republican Administration, this American Administration, is at this moment considering the question of some sort of action with reference to Cuba, and I have no doubt, Mr. Speaker, that within its good time and within our good time——

Mr. FITZPATRICK. How long, oh, how long!

Mr. BROWN (continuing). Within our good time we will have an opportunity to express ourselves in a manner consistent with our character, as the friends of men struggling for liberty anywhere on earth. [Applause on the Republican side.]

Mr. HITT. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HITT, a motion to reconsider the last vote 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 resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 927) for the erection of a public building at Aberdeen, S. Dak.;

A bill (S. 995) for the relief of George M. Anderson, of the State of Nebraska;

A bill (S. 1896) to provide for the purchase of a site and the erection of a public building thereon at Salt Lake City, the capital of the State of Utah;

A bill (S. 27) for the relief of Isaac Marsh;

A bill (S. 380) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes;

A bill (S. 629) to confer jurisdiction on the Court of Claims in the case of the book agents of the Methodist Episcopal Church South against the United States;

A bill (S. 1310) making an appropriation for the benefit of the estate of William Moss, deceased;

A bill (S. 438) for the relief of the estate of Charles M. Roberts, deceased;

A bill (S. 712) for the relief of the estate of Thomas Sherwin;

A bill (S. 693) for the relief of John Veeley;

A bill (S. 240) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela;

A bill (S. 931) to construct a road to the national cemetery at Dover, Tenn.;

A bill (S. 433) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary Sheldon, and Florence P. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased;

A bill (S. 977) for the relief of Fanny B. Randolph and Dora L. Stark;

A bill (S. 956) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin;"

A bill (S. 426) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River; and across the Mississippi River between the mouth of the Minnesota River, in the State of Minnesota, and Donaldsonville, in the State of Louisiana; and across the Illinois and Des Plaines rivers between the mouth of the Illinois and the city of Joliet, in the State of Illinois; and to prescribe the character, location, and the dimensions of the same;

A bill (S. 665) for the relief of the heirs of certain seamen lost in the foundering of light-vessel No. 27;

A bill (S. 673) to provide for light-houses and other aids to navigation;

A bill (S. 966) providing for the establishment of a quarantine station at or near Astoria, Oreg.;

A bill (S. 1106) for the relief of the Cumberland Female College, of McMinnville, Tenn.;

A bill (S. 675) for the relief of Nancy E. Day, administratrix of James L. Day, deceased;

Joint resolution (S. R. 16) providing for estimate of cost of certain improvements of Bridgeport Harbor, Connecticut;

A bill (S. 869) for the relief of Rev. J. A. Gilfillan;

A bill (S. 536) for the relief of the trustees of the German Evangelical Church, of Martinsburg, W. Va.;

A bill (S. 1168) for the relief of Pearson C. Montgomery, of Memphis, Tenn.;

A bill (S. 262) for the relief of Calvin Gunn;

A bill (S. 226) for the relief of Napoleon B. Giddings;

A bill (S. 227) for the relief of George A. Orr;

A bill (S. 228) for the relief of Joseph W. Carmack;

A bill (S. 229) for the relief of John S. Neet, jr.;

A bill (S. 230) for the relief of John M. Davis;

A bill (S. 231) for the relief of Ezra S. Havens;

A bill (S. 232) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.;

A bill (S. 1565) to amend and make certain the intent of section 714 of the Revised Statutes, providing for salaries of judges in certain cases after retirement;

A bill (S. 252) for the relief of William P. Buckmaster;

A bill (S. 251) for the relief of William Wolfe, of Shelbina, Shelby County, Mo.;

A bill (S. 261) for the relief of Henry J. Hewitt;

A bill (S. 677) for the relief of Richmond College, located at Richmond, Va.;

A bill (S. 273) for the relief of John F. W. Dette;

A bill (S. 272) for the relief of the heirs of James Bridger, deceased;

A bill (S. 253) to permit Anna M. Colman, a widow, to prosecute a claim;

A bill (S. 1269) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased;

A bill (S. 249) for the relief of St. Charles College;

A bill (S. 714) for the relief of L. Robert Coates & Co., of Baltimore, Md.;

A bill (S. 1010) for the relief of the Potomac Steamboat Company;

A bill (S. 437) for the relief of the residuary legatees of Mark Davis, deceased;

A bill (S. 936) for the relief of C. B. Bryan & Co.;

A bill (S. 374) extending relief to Indian citizens, and for other purposes;

A bill (S. 937) for the relief of James Sims, of Marshall County, Miss.;

A bill (S. 1559) for the relief of Martha A. Bagwell, executrix of Sally Hardmond, deceased;

A bill (S. 1557) to grant medals to the survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party;

A bill (S. 1464) for the relief of Christopher Schmidt;

A bill (S. 1115) for the relief of the legal representatives of John Roach, deceased;

A bill (S. 661) to regulate the pay of noncommissioned officers in the Army;

A bill (S. 660) for the relief of John Stull;

A bill (S. 136) to provide for the payment of the claim of Christian M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind.;

A bill (S. 436) for the relief of the Continental Fire Insurance Company and others;

A bill (S. 659) to place Francis W. Seeley on the retired list of the Army;

A bill (S. 1594) for the relief of Bvt. Col. Thomas P. O'Reilly;

A bill (S. 809) for the relief of Orin R. McDaniel;

A bill (S. 394) for the relief of Charles Fletcher, alias James H. Mitchell;

A bill (S. 1340) for the relief of John Clyde Sullivan;

A bill (S. 1194) for the relief of the estate of Richard Lawson;

A bill (S. 400) for the relief of Dorence Atwater;

A bill (S. 1273) for a public building at Altoona, Pa., and appropriating money therefor;

A bill (S. 422) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park;

A bill (S. 134) to provide for the purchase of a site and the erection of a public building thereon at Evanston, in the State of Wyoming;

A bill (S. 377) for the relief of Dr. S. A. Brown;

A bill (S. 432) for the relief of the heirs of Sterling T. Austin, deceased;

A bill (S. 1687) to authorize the construction and maintenance of two railroad bridges across the Mississippi River at or near the city of St. Paul, Minn.;

A bill (S. 1716) making Greatfalls, Mont., a port of entry;

A bill (S. 1357) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt;

A bill (S. 706) to provide for the purchase of a site for and the erection of a public building at Oakland, in the State of California;

A bill (S. 1233) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoirs and canal in and through the Umatilla Indian Reservation, in the State of Oregon;

A bill (S. 468) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown;

A bill (S. 467) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia;

A bill (S. 1153) for the relief of John W. Lewis, of Oregon;

A bill (S. 1451) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.;

A bill (S. 1492) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., by the State of North Dakota;

A bill (S. 537) for the relief of the executor of C. M. Shaffer, deceased;

A bill (S. 475) to remove the charge of desertion from the military record of Patrick Larkin;

A bill (S. 1979) to authorize the construction of a bridge across Pearl River, in the State of Mississippi;

A bill (S. 1788) to provide an American register for the barkentine *Sharpshooter*, of San Francisco, Cal.;

A bill (S. 1038) for the relief of Mobile Marine Dock Company;

A bill (S. 109) for the erection of a public building at Aberdeen, S. Dak.; and

A bill (S. 674) to provide for aids to navigation.

The message also announced that the Senate still further insisted upon its amendment numbered 10 to the bill (H. R. 15) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PETTIGREW, Mr. TELLER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to bring to the attention of the Government of Brazil the claim of Helen M. Fiedler, executrix of Ernest Fiedler, deceased, against the Government of Brazil, growing out of a contract, alleged by said claimant to be obligatory on that Government, for the hire of the ship *Circassian* to transport emigrants from the United States to Brazil in the year 1867, with the view to ask said Government to consider the said claim and to provide for the allowance and payment of such sum as shall be found just to such claimant.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

A bill (S. 927) for the erection of a public building at Aberdeen, S. Dak.—to the Committee on Public Buildings and Grounds, when appointed.

A bill (S. 995) for the relief of George M. Anderson, of the State of Nebraska—to the Committee on Private Land Claims, when appointed.

A bill (S. 1896) to provide for the purchase of a site and the erection of a public building thereon at Salt Lake City, the capital of the State of Utah—to the Committee on Public Buildings and Grounds, when appointed.

A bill (S. 27) for the relief of Isaac Marsh—to the Committee on Private Land Claims, when appointed.

A bill (S. 380) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary under the authority of the Congress, and for other purposes—to the Committee on Claims, when appointed.

A bill (S. 374) extending relief to Indian citizens, and for other purposes—to the Committee on Indian Affairs, when appointed.

A bill (S. 937) for the relief of James Sims, of Marshall County, Miss.—to the Committee on War Claims, when appointed.

A bill (S. 1557) to grant medals to the survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party—to the Committee on Military Affairs, when appointed.

A bill (S. 1115) for the relief of the legal representatives of John Roach, deceased—to the Committee on Claims, when appointed.

A bill (S. 661) to regulate the pay of noncommissioned officers in the Army—to the Committee on Military Affairs, when appointed.

A bill (S. 660) for the relief of John Stull—to the Committee on Military Affairs, when appointed.

A bill (S. 136) to provide for the payment of the claim of Christian M. Kirkpatrick for paving the street adjacent to the United States arsenal at Indianapolis, Ind.—to the Committee on Claims, when appointed.

A bill (S. 436) for the relief of the Continental Fire Insurance Company and others—to the Committee on Claims, when appointed.

A bill (S. 659) to place Francis W. Seeley on the retired list of the Army—to the Committee on Military Affairs, when appointed.

A bill (S. 1594) for the relief of Bvt. Col. Thomas F. O'Reilly—to the Committee on Military Affairs, when appointed.

A bill (S. 809) for the relief of Orin R. McDaniel—to the Committee on War Claims, when appointed.

A bill (S. 394) for the relief of Charles Fletcher, alias James H. Mitchell—to the Committee on Military Affairs, when appointed.

A bill (S. 1340) for the relief of John Clyde Sullivan—to the Committee on Naval Affairs, when appointed.

A bill (S. 400) for the relief of Dorence Atwater—to the Committee on Military Affairs, when appointed.

A bill (S. 1273) for a public building at Altoona, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds, when appointed.

A bill (S. 422) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park—to the Committee on Public Buildings and Grounds, when appointed.

A bill (S. 134) to provide for the purchase of a site, and the erection of a public building thereon, at Evanston, in the State of Wyoming—to the Committee on Public Buildings and Grounds, when appointed.

A bill (S. 377) for the relief of Dr. S. A. Brown—to the Committee on Claims, when appointed.

A bill (S. 432) for the relief of the heirs of Sterling T. Austin, deceased—to the Committee on War Claims, when appointed.

A bill (S. 1687) to authorize the construction and maintenance of two railroad bridges across the Mississippi River at or near the city of St. Paul, Minn.—to the Committee on Interstate and Foreign Commerce, when appointed.

A bill (S. 1716) making Greatfalls, Mont., a port of entry—to the Committee on Ways and Means.

A bill (S. 1357) for the relief of the legal representatives of Edwin De Leon, deceased, late consul-general of the United States in Egypt—to the Committee on Claims, when appointed.

A bill (S. 706) to provide for the purchase of a site for and the erection of a public building at Oakland, in the State of California—to the Committee on Public Buildings and Grounds, when appointed.

A bill (S. 1233) extending the time allowed the Blue Mountain Irrigation and Improvement Company for the construction of its reservoirs and canal in and through the Umatilla Indian Reservation, in the State of Oregon—to the Committee on Indian Affairs, when appointed.

A bill (S. 468) authorizing the Commissioners of the District of Columbia to accept the bequest of the late Peter Von Essen for the use of the public white schools of that portion of said District formerly known as Georgetown—to the Committee on the District of Columbia, when appointed.

A bill (S. 467) for the regulation of cemeteries and the disposal of dead bodies in the District of Columbia—to the Committee on the District of Columbia, when appointed.

A bill (S. 629) to confer jurisdiction on the Court of Claims in the case of the book agents of the Methodist Episcopal Church South against the United States—to the Committee on War Claims, when appointed.

A bill (S. 1310) making an appropriation for the benefit of the estate of William Moss, deceased—to the Committee on Claims, when appointed.

A bill (S. 712) for the relief of the estate of Thomas Sherwin—to the Committee on War Claims, when appointed.

A bill (S. 693) for the relief of John Veeley—to the Committee on Claims, when appointed.

A bill (S. 240) to authorize Joseph J. Kinyoun, passed assistant surgeon of the Marine-Hospital Service, to accept a medal from the President of the Republic of Venezuela—to the Committee on Foreign Affairs, when appointed.

A bill (S. 931) to construct a road to the national cemetery at Dover, Tenn.—to the Committee on Military Affairs, when appointed.

A bill (S. 433) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary Sheldon, and Florence F. Lee, legal representative of Elizabeth Smith, deceased, heirs of Lewis Smith, deceased—to the Committee on War Claims, when appointed.

A bill (S. 956) to amend an act entitled "An act to authorize the construction of a steel bridge over the St. Louis River between the States of Wisconsin and Minnesota," approved April 24, 1894, as amended by an act approved August 4, 1894, entitled "An act to amend an act to authorize the construction of a steel bridge over the St. Louis River between the States of Minnesota and Wisconsin"—to the Committee on Interstate and Foreign Commerce, when appointed.

A bill (S. 426) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River; and across the Mississippi River between the mouth of the Minnesota River, in the State of Minnesota, and Donaldsonville, in the State of Louisiana; and across the Illinois and Des Plaines rivers between the mouth of the Illinois and the city of Joliet, in the State of Illinois; and to prescribe the character, location, and the dimensions of the same—to the Committee on Interstate and Foreign Commerce, when appointed.

A bill (S. 665) for the relief of the heirs of certain seamen lost

in the foundering of light vessel No. 37—to the Committee on Claims, when appointed.

A bill (S. 673) to provide for light-houses and other aids to navigation—to the Committee on Interstate and Foreign Commerce, when appointed.

A bill (S. 966) providing for the establishment of a quarantine station at or near Astoria, Oreg.—to the Committee on Interstate and Foreign Commerce, when appointed.

A bill (S. 675) for the relief of Nancy E. Day, administratrix of James L. Day, deceased—to the Committee on Claims, when appointed.

Joint resolution (S. R. 16) providing for estimate of cost of certain improvements of Bridgeport Harbor, Connecticut—to the Committee on Rivers and Harbors, when appointed.

A bill (S. 869) for the relief of Rev. J. A. Gilfillan—to the Committee on Claims, when appointed.

A bill (S. 536) for the relief of the trustees of the German Evangelical Church, of Martinsburg, W. Va.—to the Committee on War Claims, when appointed.

A bill (S. 1168) for the relief of Pearson C. Montgomery, of Memphis, Tenn.—to the Committee on War Claims, when appointed.

A bill (S. 262) for the relief of Calvin Gunn—to the Committee on Claims, when appointed.

A bill (S. 226) for the relief of Napoleon B. Giddings—to the Committee on Claims, when appointed.

A bill (S. 227) for the relief of George A. Orr—to the Committee on War Claims, when appointed.

A bill (S. 228) for the relief of Joseph W. Carmack—to the Committee on War Claims, when appointed.

A bill (S. 229) for the relief of John S. Neet, jr.—to the Committee on War Claims, when appointed.

A bill (S. 230) for the relief of John M. Davis—to the Committee on Military Affairs, when appointed.

A bill (S. 231) for the relief of Ezra S. Havens—to the Committee on War Claims, when appointed.

A bill (S. 232) for the relief of A. F. Fleet, superintendent of the Missouri Military Academy, Mexico, Mo.—to the Committee on Claims, when appointed.

A bill (S. 1565) to amend and make certain the intent of section 714 of the Revised Statutes, providing for salaries of judges in certain cases after retirement—to the Committee on the Judiciary, when appointed.

A bill (S. 252) for the relief of William P. Buckmaster—to the Committee on War Claims, when appointed.

A bill (S. 251) for the relief of William Wolfe, of Shelbina, Shelby County, Mo.—to the Committee on Claims, when appointed.

A bill (S. 261) for the relief of Henry J. Hewitt—to the Committee on War Claims, when appointed.

A bill (S. 677) for the relief of Richmond College, located at Richmond, Va.—to the Committee on War Claims, when appointed.

A bill (S. 273) for the relief of John F. W. Dette—to the Committee on Claims, when appointed.

A bill (S. 272) for the relief of the heirs of James Bridger, deceased—to the Committee on War Claims, when appointed.

A bill (S. 253) to permit Anna M. Colman, a widow, to prosecute a claim—to the Committee on War Claims, when appointed.

A bill (S. 1269) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased—to the Committee on Claims, when appointed.

A bill (S. 249) for the relief of St. Charles College—to the Committee on War Claims, when appointed.

A bill (S. 714) for the relief of L. Robert Coates & Co., of Baltimore, Md.—to the Committee on Claims, when appointed.

A bill (S. 1010) for the relief of the Potomac Steamboat Company—to the Committee on Claims, when appointed.

A bill (S. 437) for the relief of the residuary legatees of Mark Davis, deceased—to the Committee on War Claims, when appointed.

A bill (S. 1153) for the relief of John W. Lewis, of Oregon—to the Committee on Claims, when appointed.

A bill (S. 1451) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.—to the Committee on Interstate and Foreign Commerce, when appointed.

A bill (S. 1492) providing for the selection of the lands within Fort Pembina Military Reservation, N. Dak., in the State of North Dakota—to the Committee on Military Affairs, when appointed.

A bill (S. 537) for the relief of the executor of C. M. Shaffer, deceased—to the Committee on War Claims, when appointed.

Concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to bring to the attention of the Government of Brazil the claim of Helen M. Fiedler, executrix of Ernest Fiedler, deceased, against the Government of Brazil, growing out of a contract, alleged by said claimant to be obligatory on that Government, for the hire of the ship *Circassian* to transport emigrants from the United States to Brazil in the year 1867, with the view to ask said Government to consider the said claim and to provide for the allowance and payment of such sum as shall be found just to such claimant—

To the Committee on Foreign Affairs, when appointed.

A bill (S. 475) to remove the charge of desertion from the military record of Patrick Larkin—to the Committee on Military Affairs, when appointed.

A bill (S. 109) for the erection of a public building at Aberdeen, S. Dak.—to the Committee on Public Buildings and Grounds, when appointed.

A bill (S. 1038) for the relief of Mobile Marine Dock Company—to the Committee on War Claims, when appointed.

A bill (S. 1106) for the relief of Cumberland Female College, of McMinnville, Tenn.—to the Committee on War Claims, when appointed.

A bill (S. 1788) to provide an American register for the barkentine *Sharpshooter*, of San Francisco, Cal.—to the Committee on the Merchant Marine and Fisheries, when appointed.

A bill (S. 674) to provide for aids to navigation—to the Committee on Interstate and Foreign Commerce, when appointed.

A bill (S. 1979) to authorize the construction of a bridge across Pearl River, in the State of Mississippi—to the Committee on Interstate and Foreign Commerce, when appointed.

A bill (S. 1559) for the relief of Martha A. Bagwell, executrix of Sally Hardmond, deceased—to the Committee on War Claims, when appointed.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the Indian appropriation bill.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] presents a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 10 to the bill (H. R. 15) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby directed to at once allot agricultural lands in severalty to the Uncompahgre Ute Indians now located upon or belonging to the Uncompahgre Indian Reservation in the State of Utah; said allotments to be upon the Uncompahgre and Uintah Reservations or elsewhere in said State. And all the lands of said Uncompahgre Reservation not theretofore allotted in severalty to said Uncompahgre Utes shall, on and after the 1st day of April, 1898, be open for location and entry under all the land laws of the United States."

And the Senate agree to the same.

J. S. SHERMAN,
CHARLES CURTIS,
Managers on the part of the House.

R. F. PETTIGREW,
F. M. COCKRELL,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement.

The statement of the House conferees was read, as follows:

This report deals with the only remaining matter of difference between the two Houses, to wit, amendment No. 10, relating to the lands on which the Uncompahgre Indians are located.

The amendment is self-explanatory, and, as it is embodied in the report, it need not be repeated here.

Mr. SHERMAN. Mr. Speaker, I ask for the previous question on the report.

The previous question was ordered.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] has twenty minutes. Does the gentleman from Iowa [Mr. LACEY] rise to oppose it?

Mr. LACEY. I rise to oppose it.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] has twenty minutes.

Mr. SHERMAN. Mr. Speaker, this proposition is different from any that has yet been brought in. The first proposition submitted was for the opening of these lands, immediately upon the passage of the bill, for settlement under the mineral laws of the United States. That did not at any time meet my approval or the approval of the House conferees, Mr. Speaker, because it in no way provided for the Indians now located in that reservation. Under this amendment the Secretary is given until the 1st day of next April to locate the Indians now situated upon the Uncompahgre Reservation, and thereafter all the lands, mineral and otherwise, are open for entry under all the land laws of the United States.

After the first proposition was brought in some weeks ago the House seemed to desire that a royalty proposition should be submitted, and the conferees on the part of the House, in obedience to its apparent wish, brought in the other day a royalty proposition, which was quite promptly rejected by the House. Another royalty proposition, submitted by my friend from Iowa [Mr. LACEY], and somewhat more stringent, was offered as an instruction to the House conferees, and that was rejected; so that the conferees went back to meet with the Senate conferees uninstructed.

Mr. Speaker, the Uncompahgre Indians are located on this land in Utah under an executive order of the President. In 1880 a treaty was entered into between the United States and these Indians, then located in Colorado, under which they agreed to move from their Colorado lands over into Utah, and eventually to take allotments. Pending the time when allotment should be made to them in severalty, they were located by an Executive order on this Uncompahgre Reservation, so that they have no absolute title to that land.

Now, the proposition here is that the Secretary of the Interior shall use the lands of the Uncompahgre "Executive-order reservation," as it is called, to locate these Indians, so far as the land is sufficient, so far as it is agricultural land, and then to locate them on other land on the Uintah Reservation, the title of which is still in the United States, never having been ceded to the Uintahs. They simply have been allowed to go there under the act of 1864. There is no treaty providing for their location on that reservation.

It ought not to be a difficult matter to locate them all in severalty prior to the 1st day of April, 1898. When these Indians have all been taken care of, with their rights protected as they will be by this amendment, I believe this amendment proposes that all the lands be opened up under the mineral-land laws of the United States. It seems to me a very proper way to dispose of the matter, Mr. Speaker, and I trust that the House will take this view of the proposition.

Mr. CANNON. Will the gentleman allow me?

Mr. SHERMAN. Certainly.

Mr. CANNON. As to the so-called gilsonite lands, if this conference report is adopted, they would be subject to entry under the mineral laws, as I understand.

Mr. SHERMAN. Certainly.

Mr. CANNON. What amount could one man enter?

Mr. SHERMAN. The number of his claims is not limited under this proposition. If he located a so-called "lode claim," the size of his claim would be precisely 10 acres, if I recollect aright.

Mr. CURTIS of Kansas. Will the gentleman permit me?

Mr. SHERMAN. Certainly.

Mr. CURTIS of Kansas. I think that under the act of 1892 the number of claims was limited to two.

Mr. SHERMAN. It was by that act, and if that act is not repealed, by implication the number of claims will be limited to two. The size of the claim would be either 10 or 20 acres, depending upon the law under which the entry was made.

I reserve the balance of my time, Mr. Speaker.

Mr. LACEY. Mr. Speaker, I shall consume the time of the House but for a few minutes. This matter has been thoroughly debated in the Committee of the Whole, and the House instructed the committee of conference, or at least indicated its desire that the committee of conference should secure some sort of an agreement to prevent a monopoly of these mines, and also that the lands should be opened up under some form of lease, with a royalty coming to the Government.

The last conference report came in obedience to this instruction, or suggestion, made by the Committee of the Whole, although not made by the House; but there were some defects, in my judgment, in the form in which the amendment of the conference report came here, and therefore I, in conjunction with a number of other gentlemen in the House, opposed the amendment. There were, however, others who were in favor of giving this property away, or opening it under all the general mineral-land laws, which amounts to that.

In view of the limited quantity of this mineral, and its richness, or rather in view of the limited area in which it is found, it seemed to me that we ought to limit the amount that any individual could hold, and that there should be some royalty growing out of it to the Government. In ordinary mineral claims the discovery entitles the claimant to certain rights, and it ought to do so. He goes and finds the mineral and exploits it, and therefore he is entitled to it in compensation for his discovery, his expenditure, and his risk. In this case the mineral has already been examined.

A Government survey has been made by the Geological Survey, and all that a claimant has to do is to take possession of that part which has been pointed out under the Geological Survey as containing this valuable mineral. The last Administration refused to open up this land because of that fact, and the act of 1894 limited the claimant to two lots of 10 acres each.

This present amendment proposes to open it up without any limitation, and possibly, under the coal and stone act, the claimant could take 160 acres; and there would be nothing to prevent the Barber or any other company, by purchase, or by assignment, or by location of claims, to take all of it. Now, that ought to be avoided. The House has already fully discussed this question and understands it, and I want, in the limited time that I have, to yield some to the gentleman from Arkansas.

Mr. HARTMAN. Will the gentleman yield to me for a question?

Mr. LACEY. Certainly.

Mr. HARTMAN. The gentleman says there is some danger of this land being taken under the coal-land act. I wish the gentleman would explain to the House in what way gilsonite can be taken up as coal.

Mr. LACEY. This proposition is that all these lands shall be taken up under all the mineral-land laws of the United States.

Mr. HARTMAN. Oh, no.

Mr. LACEY. Oh, yes; it says so in terms.

Mr. HARTMAN. I think not.

Mr. LACEY. The gentleman may be right. It may be that I am not sustained in this construction. We ought not to legislate in a way so as to leave it open to any such possible construction as this. Whether that be true or not, it makes no difference—there is absolutely no difference whatever in the fact.

It says that anybody, at midnight on the night before the 1st day of April, may go on that land and take it, and I think it is well that they have designated the 1st day of April. [Laughter.] They may go on the 1st day of April and take possession of just as many claims as they can stake off, or take the whole body of it if they happen to be in ahead of others. It makes no matter whether it is 160 acres or 10 acres.

Mr. HARTMAN. Without using it in any offensive sense, does the gentleman think anybody would be fool enough to go in and take one-half of it or even one-tenth of it?

Mr. LACEY. Very well; there are a great many "fools" in this country trying to do that.

Mr. HARTMAN. Undoubtedly that is true.

Mr. LACEY. Let us "protect them against themselves."

Mr. SAYERS. I want to ask the gentleman whether or not it is his judgment that the agreement reached by the conferees is more vicious than that of any of the agreements that have been made?

Mr. LACEY. I will not say "vicious," but I think it is more——

Mr. SAYERS. I did not mean that in an offensive sense.

Mr. LACEY. I understand the gentleman did not mean that in an offensive sense; but I think this amendment as it now comes as a proposition to this House is the most objectionable form in which it has come, because the other propositions provided some limit of the number of claims, and this provides none.

Mr. HARTMAN. Will the gentleman yield to me for another question?

Mr. LACEY. I can not yield. I must yield some time to the gentleman from Arkansas.

Mr. HARTMAN. I just wanted to ask the gentleman one question. Does not the act of 1894 apply to these claims, and would not that limit them to two claims?

Mr. LACEY. I think not. I think this repeals the act of 1894.

Mr. GAINES. What is to prevent a monopoly from getting the whole of this gilsonite land?

Mr. LACEY. Nothing whatever. This proposition would encourage a monopoly. I think we would make a very great mistake to allow them such an opportunity. This matter was very fully discussed before.

Mr. GAINES. We have been trying to avoid a monopoly, and now it seeks to create one.

Mr. SHAFROTH. There is no more a monopoly in this than there is under other mineral laws. I am against a monopoly all the time.

Mr. GAINES. I am trying to prevent its being controlled by a monopoly, and I want to see what is right done.

Mr. LACEY. I want to say to our friends, there is no limit over the control of these lands which is imposed by this proposition. This land is in a peculiar situation, and I think where the tract is small, and it is of so very great richness, it should be made exceptional. While I agree with my friend from Colorado [Mr. SHAFROTH] on the general mineral-land laws, I think we are confronted with an exceptional case, and that it would be a great mistake if we did not recognize the peculiar circumstances surrounding these lands and make an exception with reference to them.

Mr. GAINES. What sort of an exception do you want to make?

Mr. LACEY. I have prepared one that I want to offer if we can vote down this conference report.

Mr. GAINES. If we vote for this proposition, then it leaves it in the hands of a monopoly to control.

Mr. LACEY. If we vote for this conference report, it would place a monopoly in control, in my judgment. I think that would be the result, and therefore we should not adopt the conference report. I yield five minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, we have so often discussed this matter that I do not wish to go at length into the consideration of it to-day; but of all the propositions that have been presented by the several conference reports on this bill and its predecessor in

the last House this, in my judgment, is the worst. In the act of August 15, 1894, there is a limitation as to the area that can be located by any person. I will read it:

That no person shall be entitled to locate more than two claims, neither to exceed 10 acres, of any land containing asphaltum, gilsonite, or like substance.

The Senate amendment numbered 10, that the House disagreed to, and which disagreement we have insisted upon more than once, is as follows:

That the mineral lands of the Uncompahgre Indian Reservation, in the State of Utah, are hereby declared open to public entry under the mineral-land laws of the United States, and no one person shall be allowed to make more than one claim on lands containing gilsonite. And on and after January 1, 1898, all of said reservation unallotted to Indians shall be open to public entry under the land laws of the United States.

The pending report, if adopted, will strike out that amendment and insert the following:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is hereby directed to at once allot agricultural lands in severalty to the Uncompahgre Ute Indians now located upon or belonging to the Uncompahgre Indian Reservation, in the State of Utah, said allotments to be upon the Uncompahgre and Uintah reservations or elsewhere in said State. And all the lands of said Uncompahgre Reservation not theretofore allotted in severalty to said Uncompahgre Utes shall, on and after the 1st day of April, 1898, be open for location and entry under all the land laws of the United States."

And the Senate agree to the same.

It will be seen from this that the result will be that all limitations upon the locations and holdings are to be removed. Except that the original Senate amendment does not provide for allotment to the Indians, it is a better provision than this one, and I would prefer to vote to concur in it than to adopt this report. Some gentlemen do not appear to understand that under the general mining laws there is no limit to the number of claims that can be located by each claimant. Each claim is limited in area to about 20 acres, but as many locations can be made as the applicant is willing to work or pay for.

The amount of work required on each claim each year is $100 worth. If the assessment work, which is exacted as evidence of good faith on the part of the locator, is performed, he can hold it indefinitely without the payment of anything for the land. And so under this proposition the Government may never get anything for this deposit which was discovered by its officers in their official capacity.

If, however, the locator of the land sees fit to take the title from the Government by a patent to him, he is only required to pay $5 an acre, but that is not necessary if he is willing to go on with his operations. So you see there is no limit as to the number of claims that any individual can take; there is no requirement that he shall pay for the land unless he prefers to do so. It is true that the most of the rich mines are patented, but never until shown to be valuable.

Mr. GAINES. Is there anything to prevent one person from going there and making claim of a large quantity of land for himself and others?

Mr. McRAE. There is nothing to prevent that being done if desired. I state as my deliberate judgment that this provision, if passed, will repeal the act of August 15, 1894. It will do what it undertakes to do—open the lands containing this particular deposit to entry under the general mining laws, and will repeal all laws inconsistent with them. As I said last Monday, I am not much in favor of renting these lands for royalty or in any way. And yet, in view of the fact that the discovery has been made, and the value of the deposit is known, and in view of the fact that a monopoly can be easily secured under the operation of the general law, I am not willing to see this particular reservation opened in that way.

I shall, therefore, if this report is voted down, support the amendment in the nature of instructions proposed by the gentleman from Iowa, providing for the leasing of these lands upon a rental to be fixed by the Secretary of the Interior. It vests a large discretion in that officer, but I think that better than to give the land away for nothing.

Mr. GAINES. Does that amendment arrange matters so that the monopolists can not get hold of the property?

Mr. McRAE. Certainly; at least that has been our purpose in formulating it, and if honestly administered and fairly construed I think it will prevent monopoly. I appeal to gentlemen here who want fairness and justice done to the Government in this important matter and who want these deposits protected for all the people to defeat this conference report.

Mr. LACEY. I now yield three minutes to the gentleman from Illinois [Mr. COOKE].

Mr. COOKE. Mr. Speaker, I hope the House will vote down the conference report, for the reason that it allows this very peculiar and limited body of mineral to be so disposed of that it may fall into the hands of private monopolies. We ought to guard the interests of the Government in this matter, because this product, in the nature of asphaltum, is very limited in quantity and may become exceedingly valuable to the various cities and towns of the United States that may want to use it in paving their streets.

As there is no other known deposit of gilsonite having a commercial value in the United States, the region containing it being only about 10,000 square acres, its total market value, however, being many millions of dollars, as it is alleged, and as it is almost certain to find its way into the hands of a monopolizing company if the lands are allowed to be acquired in fee, it ought not to be open to purchase under the land or mineral laws of the United States. It ought to be preserved from the hands of monopolists, that the product may find its way at as low a price as possible into the open markets.

The gentleman from Iowa [Mr. LACEY] has prepared an amendment which he intends to offer if the report is voted down, giving full authority to the Secretary of the Interior to lease the lands containing gilsonite, etc., without much restriction of the power so given. That amendment, I think, ought to prevail over the conference report. It is a safe provision, though it places large power in the hands of the Secretary. I should really prefer, however, to prescribe by law certain limitations for the leases, as to the main features thereof, at least. On account of the hoarse condition of my voice, I am unable to continue my remarks in explanation of the amendment I should prefer to see adopted. I will therefore send to the desk to be read in my time the amendment itself, which I shall be glad to have adopted, unless the House shall prefer that to be offered by the gentleman from Iowa [Mr. LACEY].

The Clerk read as follows:

Provided, That the title to all lands containing gilsonite, elaterite, asphaltum or other like substances shall remain in the United States; and the Secretary of the Interior is authorized to lease said lands, in legal subdivisions of not to exceed 160 acres to any one tenant, for a term of not to exceed ten years, to the highest and best bidders therefor, upon such security for the payment to the United States of the rental of such lands as shall be prescribed and approved by the Secretary of the Interior; and the Secretary of the Interior is authorized to make regulations for the offering of said reserved lands to bidders for such leases, and for the enforcement of the terms of such leases: *And provided further*, That no person, partnership, or corporation shall hold or enjoy by assignment or otherwise the right to the use or possession of more that 160 acres of such reserved lands under or by virtue of the leases hereby authorized to be made.

Mr. LACEY. I now yield three minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I have already stated to the House my objection to opening this land under the general mineral-land laws. Some days ago the conference committee brought in a proposition that was far more acceptable than this one to those of us who are unwilling to perpetuate a monopoly in what are practically the only asphaltum beds in this country. In pursuance of the mineral laws, under which it is proposed now to open these lands, these companies who may desire them can go there and take not only one claim, but every claim.

There is no provision whatever for preventing or limiting monopoly control of these lands, which are to furnish the asphaltum needed for paving our streets. I feel that as long as we have cities to develop, as long as we want to beautify and decorate our towns, we have no right to thus give away these deposits; for that is what it means. If you open these lands under the mineral laws, as proposed in this report, you practically give away a tract of land which a Government expert has said is worth a million of dollars—you give it away to certain syndicates or combinations of persons when the people of your different districts or communities need this material for cheap paving. I understand that the gentleman from Iowa [Mr. LACEY] will introduce a resolution which will have a tendency to prevent any monopoly from getting hold of this property.

As a general proposition, I do not believe that the leasing system is a good one for the Government. I do not contend that it is wise for us to put our gold and silver mines under a leasing system. But all good rules have their exceptions; and when we find a tract of land containing mineral deposits so useful and beneficial to the people of the United States as will be this asphaltum deposit, I say that, even though it be an exception to our general policy, Congress, instead of throwing this land open to monopolies or syndicates, should look to the interest of the people of the United States and establish safeguards for the development of this property so as properly to care for the people of future generations.

Mr. LACEY. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Three minutes.

Mr. LACEY. I yield the remainder of my time to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, the statement made by the chairman of the committee, that this amendment is a great improvement on what was originally proposed, seems to me, while not intentionally misleading, to be a clear misstatement of the facts. The original amendment was to this effect:

That the mineral lands of the Uncompahgre Indian Reservation, in the State of Utah, are hereby declared open to public entry under the mineral-land laws of the United States, and no one person shall be allowed to make

more than one claim on lands containing gilsonite. And on and after January 1, 1898, all of said reservation unallotted to Indians shall be open to public entry under the land laws of the United States.

By this provision the asphaltum land to be taken by any one individual was limited to one claim—two, I think, in the original amendment, and one as it came back to us. Under the amendment as now agreed upon by the conference committee, the amount of asphaltum land which may be taken up under any one claim or by any one monopoly is unlimited.

Moreover, this allotment of the Indians has been characterized by Lieutenant-Colonel Randlett, in speaking of an amendment which was supposed to have been passed by the last Congress, as calculated to work an outrage upon the Indians because there was not, as he said, enough of agricultural lands there to be allotted in proper proportions to the Indians on this reservation; and while there might be enough land on the other, yet time ought to be given for the Government to make inspection and to ascertain the facts; that to go to work and allot lands to the Indians on those reservations, without regard to their rights, would be, in fact, an outrage upon their rights.

The gentleman from Colorado interrupted a moment ago to propound the question whether we wanted any such laws with regard to the gold mines of the country as we now propose to apply to these gilsonite deposits. I say no, because there can not be any monopoly of the gold mines. They are scattered here, there, and everywhere, all over the Western country. But this is the only body of gilsonite or asphaltum land in the United States; it can be acquired by a very few persons, and an absolute monopoly of it secured and maintained. In making this statement I rely upon official reports of Government officers.

Mr. SHAFROTH. Does not the gentleman know that there are gilsonite beds in California and in Colorado and in the Indian Territory, besides these in Utah?

Mr. COOPER of Wisconsin. I am surprised that the gentleman from Colorado keeps asking a question which has no relevancy or pertinency. If the facts are as he states, there has not been anything for years and years to prevent anybody opening up those asphaltum mines in Colorado and California. They stand in a different situation from the mineral deposit on this reservation. Why have not those deposits in Colorado and California been opened up years ago?

Mr. SHAFROTH. The reason is that they are not worth development.

Mr. COOPER of Wisconsin. But we are talking about these deposits in Utah, which are worth much, according to the statements of agents of the Government. These deposits amount to 23,000,000 tons, making a valuation of over $30,000,000, as stated by the gentleman from Maine [Mr. DINGLEY].

[Here the hammer fell.]

Mr. SHERMAN. I now yield five minutes to the gentleman from Kansas [Mr. CURTIS].

Mr. CURTIS of Kansas. Mr. Speaker, I hope this conference report will be agreed to. I disagree with gentlemen who say that there is no difference between the amendment as now proposed and the amendment as it first came from the Senate. This amendment proposes to prevent any monopoly from taking possession of the gilsonite beds on this reservation in Utah. The other amendment provided for the opening of the lands in such a way as would permit a monopoly to take possession of all of them.

By this amendment one year is allowed for the opening of these lands, giving the poorest man in the country ample opportunity to go there and take a claim. The very fact that the time for opening this reservation is put off one year gives every man in the country an opportunity to take a mining claim.

Mr. McRAE. Does not the gentleman know that the Senate amendment, upon which all this controversy arose, fixes January, 1898, as the date for opening this reservation?

Mr. CURTIS of Kansas. It was not the mineral lands that were to be opened, but the agricultural lands.

Mr. McRAE. No. I have the provision here. The last clause reads:

And on or after January 1, 1898, all of said reservation unallotted to Indians shall be open to public entry under the land laws of the United States.

Mr. CURTIS of Kansas. But that never was passed.

Mr. McRAE. That is the amendment now pending.

Mr. CURTIS of Kansas. I beg the gentleman's pardon.

Mr. McRAE. The gentleman will find that I am correct.

Mr. CURTIS of Kansas. I think not. Now, another thing. In the first place, the conferees on the part of the House objected to the original amendment because it made no provision for the Indians. The Indians on that reservation are entitled to take allotments. By this amendment about one year is given the Department in which to allot the lands to the Uncompahgre Indians. After that is done, the remainder of the reservation is to be opened up for settlement under the mineral laws of the United States.

I do not agree with the lawyers on this floor when they say that this amendment repeals the act of 1894. In our practice out West I have always understood that where there are two different laws applying to the same subject they are to be construed together if possible. There is nothing in this amendment which directly repeals the act of 1894. Therefore the claims which may be taken by any one individual are limited in number to two—virtually to one—because the act of 1894 contains a limitation of two 10-acre claims.

The gentlemen are surely mistaken when they claim that these are the only asphalt beds in the country.

Mr. UNDERWOOD. On what authority does the gentleman make the statement that under the general laws a party will be entitled to two 10-acre claims?

Mr. CURTIS of Kansas. Under the act of 1894, which applies to this reservation.

Mr. UNDERWOOD. But this proposition repeals the law of 1894.

Mr. CURTIS of Kansas. Oh, I beg your pardon; I do not believe that it repeals the law of 1894. The provision of that law of 1894 is that no person shall be entitled to take more than two claims.

Mr. UNDERWOOD. Where does the gentleman get his authority for the belief that the Government has ever classed asphaltum as coming within the mineral laws that provide for the location of fissure veins?

Mr. SHAFROTH. Because it is found in true fissure veins.

Mr. CURTIS of Kansas. The gentleman from Colorado has answered the question.

Mr. UNDERWOOD. Well, but a coal seam may be in a fissure vein. It is not the shape of the vein that determines the law under which it may be located.

Mr. SHAFROTH. The law expressly limits a coal-mining claim to 160 acres, but the asphaltum, being found in true fissure veins, must be located under the mineral laws applicable to gold and silver mining.

Mr. CURTIS of Kansas. Further, Mr. Speaker, there are beds of gilsonite in Utah outside of this reservation. It is found in Texas, Colorado, and in the Indian Territory. A treaty has just been made with the Chickasaws and Choctaws, wherein they provide for the disposition of gilsonite on their reservations. It is there in vast amounts. It is found in California and in Montana, and within a week it has been discovered in southern Kansas. The gentleman says, "Why were not these beds opened up before?" I might ask the same question in regard to the gilsonite in this Indian reservation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHERMAN. I yield five minutes more to the gentleman.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to an enrolled joint resolution of the following title:

Joint resolution (S. R. 42) appropriating $50,000 for the relief of suffering American citizens in the Island of Cuba.

INDIAN APPROPRIATION BILL.

The consideration of the conference report on the Indian appropriation bill was resumed.

Mr. CURTIS of Kansas. The gilsonite beds in these other places were not worked for the same reason that those on the Uncompahgre Reservation were not prior to 1880. These Indians were not placed upon this reservation until after 1880. The reason was that people did not know about it. It is being discovered now in various parts of the country.

I do not believe in the Government exacting a royalty. I do not believe in the system of leasing mineral lands by the Government. I believe that the gilsonite beds should be opened just the same as the gold and silver mines of this country are.

I want to say to Republicans and Democrats alike, if you adopt the policy of leasing the gilsonite lands of this country, that policy will stare you in the face ever after, and the people will come here, Congress after Congress, and ask you to apply it to the coal mines of the country, to the gold mines of the country, to the silver mines of the country, and to all other mineral lands.

Now, the conference committee has worked hard to get an agreement. We believe that this is the best that can be done, and, speaking for myself, I want to say that from the first I have believed that this matter should be settled in this way: First the Indians should be taken care of, and then after reasonable notice the gilsonite lands should be opened for settlement, and all should be given an equal opportunity to secure a claim.

Mr. COOKE. Then the gentleman has not struggled very hard against the other conferees.

Mr. CURTIS of Kansas. We have had several meetings and brought in two or three reports. One of the amendments was along the line suggested by the House, but it was not accepted. The result of the vote on the last conference report showed that the House did not desire to instruct us. I hope this conference report will be agreed to.

Mr. SHERMAN. Just one word, Mr. Speaker. I will not detain the House long. The gentleman from Wisconsin [Mr. COOPER] says that I said this report was better than the last. I did so state, Mr. Speaker, that it was better for the Indians. He quotes the report of Major Randlett, in which he says that the original proposition, as passed by the Senate, was an outrage upon these Indians. I thought so, Mr. Speaker, and that is why I opposed it just as strenuously as I could, all the way through. It was an outrage upon the Indians. This report is not. This provision takes ample care of all the rights of the Indians before it disposes of a foot of this land, and that is what we want; that is what we of the Indian conference committee of this House have been contending for all the way through.

By this amendment the rights of the Indians are cared for. Every single Indian is given his allotment in severalty before the balance of this land is opened up under the general land laws of the United States. Now, my friend from Alabama [Mr. UNDERWOOD] says that this proposition that is now here is not so good as the one that came in the other day. Perhaps my friend is right about that; but let me call his attention to the fact that the proposition which came in the other day was rejected by this House by a majority of more than two to one, and that thereafter, when the gentleman from Iowa [Mr. LACEY] offered a proposition as an instruction, which I believed was better even than what we succeeded in getting in the conference committee—when he offered his instruction to the conferees, the House rejected that.

Mr. Speaker, the conferees have done their best to carry out the wishes of the House, and have brought back here a proposition which we thought was in accord with their wishes, and have seen it stricken down by a vote of two to one. We have seen on two different occasions the House refuse us instructions as to what we should do; and we have done the very best we could and have finally come here with a proposition which opens these lands under all the land laws of the United States; and for the life of me I see no reason why this particular body of land in the State of Utah should be opened up differently from what all the other lands of the United States have been opened up in the last twenty-five years. I think the proposition is a fair one, Mr. Speaker, and I hope the House will adopt it; and I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. SHERMAN. Division, Mr. Speaker.

The House divided; and there were—ayes 56, noes 64.

So the conference report was disagreed to.

Mr. SHERMAN. Mr. Speaker, I move that the House concur in the Senate amendment; and I desire to say in making that motion that I do not make it in the hope that the House will pass it in just that form, but I do it in the hope that the proposition will be so amended that something will be agreed upon, so that the Senate will recede and accept the desires of the House.

Mr. CANNON. May I ask the gentleman a question?

Mr. SHERMAN. Certainly.

Mr. CANNON. I desire to know if the conferees of the House believe that the Senate would accept an amendment ceding these lands to the State of Utah?

Mr. SHERMAN. I will say this, Mr. Speaker, that the chairman of the conference committee on the part of the Senate said to us the other day that if this report was returned, that whatever came back to the Senate as the will of the House he should move that the Senate accede to it, and then, if that motion failed, he would then move that the Senate recede from the entire proposition.

Mr. LACEY. Now, Mr. Speaker, I move to substitute for the motion of the gentleman from New York the following.

The SPEAKER. The gentleman from New York moves to recede from the disagreement and concur in the Senate amendment, and the gentleman from Iowa moves to concur with the following amendment, which the Clerk will read.

The Clerk read as follows:

Concur in Senate amendment numbered 10 by striking out the same and substituting the following inlieu thereof:

"The Secretary of the Interior is hereby directed to allot agricultural lands in severalty to the Uncompahgre Ute Indians now located upon or belonging to the Uncompahgre Indian Reservation in the State of Utah, said allotments to be upon the Uncompahgre and Uintah reservations or elsewhere in said State. And all the lands of said Uncompahgre Reservation not theretofore allotted in severalty to said Uncompahgre Utes shall, on and after the 1st of April, 1898, be open for location and entry under all the land laws of the United States; excepting, however, therefrom all lands containing gilsonite, asphalt, elaterite, or other like substances.

"And the title to all of the said lands containing gilsonite, asphaltum, elaterite, or other like substances is reserved to the United States.

"And the Secretary of the Interior is authorized to lease the said reserved lands containing said minerals; said leases to be upon such royalty as the said Secretary may determine to be reasonable, and said leases to be for such periods, not exceeding ten years, as he may determine; and regulations and limitations shall be provided by the Secretary as to the amount of lands embraced in each lease, or as to assignments of said leases, so as to prevent any monopoly of said minerals; and the Secretary will make all such rules and regulations as may be necessary for the purpose of carrying out the objects of this act."

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Iowa.

Mr. CANNON. Is that in the nature of an instruction?

The SPEAKER. As the Chair understands it, it is a motion to recede and concur with the following amendment, to strike out and insert.

Mr. CANNON. Is that open to discussion? I would like to have just a minute to say——

Mr. SAYERS. Mr. Speaker, I should like to ask the gentleman from Iowa if there is anything in that amendment which he proposes that would prevent either two, three, or four men from combining together and obtaining control of the whole tract?

Mr. LACEY. The amendment proposes, and expressly says, the Secretary of the Interior shall make such regulations as will prevent a monopoly. That leaves the question as to the size of the leases in his discretion, to make them large enough to work, and yet divide them sufficiently to prevent a monopoly. After a consultation with the gentleman from Arkansas [Mr. MCRAE] and others who have given this matter thought, it was deemed best to not attempt to define the exact size of these claims, that there are many things that we can hardly understand with respect to this legislation, and it will be safer to leave a wider discretion in the Secretary than would be involved in the proposition to give a certain number of acres, that may not be enough for them to proceed to do the work, and the leases have been limited to ten years, so that if there is any mistake it can be corrected. It is not as irremediable as would be the effect of adopting the amendment proposed by the conference committee.

Mr. SAYERS. I understand the gentleman to say that he has submitted it to the gentleman from Arkansas [Mr. MCRAE], and it has his approval.

Mr. LACEY. I submitted this to him, and made some alterations at his suggestion.

Mr. CANNON. I only want a minute to say——

Mr. LACEY. I yield such time as the gentleman desires.

Mr. CANNON (continuing). That this is the Indian appropriation bill. There seems to be no difference about the House and Senate agreeing upon the amount of money for the Indian service for the coming fiscal year. The House very wisely has provided by its rules that appropriation bills shall not carry legislation. Now, the history of this bill shows the absolute wisdom of that rule. It goes to the Senate, and they proceed to put legislation upon it. It comes back to the House, is considered, and the difference between the House and the Senate is touching legislation. Time and again the conference report is turned down.

Now, what ought to be done, in my judgment, is that the House and Senate should stop this matter of general legislation upon supply bills; and in this case, if an agreement is not practical, I should be very glad indeed to see all legislation stricken out of this bill touching this matter. Now, there is no one who has a greater respect for the gentleman from Iowa than I have. I know of his industry and ability, and also that of the gentleman from Arkansas, but they can not, sir, know all things. No committee that originates a general appropriation bill can be equipped all along the line touching matters of legislation that should come from forty or fifty different committees.

I do not know what is to be the end of this controversy. I must confess——

Mr. LACEY. Will the gentleman yield for a suggestion?

Mr. CANNON. Yes, sir.

Mr. LACEY. Possibly the remarks of my friend from Illinois may be misunderstood. The action of the gentleman from Arkansas [Mr. MCRAE] and myself, in taking active interest in this Indian bill, was not intended as an intrusion into a subject which we had not been considering or had not acted upon in the past. But land legislation—legislation which would appropriately have gone to the Committee on Public Lands, of which we were members in the last Congress—was incorporated in this bill by the Senate. Therefore, at the suggestion of gentlemen who were members of the former Indian Committee, we have conferred and acted upon this subject with them, endeavoring to aid them. Unfortunately they and we have not agreed. They have taken one view—the view adopted by the Senate—while we have taken a different view. And the House has thus far agreed with us, or rather, we have agreed with the House. I only make this statement because the remark of the gentleman from Illinois might otherwise be misunderstood by some gentlemen not familiar with the situation.

Mr. CANNON. I am not criticising the gentleman from Iowa. On the contrary, I concede his knowledge and good judgment, especially touching matters of which the Committee on Public Lands of the last Congress had jurisdiction. I am simply trying to emphasize the impropriety of loading up these various supply bills with legislation. I should be glad indeed if in this matter the conference committee could agree to strike out from the bill all legislation, allowing the various committees which had charge of these several matters in the House and the Senate to perform their appropriate functions.

I appreciate the ability of the gentlemen. I have the honor to be serving as a conferee of this House on the sundry civil bill, carrying provisions under existing law which run into almost every branch of the public service, that could have been agreed to and would have been agreed to promptly were it not that the Senate, in defiance of the rules of that body and of this House, has placed upon the bill legislation about which the House conferees, charged with matters of appropriations purely, have no adequate knowledge, so that in our weakness and ignorance we have been compelled to turn to the eminent gentlemen from Iowa [Mr. LACEY] and Arkansas [Mr. MCRAE] for counsel; and with their help we are proceeding as best we can.

But under these circumstances a great bill, carrying forty or fifty million dollars, is held up upon items of legislation which the committees on appropriations of the House are not charged with and of which they have not sufficient knowledge to deal with them properly. I trust the time is not far distant that this House, as a matter of practice, when its bills come back loaded with general legislation, which is sought to be put through by reason of the need of the Government for appropriations, will lay such bills on the table. [Applause.]

Mr. LACEY. I yield five minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I indorse what the gentleman from Illinois [Mr. CANNON] has said with respect to new legislation on appropriation bills. This Senate amendment has no business here. I have repeatedly stated in this House what I believe is true, that almost all the objectionable land legislation which has passed Congress, and about which they have complained since I have been in Congress, has been such as has been, like this proposition, put upon appropriation bills contrary to the rules of the House and the Senate.

I believe that the best and most speedy solution of this whole matter would be that the Senate recede from its amendment and leave the law as it now is, and let the Interior Department proceed with the allotments. There is no necessity for any haste about this matter. The allotments have not been made and the reservation ought not to be opened until this is done. The provisions of the act of August 15, 1894, on this subject are better than anything that has been proposed by the conferences; yet it is not as good as it ought to be.

There would come no great calamity to the people if this whole provision should fail by the Senate receding from its amendment, because the reservation will still be there; the gilsonite will remain untouched, and can be disposed of under that act as soon as the allotments are made.

If that could be accomplished, it would, in my opinion, be a good solution to this controversy; and if any further legislation is needed, let it be formulated by the Public Lands Committee when appointed. At any rate, this bill ought not to be held up for such propositions that have no business upon it.

Mr. LACEY. I now yield five minutes to the gentleman from Utah [Mr. KING].

Mr. KING. Mr. Speaker, it does seem to me that some misapprehension exists on the part of the distinguished gentleman from Iowa and some other members of this House in regard to the manner of operating mines. If the amendment suggested by the gentleman from Iowa should prevail, if this instruction should be given and the provision proposed by him be embodied in the bill, it means the absolute destruction of that branch of the mining business to which it applies.

No person will lease mineral lands and incur expense in their development when the title is not in them and when such restrictions are imposed as suggested in the proposed amendment. I come from a mining State and I am somewhat familiar with mining operations, and I can assure gentlemen from a knowledge of the system of mining and the methods which prevail among mining men that you can not upon leased public lands have such developments made as will be advantageous to the public and bring to the people the mineral wealth which the lands contain.

Persons will be reluctant, if not unwilling, to spend ten, twenty, or one hundred thousand dollars to develop a mine when the title is not in them, and if they do lease a portion of the public domain for the purpose of extracting ore, they will obtain the ore without providing proper protection for the mine. If it needs timbering, as many mines do, they will gopher (to use a mining expression) from the ground as quickly as possible and at the least possible expense the ore which is in sight; and when the lease expires there remains a mine that can not be operated unless tens of thousands of dollars perhaps are expended in order to put it again in workable condition.

If the proposition of the gentleman from Iowa should prevail, it will mean this: Assuming that the mines are as valuable as my friend from Alabama represents them to be, a man will go upon the public domain and will extract as quickly as possible all the ore that is in sight. He will not timber the mine; he will not protect it; he plans only for the present, treats the property as belonging to another, is willing to sacrifice and destroy if only immediate profits are obtained, and when his lease expires the Government will have a mine that is despoiled and robbed and plundered handed back, valueless and bankrupt. And before it can be leased again to any advantage or profit—before anybody else will undertake to develop it further—thousands and tens of thousands of dollars must be expended in order to make mining operations safe or to perform the necessary development work before the mineral wealth can be extracted.

Mr. UNDERWOOD. If the Government makes the lease, has it not the power to provide in the lease protection against the very difficulty which the gentleman anticipates?

Mr. KING. I take it that the Government will not exercise greater care over mining property than an individual usually does. I have known mines to be leased by private persons, and in the leases most drastic provisions would be inserted for the preservation of the mines.

But almost invariably, when the mine was turned back to the landlord or lessor, it proved to be "gutted" and "gophered" and unprotected, so that a large expenditure was necessary in order to prepare it for safe and profitable explorations and development. And when you place in the hands of the Secretary of the Interior lands two or three thousand miles away, when you attempt to operate those mines under the surveillance of the Government, can you expect better results than accrue when mines are operated under the direct supervision of the owner?

With officials constantly changing, with the mutations coming to governments, with the ignorance of Government employees, can you predict for this obnoxious, infamous, damnable system of leasing advantage or revenue to the Government or benefit to the public?

Besides, sir, the amendment offered by the gentleman from Iowa imposes no restriction upon the Secretary of the Interior. He can create a monopoly; he can indulge in favoritism; and we know too well that the interests of the people have not been subserved or guarded by committing to administrative and executive officers such unlimited powers.

Let me tell you, gentlemen, that in my humble opinion it is a slander upon the American Congress to say that it can not legislate upon these matters, but must relegate to executive officers the control of this property of the Government. Can not the American people be trusted? Are not the treasures of earth and the broad domains of our great nation the inheritance of the people? Open these lands to the American people.

Do not introduce feudalism. Do not revive mediævalism. These lands are the patrimony of the people, and it is violative of the spirit of our institutions to treat them as tenants and vassals, paying tribute to the petty minions of the law that harass and annoy or abuse their powers, and uphold nepotism and introduce favoritism, so that the select and chosen may obtain possession and the worthy and poor be rejected and driven out.

I had the honor a few days ago to refer to eminent statesmen like Frémont, of California; Seward, of New York, and Benton, of Missouri, who had condemned in unmeasured terms the system of leasing mineral lands, and who had stated that wherever that system had prevailed the most disastrous results had accrued. In the Senate in 1851 they animadverted upon the evils of the leasing system, and in an elaborate discourse showed conclusively, as did other Senators, that when the Government undertakes to lease the public domain and undertakes to go into the mining business in partnership with private individuals, scandals, frauds, and wrongs are perpetrated, to the disgrace of the Government and the injury of the people. [Applause.]

[Here the hammer fell.]

Mr. LACEY. I ask for the previous question.

The previous question was ordered.

The SPEAKER. The question is upon the amendment of the gentleman from Iowa.

Mr. BARTHOLDT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. I raise the question whether a conference report is amendable.

The SPEAKER. The conference report has been rejected and is no longer before the House. A motion has been made that the House recede from its disagreement and concur in the Senate amendment, to which the gentleman from Iowa offered the amendment which has been reported to the House. The question is upon agreeing to that amendment.

Mr. BARTHOLDT. My impression is that the only thing in order would be instructions to the conference committee. This is not an instruction; this is an amendment.

The SPEAKER. This is not an amendment to the conference report. It is a proposition that the House recede from its nonconcurrence and concur with an amendment, and the question is on the amendment.

The question being taken, on a division (demanded by Mr. KING and Mr. HARTMAN) there were—ayes 74, noes 42.

Mr. KING. I make the point of no quorum.

Several MEMBERS. Oh, no.

The SPEAKER. The gentleman makes the point that there is no quorum present.

Mr. KING. I withdraw the point.

The SPEAKER. The point is withdrawn; the ayes have it, and the amendment is agreed to. The question recurs on the original motion to recede and concur with the amendment which the House has already adopted.

The motion was agreed to.

Mr. DALZELL. I move that the House do now adjourn.

The SPEAKER. One moment. The Chair thinks if the House desires to finish it up——

Mr. LACEY. I move to reconsider and to lay that motion upon the table.

The SPEAKER. The point the Chair wished to suggest was that the House might wish to ask another conference.

Mr. SHERMAN. Why, Mr. Speaker, we have receded and agreed to concur with an amendment. I think it is hardly necessary to ask for another conference.

Mr. RICHARDSON. All that would be necessary now would be for the Senate to concur in the amendment which the House has adopted.

The SPEAKER. The gentleman is right.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

Mr. CANNON. Did the Senate ask for a conference?

The SPEAKER. No; the Senate did not ask for a conference.

Mr. CANNON. I will ask the gentleman from New York [Mr. SHERMAN] if he is going to ask for a conference?

Mr. SHERMAN. I am not.

Mr. CANNON. I will suggest to the gentleman that while perhaps it should go to the Senate under the ordinary parliamentary usages, yet there are many precedents for the House on the one hand, or the Senate on the other, asking for a conference, anticipating the action of the other House; in other words, for the purpose of forwarding legislation. If the gentleman thinks there will be another conference——

Mr. SHERMAN. Well, I anticipate, Mr. Speaker, that the Senate will either accept this amendment or recede entirely from the whole proposition. That is what I anticipate.

Mr. CANNON. That would take a conference, however, to recede entirely.

Mr. SHERMAN. Not at all. That would not need a conference.

Mr. McRAE. Mr. Speaker, I wish to make a further parliamentary inquiry.

The SPEAKER. Will the gentleman state it?

Mr. McRAE. In view of the fact that we have only two meetings a week, and no other session until Monday next, if the gentleman from New York is not entirely satisfied that the Senate will terminate this controversy by either receding from its amendment or agreeing to the amendment we have adopted, I suggest to him that we will save time by asking for a conference and appointing the conferees now; because whatever disagreements there may be, if there be any more, could be gone over between now and the next meeting, in the light of this action of the House, while, upon the other hand, if we do not and the Senate insists upon the amendment, the bill will be hung up in the air, as it were, with nobody to consider it until our next meeting, when we will be required to agree to a conference they may ask.

Mr. LACEY. The conference can subsequently be ordered.

Mr. McRAE. But that delays consideration, and we are all interested in getting this bill on the statute book. Of course, the Senate will ask for a conference if they disagree to our amendment, or it can agree to one we ask. It is only a question of time. It can just as well do what the gentleman from New York [Mr. SHERMAN] suggests, if we ask a conference, as if we did not. It seems to me that, as a matter of safety, it would be better to ask it. There will then be one of three things for the Senate to do: Recede from its amendment, agree to our amendment, or consent to further conference.

Mr. McMILLIN. Otherwise it hangs up the whole bill.

Mr. SHERMAN. Mr. Speaker, the conferees on the part of the House have spent so much time in this matter now—most of the winter and most of the summer—that the matter of a month or two does not "cut much ice" with them. I do not think we will move for another conference. We will wait and see if this proposition is rejected, and then perhaps we will move for another conference; but we will not ask for a conference until it is absolutely essential.

Mr. KING. Mr. Speaker, a parliamentary inquiry. Will the Speaker recognize me to move the appointment of a conference committee at this time?

The SPEAKER. The Chair will do so.

Mr. KING. I move the appointment of a conference committee to confer with a like committee from the Senate, and that the House ask for a further conference.

The SPEAKER. The gentleman moves that the House ask for a further conference on the disagreeing votes of the two Houses.

Mr. LACEY. In view of the suggestion made by the conferees, it seems to me that we had better give the Senate an opportunity to consider this without ordering a conference.

Mr. SHERMAN. I think so.

The SPEAKER. That is for the House to determine. As many as favor the motion of the gentleman from Utah [Mr. KING]——

Mr. FLEMING. Mr. Speaker, I rise to a point of order.

The SPEAKER. Will the gentleman allow the Chair to state the proposition?

Mr. FLEMING. Certainly.

The SPEAKER. The proposition of the gentleman from Utah [Mr. KING] is that the House ask for a further conference with the Senate on the disagreeing votes of the two Houses.

Mr. FLEMING. Mr. Speaker, my parliamentary inquiry is whether it is in order for one body to ask for a conference with the other body unless they have disagreed in some way to action which the other body has had an opportunity to vote upon? It seems to me that under parliamentary law we are not in a position to ask a conference with the Senate until they have had an opportunity to accept or reject our proposition.

The SPEAKER. Still, the practice has been otherwise.

Mr. FLEMING. I was going to suggest, in that connection, that the only parliamentary motion would be to authorize the Speaker to appoint a conference committee during the recess, in the event that the Senate should disagree to our proposition.

The SPEAKER. The Chair thinks it has been the custom to take the action suggested by the gentleman from Utah, but the Chair is ready to be informed about it, if anybody has any information. The question is on the motion of the gentleman from Utah, that the House ask a further conference with the Senate.

The question was taken; and the Chair announcing that he was in doubt, on a division there were—ayes 49, noes 48.

Accordingly, the motion of Mr. KING was agreed to; and the Speaker appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. ALLEN.

LEAVE TO EXTEND REMARKS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks made to-day on Senate resolution 42.

The SPEAKER. The gentleman from Alabama asks leave to extend in the RECORD his remarks made to-day on Senate resolution 42. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MARTIN, indefinitely, on account of important business.

To Mr. PITNEY, indefinitely, on account of important business.

To Mr. HAGER, indefinitely, on account of sickness.

To Mr. JENKINS, for ten days, on account of business.

To Mr. PERKINS, until further notice, on account of illness in his family.

To Mr. NORTHWAY, indefinitely, on account of sickness in his family.

To Mr. ZENOR, for three weeks, on account of important business.

To Mr. HAMILTON, for ten days, on account of important business.

To Mr. MESICK, indefinitely, on account of illness in his family.

And then, on motion of Mr. DALZELL (at 5 o'clock and 20 minutes p. m.), the House, under the order heretofore adopted, adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office, inclosing a communication from the officers of the land office at Mangum, Okla., recommending relief for certain settlers in Greer County, with draft of a section of an act therefor—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of the Navy, recommending legislation to admit temporarily to American registry a vessel or vessels to transport food to those starving in India, and transmitting communication from T. Hogan & Sons recommending certain vessels—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

A letter from the Secretary of the Navy, recommending an emergency appropriation for the repair of the dry docks at the

Brooklyn Navy-Yard—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting an agreement between the commissioners of the United States and those of the Choctaw and Chickasaw Indians, together with a communication from the Commissioner of Indian Affairs—to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HILBORN: A bill (H. R. 3288) to provide an American register for the barkentine *Sharpshooter*, of San Francisco, Cal.—to the Committee on the Merchant Marine and Fisheries.

By Mr. GAINES: A bill (H. R. 3289) to create retrenchment commission, to reorganize Departments, to abolish unnecessary bureaus, to reduce the number of employees in the service of the Government, to reduce salaries and expenses, to reform pension list, to regulate our system of internal improvements, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. QUIGG: A bill (H. R. 3290) to incorporate the National Association of Manufacturers—to the Committee on Manufactures.

By Mr. HARTMAN: A bill (H. R. 3291) ceding to the respective States the public lands situate therein—to the Committee on the Public Lands.

By Mr. MAXWELL: A bill (H. R. 3292) to abolish the distinction between actions at law and suits in equity in all actions and suits in the United States courts, and to simplify the procedure in such courts—to the Committee on the Judiciary.

By Mr. ELLIOTT: A bill (H. R. 3293) to establish a depot for the Sixth light-house district and to make appropriation for the same—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: A bill (H. R. 3294) making all pensions of minors commence with the accrual of the right—to the Committee on Invalid Pensions.

Also, a bill (H. R. 3295) providing for the distribution of Government publications to State universities and colleges—to the Committee on Printing.

Also, a bill (H. R. 3296) fixing a rule of evidence in certain pension cases and providing pensions for increased disabilities—to the Committee on Invalid Pensions.

By Mr. DALZELL: A resolution (House Res. No. 45) fixing time to consider S. R. 42, appropriating $50,000 for the relief of American citizens in Cuba—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 3297) to remove the charge of desertion from the military record of William Henry Woodward—to the Committee on Military Affairs.

By Mr. BINGHAM: A bill (H. R. 3298) granting a pension to Rebecca Paulding Meade, widow of Rear-Admiral Richard W. Meade, late of the United States Navy—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 3299) granting a pension to Ellen Day, stepmother of Albert L. Day—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 3300) granting an honorable discharge to T. C. Kennedy, late of Company B, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

By Mr. CRUMPACKER: A bill (H. R. 3301) to correct the military record of Croton Kitchell—to the Committee on Military Affairs.

Also, a bill (H. R. 3302) to correct the military record of George W. Johnston—to the Committee on Military Affairs.

Also, a bill (H. R. 3303) to correct the military record of Samuel Horner—to the Committee on Military Affairs.

Also, a bill (H. R. 3304) to correct the military record of John Fagin—to the Committee on Military Affairs.

By Mr. HENRY of Mississippi: A bill (H. R. 3305) for the relief of William M. Dotson, alias William M. Ilsley—to the Committee on Claims.

By Mr. LACEY: A bill (H. R. 3306) granting a pension to Whipple Handy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 3307) to increase the pension of Andrew S. Evans—to the Committee on Invalid Pensions.

By Mr. LYBRAND: A bill (H. R. 3308) to revoke the order dismissing Sergt. Eli Metcalf, Company F, Twelfth Ohio Volunteer Cavalry, from the service, and to grant him an honorable discharge—to the committee on Military Affairs.

Also, a bill (H. R. 3309) granting an increase of pension to Samantha M. Slater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 3310) granting an increase of pension to Emma Leiter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 3311) granting an increase of pension to Solomon Love—to the Committee on Invalid Pensions.

Also, a bill (H. R. 3312) to remove the charge of desertion from the military record of Frederick Hugo Steger—to the Committee on Military Affairs.

Also, a bill (H. R. 3313) granting an increase of pension to Ann E. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 3314) to revoke the order dismissing Lieut. Lanson Zane, Tenth Independent Battery Ohio Light Artillery, from the service, and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 3315) granting a pension to Silas Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 3316) to amend the military record of John A. Maddox—to the Committee on Military Affairs.

Also, a bill (H. R. 3317) to correct the military record of Shannon S. Bailey—to the Committee on Military Affairs.

By Mr. McDOWELL: A bill (H. R. 3318) for the relief of Nathan Finnegan—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 3319) for the removal of the charge of desertion standing against the name of John Keys—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 3320) granting an increase of pension to Mrs. Kate Ezekiel—to the Committee on Invalid Pensions.

By Mr. YOUNG of Pennsylvania: A bill (H. R. 3321) for the relief of the heir of General Count Casimer Pulaski—to the Committee on War Claims.

By Mr. ZENOR: A bill (H. R. 3322) to remove the charges of desertion from the records of the War Department against Richard F. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 3323) granting an increase of pension to John Hoffman, late a corporal of Company D, Fifth Regiment United States Artillery—to the Committee on Invalid Pensions.

By Mr. BOOZE: A bill (H. R. 3324) for the relief of Mrs. Margaretha Engelhardt—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 3325) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin as United States district judge for the district of Nevada—to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 3326) granting a pension to Thomas S. Hancox—to the Committee on Invalid Pensions.

By Mr. BOTKIN: A bill (H. R. 3327) granting a pension to Constantine Breneman—to the Committee on Invalid Pensions.

By Mr. HOWARD of Alabama: A bill (H. R. 3328) for the relief of Stephen Balcomb—to the Committee on Invalid Pensions.

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: Petition of Dr. R. S. Reagan and other citizens of Broadford, Fayette County; also petition of George Cannon and others, of Mount Morris, Greene County; also petition of O. J. Sturgis and others, of Uniontown; also petition of John J. Lutton, of Pittsburg, Pa., praying for the passage of an act restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of Washington Lodge, No. 33, of the Amalgamated Association of Iron and Steel Workers, against the provision of the Dingley bill allowing drawbacks to importers—to the Committee on Ways and Means.

Also, resolutions of the Allegheny War Veterans' Association, in relation to the civil-service law—to the Committee on Reform in the Civil Service.

By Mr. ADAMS: Resolution of the Trades League of Philadelphia, in favor of maintaining civil service—to the Committee on Reform in the Civil Service.

By Mr. BARTLETT: Petition of the Trades League of Philadelphia, in reference to coastwise canals—to the Committee on Rivers and Harbors.

Also, petition of the Trades League of Philadelphia, relating to civil service—to the Committee on Reform in the Civil Service.

Also, memorial of railway trainmen, in relation to the arbitration bill—to the Committee on the Judiciary.

Also, petition of Bryn Mawr College, in reference to the tariff on books—to the Committee on Ways and Means.

Also, memorial of the Pennsylvania Academy of Fine Arts of Philadelphia, concerning the tariff on works of art—to the Committee on Ways and Means.

By Mr. BELDEN: Petition of the Young Men's Christian Association, Methodist Preachers' Meeting, and the First Methodist Church congregation, all of Syracuse, N. Y., for the passage of the anti-prize fight bill, to prohibit kinetoscope representations of pugilistic encounters—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: Petition of citizens of Philadelphia, Pa., urging the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Rebecca Paulding Meade, widow of the late Rear-Admiral Richard W. Meade, United States Navy, praying for a pension of $100 per month—to the Committee on Invalid Pensions.

Also, resolutions of the Thirtieth Ward Republican executive committee; also resolutions of the Grays Ferry (Thirty-sixth Ward) Republican Club, Philadelphia, Pa., condemning the civil-service law, and urging its repeal—to the Committee on Reform in the Civil Service.

By Mr. BLAND: Petition of S. D. Bliss and other citizens of Miller County, Mo., for the relief of Dorcas Conner—to the Committee on Invalid Pensions.

By Mr. BULL: Petitions of Henry S. Wilbur and 60 others and George W. Chase and 30 others, citizens of Providence, R. I., for a more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of citizens of Phœnixville, Pa., for the passage of a more rigid restriction law relating to immigration—to the Committee on Immigration and Naturalization.

By Mr. COCHRANE of New York: Petition of citizens of Troy-N. Y., asking that the President be authorized to appoint a mone, tary commission—to the Committee on Banking and Currency.

By Mr. DALZELL: Sundry petitions of citizens of Pittsburg, Braddock, and Wilkinsburg and vicinity, in Pennsylvania, in favor of the passage of a bill restricting immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the Wholesale Liquor Dealers' Association of St. Louis, in favor of a reduction of tax on beer—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Petitions of citizens of Reading and Birdsboro, Pa., for a more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, protest of the Trades League of Philadelphia, against the repeal of the civil-service law—to the Committee on Reform in the Civil Service.

By Mr. FITZGERALD: Resolution of the Indianapolis Board of Trade, relating to legislation on bankruptcy bills—to the Committee on Banking and Currency.

By Mr. GARDNER: Petition of Excelsior Council, Junior Order United American Mechanics, of Pleasantville, N. J., for the passage of a bill restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. HARMER: Petitions of citizens of Philadelphia, Pa., asking for the restriction of immigration to protect American citizenship, and for the passage of a bill similar to that passed in the Fifty-fourth Congress and vetoed by President Cleveland—to the Committee on Immigration and Naturalization.

By Mr. HENDERSON: Resolutions of the Trades League of Philadelphia, Pa., favoring the maintenance of the civil-service law—to the Committee on Reform in the Civil Service.

Also, petition of C. N. Bennett and other citizens of Lamont, Iowa, favoring the passage of a graded pension bill—to the Committee on Invalid Pensions.

By Mr. HILBORN: Sundry petitions of John Milton and 328 citizens of Massachusetts; J. H. Swinser and 27 citizens of Kentucky; James W. Reid and 21 citizens of Connecticut; Erwin C. Gauss and 316 citizens of Jersey City, N. J.; William E. Barries and 96 citizens of New Hampshire; W. J. Pollard and 77 citizens of New Orleans, La.; B. C. Smith and 189 citizens of Nebraska; G. W. Bell and 19 citizens of Idaho; Frank Jones and 400 citizens of Texas; Herman Haasch and 412 citizens of Wisconsin; R. N. Ramsey and 1,117 citizens of New York; G. E. Niles and 132 citizens of California; Joseph W. Hall and 107 citizens of Missouri; W. P. Campbell and 34 citizens of Kansas; S. L. Nelson and 120 citizens of Chicago, Ill., favoring the passage of the proposed amendment to the Constitution of the United States prohibiting sectarian appropriations—to the Committee on the Judiciary.

Also, petition of 91 citizens of the State of California; also resolutions adopted by the common council of San Jose; also resolution of the Board of Trade of San Jose; also resolution of the Board of Trade of Santa Cruz, Cal., asking for the abrogation of the reciprocity treaty with Hawaii—to the Committee on Foreign Affairs.

Also, memorial of the trustees of the Chamber of Commerce, San Francisco, Cal., reaffirming its adherence to the principle of reciprocity and territorial annexation—to the Committee on Foreign Affairs.

Also, petition of borate and borax miners and manufacturers of California and Nevada, asking that a higher duty be imposed on borax and borates—to the Committee on Ways and Means.

Also, petition of sundry citizens of Oakland, Cal., for the passage of an act which will more effectually restrict foreign immigration—to the Committee on Immigration and Naturalization.

Also, petition of 8 clergymen of Oakland, Cal., for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. HOWELL: Petitions of citizens of Milltown, Jamesburg, Marlboro, and Dunellen, State of New Jersey, urging the enactment of legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Affidavit of F. M. Cooper, M. D., to accompany House bill to increase the pension of Andrew S. Evans—to the Committee on Invalid Pensions.

By Mr. LEWIS of Georgia: Petitions of citizens of Oglethorpe and Butler, Ga., for the passage of a bill for the relief of book agents of the Methodist Episcopal Church South—to the Committee on War Claims.

By Mr. LINNEY: Petition of the Tobacco Board of Trade of Statesville, N. C., protesting against any increase of the tax on tobacco—to the Committee on Ways and Means.

By Mr. LOUD: Memorial of the San Francisco Chamber of Commerce, relative to the appointment by the President of a non-partisan national monetary commission—to the Committee on Banking and Currency.

By Mr. LYBRAND: Petition of citizens of Urbana, West Liberty, and Mingo, in the State of Ohio, for a more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. McEWAN: Petition of J. R. Foden, H. S. Wood, and other citizens of Jersey City, N. J., for greater restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MILLER: Petition of H. B. Turner and other citizens of Barboursville, and J. D. Donohoe and other citizens of Roanoke County, W. Va., praying for the passage of an immigration law—to the Committee on Immigration and Naturalization.

By Mr. MOODY: Petition of Albert S. Haynes and 52 other citizens of Haverhill, Mass., favoring the enactment of a law for the more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OLMSTED: Petition of W. H. H. Smith and sundry other citizens of Annville, Pa., praying for the passage of a law to restrict immigration—to the Committee on Immigration and Naturalization.

Also, petition of Dr. John C. Bucher and other citizens of Pennsylvania, for a law granting a rebate of the tax upon alcohol used in the arts, and in medicinal and other like compounds—to the Committee on Ways and Means.

By Mr. ROBBINS: Sundry petitions of citizens of Youngwood, Neal, Irwin, Latrobe, Madison, Sutersville, New Stanton, Jeannette, Cokeville, Cribbs, and Bolivar; also petitions of citizens in various townships in Jefferson and Westmoreland counties, all in the State of Pennsylvania, favoring the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON of Indiana: Petition of E. W. Imhoff, of Butler, Ind., asking for a reduction in the tariff on tobacco—to the Committee on Ways and Means.

By Mr. CHARLES W. STONE: Petition of 41 citizens of Goodwill Hill, Warren County, Pa., in favor of a more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the Massachusetts State Board of Trade, in favor of the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. VEHSLAGE: Petition of 70 citizens of Princebay, Richmond County, N. Y., asking for legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petition of Alexander Loughin, Charles C. Lear, and other residents of Port Kennedy and vicinity; also petition of H. P. Raysor, D. E. F. Geist, and others, of Royersford, Pa., and vicinity, for the more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. YOST: Petition of the Board of Trade of Martinsville, Va., protesting against the increase of tax on tobacco—to the Committee on Ways and Means.

Also, petition of Edward Moore and other citizens of Waynesboro and Basic City, Va.; also petition of W. A. Higgs and others, of Staunton and Augusta County, Va., praying for the enactment of a law restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Pennsylvania: Sundry petitions of citizens of Philadelphia, Pa., favoring a more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the M. S. Quay Club of the Thirty-fourth Ward, and of the First Blaine Club, of the city of Philadelphia, Pa., condemning the present civil-service law—to the Committee on Reform in the Civil Service.

By Mr. ZENOR: Paper to accompany House bill to correct the military record of Richard F. Parker—to the Committee on Military Affairs.

Also, paper to accompany House bill No. 2957, for the relief of Charles S. Beeler—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to increase the pension of John Hoffman, alias William Long—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *May 24, 1897.*

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Thou in whose hand our breath is and whose are all our ways, as in thought we stand by a new-made grave, to which has been consigned all that was mortal of the late junior Senator from South Carolina, we pray that Thy holy spirit may soften, hallow, and exalt our hearts with the assurance of resurrection and immortal life granted unto us in Thy Son our Saviour.

Let Thy pity and help be vouchsafed to all the mourners left by this bereavement; and upon these his colleagues may the grace of our Lord Jesus Christ descend and abide, so that in their daily life and conversation, in the performance of their public duties, they may keep in mind the thought that our day of departure is not far off. So may we walk before Thee in pureness of living, in holiness and lovingness, and when the hour for us to quit the earth has come may we gather up our feet in peace and depart in the faith and hope which Thou hast granted us through Thy Son our Saviour Jesus Christ. Amen.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. QUAY, and by unanimous consent, the further reading was dispensed with.

ENROLLED BILL SIGNED.

The signature of the Vice-President was announced to the joint resolution (S. R. 42) appropriating $50,000 for the relief of suffering American citizens in the Island of Cuba; which had previously been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 10 to the bill (H. R. 15) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; receded from its disagreement to amendment numbered 10, and agrees to the same with an amendment; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS of Kansas, and Mr. ALLEN managers at the conference on the part of the House.

DEATH OF SENATOR EARLE.

Mr. TILLMAN. Mr. President, since the adjournment of this body last Thursday death has entered our midst and taken from among us one of our colleagues. Thursday afternoon, at 6 o'clock, JOSEPH H. EARLE, a Senator from South Carolina, passed from earth.

I offer the resolutions which I send to the desk, and ask for their immediate consideration.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. JOSEPH H. EARLE, late a Senator from the State of South Carolina.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That, as a mark of respect to the memory of the deceased, the Senate do now adjourn.

Mr. TILLMAN. I will not say anything on this occasion except to ask that the prayer of the Chaplain be printed in the RECORD.

The VICE-PRESIDENT. Such will be the order. The question is on agreeing to the resolutions submitted by the Senator from South Carolina.

The resolutions were unanimously agreed to; and (at 12 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 25, 1897, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 24, 1897.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of Thursday last was read.

The SPEAKER. Without objection, the Journal will be considered as approved.

Mr. SIMPSON of Kansas. Mr. Speaker, I want to correct the RECORD.

The SPEAKER. The gentleman will state his correction.

Mr. SIMPSON of Kansas. On page 1496 it appears the gentleman from Missouri [Mr. BLAND] filed the petition of S. D. Bliss and other citizens of Miller County, Mo., for the relief of Dorcas Conner, which was referred to the Committee on Invalid Pensions. I want to move to strike that out, there being no such committee. I want the RECORD to be a record; and therefore I move to strike that out.

The SPEAKER. To strike it out of the RECORD?

Mr. SIMPSON of Kansas. To strike out the reference to the Committee on Invalid Pensions. There being no Committee on Invalid Pensions, I want to strike that part out.

Mr. DINGLEY. Out of the RECORD, or the Journal?

Mr. SIMPSON of Kansas. Out of the Journal. I suppose the RECORD is a copy of the Journal.

The SPEAKER. The question is on the motion of the gentleman to strike out.

Mr. HENDERSON. Mr. Speaker, I raise the point of order upon that. The rules temporarily adopted by the House provide for a Committee on Invalid Pensions, and although not appointed, it has been usual to introduce such bills awaiting the action of the Speaker in the appointment of the committee. Therefore I make the point of order against that motion.

The SPEAKER. It is for the House to determine whether that shall be stricken out.

Mr. DALZELL. I make the further point of order that the rules provide a method to correct references.

The SPEAKER. The gentleman moves to strike it out.

The question was taken on the motion of Mr. SIMPSON of Kansas; and the Speaker announced that the noes seemed to have it.

Mr. SIMPSON of Kansas. Division, Mr. Speaker.

The House divided; and there were—ayes 49, noes 84.

So the motion was rejected.

Mr. DINGLEY. Mr. Speaker, I move that the Journal be approved, and on that I ask for the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. SIMPSON of Kansas. Division.

The House proceeded to divide.

Mr. SIMPSON of Kansas. A parliamentary inquiry. Do I understand the division is on ordering the previous question or the approval of the Journal?

The SPEAKER. On ordering the previous question.

The House divided; and there were—ayes 92, noes 18.

So the previous question was ordered.

The question was taken; and the Journal was approved.

DEATH OF HON. JOSEPH H. EARLE.

Mr. ELLIOTT. Mr. Speaker, it becomes my sad duty to announce to the House the death of Hon. JOSEPH H. EARLE, one of the Senators from the State of South Carolina, which occurred at Greenville, in that State, on the 20th instant. The circumstances of Judge EARLE'S death were almost tragic in their nature. Apparently in the enjoyment of perfect health, in the full maturity of his powers, surrounded by a devoted and loving family, just exalted through the direct vote of his people to the highest office in the gift of his State, he was suddenly cut off upon the threshold of a career that must have been most useful and honorable. From every standpoint, public and private, his death is an unmeasured calamity.

Later on, Mr. Speaker, the Representatives from South Carolina will ask this House to set apart a day for the commemoration of the virtues and services of the deceased. For the present, I ask the adoption of the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That this House has learned with profound sorrow of the death of Hon. JOSEPH H. EARLE, a Senator of the United States from the State of South Carolina.

Resolved, That as a further tribute and mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were agreed to unanimously.

And accordingly (at 12 o'clock and 17 minutes p. m.), the House adjourned until Thursday next.