

By Mr. HILL, from the Committee on Banking and Currency: A bill (H. R. 10807) to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank (in lieu of H. R. 7341)—to the House Calendar.

By Mr. ALDRICH: A bill (H. R. 10808) to create the army and navy supply board, to define its duties, and for other purposes—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 10809) to provide auxiliary volunteers, authorizing the President of the United States to organize, arm, and equip such militia of the several States and Territories and of the District of Columbia as is composed of citizens of the United States, made such by the operation of the fourteenth amendment of the Constitution of the United States, said militia when organized to be mustered into the service of the United States and to be known as the United States auxiliary volunteers, and to be used for the occupation and defense of any island, islands, or any other territory under, or that may come under, the control of the United States—to the Committee on Military Affairs.

By Mr. HITT: A bill (H. R. 10829) to amend an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States' approved May 5, 1892"—to the Committee on Foreign Affairs.

By Mr. McDONALD: A joint resolution (H. Res. 288) to provide for the mustering into the United States Volunteer Army of one regiment of colored troops—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A joint resolution (H. Res. 289) directing the presentation of a first-class life-saving medal to Lieut. Fidelio S. Carter, United States Navy—to the Committee on the Library.

By Mr. BROWNLOW: A resolution (House Res. No. 331) for the relief of J. C. Hiatt—to the Committee on Accounts.

By Mr. BAIRD: A memorial of the legislature of the State of Louisiana, for the improvement of the Ouachita River—to the Committee on Rivers and Harbors.

Also, a memorial of the Louisiana legislature, for the improvement of the Atchafalaya River—to the Committee on Rivers and Harbors.

By Mr. DAVEY: A memorial of the legislature of the State of Louisiana, for the improvement of Atchafalaya River—to the Committee on Rivers and Harbors.

By Mr. MEYER of Louisiana: A memorial of the legislature of the State of Louisiana, for the improvement of the Ouachita River—to the Committee on Rivers and Harbors.

By Mr. DAVEY: Memorial of the legislature of the State of Louisiana, for the improvement of the Ouachita River—to the Committee on Rivers and Harbors.

#### 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. BARTHOLDT: A bill (H. R. 10810) to correct the military record and grant an honorable discharge to Charles Stieflin—to the Committee on Military Affairs.

Also, a bill (H. R. 10811) for the benefit of William H. Miller—to the Committee on War Claims.

Also, a bill (H. R. 10812) to correct the military record of Julius H. Rogge—to the Committee on Military Affairs.

By Mr. BERRY: A bill (H. R. 10813) granting a pension to Charles C. Kilburn, late master of the United States tug *Jesse*—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine (by request): A bill (H. R. 10814) for the relief of the owners of the British ship *Foscoria* and cargo—to the Committee on Claims.

By Mr. DOLLIVER: A bill (H. R. 10815) for the relief of Coralia Sessions—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10816) for the relief of Shadrack S. Walker—to the Committee on Invalid Pensions.

By Mr. FOWLER of New Jersey: A bill (H. R. 10817) granting an honorable discharge to John Fagan, late sergeant of Troop B, Sixth Cavalry, United States Army—to the Committee on Military Affairs.

By Mr. GAINES: A bill (H. R. 10818) for the relief of the estate of William H. Gill, deceased—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 10819) granting an increase of pension to John E. Higgins—to the Committee on Invalid Pensions.

By Mr. KNOX: A bill (H. R. 10820) granting a pension to Emma C. Nudd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10821) to remove the charge of desertion now standing against the record of Alfred Reno—to the Committee on Military Affairs.

By Mr. OTEY: A bill (H. R. 10822) for relief of Mrs. Susan A.

Dinwiddie, Campbell County, Va.—to the Committee on War Claims.

By Mr. RIDGELY: A bill (H. R. 10823) to remove charge of desertion against Adam R. Hartzell—to the Committee on Military Affairs.

Also, a bill (H. R. 10824) to correct war record of Elijah I. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 10825) for the relief of William Blundell—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 10826) to correct the military record of Duncan McCoy—to the Committee on Military Affairs.

Also, a bill (H. R. 10827) granting an increase of pension to Byron Slemmons—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 10828) increasing the pension of Thomas J. Myers—to the Committee on 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. BABCOCK: Petition of the Plymouth (Wis.) Dairy Board of Trade, to have American cheese placed upon the list of Army rations—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 10453, granting an increase of pension to Franklin Snyder—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine: Petition of B. L. Call and other citizens of the State of Maine, in opposition to the passage of the so-called anti-scalping bill or any similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Paper to accompany House bill for the relief of Shadrack S. Walker—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Resolutions of the Travelers' Protective Association of Omaha, Nebr., favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Hance Bros. & White, of Philadelphia, Pa., asking that the time for the war-tax revenue bill with reference to stamping proprietary medicines going into effect be extended to August 1, 1898—to the Committee on Ways and Means.

Also, memorial of the American Federation of Musicians, Cincinnati, Ohio, for legislation restraining the Marine Band from competing with musical organizations outside of the District of Columbia—to the Committee on Naval Affairs.

By Mr. OTEY: Paper to accompany House bill for the relief of Susan A. Dinwiddie—to the Committee on War Claims.

By Mr. SULZER: Petition of the American Federation of Musicians, Cincinnati, Ohio, for legislation restraining the Marine Band from competing with musical organizations outside of the District of Columbia—to the Committee on Naval Affairs.

By Mr. WILLIAMS of Pennsylvania: Resolution of the American Federation of Musicians, protesting against the practice of allowing the United States Marine Band to compete with civilian musicians outside the District of Columbia—to the Committee on Naval Affairs.

Also, resolution of the Travelers' Protective Association of America, favoring the passage of House bill No. 7130 and Senate bill No. 1575, relating to ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Board of Trade of Wilkesbarre, Pa., urging the passage of Senate bill No. 3354, relating to extension of authority granted the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

#### SENATE.

TUESDAY, June 28, 1898.

The Senate met at 11 o'clock a. m.

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

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. DAVIS. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. FAULKNER. I wish to state to the Senator from Minnesota that the Senator from Louisiana [Mr. CAFFERY] who has the floor and who will proceed with his argument this morning, is not now here.

Mr. DAVIS. Let the morning business be proceeded with.

Mr. FAULKNER. With the understanding that the Hawaiian resolution will not be pressed before the Senator from Louisiana comes into the Chamber, the reading of the Journal may be dispensed with.

The VICE-PRESIDENT. If there be no objection, the further reading of the Journal will be dispensed with. The Chair hears none, and it is so ordered.

## ALLEGED MUTILATION OF THE DEAD.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 22d instant, the official correspondence and reports relative to the mutilation after death of the bodies of the United States marines or sailors who were recently killed in battle at or near Santiago de Cuba by the Spanish soldiery, etc.; which, on motion of Mr. HALE, was, with the accompanying correspondence, referred to the Committee on Naval Affairs, and ordered to be printed.

## PETITIONS AND MEMORIALS.

Mr. McENERY presented a petition of the legislature of Louisiana, praying that an appropriation of \$15,000 be made for the removal of the drift in the Bayou Courtaleau, in the parish of St. Landry, La.; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 15.

Whereas Bayou Courtaleau, in the parish of St. Landry, has been dammed up for the past four years by accumulation of drift from Atchafalaya River; and

Whereas the present appropriation for the removal of said drift is insufficient; Therefore,

*Be it resolved by the house of representatives (the senate concurring),* That our Senators and Representatives in Congress be memorialized to use their best efforts to obtain an appropriation of \$15,000 for this special purpose, and that a copy of these resolutions be sent to them.

S. P. HENRY,  
Speaker of the House of Representatives.

R. H. SNYDER,  
Lieutenant-Governor and President of the Senate.

Approved June 23, 1898.

MURPHY J. FOSTER,  
Governor of the State of Louisiana.

Mr. McENERY presented a petition of the legislature of Louisiana, praying that an appropriation be made for the construction of a system of locks and dams in the Ouachita River, Louisiana; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[House concurrent resolution No. 12. By Mr. Wooten.]

Memorializing Congress relative to the construction of a system of locks and dams in the Ouachita River.

Whereas the feasibility of the construction of a system of locks and dams in the Ouachita River, to insure slack-water navigation therein, is well established, the same having been thoroughly demonstrated by examinations and surveys by United States engineers, and in view of the importance of this great commercial waterway; and

Whereas investigation has shown that such locks and dams can be constructed at a low expense as compared to similar works on other rivers in the North and West of far less navigable and commercial importance; and

Whereas the completion of such locks and dams will be of vast and incalculable benefit to the people residing in the fertile Ouachita Valley, insuring navigation at all seasons of the year, with its consequent conveniences and advantages from competition in freight rates; Therefore,

*Be it resolved by the house of representatives of the general assembly of Louisiana (the senate concurring),* That our Senators and Representatives in Congress are hereby respectfully urged to keep this important matter before Congress and the proper authorities at Washington, and that the superior advantages and commercial importance of the Ouachita River, with its navigable length of more than 400 miles, be pointed out when compared to streams in other sections of the Union where similar improvements have been made.

*Be it further resolved,* That we, the general assembly of Louisiana, do most respectfully memorialize Congress to make the necessary appropriation for the construction of this work, and that our Congressmen be requested to join with such other Representatives of the State of Arkansas as may be concerned in pressing the claims of the said river, to the end that this just and advantageous public enterprise may at an early date receive the attention it deserves.

*Be it further resolved,* That our Senators and Representatives be furnished with a copy of these resolutions.

S. P. HENRY,  
Speaker of the House of Representatives.  
R. H. SNYDER,  
Lieutenant-Governor and President of the Senate.

Approved June 21, 1898.

MURPHY J. FOSTER,  
Governor of the State of Louisiana.

Mr. McENERY presented a petition of the Grand Lodge, Knights of Pythias, of Donaldsonville, La., praying for the enactment of legislation declaring it against public policy for any contract for life insurance to stipulate that it shall be forfeited in case the assured enlist in the Army or Navy of the United States in time of war, etc.; which was referred to the Committee on the Judiciary.

Mr. PLATT of New York presented a petition of the New York Preachers' Meeting of the Methodist Episcopal Church, praying for the enactment of legislation granting a charter to the Washington and University Railroad in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GEAR presented a resolution adopted at a joint meeting of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Order of Railway Telegraphers held in Philadelphia, Pa., June 5, 1898, praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

## REPORTS OF A COMMITTEE.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 4823) granting an increase of pension to Phineas L. Squires, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was recommitted the bill (S. 4534) to grant a pension to Ovid G. Sparks, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9224) increasing the pension of David R. B. Harlan;

A bill (H. R. 10117) granting a pension to Martha Jennie Freer;

A bill (H. R. 6076) to increase the pension of Thomas B. Hammond; and

A bill (H. R. 7362) to grant a pension to Junius Alexander.

Mr. HANNA, from the Committee on Pensions, to whom was referred the bill (H. R. 990) granting an increase of pension to George E. Welles, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1720) granting an increase of pension to Thomas H. Ballard, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

## TARIFF COMPILATION.

Mr. MORRILL. I report from the Committee on Finance a comparison of the tariffs of 1897, 1894, and 1890, with index, to which is appended the administrative customs act of June 10, 1890. I move that the compilation be printed.

The motion was agreed to.

## THEODORE F. SWAYZE.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 1004) for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased, to report it without amendment. As the bill conforms in all respects to the general usage, I ask to have it considered at the present time.

There being no objection, the bill was considered as in Committee of the Whole. It instructs the Secretary of the Treasury to issue duplicates in the name of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased, in lieu of United States 4 per cent registered bonds issued under the acts of July 14, 1870, and January 20, 1871, No. 30854, for \$50; No. 174652, 175652, 175653, 176085, 176086, 176740, for \$100 each; inscribed in the name of John S. P. Wheeler, and alleged to have been lost. But Theodore F. Swayze shall first file in the Treasury a bond in a penal sum equal to the amount of said missing bonds and the interest which would accrue thereon until the principal becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost bonds.

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

## ESTATE OF ABEL ADAMS.

Mr. PLATT of Connecticut. From the Committee on Finance I report favorably with an amendment Senate bill 4583, a similar bill, to pay for some lost coupons, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4583) for the relief of the estate of Abel Adams, deceased. It directs the Secretary of the Treasury to pay to the legal representative of the estate of Abel Adams, late of the city of Poughkeepsie, State of New York, \$2,300, in full for the following United States 6 per cent bonds, stock of the loan of 1861, issued under the acts of July 17 and August 5, A. D. 1861, namely: Nos. 10681, 10682, and 10683, of \$100 each; Nos. 74385 and 74387, of \$1,000 each, and in addition thereto the interest maturing on said bonds after January 1, A. D. 1865, to the date when said bonds ceased to bear interest.

The amendment of the Committee on Finance was, in line 8, page 2, after the word "Treasury," to strike out the words "in a sum double the amount of said bonds;" so as to make the proviso read:

*Provided*, That the legal representative of the estate of the said Abel Adams shall first give bond, with sureties, to the satisfaction of the Secretary of the Treasury, conditioned to secure the United States harmless against said bonds and coupons, said bonds having been lost by the said Abel Adams prior to his death, which occurred on the 13th day of June, A. D. 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## J. AND W. SELIGMAN &amp; CO.

Mr. PLATT of Connecticut. From the Committee on Finance I report favorably another bill of the same character, to pay for some lost coupons. If it is not imposing upon the Senate, I should like to have that also considered. Immediate action is necessary in order to get it through at this session.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill (S. 4812) to pay J. and W. Seligman & Co, the sum of \$1,794.56 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886?

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

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

Mr. JONES of Arkansas. I ask unanimous consent to call up from the Calendar Senate bill 4807, reported by me from the Committee on Finance a few minutes ago.

Mr. LODGE. Before that is done, I should like to submit a report from the Committee on Printing, if the Senator from Arkansas will allow me.

Mr. JONES of Arkansas. Certainly; I have no objection.

The VICE-PRESIDENT. The Senator from Arkansas will withhold his request for a few moments.

## THE BUREAU OF AMERICAN REPUBLICS.

Mr. LODGE. I report from the Committee on Printing an original concurrent resolution, and I ask for its immediate consideration.

The concurrent resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That the Public Printer be, and he is hereby, authorized and directed to print 2,000 copies of volume 2 of the Commercial Directory of the American Republics in cloth binding, corresponding to that of volume 1, of which 100 copies are to be for the use of the Senate, 500 copies for the use of the House of Representatives, and the remaining 1,400 copies are to be distributed by the Bureau of the American Republics to the presidents of the Republics composing the International Union of American Republics, to the executive departments of the various Republics of the union, to the newspaper press, and for such other public uses as may be deemed advisable. The Public Printer is also authorized and directed to print 10,000 copies of each issue of the Monthly Bulletin of the Bureau of the American Republics during the fiscal year ending June 30, 1899, for distribution by the Bureau of the American Republics, upon requisition from members of the Senate and House of Representatives.

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

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. COCKRELL. Let the first part of the resolution be read again. I did not catch the first part of it.

Mr. LODGE. It is to print the second volume of the Commercial Directory of the Bureau of American Republics and their bulletins for the year.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

## BILL INTRODUCED.

Mr. MANTLE introduced a bill (S. 4828) granting a pension to John Hunsberger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

## AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. HANSBROUGH submitted an amendment relative to the appointment of a commercial commission to China, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to lie on the table and be printed.

## THE COMMITTEE ON THE JUDICIARY.

On motion of Mr. HOAR, it was

*Ordered,* That the Committee on the Judiciary be authorized to sit during the sessions of the Senate for the remainder of the session.

## THE COMMITTEE ON PRIVILEGES AND ELECTIONS.

On motion of Mr. HOAR, it was

*Ordered,* That the Committee on Privileges and Elections be authorized to sit during the sessions of the Senate for the remainder of the session.

## C. C. SNIFFEN.

Mr. JONES of Arkansas. I ask for the present consideration of the bill (S. 4807) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City.

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

The preamble recites that C. C. Sniffen, a paymaster, United States Army, did, on the 6th day of April, 1897, issue a check numbered 715792, upon the assistant treasurer of the United States at New York, in favor of the Fourth National Bank of New York City, for the credit of the post exchange at Fort Grant, Ariz., on account of payment of officers' pay accounts, on which said post exchange has advanced the money as an accommodation to such officers, which check is alleged to have been lost in transmission

through the United States mails; and the provisions of the act of February 16, 1885, amending section 3646, Revised Statutes of the United States, authorizing United States disbursing officers and agents to issue duplicates of lost checks, apply only to checks drawn for \$2,500 or less.

The bill instructs Maj. C. C. Sniffen to issue a duplicate of the original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

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

The preamble was agreed to.

## PORT OF TITUSVILLE, PA.

Mr. PENROSE. I ask leave to call up the bill (H. R. 10585) designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa.

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

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

## BOOK TYPEWRITERS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4717) authorizing the use of typewriting machines for the recording of deeds and other instruments of writing in the office of the recorder of deeds of the District of Columbia.

Mr. DAVIS. I do not object to the passage of that bill, but after it is disposed of I shall call for the regular order.

Mr. GALLINGER. Thank you.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment, in line 9, after the word "office," to insert "on the approval of the justices of the supreme court of the District of Columbia, or one of them."

Mr. COCKRELL. Let the first section be read as it will read when amended.

The Secretary read as follows:

That the recorder of deeds of the District of Columbia be, and he is hereby, authorized and empowered to purchase and use in his office, for the recording of deeds and other instruments of writing required by law to be recorded in said office, typewriting machines, the expense of purchasing and maintaining said machines to be paid out of the receipts or fees of said office on the approval of the justices of the supreme court of the District of Columbia, or one of them; and all deeds and other instruments of writing required by law to be recorded in said office which shall be recorded by typewriting machines are hereby declared to be legally recorded.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; and it was read the third time.

Mr. COCKRELL. I wish to ask if the bill has been reported by the Committee on the District of Columbia?

Mr. GALLINGER. It has been reported, I will say to the Senator, after very careful consideration.

The bill was passed.

## RICHMOND P. HOBSON AND OTHERS.

Mr. MORGAN. Yesterday a message came in from the President recommending certain votes of thanks and other compliments and awards to Hobson, of Alabama, and other gentlemen connected with the sinking of the *Merrimac* in the harbor of Santiago de Cuba. I asked that the message might be printed and laid upon the table. The chairman of the Committee on Naval Affairs was not then in the Senate and I desired to delay it until he came in. I now learn that it is the wish of the committee to have the matter referred to them, and I move that the President's message be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. There were two messages laid on the table, the second message relating to the services of Lieutenant Newcomb and Captain Hodgson.

Mr. MORGAN. Very well; let both messages be referred.

The VICE-PRESIDENT. Is there any objection to the request that the two messages from the President be referred to the Committee on Naval Affairs? The Chair hears none, and the order is made.

## ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. CAFFERY. I desire, Mr. President, to submit some more observations on section 3 of Article IV of the Constitution:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or part of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Now, Mr. President, the first inquiry which suggests itself to the mind after reading this section is, What are new States? What does that term imply? Under this section of the Constitution has Congress power to admit States which may be termed old States; and if so, what are old States? Could a state, for instance, of Europe, which has had statehood almost from the first records of history, be admitted into the Union as a new State under this section of the Constitution? Does that term refer to any old state in any country under any form of government?

Mr. President, it is to my mind absolutely clear that it does not. The term "new" applies to such States, in my opinion, as may be carved out of the territories jurisdiction over which is given in the succeeding paragraph of this section.

Is Hawaii a new State? Can Hawaii be admitted under this section of the Constitution as a new State? If it can not be admitted as a new State, how can it be admitted as a Territory except by treaty? Texas was, in a certain sense, a new State. It was carved out of territory belonging to Mexico originally and erected into a republic. It was a republic of very recent origin. It was in a sense new. It might have been admitted, possibly, under this section of the Constitution as a new State, provided it can be successfully held that the term "new States" embraces other than the States to be carved out of the then territory belonging to the United States by cession from various States.

Hawaii has been a state since 1823, when we first recognized that island as a government by negotiating a commercial treaty with it. It has been a state ever since. In order to obviate the difficulty of introducing it into the Union under her nondescript constitution, which, in my opinion, is unrepresentative in form, the expedient has been resorted to of procuring the annihilation of that state and introducing it as a territory into the United States.

When the negotiations between Hawaii and the United States were current Hawaii was a state. She could only contract to be admitted into the Union as a state. She made the contract in the capacity of a state—and quite an old state at that—and in order to obviate the objections that would have been urged to the very singular and phenomenal constitution that Hawaii possessed, they resorted to the expediency of annihilating themselves, committing a kind of state suicide, destroying themselves, and having themselves admitted into the Union as a territory.

Mr. President, I will advert again to the letter of the draftsman of the Constitution, December 4, 1803, at the time when the Louisiana purchase by Mr. Jefferson engaged the attention of the statesmen of the country:

I always thought when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils. In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion. Candor obliges me to add my belief that had it been more pointedly expressed a strong opposition would have been made.

This distinguished man, Gouverneur Morris, anticipated the period when we should acquire Louisiana and Canada, and in this letter he states that he himself in wording the third section of the fourth article of the Constitution went as far as possible to keep them from being States. He intended to keep them as provinces. The original thirteen colonies were jealous of their statehood. They had acquired it through war and suffering, and they were not disposed at that period of our country's history to embrace within the Union any fresh territory that might spring up in any direction and erect it into a State.

So this letter of Gouverneur Morris, in my opinion, is a full and clear commentary upon the meaning of the third section of the fourth article of the Constitution in regard to admitting new States. If he intended to keep these coterminous territories from statehood, with much more reason did he intend, and did the framers of the Constitution intend, to keep these transmarine possessions from statehood.

It is abundantly clear to my mind, in considering the fact that after a cession to the United States by various States of the Northwest Territory and the incorporation into the Constitution of the provision giving Congress the power to pass all needful rules and regulations concerning the government of those Territories, that thereby it was intended to erect those Territories into States and to place them beyond the treaty-making power.

How could we treat with our own Government? How could the United States treat for the admission of a territory with a government appointed by the United States? So construing the cession part of the Constitution relating to the government of the Territories, together with the treaty-making power, it is ab-

solutely evident and clear that the treaty-making power could only extend, and was intended to extend only, to matters external to the United States, to the foreign relations of the United States, and if it was wise to do so, by treaty power to embrace foreign territory within the United States.

No foreign territory under this Constitution can be admitted into the United States by act of Congress. A provision relating to the admission of States refers entirely to our own territory. It can refer to no other territory. It refers to new States. All States organized outside of the United States could never be admitted as new States.

Mr. Webster was not in public life during the debates upon the admission of Texas, but when he returned the session after the admission he made a speech in which he stated that Texas could only be admitted to the Union under the treaty-making power. He did not argue the question, but simply gave his opinion as that of a citizen that there was no warrant in the Constitution of the United States for the admission of Texas as a State by an act of Congress.

Mr. Webster said:

Mr. President, I was not in Congress at the last session, and of course I had no opportunity to take part in the debates upon this question; nor have I before been called upon to discharge a public trust in regard to it. I certainly did, as a private citizen, entertain a strong feeling that, if Texas were to be brought into the Union at all, she ought to be brought in by diplomatic arrangement, sanctioned by treaty. But it has been decided otherwise by both Houses of Congress; and, whatever my own opinions may be, I know that many who coincided with me feel themselves, nevertheless, bound by the decision of all branches of the Government.

My own opinion and judgment have not been at all shaken by anything I have heard. And now, not having been a member of the Government and having, of course, taken no official part in the measure, and as it has now come to be completed, I have believed that I should best discharge my own duty and fulfill the expectations of those who placed me here by giving this expression of their most decided, unequivocal, and unanimous dissent and protest; and stating, as I have now stated, the reasons which have impelled me to withhold my vote.

I agree with the unanimous opinion of the legislature of Massachusetts; I agree with the great mass of her people; I reaffirm what I have said and written during the last eight years at various times against this annexation. I here record my own dissent and opposition; and I here express and place on record also the dissent and protest of the State of Massachusetts.

Now, going on to the admission of Texas, I desire to know why it is that the precedent of Texas has not been followed, if it is a precedent? How is it that the consent of the people of Hawaii has not been sought in advance to the admission of that country into the Union? If the precedent of Texas is cited, that precedent must be followed to the letter, or at least the spirit of that precedent must be followed, and is, that the people of Texas in convention assembled declared their willingness to enter the Union as a State, to give up their special statehood and be incorporated into the Union, and be mingled in a general statehood; to form one of a galaxy of States, not to shine alone on our western border as a single star.

That is lacking in the case of Hawaii. It is not only lacking in the case of Hawaii, but it is impossible in the case of Hawaii. The people of Hawaii do not want annexation to the United States either as a Territory or as a State. When I speak of the people of Hawaii I speak of the native Hawaiians and of the intelligent population of the country, and I have no hesitation in saying that from the evidence before us the people of Hawaii will vote down the proposition to have Hawaii incorporated as part of the territorial domain of the United States.

Why, sir, it has been contended that half a dozen or any small number of Americans going to any country in the world and by hook or crook obtaining the dominancy in that country have a right of themselves to ask the United States to take that country into its domain and to shelter it with its flag.

I will read the first of the acts of Congress under the old Confederation, of date Tuesday, October 10, 1780, as found on page 64, House Miscellaneous Document, second session Forty-seventh Congress:

*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defense, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed.

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States, in Congress assembled, or any nine or more of them.

I desire to incorporate this into the RECORD and make it a part of my remarks, so that it can be seen that the territory ceded by certain of the original States was ceded for the express purpose of being carved into republican States with such and such dimensions, and it is those States, and those States only, which are new

States and can be called new States under the fourth article of the Constitution.

Mr. BATE. May I ask the Senator from Louisiana a question?

Mr. CAFFERY. Certainly.

Mr. BATE. Does that apply particularly to the Northwestern Territory ceded by Virginia, or to all the Territories after that act?

Mr. CAFFERY. It applies to every particle of the territory that was then ceded or that might be thereafter ceded by Virginia, by New York, by Connecticut, by Massachusetts, by Georgia.

Mr. BATE. And by North Carolina.

Mr. CAFFERY. And by North Carolina. Every State that had uninhabited lands ceded them over to the United States, in order that out of the common fund proceeding from the sale of the lands the whole Union might be benefited and the expenses of the war in part reimbursed.

Mr. President, this inquiry, to my mind, is not only interesting, but very instructive. Take these cessions, take the article of the Constitution providing for the admission by Congress of new States, the article providing for the regulation of the Territories, the article providing for the power of making treaties, and the whole matter will resolve itself into the proposition that the original framers of this document had no other view, no other purpose, in granting the power to Congress to admit new States than to grant the power to admit just such States—new, republican—as might be carved out of this ceded territory.

I contend that the precedent of Texas is no precedent whatever. It is nothing more nor less than the precedent that a certain political majority in Congress, having political purposes in view, voted as for a partisan necessity to take Texas into the Union under the clause of the Constitution allowing Congress to admit new States. That precedent has no judicial force or sanction; it is not supported by any, or if by any, by no strong argument. If the proponents of this scheme rely upon this precedent as the precedent, let them follow the precedent. They have not followed the precedent. Take Hawaii in her Statehood, such as it may be, if you want to follow the precedent; take Hawaii with the consent of the Hawaiians, if you want to follow the precedent. You have done neither; you propose to annex it as territory under a legislative act, a law. Why, sir, there never has been so flagrant a violation of the terms of the Constitution, so flagrant a departure from the precedents set up for us to follow.

Mr. President, I shall argue next that the Government of the United States owes it to itself to look into this matter of the annexation of the territory of Hawaii, because the officials of the United States, civil and military, in my judgment, contributed to the overthrow of the old Kingdom of Hawaii and the establishment of the present so-called Republic of those islands.

What, sir, is the history of those islands? As early as 1720 they were discovered by an English navigator, Captain Cook. Long before the missionaries from New England went there, in 1820, the islands were a necessary resort for the whaling ships that sailed from the Atlantic around the Horn into the Pacific to stop for supplies of water and provisions. At that period the North Atlantic and the arctic seas were filled with whales, and the Hawaiians were brought into prominence and into commercial contact with the United States by and through our merchant marine stopping at those islands in order to carry on successfully their whaling voyages.

In 1820 certain devout, pious, educated, highly cultured gentlemen from New England undertook to spread the light of Christianity in those islands and to win the natives from their idolatrous worship. They were a set of men of noble purpose and, so far as history goes, they were men of exemplary lives. The native Hawaiian was a savage but little removed from cannibalism, but with an extraordinary docility of character, a wonderful hospitality of nature, and he accepted gladly the aid that the missionaries gave him to see the beauties and the benefits of the Christian religion and of Christian civilization.

History does not record, Mr. President, a similar class of Indians to those that inhabited the Hawaiian Islands. There is no other record in history that I am aware of where the white man's religion and the white man's civilization was cordially and gladly accepted by the natives. The North American Indians met our ancestors with the bow and with the arrow. They fought every inch of territory that the white man attempted to occupy. They scorned his religion and his learning. The only instance in all this North American continent where any peaceable means was exercised to obtain possession of lands from the Indians was in the case of Pennsylvania. These Hawaiians were a very docile, a very gentle, a very hospitable people. They numbered, it is said, at the time Captain Cook discovered the islands, about 300,000 souls.

After the New England missionaries had become firmly planted in the islands they gradually obtained the confidence of the Hawaiian chiefs, they gradually ingratiated themselves into the favor of the ruling powers, and they gradually shaped the character and kind of government that the islands possessed after-

wards. They changed a feudal, tribal monarchy into a constitutional kingdom. They not only gave Hawaii its religion, but they gave it its laws.

Mr. President, about 1843 this little Kingdom was disturbed by the hostile act of a British commander of a war vessel. On account of some wrong, real or imaginary, he took possession of the public buildings of Honolulu and erected the British standard. He attempted to collect, and did collect, the custom revenues of the island in order to indemnify a British subject for an alleged wrong. This act was complained of, and the Hawaiian Government sent commissioners to the United States. Those commissioners laid the complaint of the Hawaiian Kingdom before this Government. That was the first instance where this little Kingdom was overawed by the show of hostile force by a foreign nation. The terror inspired by the taking possession of the public buildings of Honolulu by Lord George Paulet seems never to have been dissipated; it always lingered in the minds of the Hawaiians.

Again, some years later, the commander of a French frigate undertook and carried through the same hostile act, or about the same hostile act, as that perpetrated upon the Islands of Hawaii by the English commander. He took possession of the public buildings; he erected the French flag; and assumed charge and control over the city of Honolulu, the principal city of the Hawaiian Islands. That again was made the subject-matter of complaint upon the part of the Hawaiian Government. They sent their commissioners to the United States, implored the intercession of the United States in their behalf, and finally, through the exertions of our minister in France and the Secretary of State here, the act was disclaimed upon the part of the French Government, and the wrong partially remedied. There again was the Hawaiian, good-natured, hospitable, unwarlike, terrorized by the force of the white man.

At or about that time the King of Hawaii authorized a cession of these islands to the United States. That cession was made in view of depredations upon that Kingdom by the English and the French. There never has been any intention upon the part of Great Britain or of France or of any other power to take and to hold those islands as a dependency of their Government, but situated as they were in midocean, weak as they were in point of military strength, unwarlike as they were from their nature, they were subject to these sporadic depredations of foreign powers.

They became accustomed from these depredations to the irresistible power of the white man; for be it known that these Hawaiians are a race of Polynesian Indians, a most unique race, intelligent, hospitable, accepting the white man and his laws and his religion, and yet they are devoid of that natural and innate ferocity and courage that characterizes the North American Indian. About this time Mr. Webster stated the principle that the United States would observe toward the Hawaiian Islands. This is the first friendly message. It is under date of December 19, 1842, and is as follows:

*The Secretary of State to the agents of the Sandwich Islands.*

DEPARTMENT OF STATE, Washington, December 19, 1842.

GENTLEMEN: I have received the letter which you did me the honor to address to me, under date of the 14th instant, stating that you had been commissioned to represent in the United States the Government of the Hawaiian Islands, inviting the attention of this Government to the relations between the two countries, and intimating a desire for a recognition of the Hawaiian Government by that of the United States.

Your communication has been laid before the President, and by him considered.

The advantages of your country to the navigators in the Pacific, and in particular to the numerous vessels and vast tonnage of the United States frequenting that sea, are fully estimated; and just acknowledgments are due to the Government and inhabitants of the islands for their numerous acts of hospitality to the citizens of the United States.

The United States have regarded the existing authorities in the Sandwich Islands as a Government suited to the condition of the people and resting on their own choice; and the President is of opinion that the interests of all the commercial nations require that that Government should not be interfered with by foreign powers. Of the vessels which visit the islands, it is known that a great majority belong to the United States.

The United States, therefore, are more interested in the fate of the islands, and of their Government, than any other nation can be; and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest, or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences in matters of commerce.

Entertaining these sentiments, the President does not see any present necessity for the negotiation of a formal treaty or the appointment or reception of diplomatic characters. A consul or agent from this Government will continue to reside in the islands. He will receive particular instructions to pay just and careful attention to any claims or complaints which may be brought against the Government or people of the islands by citizens of the United States, and he will also be instructed to receive any complaints which may be made by that Government for acts of individuals (citizens of the United States) on account of which the interference of this Government may be requested, and to transmit such complaint to this Department.

It is not improbable that this correspondence may be made the subject of a communication to Congress, and it will be officially made known to the governments of the principal commercial powers of Europe.

I have the honor to be, gentlemen, your obedient servant,

DANIEL WEBSTER.

Messrs. TIMOTEO HAALILIO and WILLIAM RICHARDS,

Washington.

Sir, I will have read what Mr. Webster says in another communication in regard to the position that the United States intended to hold toward those islands. I will send this up to the Secretary, and ask that it may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

*Mr. Webster to Mr. Severance.*

DEPARTMENT OF STATE, Washington, July 14, 1851.

SIR: I have written you a regular official dispatch, setting forth the principles of policy which will be pursued by the Administration here in whatever respects the Government of the Hawaiian Islands.

I now write you a letter of private instructions, made necessary by suggestions contained in your communications by Lieutenant Johnson.

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

We are bound to regard both France and Hawaii as independent states, and equally independent; and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the constitutional power of the President, and still less is it within the power of any subordinate agent of government, civil or military. If the *Serious* had attacked Honolulu, and thereupon the *Vandalia* had fired upon the *Serious*, this last act would have been an act of violence against France not to be justified, and, in fact, if not disavowed at Washington, it would have been an act of war. In these cases, where the power of Congress can not be exercised beforehand, all must be left to the redress which that body may subsequently authorize. This you will constantly bear in mind. But, at the same time it is not necessary that you should enter into these explanations with the French commissioner or the French naval commander.

In my official letter of this date I have spoken of what the United States would do in certain contingencies. But in thus speaking of the Government of the United States I do not mean the executive power, but the Government in its general aggregate, and especially that branch of the Government which possesses the war-making power. This distinction you will carefully observe, and you will neither direct, request, nor encourage any naval officer of the United States in committing hostilities on French vessels of war.

Another leading topic in your communication is the proposed contingent surrender by the Government of the islands of their sovereignty to the United States or their annexation to this country.

This is a very important question, and one which you will readily see rises above any functions with which you are charged. It may, indeed, be very proper for you in this case, as well as in all others, to communicate to your Government whatever the Government to which you are accredited desire to have so communicated; but it is very important that on a question involving such deep interests, both domestic and foreign, you should yourself altogether forbear expressing any opinion whatever to the Hawaiian Government. You will see by my official letter, which you are at liberty to communicate to that Government, the disposition of the United States to maintain its independence; beyond that you will not proceed.

The act of contingent or conditional surrender, which you mention in your letter as having been placed in your hands, you will please to return to the Hawaiian Government. In this case the Government of the United States acts upon principles of general policy; it will protect its own rights. It feels a deep interest in the preservation of Hawaiian independence, and all questions beyond this, should they arise, must be considered and settled here by the competent authorities.

You inform us that many American citizens have gone to settle in the islands; if so, they have ceased to be American citizens. The Government of the United States must, of course, feel an interest in them not extended to foreigners, but by the law of nations they have no right further to demand the protection of this Government. Whatever aid or protection might under any circumstances be given them must be given, not as a matter of right on their part, but in consistency with the general policy and duty of the Government and its relations with friendly powers.

You will therefore not encourage in them, nor, indeed, in any others, any idea or expectation that the islands will become annexed to the United States. All this, I repeat, will be judged of hereafter, as circumstances and events may require, by the Government at Washington.

I do not suppose there is any immediate danger of any new menaces from France; still less of any actual attack on the islands by her naval armament. Nevertheless you will keep us constantly and accurately informed of whatever transpires.

Your account of the prosperity of the islands and the fiscal condition of its Government is interesting, and you can be hardly too full and particular in such statements.

Mr. Allen is at present quite unwell at Boston. As soon as he is able he will return to his post. Lieutenant Johnson will take this dispatch to Panama. If Mr. Allen's illness should continue for any length of time, which we hope may not be the case, Lieutenant Johnson will be directed to return without him.

I have the honor, etc.,

DANIEL WEBSTER.

Mr. PLATT of Connecticut. Will the Secretary state to whom that letter was written?

The SECRETARY. To Mr. Severance, under date of July 14, 1851.

Mr. CAFFERY. Mr. President, it will be seen from this communication of Mr. Webster to the United States consul at Honolulu that he dwelt upon three topics: First, that the annexation of those islands could not then be entertained; second, that the United States intended to maintain the independence of the Hawaiian Islands, and third, that any American citizen going to Hawaii and making Hawaii his home and domicile could not claim the protection of the United States as an American citizen; that he became a citizen of Hawaii.

It had been well for this country had these precepts of Mr. Webster been followed by Minister Stevens, who was the resident minister of the United States at Honolulu when the Hawaiian Kingdom was overthrown by the revolution of 1893. Mr. Webster's policy was that of a broad statesman. While he expressed sympathy for citizens of the United States who had made their home in Hawaii, he yet claimed they were citizens of Hawaii and must look to Hawaii and not to the United States to protect them in resident citizenship.

Now, Mr. President, we have heard a great deal ever since the

Hawaiian question was thrust upon the attention of the United States as to the duty of the United States toward resident Americans in Honolulu. We have been called upon to violate every precedent that has heretofore guided the American Government in the case of resident Americans in Hawaii. We have been called upon to tolerate acts of war and aggression, nay, not only to tolerate but to applaud acts of hostility and war upon the part of American residents of Hawaii against the Kingdom of Hawaii on the ground that they were originally citizens of the United States and had large property interests in Hawaii.

This doctrine did not obtain in Mr. Webster's time. He was one of the greatest men this country ever produced. There was no subject he touched which he did not illuminate with the light of an understanding unequalled not only in our own country, but in any country and in all countries, and he took the proper view of the question of American citizenship in foreign countries.

Sir, while we sympathize with Americans who go abroad to better their fortunes, while we sympathize with their aspirations to establish in their new homes government fashioned after that they left behind, it does not devolve upon us to lend the military arm, this powerful arm, of the Government of the United States to aid American residents of foreign countries to overthrow the government of the country where they have chosen to reside. All these invocations, therefore, in behalf of the American residents of Hawaii for help, for sympathy, for support from the United States ought to go unheeded, Mr. President, so far at least as to prevent us from giving them any material aid to overthrow the Government of the country in which they have established themselves.

If by reason of their own force, if by reason of their own courage—and the force and the courage of an American are not excelled by those of any other race on the globe—they succeed in establishing their republican idea of government in any country, in any isle, wherever they may be, I bid them Godspeed; but do not let them go to the islands of the seas and there intrude to bring about a cooperation of the military forces of the United States to aid them in the overthrow of the government where they have voluntarily chosen to reside. Such was the case in the revolution that effected the overthrow of the Kingdom of Hawaii in 1893.

Now, Mr. President, Mr. Webster's declaration in what I have just read amounts to a declaration of neutrality on the part of the United States. That is the proper position for the United States to assume. But further than that, sir, I will send to the desk and have read from the same book on page 97, a letter of Mr. Webster to Mr. Rives.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The Secretary will read as requested.

The Secretary read as follows:

*Mr. Webster to Mr. Rives.*

No. 28.] DEPARTMENT OF STATE, Washington, June 19, 1851.  
WILLIAM C. RIVES, Esq., etc.

SIR: In the dispatch from this Department (No. 15) of the 5th of July last, you were instructed with reference to the application of Messrs. G. P. Judd and James Jackson Jarves, special commissioners of the Hawaiian Government, for the mediation of the Government of the United States for the purpose of adjusting the differences between that Government and the Government of France. In your dispatch (No. 49) of the 12th of September, you stated that you would avail yourself of the first suitable occasion toward bringing about an amicable adjustment of the controversy. It is believed, however, that you have not since mentioned the subject.

It appears from the accompanying letters addressed to the Department and to the Rev. Rufus Anderson by Mr. Judd, from Panama, that the French Government declined to accept the mediation of the Government of Great Britain, and dispatched an agent to the Sandwich Islands, whom Mr. Judd met at Panama, waiting for the arrival of an armed force from Callao, with which he intended to proceed to the islands for hostile purposes. The public journals have since announced that he had reached his destination and had entered upon a correspondence with the Hawaiian Government. This intelligence has given the President much pain. It has also alarmed the American Board of Missions, whose corresponding secretary visited this city last autumn, brought with him the letter from Mr. Judd to the Rev. Mr. Anderson above referred to, and made application for vessels of war of the United States to be sent to the islands for the protection of the persons and property of the missionaries there.

Under these circumstances, if you should not already have made the French Government acquainted with the interest we feel in the independence of the islands, you will lose no time in taking that course.

The proceedings of M. Dillon and the French admiral there in 1849, so far as we are informed respecting them, seem, both in their origin and in their nature, to have been incompatible with any just regard for the Hawaiian Government as an independent state. They can not, according to our impressions, be accounted for upon any other hypothesis than a determination on the part of those officers to humble and annihilate that Government for refusing to accede to demands which, if granted, must have been at the expense of all self-respect and substantial sovereignty. The further enforcement of those demands which, it appears, is the object of Mr. Perrin's mission, would be tantamount to a subjugation of the islands to the dominion of France.

A step like this could not fail to be viewed by the Government and people of the United States with a dissatisfaction which would tend seriously to disturb our existing friendly relations with the French Government. This is a result to be deplored. If, therefore, it should not be too late, it is hoped that you will make such representations upon the subject to the minister of foreign affairs of France as will induce that Government to desist from measures incompatible with the sovereignty and independence of the Hawaiian Islands, and to make amends for the acts which the French agents have already committed there in contravention of the law of nations and of the treaty between the Hawaiian Government and France.

I am, sir, respectfully, your obedient servant,

DANL. WEBSTER.

**Mr. CAFFERY.** In this communication Mr. Webster distinctly places Hawaii within the grasp of the Monroe doctrine. Upon that doctrine these islands stood until the revolution of 1893. The United States Government declared through its great Secretary of State that the United States would not permit those islands to be taken possession of or destroyed by any foreign power.

That declaration has stood from that day to this. That was a proper declaration. It comes within the meaning and intent of the Monroe doctrine—the doctrine which declares that the United States can intervene to prevent the act of any foreign nation when that act, whatever it may be, may threaten the integrity and safety of the United States. Although those islands are in midocean, 2,100 miles from the United States, they occupy such a position as that their permanent control and possession by any foreign power would materially threaten our western frontier.

Mr. President, this is a clean-cut, statesmanlike declaration, warranted by American precedent, warranted by every law which entitles one nation to protect itself against the aggression of others.

Another great Secretary of State, Mr. Blaine, declared that the policy of the United States toward those islands is one of benevolent neutrality. I will send to the desk and have read a letter from Mr. Blaine to Mr. Comly, found in the same book, page 1157.

The Secretary read as follows:

*Mr. Blaine to Mr. Comly.*

No. 113.]

DEPARTMENT OF STATE,  
Washington, December 1, 1881.

SIR: My late instructions, and especially that of the 19th ultimo, will have shown you the deep interest with which the United States observes the course of events in the Hawaiian Islands. The apparent disposition to extend other influences there in lines parallel to or offsetting our own must be watched with care and met with considerate firmness.

The intelligent and suggestive character of your recent dispatches naturally leads me to a review of the relationship of the Hawaiian Kingdom to the United States at somewhat greater length than was practicable in the limited scope of my instruction of November 19. That dispatch was necessarily confined to a consideration of the immediate question of a possible treaty engagement with Great Britain which would give to that power in Hawaii a degree of extraterritoriality of jurisdiction inconsistent with the relations of the islands to the other powers, and especially to the United States.

With the abandonment of feudal government by King Kamehameha III in 1839, and the inauguration of constitutional methods, the history of the political relation of Hawaii to the world at large may very properly be said to begin. The recognition of independent sovereignty by the great powers took place soon after that act on the part of the United States, dating from 1844. Even at that early day, before the United States had become a power on the Pacific coast, the commercial activity of our people was manifested in their intercourse with the islands of Oceania, of which the Hawaiian group is the northern extremity.

In 1848 the treaty of Guadalupe Hidalgo confirmed the territorial extension of the United States to the Pacific, and gave to the Union a coast line on that ocean little inferior in extent and superior in natural wealth to the Atlantic seaboard of the original thirteen States. In 1848-49 the discoveries of gold in California laid the foundation for the marvelous development of the western coast, and in that same year the necessities of our altered relationship to the Pacific Ocean found expression in a comprehensive treaty of friendship, commerce, and navigation with the sovereign Kingdom of Hawaii.

The material connection between the Hawaiian Islands and the Pacific coast of the Union was natural and inevitable. But lately admitted to the family of separate States, Hawaii was necessarily drawn into close kinship with California, then just entering on a path of prosperity and greatness whose rapidity of development the world has never seen equaled. Hence the movements toward intimate commercial relations between the two countries, which, after the progressive negotiations of 1856, 1867, and 1869, culminated in the existing reciprocity treaty of January 30, 1875, which gave to the United States in Hawaii, and to Hawaii in the United States, trading rights and privileges in terms denied to other countries.

I have spoken of the Pacific coast line given to the American Union by thecession of California in 1848 as little inferior in extent and superior in natural wealth to the Atlantic seaboard of the original Union. Since that time our domain on the Pacific has been vastly increased by the purchase of Alaska. Taking San Francisco as the commercial center on the western slope, a line drawn northwardly to the Aleutian group marks our Pacific border almost to the confines of Asia. A corresponding line drawn southwardly from San Francisco to Honolulu marks the natural limit of the ocean belt within which our trade with the oriental countries must flow, and is, moreover, the direct line of communication between the United States and Australasia. Within this belt lies the commercial domain of our Western coast.

I have had recent occasion to set forth the vitally integral importance of our Pacific possessions in a circular letter addressed on the 24th of June last to our representatives in Europe, touching the necessary guarantees of the proposed Panama Canal as a purely American waterway to be treated as part of our own coast line. The extension of commercial empire westward from those States is no less vitally important to their development than is their communication with the eastern coast by the Isthmus channel. And when we survey the stupendous progress made by the western coast during the thirty years of its national life as a part of our dominion, its enormous increase of population, its vast resources of agriculture and mines, and its boundless enterprise, it is not easy to set a limit to its commercial activity or foresee a check to its maritime supremacy in the waters of the Orient, so long as those waters afford, as now, a free and neutral scope for our peaceful trade.

In thirty years the United States has acquired a legitimately dominant influence in the North Pacific, which it can never consent to see decreased by the intrusion therein of any element of influence hostile to its own. The situation of the Hawaiian Islands, giving them the strategic control of the North Pacific, brings their possession within the range of questions of purely American policy, as much so as that of the Isthmus itself. Hence the necessity, as recognized in our existing treaty relations, of drawing the ties of intimate relationship between us and the Hawaiian Islands, so as to make them practically a part of the American system without derogation of their absolute independence.

The reciprocity treaty of 1875 has made of Hawaii the sugar-raising field of the Pacific slope and gives to our manufacturers therein the same freedom as in California and Oregon. That treaty gave to Hawaii its first great impetus in trade and developed that activity of production which has attracted the eager attention of European powers, anxious to share in the prosperity and advantages which the United States have created in mid-ocean. From 1877, the first full year succeeding the conclusion of the reciprocity treaty, to 1880, the imports from Hawaii to the United States nearly doubled, increasing from \$2,550,335 in value to \$4,606,444, and in this same period the exports from the United States to Hawaii rose from \$1,272,919 to \$2,026,170.

In a word, Hawaii is, by the wise and beneficent provisions of the treaty, brought within the circle of the domestic trade of the United States, and our interest in its friendly neutrality is akin to that we feel in the guaranteed independence of Panama. On the other hand, the interests of Hawaii must inevitably turn toward the United States in the future, as in the present, as its natural and sole ally in conserving the dominion of both in the Pacific trade. Your own observation, during your residence at Honolulu, has shown you the vitality of the American sentiment which this state of things has irresistibly developed in the islands. I view that sentiment as the logical recognition of the needs of Hawaii as a member of the American system of States rather than as a blind desire for a protectorate or ultimate annexation to the American Union.

This Government has on previous occasions been brought face to face with the question of a protectorate over the Hawaiian group. It has, as often as it arose, been set aside in the interest of such commercial union and such reciprocity of benefits as would give to Hawaii the highest advantages and at the same time strengthen its independent existence as a sovereign State. In this I have summed up the whole disposition of the United States toward Hawaii in its present condition.

The policy of this country with regard to the Pacific is the natural complement to its Atlantic policy. The history of our European relations for fifty years shows the jealous concern with which the United States has guarded its control of the coast from foreign interference, and this without extension of territorial possession beyond the mainland. It has always been its aim to preserve the friendly neutrality of the adjacent states and insular possessions. Its attitude toward Cuba is in point. That rich island, the key to the Gulf of Mexico and the field for our most extended trade in the Western Hemisphere, is, though in the hands of Spain, a part of the American commercial system.

Our relations, present and prospective, toward Cuba have never been more ably set forth than in the remarkable note addressed by my predecessor, Mr. Secretary Everett, to the ministers of Great Britain and France in Washington, on the 1st of December, 1852, in rejection of the suggested tripartite alliance to forever determine the neutrality of the Spanish Antilles. In response to the proposal that the United States, Great Britain, and France should severally and collectively agree to forbid the acquisition of control over Cuba, by any or all of them, Mr. Everett showed that, without forcing or even coveting possession of the island, its condition was essentially an American question; that the renunciation forever by this Government of contingent interest therein would be far broader than the like renunciation by Great Britain or France; that, if ever ceasing to be Spanish, Cuba must necessarily become American, and not fall under any other European domination, and that the ceaseless movement of segregation of American interests from European control and unification in a broader American sphere of independent life could not and should not be checked by any arbitrary agreement.

Nearly thirty years have demonstrated the wisdom of the attitude then maintained by Mr. Everett and have made indispensable its continuance and its extension to all parts of the American Atlantic system where a disturbance of the existing status might be attempted in the interest of foreign powers. The present attitude of this Government toward any European project for the control of an isthmian route is but the logical sequence of the resistance made in 1852 to the attempted pressure of an active foreign influence in the West Indies.

Hawaii, although much farther from the California coast than is Cuba from the Floridian peninsula, holds in the western sea much the same position as Cuba in the Atlantic. It is the key to the maritime dominion of the Pacific States, as Cuba is the key to the Gulf trade. The material possession of Hawaii is not desired by the United States any more than was that of Cuba. But under no circumstances can the United States permit any change in the territorial control of either which would cut it adrift from the American system, whereto they both indispensably belong.

In this aspect of the question it is readily seen with what concern this Government must view any tendency toward introducing into Hawaii new social elements destructive of its necessarily American character. The steady diminution of the native population of the islands, amounting to some 10 per cent between 1872 and 1878, and still continuing, is doubtless a cause of great alarm to the Government of the Kingdom, and it is no wonder that a solution should be sought with eagerness in any seemingly practicable quarter.

The problem, however, is not to be met by a substitution of Mongolian supremacy for native control—as seems at first sight possible through the rapid increase in Chinese immigration to the islands. Neither is a wholesale introduction of the coolie element, professedly Anglo-Indian, likely to afford any more satisfactory outcome to the difficulty. The Hawaiian Islands can not be joined to the Asiatic system. If they drift from their independent station, it must be toward assimilation and identification with the American system, to which they belong by the operation of natural laws and must belong by the operation of political necessity.

I have deemed it necessary to go, with somewhat of detail, into the real nature of our relations toward Hawaii, in order that you may intelligently construe my recent instructions in the light of our true and necessary policy on the Pacific. It may also tend to simplify your intercourse with the native government if you are in a position to disabuse the minds of its statesmen of any belief or impression that our course is selfishly intrusive, or looks merely to the exclusive retention of transient advantages of local commerce, in which other countries seek a share. The United States was one of the first among the great nations of the world to take an active interest in the upbuilding of Hawaiian independence and the creation of a new and potential life for its people. It has consistently endeavored, and with success, to enlarge the material prosperity of Hawaii on such independent basis. It proposes to be equally unremitting in its efforts hereafter to maintain and develop the advantages which have accrued to Hawaii and to draw closer the ties which imperatively unite it to the great body of American Commonwealths.

In this line of action the United States does its simple duty both to Hawaii and itself; and it can not permit such obvious neglect of national interest as would be involved by silent acquiescence in any movement looking to a lessening of those American ties and the substitution of alien and hostile interests. It firmly believes that the position of the Hawaiian Islands as a key to the dominion of the American Pacific demands their benevolent neutrality, to which end it will earnestly cooperate with the native Government. And if, through any cause, the maintenance of such a position of benevolent neutrality should be found by Hawaii to be impracticable, this Government would

then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented.

The communication to the Hawaiian Government of the views herein expressed is left, both as to manner and extent, to your own discretion. If the treaty relations with Great Britain, of which my last instruction treats, prove to be of such a nature as to require the communication of a formal protest in the premises to the Hawaiian minister of foreign affairs, it would probably be wise for you to give him a copy of this dispatch as a just and temperate exposition of the intentions of this Government, and a succinct explanation of the reasons which have induced such a protest. Even if the formal delivery hereof to the minister should not appear advisable, it would be well for you to reflect this policy in your conversations with the public men at Honolulu, who will, I am sure, find these views in harmony with the true interests of the Hawaiian Kingdom as they are with those of the United States.

I am, etc.,

JAMES G. BLAINE.

Mr. CAFFERY. This letter of Mr. Blaine emphasizes the declaration of Mr. Webster that Hawaii is placed within the operation and application of the Monroe doctrine; that, being the key to the Pacific, no foreign interference of a character to endanger its independence or in any way to control its destinies would be for a moment tolerated by the United States. He further says that the true position of the United States toward these islands is one of benevolent neutrality. He states that whenever the time came that the affairs of those islands would drift toward the East rather than toward the United States there might be then need for a closer alliance between Hawaii and the United States.

But there is nothing of that sort which has ever occurred. It is boasted that the Hawaiian Republic is founded upon a sure and solid rock of security. The conspirators who established it vaunt their strength to hold their own not only against domestic foes but against any ordinary foreign interference.

Now, when a republic, established upon the ruins of the old monarchy it overthrew, sets forth pretensions of such security and strength as the Republic of Hawaii does, the contingency has not occurred when the United States, out of its own self-defense, and not for any protection of Hawaii, would be bound to draw closer the lines that connect the two countries together.

Now, I will introduce, if I can lay my hand upon it—if not, I will ask it to be placed in the RECORD—a convention between France and Great Britain in 1843, or thereabouts, whereby each of the high contracting parties agreed to maintain the independence of those islands. I will introduce this convention in order to disprove the constant assertion that if the United States does not take these islands France or Great Britain or some other power will. After these islands have lain in midocean from the time of their discovery, in 1720, down to date without any foreign power laying its hands upon them, or any foreign power manifesting any disposition to take them, the assertion is constantly made, in order to hurry us into schemes of annexation, that some foreign power covets these islands.

The convention referred to is as follows:

*Declaration of Great Britain and France relative to the independence of the Sandwich Islands, London, November 28, 1843.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, taking into consideration the existence in the Sandwich Islands of a government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage, reciprocally, to consider the Sandwich Islands as an independent state, and never to take possession, either directly or under the title of protectorate, or under any other form, of any part of the territory of which they are composed.

The undersigned, Her Majesty's principal secretary of state for foreign affairs, and the ambassador extraordinary of His Majesty the King of the French at the court of London, being furnished with the necessary powers, hereby declare in consequence that their said majesties take reciprocally that engagement.

In witness whereof the undersigned have signed the present declaration, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 28th day of November, in the year of our Lord 1843.

[L. S.]

ABERDEEN.  
ST. AULAIRE.

Mr. CAFFERY. It has been a frequent thing for Senators of the jingo breed—and I do not say that with any disrespect to them, using a common term now that signifies a politician of a kind who wants to stretch out and embrace every portion of God's habitable earth that the United States can lay its hands upon—I say it has been a favorite theme with them whenever they want to urge and precipitate this question of annexation to say that the British Lion is about to commence his land grabbing again; that he is covetous of Hawaii. But, sir, this convention between these two States, Great Britain and France, absolutely disproves any such allegation. No state in Christendom wanted the Hawaiian Islands, no state wants them now, because at any time in the past any of the foreign states, prior to the declaration of the United States in 1843, could have taken them.

After the establishment of a constitutional government in Hawaii by and through the aid of American missionaries that Government went on with a prosperous career. The affairs of the islands were well administered. They are islands of unequalled fertility. The climate appears to be of that character which, while it does not urge and incite to much energy, yet is so equable and mild and temperate as to be courted by those who are in

search of a climate of luxurious ease. It does not appear to conduce to the energy of the white man, but it appears to be precisely suited to the character and constitution of the black man.

Down to the time when David Kalakaua ascended the throne of Hawaii that little Kingdom was as prosperous as ordinary communities in this world are, but at the advent of Kalakaua there was a movement put on foot of an insurrectionary character. The Hawaiians became tired, as it were, of the government of the white man, for, as I have before stated, the affairs of those islands were largely controlled and administered by white men, white missionaries or the descendants of missionaries, and a revolution was concocted by the adherents of Queen Emma to oust from the throne David Kalakaua. That revolution was put down largely through the instrumentality of marines landed from United States and British war ships. They were called for by the King, and the landing of the troops immediately dispersed the insurgents and put down the insurrection.

I state these facts in order to show the great effect that the landing of white troops has upon those native Hawaiians. They immediately subside; they immediately discontinue their revolutionary acts or other acts of violence and submit without a murmur. The troops landed at the request of the King preserved order and destroyed the revolution.

Now, that effect was well known to Mr. Stevens, the American minister at Honolulu in 1873. Kalakaua administered the affairs of that island down to the accession of the deposed Queen Liliuokalani. When she came to the throne she found a constitution of government which had been proclaimed by David Kalakaua, proclaimed at the instigation of the whites, proclaimed in the interest of the whites, proclaimed in such way with such provisions as practically to place the affairs of the island in the hands of the white oligarchy and to deny the natives any material share in it. Qualifications were imposed on the electors of the nobles, and the appointment of the nobles by the crown was taken away.

The nobles were elected. Very large qualifications were required for a noble, and large qualifications were required for the electors of a noble. So the Hawaiian native population was practically excluded from any administration in the affairs of the Hawaiian Islands by the constitution proclaimed by David Kalakaua.

Kalakaua did precisely, at the instigation of the whites, what the whites dethroned Queen Liliuokalani for threatening to do. She threatened to proclaim a constitution which restored the rights of the native Hawaiians as they existed before the proclamation of the constitution by David Kalakaua. For that offense she was dethroned, and in order to dethrone her the United States marines were landed from the *Boston* at the request of the resident minister, Mr. Stevens, on the specious pretext of preserving American life and property.

I have narrated that in the difficulties between the Hawaiian Kingdom and the French and the English, and also in the émeute led by Queen Emma, the Hawaiians were overawed, completely subdued by a display of foreign force, and this expedient was resorted to by Mr. Stevens and the revolutionists in order to overthrow the Kingdom of Queen Liliuokalani.

Now, Mr. President, there is one act of President Cleveland for which the gratitude of the people of the United States is due him. There is one act of his which the impartial historian will hereafter record as one of his chief merits to renown, and that act was the repudiation and the withdrawal of the treaty of annexation sent to the Senate by his predecessor, and in the investigation of the affairs of that island that led up to the destruction of the Kingdom of Hawaii and in his efforts to undo the wrong that had been inflicted upon that Kingdom by and through the instrumentality of the United States forces.

It was a bold act; it was a statesmanlike act; it was a proper act. If the facts demonstrate, as I think they do, and as I have always thought they did, that the dethronement of Queen Liliuokalani was brought about by the use of the United States marines at the request of the United States minister, then I say the United States stands estopped from taking the territory acquired by the Government that overthrew the Kingdom of Hawaii and dethroned its Queen. In good conscience, we ought not and dare not take the territory when a suspicion of fraud and complicity with revolutionary designs and projects is traced home to the United States.

It is true that we can deal with a government as a *de facto* government without looking into the equities of the title of that government, but when the very Government that proposes to transfer us the sovereignty of the Hawaiian territory was installed and brought into being by and through the illegal use of United States troops, I hold that the United States stands estopped from taking that territory thus tainted with its own illegal act.

On the 14th day of January, 1893, it is said that Queen Liliuokalani from the portico or the front steps of her palace made a speech to her people in which she declared that she would proclaim a constitution of government restoring them to their just share in the administration of their government. The island was

in profound peace up to that period. There was not a ripple of revolution. There had been some intrigues whereby it was attempted to vote a want of confidence in the ministry by the legislature, but the effort failed and the ministry retained their places.

But, Mr. President, this act of the Queen was made the pretext of a conspiracy to dethrone her; and what was the Queen doing? In whose behalf was she acting? The Queen was attempting to restore the privilege of participation in the Government of Hawaii to the native Hawaiians. That is what she was trying to do. She was attempting to proclaim a constitution which allowed the Queen to appoint the nobles. It was known that the Queen would appoint the nobles, who constituted the upper house in the legislature, largely out of the native Hawaiian element.

It was a constitution which looked toward reducing the qualification of the electors of nobles, so that the native Hawaiian might vote, and the native Hawaiians were making this demand. They were the people who were attempting to be heard. They constituted the electorate of that Kingdom, or should constitute it. Queen Liliuokalani was their Queen. If the Americans who were there did not like that government they had no right to invoke the aid of the military arm of the United States to effect their purpose to destroy it. That is what they did, and without having done that they would not have succeeded.

There is no use to discuss the *de jure* or the *de facto* character of a government. If there is a suspicion that we have unduly dealt with these Hawaiians, if there is a suspicion that the title offered us by the present Republic of Hawaii comes tainted with the illegal and oppressive and unjust act of our own Government, I say in good conscience we can not take any cognizance whatever of the proposition to accept this territory.

Now, Mr. President, I repeat there is no use to go into any question of dry law on this subject. It is not a question of dry law. The Republic of Hawaii is a *de facto* government. We can deal with them. If this treaty comes properly before us we can take cognizance of it. If this joint resolution is the proper way of annexing these islands we can do so legally, notwithstanding that there might be some question of the *de jure* character of that Government. But the question nearly relates to us. Complicity with the revolution that overthrew the Queen and established the present Republic is directly traceable to us, and we must, therefore, look to it and see whether or not these allegations of the President of the United States, Mr. Cleveland, whether or not the findings of fact by Commissioner Blount are true, before we go into the question of accepting the territory thus acquired.

I will ask the Secretary to read partly the message of President Cleveland down to page 10. I will ask that the whole of it be inserted in my remarks.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). If the Senator from Louisiana will yield a moment, it is manifest to the Chair that there is not a quorum present in the Senate, and the Chair will order the roll to be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Davis,	Jones, Ark.	Platt, N. Y.
Allison,	Elkins,	Kyle,	Pritchard,
Bacon,	Fairbanks,	Lodge,	Proctor,
Baker,	Faulkner,	McBride,	Shoup,
Bate,	Foraker,	Mallory,	Spencer,
Berry,	Frye,	Mason,	Stewart,
Burrows,	Gallinger,	Mills,	Teller,
Butler,	Gear,	Money,	Tillman,
Caffery,	Gorman,	Morgan,	Turley,
Carter,	Hanna,	Morrill,	Warren,
Clark,	Hansbrough,	Pasco,	Wetmore,
Clay,	Harris,	Perkins,	Wilson.
Cockrell,	Hawley,	Pettus,	
Cullom,	Heitfeld,	Platt, Conn.	

The PRESIDING OFFICER. Fifty-four Senators have answered to the roll call. There being a quorum present at this moment in the Chamber, the Senator from Louisiana [Mr. CAFFERY] is entitled to the floor.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 27th instant approved and signed the following acts:

An act (S. 484) granting an increase of pension to Carlton W. Muzzy;

An act (S. 1475) granting an increase of pension to Elijah N. Parkhurst;

An act (S. 2541) granting a pension to Clara R. Rodgers;

An act (S. 2588) increasing the pension of Corrissanda L. McGuire;

An act (S. 2678) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased;

An act (S. 3350) granting an increase of pension to Blanche E. Barlow;

An act (S. 3515) granting an increase of pension to Mary L. Page;

An act (S. 4533) to increase the pension of Lucinda Booth;

An act (S. 4738) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Cherokee Indian Reservation, Territory of Oklahoma, and for other purposes;

An act (S. 4750) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company; and

An act (S. 4759) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad.

#### EIGHT-HOUR LAW.

Mr. KYLE. I hold in my hand Senate Document No. 318, relating to the hours of labor for workmen, mechanics, etc., which consists of hearings before the Committee on Education and Labor pro and con. There are numerous calls for this document from manufacturers and members of labor organizations. I therefore ask consent of the Senate for the publication of 1,000 copies for the use of the Committee on Education and Labor.

Mr. GALLINGER. Will it not be well, I will inquire of the Senator, to have some copies for the other members of the Senate who are not on the Committee on Education and Labor? I have had calls for this document. Why not make the order for 2,000 copies—1,000 for the use of the committee and 1,000 for the Senate?

Mr. KYLE. I will accept the amendment of the Senator from New Hampshire and will ask that 1,000 copies of the document be printed for the use of the Senate and 1,000 for the Committee on Education and Labor.

Mr. GALLINGER. One thousand should be for the document room.

The PRESIDING OFFICER. Can the Senator give any intimation as to what the cost of the printing will be?

Mr. KYLE. I think it comes within the proper limits, whatever that may be. I think the cost will be about \$60.

The PRESIDING OFFICER. Then it will come within the rule. The order for the printing will be made, in the absence of objection.

#### ANNEXATION OF THE HAWAIIAN ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. CAFFERY resumed his speech. After having spoken for one hour,

Mr. ALLISON. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Louisiana yield to the Senator from Iowa?

Mr. CAFFERY. Certainly.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendments of the Senate numbered 13, 14, 186, 221, 222, and 223 to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, having met, after full and free conference have been unable to agree.

W. B. ALLISON,  
EUGENE HALE,  
A. P. GORMAN,

Managers on the part of the Senate.

J. G. CANNON,  
WM. A. STONE,  
JOSEPH D. SAYERS,  
Managers on the part of the House.

Mr. ALLISON. There are only five amendments in disagreement. I move that the Senate still further insist upon its amendments, and ask a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate at the further conference; and Mr. ALLISON, Mr. HALE, and Mr. GORMAN were appointed.

#### ANNEXATION OF THE HAWAIIAN ISLANDS.

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Mr. CAFFERY. I ask that the paper which I have sent to the desk may be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

*To the Senate and House of Representatives:*

In my recent annual message to the Congress I briefly referred to our relations with Hawaii and expressed the intention of transmitting further information on the subject when additional advices permitted.

Though I am not able now to report a definite change in the actual situation, I am convinced that the difficulties lately created both here and in Hawaii and now standing in the way of a solution through Executive action

of the problem presented, render it proper and expedient that the matter should be referred to the broader authority and discretion of Congress, with a full explanation of the endeavor thus far made to deal with the emergency and a statement of the considerations which have governed my action.

I suppose that right and justice should determine the path to be followed in treating this subject. If national honesty is to be disregarded and a desire for territorial extension, or dissatisfaction with a form of government not our own, ought to regulate our conduct, I have entirely misapprehended the mission and character of our Government and the behavior which the conscience of our people demands of their public servants.

When the present Administration entered upon its duties the Senate had under consideration a treaty providing for the annexation of the Hawaiian Islands to the territory of the United States. Surely under our Constitution and laws the enlargement of our limits is a manifestation of the highest attribute of sovereignty, and if entered upon as an Executive act all things relating to the transaction should be clear and free from suspicion. Additional importance attached to this particular treaty of annexation because it contemplated a departure from unbroken American tradition in providing for the addition to our territory of islands of the sea more than 2,000 miles removed from our nearest coast.

These considerations might not of themselves call for interference with the completion of a treaty entered upon by a previous Administration. But it appeared from the documents accompanying the treaty when submitted to the Senate that the ownership of Hawaii was tendered to us by a provisional government set up to succeed the constitutional ruler of the islands, who had been dethroned, and it did not appear that such provisional government had the sanction of either popular revolution or suffrage. Two other remarkable features of the transaction naturally attracted attention. One was the extraordinary haste—not to say precipitancy—characterizing all the transactions connected with the treaty.

It appeared that a so-called committee of safety, ostensibly the source of the revolt against the constitutional Government of Hawaii, was organized on Saturday, the 14th day of January; that on Monday, the 16th, the United States forces were landed at Honolulu from a naval vessel lying in its harbor; that on the 17th the scheme of a provisional government was perfected, and a proclamation naming its officers was on the same day prepared and read at the Government building; that immediately thereupon the United States minister recognized the provisional government thus created; that two days afterwards, on the 19th day of January, commissioners representing such government sailed for this country in a steamer especially chartered for the occasion, arriving in San Francisco on the 28th day of January, and in Washington on the 2d day of February; that on the next day they had their first interview with the Secretary of State, and another on the 11th, when the treaty of annexation was practically agreed upon, and that on the 14th it was formally concluded and on the 15th transmitted to the Senate. Thus between the initiation of the scheme for a provisional government in Hawaii on the 14th day of January and the submission to the Senate of the treaty of annexation concluded with such government, the entire interval was thirty-two days, fifteen of which were spent by the Hawaiian commissioners in their journey to Washington.

In the next place, upon the face of the papers submitted with the treaty, it clearly appeared that there was open and undetermined an issue of fact of the most vital importance. The message of the President accompanying the treaty declared that "the overthrow of the monarchy was not in any way promoted by this Government" and in a letter to the President from the Secretary of State, also submitted to the Senate with the treaty, the following passage occurs: "At the time the provisional government took possession of the Government buildings no troops or officers of the United States were present or took any part whatever in the proceedings. No public recognition was accorded to the provisional government by the United States minister until after the Queen's abdication and when they were in effective possession of the Government buildings, the archives, the treasury, the barracks, the police station, and all the potential machinery of the Government." But a protest also accompanied said treaty, signed by the Queen and her ministers at the time she made way for the provisional government, which explicitly stated that she yielded to the superior force of the United States, whose minister had caused United States troops to be landed at Honolulu and declared that he would support such provisional government.

The truth or falsity of this protest was surely of the first importance. If true, nothing but the concealment of its truth could induce our Government to negotiate with the semblance of a government thus created, nor could a treaty resulting from the acts stated in the protest have been knowingly deemed worthy of consideration by the Senate. Yet the truth or falsity of the protest had not been investigated.

I conceived it to be my duty, therefore, to withdraw the treaty from the Senate for examination, and meanwhile to cause an accurate, full, and impartial examination to be made of the facts attending the subversion of the constitutional Government of Hawaii, and the installment in its place of the provisional government. I selected for the work of investigation the Hon. James H. Blount, of Georgia, whose service of eighteen years as a member of the House of Representatives, and whose experience as chairman of the Committee on Foreign Affairs in that body, and his consequent familiarity with international topics, joined with his high character and honorable reputation, seemed to render him peculiarly fitted for the duties intrusted to him. His report detailing his action under the instructions given to him and the conclusions derived from his investigation accompany this message.

These conclusions do not rest for their acceptance entirely upon Mr. Blount's honesty and ability as a man, nor upon his acumen and impartiality as an investigator. They are accompanied by the evidence upon which they are based, which evidence is also herewith transmitted, and from which it seems to me no other deductions could possibly be reached than those arrived at by the commissioner.

The report with its accompanying proofs, and such other evidence as is now before the Congress or is herewith submitted, justifies in my opinion the statement that when the President was led to submit the treaty to the Senate with the declaration that "the overthrow of the monarchy was not in any way promoted by this Government," and when the Senate was induced to receive and discuss it on that basis, both President and Senate were misled.

The attempt will not be made in this communication to touch upon all the facts which throw light upon the progress and consummation of this scheme of annexation. A very brief and imperfect reference to the facts and evidence at hand will exhibit its character and the incidents in which it had its birth.

It is unnecessary to set forth the reasons which in January, 1893, led a considerable portion of American and other foreign merchants and traders residing at Honolulu to favor the annexation of Hawaii to the United States. It is sufficient to note the fact and to observe that the project was one which was zealously promoted by the minister representing the United States in that country. He evidently had an ardent desire that it should become a fact accomplished by his agency and during his ministry, and was not inconvenienced scrupulous as to the means employed to that end.

On the 19th day of November, 1892, nearly two months before the first overt act tending toward the subversion of the Hawaiian Government and the attempted transfer of Hawaiian territory to the United States, he addressed a long letter to the Secretary of State in which the case for annexa-

tion was elaborately argued, on moral, political, and economical grounds. He refers to the loss to the Hawaiian sugar interests from the operation of the McKinley bill, and the tendency to still further depreciation of sugar property unless some positive measure of relief is granted. He strongly inveighs against the existing Hawaiian Government and emphatically declares for annexation. He says: "In truth, the monarchy here is an absurd anachronism. It has nothing on which it logically or legitimately stands. The feudal basis on which it once stood no longer existing, the monarchy now is only an impediment to good government—an obstruction to the prosperity and progress of the islands."

He further says: "As a Crown colony of Great Britain or a Territory of the United States, the government modifications could be made readily and good administration of the law secured. Destiny and the vast future interests of the United States in the Pacific clearly indicate who at no distant day must be responsible for the government of these islands. Under a Territorial government they could be as easily governed as any of the existing Territories of the United States. \* \* \* Hawaii has reached the parting of the ways. She must now take the road which leads to Asia, or the other which outlets her in America, gives her an American civilization, and binds her to the care of American destiny." He also declares:

"One of two courses seems to me absolutely necessary to be followed, either bold and vigorous measures for annexation or a 'customs union,' an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not expressly stipulated American protectorate over the islands. I believe the former to be the better, that which will prove much the more advantageous to the islands and the cheapest and least embarrassing in the end to the United States. If it was wise for the United States through Secretary Marcy thirty-eight years ago to offer to expend \$100,000 to secure a treaty of annexation, it certainly can not be chimerical or unwise to expend \$100,000 to secure annexation in the near future. To-day the United States has five times the wealth she possessed in 1854, and the reasons now existing for annexation are much stronger than they were then. I can not refrain from expressing the opinion with emphasis that the golden hour is near at hand."

These declarations certainly show a disposition and condition of mind which may be usefully recalled when interpreting the significance of the minister's conceded acts or when considering the probabilities of such conduct on his part as may not be admitted.

In this view it seems proper to also quote from a letter written by the minister to the Secretary of State on the 8th day of March, 1892, nearly a year prior to the first step taken toward annexation. After stating the possibility that the existing Government of Hawaii might be overthrown by an orderly and peaceful revolution, Minister Stevens writes as follows: "Ordinarily, in like circumstances, the rule seems to be to limit the landing and movement of United States forces in foreign waters and dominion exclusively to the protection of the United States legation and of the lives and property of American citizens. But, as the relations of the United States to Hawaii are exceptional, and in former years the United States officials here took somewhat exceptional action in circumstances of disorder, I desire to know how far the present minister and naval commander may deviate from established international rules and precedents in the contingencies indicated in the first part of this dispatch."

To a minister of this temper, full of zeal for annexation, there seemed to arise in January, 1893, the precise opportunity for which he was watchfully waiting—an opportunity which by timely "deviation from established international rules and precedents" might be improved to successfully accomplish the great object in view; and we are quite prepared for the exultant enthusiasm with which, in a letter to the State Department, dated February 1, 1893, he declares: "The Hawaiian pear is now fully ripe and this is the golden hour for the United States to pluck it."

As a further illustration of the activity of this diplomatic representative, attention is called to the fact that on the day the above letter was written, apparently unable longer to restrain his ardor, he issued a proclamation whereby "in the name of the United States" he assumed the protection of the Hawaiian Islands and declared that said action was "taken pending and subject to negotiations at Washington." Of course this assumption of a protectorate was promptly disavowed by our Government, but the American flag remained over the Government building at Honolulu and the forces remained on guard until April, and after Mr. Blount's arrival on the scene, when both were removed.

A brief statement of the occurrences that led to the subversion of the constitutional Government of Hawaii in the interests of annexation to the United States will exhibit the true complexion of that transaction.

On Saturday, January 14, 1893, the Queen of Hawaii, who had been contemplating the proclamation of a new constitution, had, in deference to the wishes and remonstrances of her cabinet, renounced the project, for the present at least. Taking this relinquished purpose as a basis of action, citizens of Honolulu, numbering from fifty to one hundred, mostly resident aliens, met in a private office and selected a so-called committee of safety, composed of 13 persons, 7 of whom were foreign subjects, and consisted of 5 Americans, 1 Englishman, and 1 German. This committee, though its designs were not revealed, had in view nothing less than annexation to the United States, and between Saturday, the 14th, and the following Monday, the 16th of January—though exactly what action was taken may not be clearly disclosed—they were certainly in communication with the United States minister. On Monday morning the Queen and her cabinet made public proclamation, with a notice which was specially served upon the representatives of all foreign governments, that any changes in the constitution would be sought only in the methods provided by that instrument.

Nevertheless, at the call and under the auspices of the committee of safety, a mass meeting of citizens was held on that day to protest against the Queen's alleged illegal and unlawful proceedings and purposes. Even at this meeting the committee of safety continued to disguise their real purpose and contented themselves with procuring the passage of a resolution denouncing the Queen and empowering the committee to devise ways and means "to secure the permanent maintenance of law and order and the protection of life, liberty, and property in Hawaii." This meeting adjourned between 3 and 4 o'clock in the afternoon. On the same day, and immediately after such adjournment, the committee, unwilling to take further steps without the cooperation of the United States minister, addressed him a note, representing that the public safety was menaced and that lives and property were in danger, and concluded as follows:

"We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces." Whatever may be thought of the other contents of this note, the absolute truth of this latter statement is incontestable. When the note was written and delivered the committee, so far as it appears, had neither a man nor a gun at their command, and after its delivery they became so panic stricken at their position that they sent some of their number to interview the minister and request him not to land the United States forces till the next morning. But he replied that the troops had been ordered, and whether the committee were ready or not, the landing should take place. And so it happened that on the 16th day of January, 1893, between 4 and 5 o'clock in the afternoon, a detachment of marines from the U. S. S. *Boston*, with two pieces of artillery, landed at Honolulu.

The men, upward of 160 in all, were supplied with double cartridge belts

filled with ammunition, and with haversacks and canteens, and were accompanied by a hospital corps with stretchers and medical supplies. This military demonstration upon the soil of Honolulu was of itself an act of war, unless made either with the consent of the Government of Hawaii or for the bona fide purpose of protecting the imperiled lives and property of citizens of the United States. But there is no pretense of any such consent on the part of the Government of the Queen, which at that time was undisputed and was both the *de facto* and the *de jure* government. In point of fact the existing government, instead of requesting the presence of an armed force, protested against it.

There is as little basis for the pretense that such forces were landed for the security of American life and property. If so, they would have been stationed in the vicinity of such property and so as to protect it, instead of at a distance so as to command the Hawaiian Government building and palace. Admiral Skerrett, the officer in command of our naval force on the Pacific station, has frankly stated that in his opinion the location of the troops was inadvisable if they were landed for the protection of American citizens whose residences and places of business, as well as the legation and consulate, were in a distant part of the city, but the location selected was a wise one if the forces were landed for the purpose of supporting the provisional government. If any peril to life and property calling for any such martial array had existed, Great Britain and other foreign powers interested would not have been behind the United States in activity to protect their citizens. But they made no sign in that direction.

When these armed men were landed, the city of Honolulu was in its customary orderly and peaceful condition. There was no symptom of riot or disturbance in any quarter. Men, women, and children were about the streets as usual, and nothing varied the ordinary routine or disturbed the ordinary tranquillity, except the landing of the *Boston's* marines and their march through the town to the quarters assigned them. Indeed, the fact that after having called for the landing of the United States forces on the plea of danger to life and property the committee of safety themselves requested the minister to postpone action, exposed the untrustworthiness of their representations of present peril to life and property. The peril they saw was an anticipation growing out of guilty intentions on their part and something which, though not then existing, they knew would certainly follow their attempt to overthrow the Government of the Queen without the aid of the United States forces.

Thus it appears that Hawaii was taken possession of by the United States forces without the consent or wish of the government of the islands, or of anybody else, so far as shown, except the United States minister.

Therefore the military occupation of Honolulu by the United States on the day mentioned was wholly without justification, either as an occupation by consent or as an occupation necessitated by dangers threatening American life and property. It must be accounted for in some other way and on some other ground, and its real motive and purpose are neither obscure nor far to seek.

**Mr. CAFFERY.** For a masterly grouping of facts, and for a wise and just conclusion from them, this message from which the Secretary has read is a paper of extraordinary merit. The President of the United States could certainly have no animus in this matter. He was acting for the great Republic of which he was the Chief Executive. It could not have entered into his mind to "set down aught in malice" or to extenuate any fact in any particular. He confined himself to the facts as conclusively shown by the examination into them by Commissioner Blount. Those facts have never been successfully rebutted; there has been nothing but general denial, and all along the line of this revolution, from its very inception until its culmination upon the 17th day of January, 1893, we can trace the hand of the minister of the United States acting in conjunction with the conspirators in Honolulu.

The minister seems to have forgotten that he was accredited to a nation as sovereign as that of the United States. He seems to have forgotten that between that nation and the United States existed the most intimate terms of friendship. He seems to have forgotten that the United States had taken special care to safeguard the independence of the island and to protect it against the encroachment of foreign powers. It did not enter into his mind that any encroachment on the part of the United States was to be visited with any kind of resentment or that the complicity of the United States in the aid rendered by it to the revolutionary forces was anything but a commendable act.

Mr. President, the evidence upon which these allegations and charges in the message of the President of the United States are founded is absolutely incontrovertible. Mr. Minister Stevens absented himself from Honolulu for a period prior to the 14th day of January, 1893. He had gone some two or three weeks before to visit a sanitarium in the Island of Hilo for the benefit of the health of some member of his family. He had conversed during that trip about the affairs of the island with the captain of the boat, Captain Wiltse, of the *Boston*.

When he returned on the 14th, he discovered a commotion in the Island of Oahu, where Honolulu is situated, growing out of the attempt of the Queen, or the threatened attempt of the Queen, to proclaim a new constitution, whereupon he was placed immediately in communication with the revolutionists. He had constant colloquies and constant communication with the leaders in this movement, of whom the chief was Mr. Lorin A. Thurston, who has ever since that period been the active agent of the Hawaiian Government to procure annexation to the United States. From the 14th of January down to the farce of the proclamation of the Republic of Hawaii, in front of Arion Hall, in the city of Honolulu, Mr. Stevens was in constant touch with the revolutionists and nobody else.

Now, sir, all these specifications and charges of the President of the United States in the message read are met by no specific denial, are supported by no specific fact in such way as to induce a rational belief that the President of the United States might have been deceived in his statement of fact. This case depends

for its solution, so far as the complicity of the United States in the revolution of 1893 is concerned, upon a fair statement of the facts and a proper deduction from the facts. On the 14th there was a private meeting called to consider the matter of the attempted proclamation by the Queen of a new constitution. That committee appointed a committee of safety. They met frequently, mostly in the private office of a Mr. Smith, from the 14th to the culmination of the revolution.

It was asserted by the witnesses who appeared before Mr. Blount that prominent agents of the revolutionary band had constant communication with Minister Stevens and that they were assured not only of his sympathy, but that he would land troops and would recognize a government the very moment the paper government was announced in a public manner. Knowing as Mr. Stevens did that the presence of the troops would intimidate and overawe the native Hawaiians, would overawe the little guard the Queen had under the command of her marshal, a Mr. Wilson, all that was necessary for the revolutionists to obtain was the promise of the landing of United States marines for the specious pretext of preserving American life.

Mr. President, let us look at that proposition. It has been the uniform practice of the United States, as of all civilized governments, in case of riot or commotion or disturbance in any foreign country, for the United States minister to call upon the United States military arm, if accessible, to protect American life and property against what? Against riot and commotion caused by other than themselves. The only American life that could be threatened in this revolution was the life of the revolutionist; and when the American minister landed his troops to protect American life and preserve order, it was the death knell of the monarchy, and he knew it. He knew there was no use of doing anything more than to land those troops under the specific request of himself and the specific orders given to the marines by the captain commanding. I believe his name was Captain Wiltse. All they desired, all they wanted, was the landing of the troops to protect American life.

Mr. President, we have been bungled time and time again; but can the American people be deceived by this shallow pretext of landing troops to protect American life, when American life could only be endangered by engaging in an effort to overthrow the very Government to which he was accredited as minister? He knew of the revolution; he says so; he says the air was full of revolution; he says every man, woman, and child in Honolulu knew there was a revolution; that there was no use for the revolutionists to tell him so. He knew it was a common rumor that the Queen was going to be overthrown, overthrown by Americans, and the very Americans engaged in the overthrow were those he was to protect; and yet, under the shallow pretext of preserving order and protecting innocent American life and property, he ordered the landing of the troops, in order to intimidate and overawe the Hawaiians so that the revolutionists could put in their work and effect the overthrow of the Kingdom.

There never has been, and I hope there never will be again so long as this Republic endures, such an act of unparalleled audacity and duplicity. American war ships land at a friendly port, and whenever the American residents of the country choose to overthrow the government, they can call upon the military arm to assist them to overthrow the government; and yet we say it is to protect American life and property. American life can be endangered, American life can be imperiled, in an enterprise that Americans undertake on their own account and for their own behalf; but when they undertake to overthrow a government with which we are at peace, they must rely upon the vigor of their arms and the courage of their own breasts, and not bring in aid the powerful military resources of the United States; and that is just what was done in this particular. That is precisely what was done, Mr. President.

Then, sir, after they had accomplished their purpose, showing their utter weakness, they wrote a note to Minister Stevens that they were weak and powerless and wanted the flag of the United States to be raised, and he raised it, and in order to clinch the revolution, in order to keep up the intimidation of these weak islanders, the flag of the United States floated over those islands for three or four months, until hauled down, ordered to be hauled down, properly ordered to be hauled down by Mr. Blount.

Sir, partisan rancor never went further than in the attacks upon Mr. Cleveland and the attacks upon Mr. Blount for attempting to undo a wrong of a character that makes me blush to acknowledge that an American committed it. It was simply because Cleveland was the President of the United States, elected by the Democratic party, that this rancorous political attack was made upon his nonpartisan, his statesmanlike, his courageous, his bold, his commendable act in attempting to undo the wrong perpetrated upon that island by Minister Stevens and a band of revolutionists associated with him.

Mr. President, this question ought to be looked at from a non-partisan standpoint. The subject ought to be handled by us as American statesmen and not as American politicians belonging

to this, that, or the other party. I am sorry to see that it is largely a political question like the admission of Texas was made a political question. I do hope to live to see the day when questions of this character, great, broad, comprehensive, out of the pale of politics, will not be voted on and decided by men's predilections for one party or the other, but will be voted on and decided according to their intrinsic worth and their real merit.

I have always esteemed this act of Minister Stevens in lending the aid of the United States marines to the band of revolutionists which overthrew the Kingdom of Hawaii as a foul blot and a disgrace to the American Republic. That is my deliberate opinion, from reading over this testimony. It was a blow delivered by a powerful nation against a weak, powerless nation. It was a blow delivered almost to a child of the Republic. Whatever that Kingdom was, whatever those people were, it was their kingdom, it was their government; they had a right to it. The white men who went there either had to remove if they did not like it, or by their own arms and their own strength have overturned it and established a white man's government.

I believe in the supremacy of the white race over all other races. I believe that in time they will dominate every race upon the globe. The dusky nations of the earth are bound by a decree of Providence, written upon their faces, to be subordinate to the dominating, aggressive Aryans; but, sir, do not let that dominance be accompanied with irresistible power invoked in an illegitimate way and used for an illegitimate purpose.

If these islands had by a natural revolution or a forced revolution thrown off their allegiance to this dusky Queen, and had come with proper credentials and asked admission into the United States, it would then be time to consider the policy of admitting her, the legality of admitting her; but right here at the threshold we are met with a consideration that must appeal to the sense of justice and honor and equity of the American people. If it be true that these islands were taken from their legitimate governor and the government established by the revolutionary force was so established by and through the aid and participation of the United States, I invoke equity and honor itself to say that the United States is estopped to take title of any such territory. It comes with a taint upon it. The foul blot upon it will not out. It will not be obscured by the passage of a joint resolution or any other measure by Congress admitting these islands.

Mr. President, there were some participants in the revolution who testified before Mr. Commissioner Blount; and while I am on that point I will say that the record itself, in every line and syllable of it, establishes not only the purity and integrity but the capability and efficiency of Mr. Commissioner Blount. He is an honest man. He was upon an errand of great delicacy. He acquitted the task with equal ability and with equal integrity, and the work of his hands is before us in a report which for absence of any egotism or self-praise or self-consciousness upon the part of its author is one of the best that I have seen.

With painstaking industry, in an unobtrusive way, in that quiet, gentlemanly spirit which marks the true Southern gentleman, he approached his task and he completed it. There is no charge upon him of partiality. When he first went to the islands he was waited upon by the sugar oligarchy with coaches and the trappings of luxury and wealth. Like a simple, honest gentleman, he declined the invitation to be the recipient of their hospitality and took his lodgings at the common hotel where everybody went. Quietly he went about the streets of Honolulu, and all those he thought knew anything about the question he approached. He took their testimony, and it was put in this record, and that testimony is absolutely condemnatory of the manner in which the Republic of Hawaii was made. It condemns it in every particular. I wish to read the testimony of some of these gentlemen, but before I do so I will go on with a little further narration of the facts attending this case.

After the United States troops were landed and placed in a position to command the palace, they remained there from the 17th of January until some time late in April, all the time for the counterfeit purpose of protecting American life and property, threatened by a lot of Kanakas, who were intimidated and overawed by the bristling guns that commanded Arion Hall and the approaches to the Queen's palace. Then, Mr. President, after landing the troops, a few men, one man with a gun at the start, by indirect roads, to escape observation, got into Arion Hall. Some gentleman—I think his name was Cooper—read a proclamation of government. There were perhaps twenty-five or thirty people present when he commenced to read. They gathered in one by one, two and three, and four and five, until it is said about three hundred assembled. They made a paper government. They were not in command of the military forces or the barracks at the period of their recognition.

The minister of the United States had sent an aide-de-camp to advise him of the proceedings of these gentlemen in this delicate task of making a government. He came back and reported that the government was made. Good Lord, Mr. President, was government ever made so easy? There is but one other governor,

either in history or in fiction, who ever was elevated so high with so little effort, and that was Sancho Panza when he was made governor of the Island of Barataria. In less than a half hour after that proclamation was read at Arion Hall to this motley crew Minister Stevens acknowledged that the people of Hawaii had overthrown the prevailing Government of Hawaii.

Hawaii is composed of seven islands, the principal one of which is that upon which Honolulu is situated. They are separated from each other by 10, 15, or 25 miles of water. It was not possible for him to know whether this revolutionary movement had any hold in the people or not. International law requires that before you acknowledge a *de facto* government it must be established by the consent of the people with force enough to maintain itself against all comers. That is a *de facto* government. What sort of a thing was that which Minister Stevens recognized?

A paper formation, so weak that in less than ten hours afterwards its very originators wrote that they were too weak to support themselves and demanded a protectorate at the hands of the United States. That is the kind of government they made in Hawaii. That is the kind of government Minister Stevens recognized—a government not based upon the consent of the governed, for they dare not now in the Senate accept the amendment intended to be proposed by the Senator from Georgia, asking a vote of the people of Hawaii upon the question of annexation; and without the government being founded upon the apparent assent of the people, sustained by the people, with military and civil jurisdiction sufficient to constitute a government, can you say that a government exists? And yet Minister Stevens recognized this paper declaration as a government.

Sir, that transcends the ingenuity of the ancient carpetbagger. He could make a government very easily, but this government was made easier than any government I ever heard of. No man, living or dead, ever heard of a government being made quite so easily, I imagine. Here is a government starting on the 14th of January, completely consolidated and formed on the 17th day of January, and in three days afterwards the formers of this government take ship and come to the United States with a treaty of annexation in their pockets, the flag of the United States flying over the Island of Hawaii under the protectorate of the United States. That is the independent government proclaimed by Mr. Cooper or some gentleman of similar name on the 17th of January, 1893, and the title from which we are now asked to consider in the cession of the Islands of Hawaii.

Mr. President, there are a great many facts surrounding this matter. I propose to look into some of them. A gentleman by the name of Damon, a member of the committee on public safety, one of the men who waited upon the Queen, who advised her to surrender to superior force, is the gentleman whose testimony I propose to have partly read. I will state in this connection that Mr. Damon and somebody else went to the Queen on the 17th of January, 1893, and advised that, in view of the landing of troops and the display of military force, it would be better for her to resign and abdicate and transfer her claim to the United States for adjudication, knowing that that had been done theretofore by one of the kings of the Kamehameha dynasty, when he offered to transfer the sovereignty of the island to the United States.

When he advised this act, he thought as a matter of course that full justice would be done in the premises between the United States and the Hawaiian Kingdom. Although he was one of the original members of the committee on public safety, he appears to be quite an impartial man, and his character is attested, I believe, to be good even by his political enemies in Hawaii. This gentleman was the vice-president of the provisional government. I will ask the Secretary to read down to and including the larger portion of page 41, where it is marked, from page 39 of Executive Document No. 47, Fifty-third Congress, first session.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read as requested.

The Secretary read as follows:

INTERVIEW BETWEEN MR. DAMON AND MR. BLOUNT.

HONOLULU, April 29, 1893.

MR. BLOUNT. How long have you lived here?

MR. DAMON. I was born here in 1845. I have been away several times—perhaps to the extent of three or four years in that time.

Q. Where were you on the 14th of January, 1893, at the time the proclamation dethroning the Queen and establishing the provisional government was read?

A. I was at Honolulu. I was one of the members of that body who went up.

Q. The paper was read by Mr. Cooper?

A. By Judge Cooper.

Q. How many of you were there in that body which went up—about?

A. The whole body. There would be four of the executive and fourteen of the advisory.

Q. Please look at this paper and see if they are the persons (Senate Ex. Doc. No. 76, Fifty-second Congress, second session).

A. Thurston was not present, and I do not think Wilhelm was there.

Q. Where did you start from?

A. From W. O. Smith's office on Fort street.

Q. And what street did you take going from there?

A. We walked up directly to the Government house on Merchant street. It was suggested that a part should go by the way of Queen street, but a majority of us went by way of Merchant street.

Q. What was the idea of dividing the committee?  
 A. So that it should not attract so much attention, and it would be safer perhaps to have it divided than going in mass.  
 Q. Was it because it occurred to them that it might invite attack if they went in mass?  
 A. That was partly the idea—that it was more prudent. I think we, most of us, walked together—not compactly, but together.  
 Q. Any crowd following you?  
 A. No; the crowd was attracted to the corner of Fort and King streets, owing to the shot that was fired by Mr. Good at a policeman. In fact, the crowd cleared from the Government house and was attracted there. From all directions they centered at the corner of Hall's store.  
 Q. You found, then, scarcely anyone at the Government house when the committee arrived?  
 A. Scarcely anyone there except porters. After Mr. Cooper began to read the proclamation—then different ones came out of the offices—clerks and officials—while the proclamation was being read.  
 Q. Some of the provisional government troops, or rather troops raised at the direction of the committee of safety, came on the ground before the reading of the proclamation was finished?  
 A. When we arrived there was but one man with a rifle on the premises, Mr. Oscar White; but some little time later they commenced to come in from the armory, troops that were under the supervision of Colonel Soper.  
 Q. Was that before or during the reading of the proclamation?  
 A. During the reading. Toward the end of it.  
 Q. How many troops came in? Do you have any knowledge of the number you had enlisted?  
 A. There were enough came in to make us feel more decidedly at ease than before they arrived.  
 Q. You could not say how many there were?  
 A. No; they kept coming in right along. They got to be quite a body.  
 Q. After the reading of the proclamation the late ministers were sent for?  
 A. After the reading of the proclamation we adjourned to the office of the minister of the interior, and then we commenced to formulate our plans and get ourselves into working order. Mr. Dole was at the head. While we were there in consultation Mr. Cornwell and Mr. Parker came up there from the station house and held a conference with us.  
 Q. What was the purport of that conference?  
 A. The result of that conference was that Mr. Bolte and myself were requested to return with Mr. Cornwell and Mr. Parker to the station house and recommend and urge upon the parties in power at the police station to surrender to the provisional government. We had a conference with the ministers in the room occupied generally by the deputy marshal. There were present Messrs. Peterson, Colburn, Parker, Cornwell, Bolte, and later Mr. Neumann, who was asked to come in. After consultation of the matter of their yielding up their power to the provisional government they asked to be let alone for a few moments, and I went into one of the rear cells in the corridor with Marshal Wilson and urged him very strongly to give up any hope or any thought of making any attack, or resistance, more properly.  
 Q. What reason did you give him?  
 A. I can not remember at the present moment giving him a reason, but I remember distinctly saying to him: "Now, if you will cooperate with us, if in future I can be of service to you, I will do so."  
 Q. Was there any suggestion of sympathy on the part of the United States minister in your movement?  
 A. While I was in the station house a man by the name of Bowler said to me: "We are all prepared, but I will never fight against the American flag."  
 Q. Was there anything in the conversation between you and him in which any intimation, direct or indirect, that the United States minister was in sympathy with you or the United States troops and officers?  
 A. I can not remember any definite thing, but from Mr. Bowler's remark they must have thought that the United States troops were here for some purpose.  
 Q. Was Mr. Bowler with the Queen's party?  
 A. He was. He was part of the force in the Station House.  
 Q. Did you say anything at all indicating an opinion that there was any sympathy on the part of Mr. Stevens or Captain Wiltse with the movement for the new government?  
 A. I can not remember. I may possibly have said so.  
 Q. Did you think so at that time?  
 A. I may have had an impression, but I know nothing about it.  
 Q. What was your impression?  
 A. My impression was, seeing the troops landed here in this time of excitement and turmoil, that—well, I suppose I might say that they could not stand it any longer—the Americans could not stand it any longer.  
 Q. Your impression, then, was that the American minister and Captain Wiltse and the troops were in sympathy with the movement of the white residents here in the pending controversy between them and the Queen?  
 A. While we were in the Government building and during the reading of the proclamation, and while we were all extremely nervous as to our personal safety, I asked one of the men with me there, "Will not the American troops support us?" Finally I asked one of the men to go over and ask Lieutenant Swinburne if he was not going to send some one over to protect us? The man returned and said to me, "Captain Wiltse's orders are, 'I remain passive.'" That is all I know of what passed between us.  
 Q. You speak of your impression. That relates to a particular conversation between two or three persons; but what was your impression as to the matter of whether or not the American minister and the American naval officers were in sympathy with the movement?  
 A. I was perfectly nonplussed by not receiving any support. I could not imagine why we were there without being supported by American troops, prior to the troops coming from the armory. We were not supported in any way.  
 Q. You had not been in council with the Committee of Public Safety up to that time?  
 A. No.  
 Q. Well, the troops were—how far off from the reading of the proclamation?  
 A. They were over in that yard known as Gilson yard, in the rear of the music hall. They were quartered there.  
 Q. Any artillery?  
 A. I think they had a small gun—gatling gun and howitzer.  
 Q. Where were they pointed—in what direction?  
 A. I can not tell you.  
 Q. You were surprised that they did not come into the grounds while the proclamation was being read. Is that what you mean by not supporting you?  
 A. I had no definite information what the movement was, as I told you before in a private interview, but knowing that they were on shore, I supposed that they would support us, and when they did not support us and we were there for fifteen or twenty minutes, I was perfectly astonished that we were in that position without any support.  
 Q. How far would you say, in yards, it was from where the proclamation was being read to where the nearest troops were?  
 A. I think about 75 yards.  
 Q. Was there a piece of artillery in the street between the building the troops were stationed in and the Government building?

A. The only piece of firearms of any kind in that street was Oscar White's rifle. We met him as we came around the corner.  
 Q. Did you have occasion to look there to see?  
 A. We stopped before turning into the side gate to converse with Oscar White, before proceeding into the Government building.  
 Q. Are you sure there was not a piece of artillery in that street before the reading of the proclamation?  
 A. I can not tell you; but the only gun I could see was Oscar White's. I remarked: "Oscar, this is not so very prudent for you to be here with only one rifle in this street."  
 Q. Where did you see the troops first?  
 A. I came up from Monolua by a back street and turned into Nuuanu street, one house above Mr. Stevens's, and as I turned the corner I saw the American troops marching up toward Mr. Stevens's house, and directly in front of his house.  
 Q. Did you meet Mr. Henry Waterhouse?  
 A. I met him there at that time.  
 Q. What conversation passed between you?  
 A. I think I said, "Henry, what does all this mean?" If I remember rightly now, he said, "It is all up."  
 Q. And what did you understand by the expression "It is all up"?  
 A. I understand from that that the American troops had taken possession of the island. That was my impression.  
 Q. And was that favorable to the Queen or favorable to the other side, as you understood it?  
 A. That was distinctly favorable to the foreign element here.  
 Q. You mean the movement for a provisional government?  
 A. Yes.  
 Q. Did you see Mr. Stevens that day?  
 A. No; I did not see him that day.  
 Q. What is Mr. Waterhouse doing now?  
 A. Henry? He is a member of the council.  
 Q. Was he a member of the committee of public safety?  
 A. If I remember right, he was.  
 Q. Is that his signature [exhibiting letter of committee of public safety to Mr. Stevens]?  
 The letter is as follows:

HAWAIIAN ISLANDS, Honolulu, January 16, 1893.

SIR: We, the undersigned, citizens and residents of Honolulu, respectfully represent that in view of recent public events in this Kingdom, culminating in the revolutionary acts of Queen Liliuokalani on Saturday last, the public safety is menaced, and lives and property are in peril, and we appeal to you and to the United States forces at your command for assistance.

The Queen, with the aid of armed force and accompanied by threats of violence and bloodshed from those with whom she was acting, attempted to proclaim a new constitution, and while prevented for the time from accomplishing her object, declared publicly that she would only defer her action. This conduct and action was upon an occasion and under circumstances which have created general alarm and terror.

We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.

HENRY E. COOPER,  
 F. W. McCHESNEY,  
 W. C. WILDER,  
 C. BOLTE,  
 A. BROWN,  
 WILLIAM O. SMITH,  
 HENRY WATERHOUSE,  
 THEO. F. LANSING,  
 ED. SUHR,  
 L. A. THURSTON,  
 JOHN EMMELUTH,  
 WM. R. CASTLE,  
 J. A. McCANDLESS,  
*Citizens' Committee of Safety.*

His Excellency, JOHN L. STEVENS,  
 American Minister Resident.

A. Yes, it is.

Mr. CAFFERY. Mr. President, this record is so full of these statements from reliable witnesses that I shall not take the time of the Senate to read all of them. There are certain portions of them that I think very material, and material for the presentation of this case. I shall trespass upon the time and patience of the Senate in having some more of them read or reading them myself.

I will comment upon this testimony to the effect that here is a witness who was present upon the occasion of the proclamation of the existing Government, who testifies that there was no armed force there of a character to overthrow a government of any kind. Mr. Damon saw but one man who had a gun, whereupon he asked that man whether it was not a little dangerous for him to come there with only one gun. This gentleman was vice-president of the provisional government before the time that he delivered his testimony.

There is the testimony of a gentleman by the name of Bolte, who was one of the committee of safety, and who addressed a letter to Minister Stevens to protect them and the people of the island, as they were unable to protect themselves. Here is a confession right here in this demand for the landing of the troops that completely disproves the charge or statement iterated and reiterated by Mr. Stevens, by Mr. Thurston, and by all the revolutionists, to the effect that they were perfectly able to overthrow the Government themselves without the aid of the American marines. They say they are not even able to protect themselves in the winding up of this statement:

We are unable to protect ourselves without aid, and therefore pray for the protection of the United States forces.

The gentlemen who proposed to take that island, to dethrone the Queen, and establish another government; who said that they were perfectly able to do so, in their written request to Minister Stevens confess that they were unable to do so, and therefore negative any statement that they have made to the contrary.

Mr. President, I propose to show the peculiar farcical side of

this revolution, or it has a farcical side, a kind of fustian revolution; it was an opera-bouffe revolution. The only substance behind it was the United States marines. This gentleman by the name of Bolte gives a very succinct account of how they accomplished the results there. The statement is very long and I shall have to read a great deal of it. After stating that the business men down town came together and talked matters over on Saturday evening, January 14, he was asked this question:

Q. At what place?

A. W. O. Smith's office. They came to the conclusion that if the Queen can alter the constitution to suit herself she might as well alter any other law to suit herself. Anyway, through altering the constitution alone she would get perfect control of the affairs of the country, because in this constitution it says—as Minister Colburn told us at this meeting—that she intended to appoint the nobles, which is one-half of the legislative body. We decided to let things go on for a while to see how it would end up. At 4 o'clock we had another meeting, which was largely attended.

Q. At the same place?

A. At the same place. It was then stated by Minister Colburn and Minister Peterson that she had not proclaimed a new constitution; had told the people to go home, abide their time, be of good cheer, and she would give them a new constitution anyhow. At the first meeting Paul Neumann was present and said the Queen was going to proclaim a new constitution. At this last meeting it was decided that the people who were there could not be satisfied with the Queen just withdrawing from this as if nothing had happened, and they came to the conclusion that the people must have guarantees for the future, and appointed a committee of thirteen people, of which I was a member, to devise ways and means by which such guarantees could be gotten.

The committee of safety appears to have been constituted, according to this witness, simply to devise ways and means by which a guaranty could be secured from the Queen that she would not proclaim a constitution, and the committee of safety was not therefore organized for the purposes of revolution. Indeed, it will appear from the speeches and resolutions at the public meeting, the mass meeting, in Honolulu, which took place, I think, on the 16th of January, that they did not contemplate, so far as the resolution showed, any revolutionary movement, but simply called a meeting to denounce the illegal and unconstitutional acts of the Queen.

If there was ever any motive or intention to destroy the Queen's government, it was not made apparent by the resolutions adopted at the mass meeting on the 16th of January. I will continue to read the testimony:

This committee met several times at various places and decided that the only perfect safeguard against future occurrences of this kind would lie in annexation to the United States, or in a protectorate, or in anything of that kind, but that we could not go on with the form of government as it was then. They decided to call a mass meeting of citizens on Monday afternoon at 2 o'clock, and see what people there would say about it. At this meeting were various speakers, some of the committee of thirteen and also others. The people were asked by the speakers if they were satisfied with the promises the Queen had made and let the matter drop—let everything go on as it was before—or if they wanted a change and guarantees for the future. They desired guarantees for the future and appointed the committee of thirteen—or rather continued the committee—to take such further steps as might be necessary.

I will say right here that in the resolutions adopted at this mass meeting, held on Monday, the 16th of January, 1893, there was nothing whatever, either in the resolutions or in the speeches, that they desired guarantees for the future. All that the resolutions contained was a denunciation of the Queen. They did not require any other guarantees that she would not proclaim a constitution in the near future.

Q. Let me ask you what you meant and what people meant by saying they wanted guarantees?

A. I meant a change of government. What the people meant I can not say, but I am fully convinced that they meant the same, as it has been very often spoken of during the last few years.

Q. What has been spoken of so often?

A. Annexation to the United States has been advocated publicly in the papers—I meant change of government.

It is pretty hard to tell what this witness does mean. He gets annexation mixed up with guarantees for the future and the changes of Government, but the whole prevailing bent of his mind was that he wanted annexation, and he thought everybody else did.

Q. Why didn't you use language that conveyed distinctly the idea—de-thronement of the Queen and annexation to the United States?

A. The Hawaiian Government, as it was then, was still in existence, and in stating there publicly we wanted to dethrone the Queen and have a government of our own, with an intention of being annexed to the United States, might be going a little too far.

Q. You mean making you liable to interference on the part of the local authorities?

A. Yes.

Q. And that you were trying to avoid at that time?

A. Yes; especially for this reason: We did not know whether the action of the committee would be indorsed by this large majority of the people at the mass meeting. We thought it would.

Q. Was there any expression in that meeting asking for guarantees for the future in a shape of a vote?

A. Yes; the resolution was all prepared.

Q. It was a resolution indorsing the report of the committee of safety?

A. Yes. The meeting dispersed, and the committee of safety went back to W. O. Smith's office to talk matters over.

Q. What time in the day was that?

A. About half past 3. After talking matters over and seeing that the Queen had concentrated her forces—meaning thereby that the soldiers were all in the barracks—the palace barricaded with sand bags and the station house barricaded—

Q. How about the Government house?

A. I didn't notice anything going on there. The station house has always been considered the stronghold of the Government. It looked as if there might be trouble. So we came to the conclusion to ask Mr. Stevens if he would protect the life and property of the citizens by sending some soldiers ashore, stating that we considered the situation very grave—even dangerous. After a short while Mr. Stevens sent his answer that he would.

This witness was a member of the committee on public safety, a very great revolutionist, and he lets the cat out of the bag here. He never thought to send for troops, or that they were necessary, rather, until he saw these fortifications upon the part of the Queen to resist their attempt at revolution.

Mr. President, all through this testimony, in every line of it, it crops out that sending for troops was not to protect American life and property, but that it was to destroy the power of the Queen to resist. When they saw the preparations to resist them—sand bags, barricades, Government buildings, and barracks—they sent for American troops.

Mr. FAULKNER. May I interrupt the Senator to ask him a question?

Mr. CAFFERY. Certainly.

Mr. FAULKNER. I should like to ask the Senator from Louisiana to give us the information, if he has it, how many native Hawaiians were in that conference which established the Republic of Hawaii by indorsing the report of the committee of safety?

Mr. CAFFERY. Not a single one.

The real purpose of the mass meeting is contained in this answer of the witness. When he was asked why he did not incorporate the demand for guarantees or a change of government in the resolutions, he said:

A. The Hawaiian Government, as it was then, was still in existence, and in stating there publicly we wanted to dethrone the Queen and have a gov-

Mr. FAULKNER. Then it was American or European citizens calling upon the United States forces to help them against the native population to establish a different form of government?

Mr. CAFFERY. Precisely.

Mr. FAULKNER. And to overthrow the established form of government?

Mr. CAFFERY. That is just what it was, sir. The original committee was composed of thirteen members. Their names are attached to the document contained in the testimony of Mr. Damon, which the Secretary has just read.

Mr. FAULKNER. My question would cover more than simply the members of that committee. I refer to the assembly of people who declared in favor of the report of this committee of safety. Was there a native Hawaiian in that meeting so far as the evidence shows; and, if so, to what extent were the native Hawaiians represented there?

Mr. CAFFERY. There was no Hawaiian so far as the record discloses present at the mass meeting on Monday, the 16th of January, 1893, but in the same town, about the same hour, and about a half mile distant, was a large mass meeting of the native Hawaiians indorsing the Queen's action.

Mr. PETTIGREW. Let me ask the Senator if at this public meeting of conspirators anything whatever was said about changing the Government or about revolution?

Mr. CAFFERY. Nothing whatever. I was commenting on that before the Senator came in; and I further commented upon the fact that they did not even insist in the resolution adopted at that mass meeting, or in what was said, that they would demand a guaranty of the Queen that she would not go back upon her promise not to proclaim a government.

Q. How about the Government house?

A. I didn't notice anything going on there. The station house has always been considered the stronghold of the Government. It looked as if there might be trouble. So we came to the conclusion to ask Mr. Stevens if he would protect the life and property of the citizens by sending some soldiers ashore, stating that we considered the situation very grave—even dangerous. After a short while Mr. Stevens sent his answer that he would.

Q. Sent it to the meeting?

A. Yes; sent it to the meeting, and then at 5 o'clock the soldiers came ashore. They were quartered at various places. That same evening, Monday, January 16, the committee of safety had another meeting.

Q. Where?

A. At Mr. Henry Waterhouse's house—

He was another member of this revolutionary junta—

They called in, besides the committee of safety, a few other gentlemen.

Q. Who were they?

A. Mr. Young, Fred Wundenburg, Cecil Brown, and John H. Soper. We talked matters over to see what would be best to do, and came to the conclusion we would form a provisional government—

These gentlemen were taking things very easy; it was no trouble at all to form a government—

and ask Mr. Dole if he would be the president, and that this provisional government should try to get annexation with the United States, because, so far as we could make out at that time, that was the only solid basis on which we could safely rely. Mr. Dole was not at the meeting. I had my horse with me. I was detailed to speak to Mr. Dole. I arrived at his house about half past 8, I think.

I told him what decision we had come to, and asked him if he would accept such an office. He was utterly surprised at it. He had had nothing to do with the affair before, only had been at second meeting at W. O. Smith's. He said he could not then quite see that the view we had was quite correct, but still he had not given the matter much consideration. After a lengthy discussion I induced him to go along to the meeting, so that he could hear what they had to say. After everything at the meeting had been thoroughly explained to him and discussed with him he said that he felt it was his duty, as well as the duty of any other citizen of these islands, to do all they could to get pure and stable government, but he was not quite convinced then that it was necessary to take so radical a step as to overthrow the old Government. Later on, at about 12 o'clock that night, he had come to the conclusion we could not go on the way we were, but whether he would become president or not he would not say until 10 o'clock the next morning.

The next morning at 10 o'clock we met at W. O. Smith's office, and he said he had resigned his position as judge and would do what he was requested to do by us. We then proceeded to form the government. It took us up to about 12 o'clock.

Nobody knew anything about it. This occurred in a private office of a lawyer.

Mr. FAULKNER. I will ask the Senator how many participated in the election of these distinguished officers from president down?

Mr. CAFFERY. I can not answer that. There were some 30 or 40 people in the office of W. O. Smith.

Mr. PETTIGREW. Only 13.

Mr. CAFFERY. Very well. The office was only a little back office. I suppose these gentlemen all participated, because they were pretty nearly all officers of the government.

Mr. PETTIGREW. They appointed each other.

Mr. CAFFERY. Yes.

At the Government house there was nobody, no armed men, supporters of the Queen, except Charles McCarty, who was doing some clerical work for the lately adjourned legislature. He said he was waiting for somebody to come to help him defend the Government house.

Q. To you?

A. No.

Q. You don't know that he said it?

A. Only from friends who told me.

Q. Who did he tell?

A. I think Andrew Brown.

Q. What does he do?

A. He is a coppersmith. He worked in the Honolulu Iron Works. Lately became superintendent of the waterworks. At 2 o'clock when we arrived at the Government house there came our supporters—brought their rifles and pistols with them.

Q. Do you mean at the same time, or do you mean that they got there a little before or a little after you?

A. There was preconcerted action. We told them we would go to the Government house at 2 o'clock.

That is a very rapid piece of business. They met at 10 o'clock at W. O. Smith's office; in two hours they had perfected a government. They adjourned until half past 1 o'clock, and at 2 o'clock they go to the public building; and there is nobody there. Then they waited a while. The solitary rifleman spoken of by Mr. Damon must have bristled on the scene some short time after this. He constituted the revolutionary army at the critical period of bringing the new government into being.

Q. Had you commenced to read the proclamation before your troops got on the ground?

A. I do not recollect distinctly. They were there before we finished reading the proclamation. The chief clerks at the different departments were called in to confer with the newly appointed ministers, among them Mr. Hassenger and Mr. Hastings. They were told to go right on with their work. Letters were written at once to the representatives of foreign countries, informing them that the provisional government was now the Government of the Hawaiian Islands. After a short time they answered, recognizing this Government.

Q. That same day?

A. Mostly the same day. When we arrived at the Government house the ministers were not there. Mr. Hassenger, chief clerk of the interior department, said he believed they had gone over to the palace. He telephoned for them, but he got no answer, or they answered they were not there. Later on in the afternoon—I should think about 4 o'clock—Deputy Marshal Merton came to the Government house to ask some question of Mr. Dole. I forget now what the question was. He then said, incidentally, that the ministers were at the station house, and he was handed a copy of the proclamation to give it to the old ministers. They had not been officially informed of anything, because we could not find them. Also a verbal invitation was sent to them to come over to the Government house to talk. Sam Parker came over to the Government house. He said in effect this: "You have possession now. We can do nothing." He was asked to get his colleagues. He said they did not like to come, but would some of us come to the station house and talk there?

Q. Had you then been recognized by the United States minister?

A. No. We had not been recognized by anybody at that time. Sam Damon and I were appointed, and we went there to talk with them.

Q. To try to induce them to give up?

A. Yes.

Q. What reason did you give them?

A. That we had possession of the Government house now, and that it would be useless shedding of blood if we got into a fight over this thing.

Q. Did you give any other reason?

A. No; only just stuck to facts.

Q. Any mention of United States troops on your part or the part of anybody during that conversation?

A. No; I did not say anything about it.

Q. Did anybody?

A. I can not say whether Sam Damon said anything.

Q. Did they say anything to anybody in your presence?

A. No.

Q. How did they answer you? Did you have no discussion?

A. Not there. We invited them to come to the Government house and talk with Mr. Dole.

Q. Did they make any agreement with you, or did they postpone it and go to the Government house?

A. Peterson said if we would guarantee him his liberty—

Q. Safe-conduct?

A. Yes. We promised him that and all went together to the Government house.

Q. What time of day was this?

A. About 5 o'clock.

Q. What time is it dark at that season of the year?

A. Between 6 and 6:30. At the station house was Ned Macfarlane. He said to me that he thought the old Government would give up or the Queen would give up if we would accept a protest of her. He said, "I know such a protest does not amount to anything, but still she wants it and so you had better accept it." I told him that so far as I was concerned in the matter they could put all the protests they wanted.

Q. Was this conversation at the barracks or Government house?

A. At the station house. The four ministers, Sam Damon, and I took two hacks and went to the Government house. All said about the same thing, that they would have to give up, but they wanted to enter a protest. Then Sam Damon went with the ministers to the Queen. He reported after he came back that the Queen had said in substance the same thing.

Mr. President, I will skip a part of the testimony at this point, resuming at page 256:

Q. Of course you made some estimate of your arms. How many men do you think you had and how many guns do you think you had?

A. I can say what I thought myself. My own opinion was that we could have three or four hundred easily.

Mr. FAULKNER. I will ask the Senator, if he will permit me, whether the evidence states how many of these three or four hundred troops were Hawaiians and how many were foreign citizens?

Mr. CAFFERY. Those troops, as I understand—called troops; I think they were of the imagination; I do not think they ever existed—were said to have been gathered up from some old organizations that had existed at the period of the revolution of 1887, when there was an attempt made on the part of the supporters of Queen Emma, I believe, to oust Kalakaua.

The so-called troops, which they could have, but which they had not, were none of them Hawaiians. The Hawaiians took no part in this emeute.

Q. You appointed a committee to wait on Mr. Stevens and ask that troops be brought on shore?

A. Yes.

Q. Who carried that communication to Mr. Stevens?

A. I am not sure. I think Thurston and Waterhouse. I am not sure. It may have been somebody entirely different.

Q. Did you see Mr. Stevens that day?

A. No.

Q. Who reported Mr. Stevens's reply about troops?

A. The same committee.

Q. What did they say?

A. They said that Mr. Stevens had heard their request and conversed with them about matters, and he considered that the situation was sufficiently dangerous to send troops ashore.

Q. Was he informed of the purposes of the mass meeting?

A. He did know about it. Everybody in town knew.

Q. And knew of the purposes of the movement?

A. I can not say.

Q. You say everybody in town knew?

A. That we desired annexation had not been said by us at the mass meeting. We said we wanted stable government. The committee was to devise ways and means to get stable government.

Q. Was it known that one of the methods of getting it was to get rid of the Queen? Was that the impression of the meeting?

A. Yes.

Q. That meeting was composed of a large class of whites, and it is a fair inference that the white people here knew what it meant?

A. Yes; I think so.

Q. The meeting that called for troops—they determined then and there to dethrone the Queen—the meeting after the mass meeting?

A. After the mass meeting we said "We have to decide what to do about this, and the first thing we have to do is to get things into safety,"—

After the mass meeting they got things safe. Undertaking a revolution to get things safe!—

and it was only in the evening on Monday, the 16th of January, at Henry Waterhouse's house, that we definitely made up our minds which course to pursue.

They definitely made up their minds to pursue a safe course. His idea was to get the thing safe, and they did not make up their minds until Monday afternoon, at Henry Waterhouse's house, when the troops had been ordered ashore, that things were quite safe enough to suit.

Q. What course?

A. The course we have pursued—dethroning the Queen and forming the provisional government.

Q. Your committee that met after the mass meeting were all in favor individually of dethroning the Queen?

A. Yes, individually.

Q. Why did not you determine to do it then instead of postponing it until night?

A. Because we wanted to go home to get our dinner and come back after dinner.

Mr. President, was ever a contented and well-fed set of revolutionists like this seen before? Not ordinarily are men fond of meals revolutionists. Caesar did not like the lean and hungry Cassius. Such men, he said, thought too much. The thin and hungry fellows sometimes have an idea of risking their lives; but these gentlemen who would not miss a meal, who would go to their dinner first, got things perfectly safe. They put their revolution on a safe basis, and then they went to their dinner. Shades of the Revolutionary fathers! Think of it. If they had known how easy it was to have acquired American independence by making things perfectly safe at the start, how much scant fare would they have missed! How many good, square meals would they have eaten!

But they had something more to do, these revolutionary sires of ours, than to make things safe. They made things very dangerous to start with, and they declared their purpose in their Declaration of Independence. They did not hide their purpose, as these Hawaiian revolutionists did, for fear of local interference from a band of Hawaiians, whom they said they utterly despised, and whom they could sweep out of their path without the slightest trouble.

Q. Then the night meeting was a continuation of the discussion which began after the mass meeting, and concluded with the determination to dethrone the Queen and establish the provisional government?

A. The night meeting was an adjourned meeting of the 3 o'clock meeting.

Q. What did you do at the 3 o'clock meeting?

A. We said we are a committee of safety. We must get things safe first. We will appoint a committee to wait upon Mr. Stevens and ask him to send soldiers ashore.

That was about as safe a performance as they could have undertaken. Immediately it occurred to them that the only way to make things safe for them was to get the United States marines ashore to do their fighting for them if any fighting was to be done. And they got the marines. Things were safe.

Q. And having done that, you adjourned?

A. We waited until the committee came back. The committee said Mr. Stevens was willing—the soldiers would come ashore at 5 o'clock. Then we adjourned to meet in the evening.

Q. Was there any communication between any of the gentlemen who met at Mr. Waterhouse's house that night and Mr. Stevens?

A. None to my knowledge.

Q. No committee went to see him?

A. No.

Q. Why did you want the troops to come on shore? What was the idea of the committee?

A. The idea of the committee was this: The natives were armed—at least the soldiers and friends of the Queen were all armed—that evening. We didn't have any armed forces in readiness. Each individual had his own arms, but we had no organized forces; so in case of a row we would not be able to resist anything.

Q. Suppose they had made an attack on the committee of safety, what would you have done?

A. We could not have done anything. They would simply have caught us. We had our men out watching. We were afraid of an attack.

Q. By the Government troops?

A. No, by the natives, because there were some among the natives who had been preaching for them to set houses on fire.

Q. You wanted troops to keep them from setting houses on fire?

A. Yes; as soon as the natives in this country know that there is a strong force anywhere which they can not subdue or will show real fight it is then their character to be very quiet and keep still.

Q. If the troops had not been landed you would not have been safe?

A. We would not have considered ourselves safe.

Q. If you had not gotten a favorable answer from Mr. Stevens about the landing of the troops, what would you have done then?

A. That is impossible to answer, because we had not made any plans.

Q. You were not willing to do anything until you got the answer?

A. That is a question I can not give an answer to. We did not decide about it.

Q. You said you met to do one thing—to ask for troops and to stay there until you got Mr. Stevens's answer, and then you adjourned. Is that correct?

A. Yes.

Q. Having gotten that answer and the troops on shore, you assembled at night, and at that night session you determined to dethrone the Queen and establish the provisional government?

A. Yes.

Q. You never took up that subject until you got the troops on shore?

A. At previous meetings. Saturday afternoon we were appointed. Sunday we had a meeting. At this meeting we talked over matters. The general feeling was that annexation to the United States would be the best solution of the whole question, and this, of course, would necessitate the overthrow of the Queen's government.

Q. That was known at Saturday's meeting and at Sunday's meeting?

A. Yes.

Q. Did you have any meeting before the mass meeting on Monday?

A. We had another meeting on Monday morning.

Mr. President, there is a great deal of this testimony in the same line and pretty much to the same effect. I will not read it all. But this testimony from a member of the committee of safety establishes beyond doubt the character and kind of revolution that overthrew the government of Queen Liliuokalani. Here is this witness deliberately testifying that if they had commenced their revolutionary attack, an overt act, before the landing of the troops from the *Boston*, they would have been caught, "because," he says, "there was no armed force on our side to resist."

It is manifest that he tries to cover to some extent the fatal statements he makes. An afterthought occurred to him to set up that the troops might be sent there to put out fires, and he testified that it was the habit of those people, when they could not meet openly a foe, to resort to arson; but he forgot that he had testified that the foe, as contemptible as it was, was armed and sufficient in numbers and equipment to capture the whole revolutionary band; and therefore it was this afterthought about fires, which had been made an excuse for the landing of the troops, was absolutely without weight. This witness acknowledges that they had no troops; he says there were two or three hundred. I am told by the Senator from South Dakota [Mr. PETTIGREW] that they had only 60, but they had no organization of any kind.

Mr. PETTIGREW. I will state that the Senator will find that 60 is the largest number Mr. Damon, who is now the minister of finance of this revolutionary Government, claims ever appeared there.

Mr. CAFFERY. That is true. I remember that in Mr. Damon's testimony, but it is not material. The material point is that they had no organization of such a character as to resist the armed forces of the Queen—be it 60 or 300 men does not make any difference—and that they had to proceed upon a safe basis, and that safe basis was the procuring of the presence of United States troops.

Mr. President, the whole revolution is disclosed in the testimony of this man. There is no contradicting it, because the surrounding circumstances and other witnesses bear him out. It is true that the revolutionists say that without the presence of the United States troops the revolution would have succeeded; but prophecy does not outweigh facts. What Mr. Thurston's opinion is in that regard is a matter of no moment at all. The whole question before the Senate, in my mind, as bearing upon the pending joint resolution is whether or not the United States had such part in the revolution as to taint the title of the Hawaiian Islands with fraud and with illegality, with unlawful, unjust conduct. If the United States had connived through its superior functionaries at this unlawful and cowardly use of its troops, it would have been such a blot that all the islands in the Pacific, with all the water surrounding them, would never have washed it out.

There is some other testimony in this regard which comes from the memorandum kept by the revolutionary junta that assembled in the office of W. O. Smith, bearing pertinently upon the question of the complicity of the United States troops in this matter, the aid of the United States troops, and the result of the landing of the United States troops, and I will read some of it. I will read from the same record, page 495. It is a statement of Mr. W. O. Smith of events prior to January 17, 1893. It is written in a kind of colloquial style, representing statements made by and among Messrs. Smith, Cooper, and Castle, all active participants in the revolution, Mr. Cooper being the gentleman who, from the

steps or the portico of Arion Hall, read the proclamation proclaiming the Government.

Mr. SMITH. Mr. Colburn overtook Mr. Thurston and myself returning to my office and told us the situation, how the Queen, in great anger, had stated to the people who were assembled that she had been unable to carry out her wishes and the desire of many; that it was her wish to promulgate a new constitution, but that she had been prevented, but she would shortly do it; and that we heard from various sources of the violent speeches of William White, representative from Lahaina, and others, threatening bloodshed and generally of a most violent character, and we returned and reported this to the meeting. My offices were crowded with people, so that it was with difficulty that we could get into the room at all, and Mr. Colburn worked his way in. Mr. Peterson appeared about that time or a little later, and Mr. Colburn made this statement briefly. What occurred was about as has been published, and it was generally known. There were a few short speeches made by different persons present. I made some remarks, and one or two others, finally Mr. Thurston spoke very briefly, and then on Mr. Thurston's motion those present organized themselves into a meeting. Mr. H. E. Cooper was chosen chairman and W. O. Smith secretary.

I will ask the Secretary to continue the reading of the extract.

The Secretary read as follows:

Mr. COOPER. Then the motion was to appoint a committee of nine, the first motion was, and then it was afterwards made thirteen, and then by a vote of the meeting I was made a member of the committee.

Mr. SMITH. It was voted that a committee of thirteen be appointed to form plans for action and call meetings, report any time, at their discretion, and be called a committee of safety. At that time there was some serious apprehension, we could not tell what, that disorder might follow; what steps might be taken next; whether the constitution might not be promulgated that very afternoon or the next morning, or at any time; there was simply an intense feeling of uncertainty and a feeling that danger to the community was very imminent. She had practically promised it in a few days. The remarks and action were very short—right to the point; intense feeling and determination was manifested, and meanwhile from those present the following committee of thirteen was appointed: L. A. Thurston, W. R. Castle, C. Bolte, W. C. Wilder, W. O. Smith, J. A. McCandless, H. F. Glade, A. S. Wilcox, T. F. Lansing, H. Waterhouse, Andrew Brown, F. W. McChesney, and, by special vote, H. E. Cooper. Mr. Glade was not present, but was communicated with—asked if he would be willing to serve.

Mr. COOPER. After the committee was formed the other gentlemen were requested to retire. Then a message was sent for Mr. Glade and Mr. Wilder and they came.

Mr. SMITH. And they signified their willingness to serve on the committee. After further delay, almost immediately the others present were requested to retire and the committee held a meeting. The situation was briefly discussed—the imminence of danger and the safety of the city; what action should be taken for protection was the main subject of discussion. And in view of the fact that at the station house there was a large armed force and at the barracks, and that nearly all of the arms were in possession of the supporters of the Queen, and there was no organization at the time outside of those forces, and it was simply unknown how many arms were available, the question was at once discussed whether a protectorate should not be sought from the United States steamship of war *Boston*; that question was, of course, first raised, whether the United States would render assistance, or what their attitude would be, and then a special committee consisting of L. A. Thurston, W. C. Wilder, and H. F. Glade were appointed to wait upon Mr. J. L. Stevens, United States minister, and inform him of the situation and ascertain from him what, if any, protection or assistance could be afforded by the United States forces for the protection of life and property, the unanimous sentiment and feeling being that life and property were in imminent danger. By that time it was so dark that I lighted the electric light. We had to have light before we concluded our meeting and deliberations.

Mr. COOPER. My first acquaintance with the affair was when I met Hartwell on the street. I met him coming out of his office.

When this question came up as to whether or not what assistance the United States troops might give, I made the following statement to the committee: That I had gone, at Mr. Hartwell's request, to see the captain of the *Boston*, Captain Wiltsie, about half past 11, and I informed him of the situation, and he immediately sent for Commander Swinburne, who, in turn, sent for the officer of the deck, and all necessary preliminary preparations were made, and that was Captain Wiltsie's first news of it. He didn't know anything about it before I came there. And Captain Wiltsie said that he was there for the purpose of protecting life and property of American citizens, and if called upon he would do it. I afterwards came ashore and met Mr. Smith and Mr. Neumann and retired to Mr. Smith's office.

Mr. SMITH. During this meeting of the committee of thirteen and the discussion of the situation, it was made manifest to us, from what had transpired during the day and the action of the Queen, that she was in a condition of revolution; that is, her act was entirely revolutionary; that there was a feeling of perfect uncertainty of what would take place or how great the danger was, but we were simply convinced that established government was at an end, that we were in a state of revolution, and with the forces in her command, and the utter disregard for the constitution and laws, that we as citizens had simply got to look to ourselves for safety and protection, that the intelligent part of the community had got to take matters in their own hands and establish law and order. The probabilities of what the Queen would do were discussed; there was no certainty in regard to that, excepting that she would undoubtedly persist in her revolutionary intentions; what would be done, how soon martial law might be declared or any other course would be taken, what steps would be taken, we simply could not tell, and after discussion Mr. Thurston made the following motion: "That steps be taken at once to form and declare a provisional government."

The seriousness of the step was considered, but it was deemed, decided unanimously by the committee, that some such steps had got to be taken for protection of life and property, and it was then and after Mr. Cooper's statement in regard to his visit to the *Boston* that the committee consisting of Thurston, Wilder, and Glade were appointed to meet the American minister, and were instructed to report the next morning at 9 o'clock, at a meeting to be called at the residence of W. R. Castle.

I went home about dark or a little after, and just had dinner when Mr. Thurston called at my house on his way home, asking me to meet the committee and one or two others at his house at 8 o'clock. I went there and found Mr. Thurston, W. R. Castle, F. W. Wundenberg, A. S. Hartwell, S. B. Dole, and C. L. Carter. Mr. Thurston stated that the committee had waited upon the American minister, and that he had said that the United States troops on board the *Boston* would be ready to land any moment to prevent the destruction of American life and property, and in regard to the matter of establishing a provisional government they of course would recognize the existing government, whatever it might be.

Mr. Thurston stated to Mr. Stevens the proposition that was under consideration of establishing a provisional government, and in case those steps were taken, he asked Mr. Stevens what his attitude would be, and Mr. Stevens

had told him whatever government was established and was actually in possession of the Government building, the executive departments and archives, and in possession of the city, that was a *de facto* government proclaiming itself as a government, would necessarily have to be recognized. Everything had culminated in a few hours, we were laboring under intense feeling, and it was arranged that different ones of those present should begin drafting papers. Mr. W. R. Castle undertook to draft something in the nature of a brief historical statement, which would be for a preamble to the declaration. Mr. Thurston was to work upon the matter of the form of the provisional government. Judge Dole quietly stated that he was not prepared to take part in the movement, but that he would assist, at Mr. Thurston's request, in drafting the declaration. I was requested to draft papers to be submitted to the American minister requesting the landing of the troops in case it became necessary. At a late hour we retired, and the next morning at 9 o'clock the committee of thirteen met at W. R. Castle's residence.

The meeting continued until noon. The committee appointed to wait on the American minister made a report to the committee similar to the report made to us the night before. Among the various propositions and matters discussed was a matter of calling a public mass meeting, and it was decided to call a meeting at 2 o'clock in the afternoon of the next day, Monday, to be held, if possible, at the old rifle armory on Beretania street, near the corner of Punchbowl street. Mr. Andrew Brown was appointed a committee to procure the armory, make the arrangements for the meeting, and to see to the publication of the notice, which notice was prepared there during the meeting, and a committee of three, consisting of L. A. Thurston, W. R. Castle, and W. O. Smith, were appointed to arrange a programme for the public meeting and secure the speakers. During this meeting Mr. A. S. Wilcox stated that as he had deemed it important for him to return to Kauai that he thought it was his duty to resign from the committee.

While he was in perfect sympathy with the movement, he felt that in the excitement which might be created it was very important for those who had their homes on the other islands to return and endeavor to maintain peace and quietness in the other islands. His resignation was accepted, and Mr. J. Emmeluth was elected to take his place. Mr. Glade stated that owing to his position as German consul he deemed under his instructions that it would be improper for him to continue a member of the committee and tendered his resignation, which was accepted, and Mr. Ed. Suhr was appointed to fill his place. At this meeting Mr. L. A. Thurston was appointed to draw the resolution to be presented at the mass meeting and the report of the committee.

Mr. COOPER. That was just after Glade and Wilcox had resigned. Just when we were going to break up it was suggested as to whether we should not go on and perfect the organization of the provisional government and the form that it should take. Mr. Castle presented his historical preamble, which was not read, but Mr. Thurston had stated the general plan that he had in mind as to the form the provisional government should take, stating that it should consist of an executive council and an advisory council. The mention of names was suggested by the meeting, that Mr. Thurston should be the leader and the head of the government. Mr. Thurston questioned the wisdom of that on two grounds: First, he had business arrangements which might call him away, and on the further ground that he was considered such a radical mover that he believed it was wise to have some one who was more conservative. That was dropped right there. Mr. Dole's name was not mentioned at that meeting.

Mr. SMITH. At that meeting and the previous and subsequent meetings most meager minutes were kept, because of the possible danger of our being arrested and of these records being used against us. The night before Mr. Thurston requested Mr. Wundenberg to ascertain, as far as he could, what arms were available and how many men with arms could be depended upon. Just at the close of the meeting on Sunday, about noon, at W. R. Castle's, Mr. Wundenberg came with Mr. Soper, and they reported that the prospect of obtaining arms was very discouraging, but that after making a thorough search of the town only about sixty stand of arms were found that were not in possession of the Government.

After we adjourned Mr. Thurston and I called upon the American minister again and informed him of what was being done. Among other things we talked over with him what had better be done in case of our being arrested or extreme or violent measures being taken by the monarchy in regard to us. We did not know what steps would be taken, and there was a feeling of great unrest and sense of danger in the community. Mr. Stevens gave assurances of his earnest purpose to afford all the protection that was in his power to protect life and property; he emphasized the fact that while he would call for the United States troops to protect life and property, he could not recognize any government until actually established. He repeated that the troops when landed would not take sides with either party, but would protect American life and property. Thurston and I began to arrange in regard to the speakers, who to see. Thurston said that he would see quite a number; among them was Mr. Swanzy, T. R. Walker, Cecil Brown, and some others. I rode down town and found James F. Morgan and asked him to be one of the speakers. He consented to be. And I saw two or three others and then went to the printing office and hastened up the matter of the publishing of the posters.

At the meeting at Mr. Castle's there was considerable discussion in regard to when to have the mass meeting; some were in favor of having it on Sunday; a feeling, too, had been expressed at the meeting on Saturday afternoon that there should be a mass meeting called right off on Sunday, and at the meeting some thought better to have the meeting early Monday morning, there being such a feeling of absolute uncertainty in regard to what course the Queen would pursue, whether she would proclaim the constitution and disorder and riot precipitated. It was finally concluded, however, that the meeting should be held at 2 o'clock and that all business houses be requested to close.

Sunday evening several of us met again at Mr. Thurston's. Mr. Thurston did not return from his interview with Cecil Brown and others until about 8 o'clock in the evening. Meanwhile message had been left at my house by Colburn that the ministers would like to meet a committee of five from the committee of thirteen. We were also informed that the ministers had had a meeting some time during the day of Sunday, in which several of the citizens were present—Mr. F. A. Schaefer, Mr. S. M. Damon, and Mr. J. O. Carter, and one or two others. At this meeting in the evening the work was further arranged, the different parts of it assigned, and at a late hour we returned home.

The next morning, Monday, January 16, the meeting was held of the whole committee of thirteen at the office of L. A. Thurston over Bishop's Bank, corner of Merchant and Kaahumanu streets. Mr. Thurston was ill, suffering much at times. The meeting lasted nearly all the forenoon, subject to a number of interruptions, one interruption being that of the marshal, C. B. Wilson, who called Thurston out into Mr. W. F. Allen's office and protested against the holding of a mass meeting in the afternoon. This meeting at Mr. Thurston's office during the forenoon was held under great difficulties, there being many interruptions, and different ones having to withdraw at various times for various matters pertaining to the business in hand. The condition of Mr. Thurston's health caused us a good deal of anxiety. He had been suffering before that with a severe cold upon his lungs, and from loss of sleep and mental strain he was weak and was attacked with dysentery.

At that meeting it was decided that he should be one of the speakers at the public meeting. He had objected to it, not desiring to take so prominent a part, fearing that it might produce unnecessary antagonism; more than that, his physical condition was such that he hardly felt able. It was deemed very important that he should speak, and the order of business at the meeting was decided upon. Mr. W. C. Wilder reluctantly consented to act as chairman, and the matter of a request of the ministers that a committee of five be sent to wait upon them was considered, and a committee was appointed consisting of C. Bolte, J. A. McCandless, W. C. Wilder, F. W. McChesney, and H. Waterhouse to meet the ministers. They retired, and during their absence other general matters were discussed. Information was being received in regard to public matters generally.

Mr. CASTLE. Was Wilson's action there simply a protest? It went out that he had warned them not to have it.

Mr. SMITH. Thurston reported it as a protest against this meeting being held. Thurston asked him why, and he said that it would provoke disorder. At this meeting we were informed of the fact that another mass meeting had been called for the same hour, 2 o'clock in the afternoon, to be held at Palace Square, the junction of Richard and King streets, signed by the committee on law and order, and that many of those posters had been placed over our posters, and that there was evidently an attempt to prevent our meeting or create confusion and to mislead. Mr. Thurston had, on his own authority, before the meeting, prepared a poster, and it was in the process of being printed, exposing the fraud, and he had a copy of it then and submitted it to the meeting, but it was of a nature which we considered inflammatory, and on the whole we decided not to have it posted.

The committee of five returned and reported that they had met the four ministers, and the ministers stated to them that they had no communication to make, and wanted to know what the committee wanted. They talked over the situation and showed our committee a proclamation signed by the Queen and the ministers stating that she would never again attempt to force a new constitution. Before the meeting broke up the form of the request to the American minister in regard to the landing of the troops was adopted and signed by the committee of thirteen, requesting the American minister to land troops, and this request was signed by the committee of thirteen, and decided to be delivered to the minister to be held by him, but not to be acted upon until a further request was received from the committee.

After the adjournment of the meeting fifteen or sixteen different copies of the request were typewritten and attached with five or six blank pages to each copy, and these were distributed among several members of the committee before proceeding to the meeting, and the request of Mr. Stevens was delivered to him before the meeting was held. By 1 o'clock business began to be closed. Before 2 o'clock a large number of people had assembled at the armory, and by 2 o'clock a very large number was there. After Mr. Thurston had finished speaking at the mass meeting, and while others were speaking, the members of the committee discussed very earnestly what to do in regard to this petition.

If it was to be circulated for signatures, some notice to that effect would have to be given before the meeting dispersed; and we were in very great doubt, some being very earnestly of the opinion that they should be signed as universally as possible, the opinion being that they would be signed by nearly all of the 1,200 present, but it did not seem opportune and we waited. The meeting was finally adjourned, as it seemed to some of us sooner than we expected, and nothing was done about the signing of the petition and the committee felt somewhat at a loss what to do, but word was passed around among us at once to meet at my office again, and within twenty minutes after the adjournment of the meeting the committee met.

Mr. SMITH. There was a short and earnest discussion of what was to be done; it was then nearly 4; our plans had not been perfected, papers had not been completed, and after a hasty discussion, the time being very short, it was decided that it was impossible for us to take the necessary steps, and we should request that the troops be not landed until next morning, the hour in the morning being immaterial, whether it was 9 or 8 or 6 o'clock in the morning, but we must have further time to prevent bloodshed, and Mr. Thurston and I were appointed to proceed at once to the American minister and inform him of our decision. We proceeded at once to Mr. Stevens's house, the United States legation, stated the case to him, and he said that as a precautionary measure, and to protect American life and property, he had ordered the troops to be landed at 5 o'clock and that they would come. It was then decided to adjourn to meet at the house of Henry Waterhouse at 8 o'clock in the evening. The meeting broke up, and some of us went down to see the troops landed. Thurston gave up—sick. He had to go to bed.

At 8 o'clock in the evening we met at Mr. Henry Waterhouse's. All of the members of the committee were present except Thurston, Castle, and Wilder, they all being ill. Mr. James B. Castle was present, taking the place of W. R. Castle, and C. L. Carter taking the place of Thurston. There were also present by invitation Alexander Young, J. H. Soper, Cecil Brown, H. P. Baldwin, and F. W. Wundenburg.

Previous to this meeting, beginning with the meeting on Saturday afternoon, the suggestion of sending the *Cloudine* to San Francisco with dispatches to the United States Government was discussed, and at this meeting Monday evening it was moved that she be sent at once to San Francisco. The motion was amended that action be deferred until after the establishment of the provisional government. Amendment carried.

A committee of two, consisting of C. Bolte and C. L. Carter, was appointed to make a list to form an executive council of five members and an advisory council of eight members. Before this it had been suggested that Judge Dole be chosen to act as the head of the Government. After some discussion Mr. Bolte was appointed a committee to wait upon Judge Dole and to invite his attendance at the meeting, and after an absence of some length Mr. Bolte returned with Judge Dole. And Judge Dole was not willing to consent at that time, stating that he did not favor fully the idea of annexation at this time, and asked if it would not be better to have a regent here and Kauai declared the Queen. But after discussion he consented to take the matter under further consideration and let us know his decision the next day at 12 o'clock, the committee endeavoring to persuade him. He recognized that the logical events and manifest destiny of the island was annexation, but he did not know whether it was the wisest step now. There is no doubt that the Queen has vacated the throne.

He said that if he did decide to join us he would first resign as judge of the supreme court. P. C. Jones, S. M. Damon, Cecil Brown, J. A. King, and W. O. Smith were suggested to serve on the executive council, which was contemplated as five. Mr. Cecil Brown refused. Mr. Soper was requested to take the place of commander of the military forces, and he accepted conditionally. A finance committee of three was appointed, consisting of McCandless, McChesney, and J. B. Castle, to collect the lists of arms and ammunition and buy or otherwise procure the same.

Mr. HALE. The Senator from Louisiana has been speaking most impressively for a long time, and I ask him if he is willing to yield that I may call up the general deficiency appropriation bill and have the Senate consider that measure for the rest of the day.

Mr. CAFFERY. Certainly.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States.

The message also announced that the House had passed with amendments the bill (S. 4571) to extend Rhode Island avenue; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 5887) for the prevention of smoke in the District of Columbia, and for other purposes;

A bill (H. R. 10474) for the extension of Eleventh street NW.; and

A joint resolution (H. Res. 136) for the relief of farmers, gardeners, and truckmen selling produce of their own raising on the south side of B street, between Seventh and Thirteenth streets, in the city of Washington, D. C.

#### EXTENSION OF RHODE ISLAND AVENUE.

Mr. HANSBROUGH. I ask the Chair to lay before the Senate the amendments of the House of Representatives to the bill (S. 4571) to extend Rhode Island avenue.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4571) to extend Rhode Island avenue.

Mr. HANSBROUGH. I move that the Senate nonconcur in the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HANSBROUGH, Mr. McMILLAN, and Mr. MARTIN were appointed.

#### DEFICIENCY APPROPRIATION BILL.

Mr. HALE. Without displacing the unfinished business, I ask that the Senate proceed to the consideration of the bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be considered as they are reached.

The VICE-PRESIDENT. Is there any objection to the request? The Chair hears none, and that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 1, to strike out:

That the title "Eleven clerks of class 4," Department of State, provided for in the legislative, executive, and judicial appropriation act for the fiscal year 1898, is hereby amended to read: "One chief of bureau of appointments, \$2,100; ten clerks of class 4."

Mr. PETTUS. I wish to understand about amendments before the amendments are adopted—that is, I want to know whether amendments will be in order hereafter, although they might conflict with those already adopted.

Mr. HALE. After the committee amendments have been disposed of amendments presented by any Senator will be considered. No Senator is cut off by this arrangement.

Mr. PETTUS. That has heretofore been the understanding with reference to such bills, and I wanted to have it understood in this case.

Mr. HALE. That is the invariable practice on appropriation bills.

The VICE-PRESIDENT. That will be the order. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 3, line 23, in the item for the Nicaragua Canal Commission, after the date "1899," to insert:

Said commission is authorized to rent, upon approval by the Secretary of State, office rooms in Washington, D. C., for such time as is necessary for the completion of its work, and to pay to the two members of the Geological Survey assigned to the commission for duty such amount, not to exceed \$500 in each case, in addition to their regular salary, as in the opinion of the Secretary of State is a just compensation for their expert services.

So as to make the clause read:

Nicaragua Canal Commission: To continue the surveys and examinations authorized by the act approved March 2, 1895, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal

year ending June 30, 1898, and for other purposes," into the proper route, the feasibility, and cost of construction of the Nicaragua Canal, with the view of making complete plans for the entire work of construction of such canal as therein provided, \$50,000; to continue available during the fiscal year 1899. Said commission is authorized to rent, etc.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

International Conference on a Catalogue of Scientific Literature: For expenses of delegates to the International Conference on a Catalogue of Scientific Literature to be held at London during the present year, \$500.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out the following:

Canadian Commission: For the expense on the part of the United States of a joint commission to be appointed for the adjustment of differences between the United States and Great Britain in respect to the Dominion of Canada, including the compensation of the commissioners representing the United States, the pay of expert service for preparation of papers, for the portion of joint expenses chargeable to the United States, for printing and all other incidental expenses, to be disbursed under the direction of the Secretary of State, \$50,000, to remain available during the fiscal year 1899.

The amendment was agreed to.

The next amendment was, on page 4, after line 22, to insert:

Foreign intercourse:

To enable the Secretary of State to pay Ramon O. Williams, late consul-general at Havana, the amounts necessarily expended by him for clerk hire in excess of his allowances between July 1, 1892, and June 5, 1896, \$2,222.08.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to insert:

To enable the Secretary of State to pay Joseph A. Springer, vice-consul-general at Havana, the amounts necessarily expended by him for clerk hire in excess of his allowances between October, 1892, and June 30, 1895, \$200.54.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to insert:

Contingent expenses, foreign missions: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, foreign missions," fiscal year 1897, \$10,701.68.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to insert:

Contingent expenses, United States consulates: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," fiscal year 1897, \$5,938.84.

The amendment was agreed to.

The next amendment was, on page 5, after line 22, to insert:

Salaries, marshals for consular courts: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Salaries, marshals for consular courts," fiscal year 1897, \$200.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 6, after line 3, to strike out:

To make the salary of the Deputy Commissioner of Internal Revenue \$3,500 per annum from the date of the passage of this act to June 30, 1898, \$350, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 6, after line 22, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," for the fiscal year 1897, \$1,717.13.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, etc.," \$1,332.63.

The amendment was agreed to.

The next amendment was, on page 7, line 10, after the word "dollars," to strike out the following proviso:

*Provided*, That no recording clocks used for recording time of clerks or other employees shall be purchased for use in any of the Executive Departments at Washington, D. C., except from moneys specifically appropriated therefor.

Mr. GORMAN. I trust the amendment of the committee will not be agreed to. I call the attention of the Senator from Maine to this proviso.

Mr. HALE. If there is to be any question—

Mr. GORMAN. I trust the Senator from Maine in charge of the bill will not insist on striking out this provision as it comes from the House.

Mr. HALE. If there is to be any controversy about it, let it be passed over.

Mr. GORMAN. I trust we shall dispose of it now, if we can. It seems to me the case is so clear that there ought not to be any hesitation about agreeing that the provision as it comes from the House shall remain in the bill.

Mr. HALE. Very well; I have no objection to that course.

The VICE-PRESIDENT. The amendment of the committee will be disagreed to, unless there is objection. The Chair hears none, and the amendment is rejected.

The next amendment was, on page 7, after line 14, to insert:

For the maintenance of the automatic fire-alarm system now in the Treasury and Winder buildings during the fiscal year 1899, \$2,625.

The amendment was agreed to.

The next amendment was, on page 8, line 16, to increase the appropriation for pay of assistant custodians and janitors for the fiscal year 1896 from \$20.40 to \$42.65.

Mr. JONES of Arkansas. I ask the Senator from Maine to consent to return to page 6 to an amendment which was passed without my noticing it. It is the proposition to strike out the appropriation for the salary of the Deputy Commissioner of Internal Revenue, which is provided for in the bill at \$3,500. The Committee on Finance this morning by unanimous vote adopted a recommendation that this salary should remain at \$3,500. The increased duties of this officer under the new revenue law which has recently been passed has led the Secretary of the Treasury to recommend that there shall be no reduction in his salary at this time, when the duties are very much greater than they have been at other times; and I think the Senate ought to agree to let that provision stand.

Mr. HALE. I think this question had better go into conference. There are several cases of increases of salary in the bill, and there can be no discrimination made in those cases. The committee have adopted one rule, and that is to strike them all out. There are some cases where amendments will be offered which are pertinent and proper covering increases of salaries; but it is better, I think, that all of them should go into conference. If the Senate restores the provision I shall certainly make a similar motion in all the other cases, because they are all meritorious cases. This year the Committee on Appropriations thought it was better not to increase salaries.

Mr. JONES of Arkansas. But this is a proposition to decrease a salary, as I understand.

Mr. HALE. I have never heard of any case of decreasing a salary.

Mr. JONES of Arkansas. That was my impression about this provision.

Mr. ALLISON. The statutory salary for this officer is \$3,200, and the amount appropriated for the current year is \$2,250, and that has been the sum appropriated for some years past.

Mr. JONES of Arkansas. This simply restores the statutory salary to what it has been all along.

Mr. HALE. But it is an increase over what this officer is getting now.

Mr. JONES of Arkansas. I shall leave it with the Senate.

Mr. HALE. I think we had better put this into conference, and consider all these cases together.

Mr. JONES of Arkansas. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, after line 5, to insert:

Refund of fine, British steamship *Costa Rican*: To refund to the collector of customs at New Orleans, La., for repayment by him to the person or parties entitled to receive the same the sum of \$114.91, being that portion of a fine of \$139.91 imposed in the case of the British steamer *Costa Rican* for violation of section 2309 of the Revised Statutes, since remitted by the Secretary of the Treasury, the original sum having been covered into the Treasury prior to the said remission.

The amendment was agreed to.

The next amendment was, on page 15, after line 7, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine service," for the fiscal year 1897, \$80.43.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert:

Revenue-Cutter Service: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of Revenue-Cutter Service," for the fiscal year 1896, \$27.78.

The amendment was agreed to.

The next amendment was, on page 17, after line 11, to insert:

Credit in accounts of certain officers, Corps of Engineers: Authority is hereby granted to the proper accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers of the United States Army amounts standing against them on the books of the Treasury as follows: Capt. Edward Burr, \$135.36; Maj. D. W. Lockwood, \$250; Maj. Thomas H. Handbury, \$785.68; Capt. H. F. Hodges, \$288.80; Capt. H. M. Chittenden, \$15.18; Maj. W. H. Heuer, \$54.24; Capt. C. McD. Townsend, \$44.57; Capt. W. L. Fisk, \$12.95; Lieut. Col. Amos Stickney, \$47.50, and Lieut. Col. W. H. H. Benayard, \$49.76; in all, \$1,684.04.

The amendment was agreed to.

The next amendment was, on page 18, after line 5, to insert:

Payment to the Venable Construction Company: The Secretary of the Treasury is authorized and directed to pay to the Venable Construction Company the amount of the duty paid on Portland cement used by it in the construction of gun emplacements at Tybee Island, Georgia, not to exceed the sum of \$3,688; and the amount required for such payment is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to insert:

Payment to Owen N. Denny: To enable the Secretary of the Treasury to pay Owen N. Denny, formerly consul-general at Shanghai, China, amount of

unofficial fees collected by him and paid, under protest, into the Treasury of the United States, as reported by the Secretary of the Treasury in Senate Document No. 200, Fifty-fifth Congress, second session, §94.

The amendment was agreed to.

The next amendment was, under the head of "Public buildings," on page 18, after line 22, to strike out:

For the appraiser's warehouse at New York City, N. Y.: For completion of building, \$50,000.

The amendment was agreed to.

The next amendment was, at the top of page 19, to insert:

For temporary building for post-office, Chicago, Ill.: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Temporary building for post-office, Chicago, Ill.," \$1,372.30.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to insert:

For post-office and court-house at Charleston, S. C.: To enable the Secretary of the Treasury to fully complete the approaches and grounds around the court-house and post-office building at Charleston, S. C., in the manner provided by the specifications on which bids were originally taken, including the following items of construction: Gilding on fence and fountain, artificial stone walks in park, stone wall coping, stone curb, and planting grass, \$3,500: *Provided*, That no part of the appropriation hereby made is to be used for any purpose other than completing the approaches and grounds around said building.

The amendment was agreed to.

The next amendment was, on page 19, after line 17, to insert:

For the old post-office and court-house, Detroit: For changes, alterations, and repairs to fit the building for the use of Government offices, \$20,000, or so much thereof as may be necessary, the same to be paid from the unexpended balance of appropriations for the new post-office and court-house at Detroit.

The amendment was agreed to.

The next amendment was, under the subhead "Mints and assay offices," on page 22, line 23, to increase the appropriation for wages of workmen and contingent expenses at the mints in coining gold and subsidiary silver during the fiscal year 1899 from \$100,000 to \$250,000.

The amendment was agreed to.

The next amendment was, under the subhead "Light-House Establishment," on page 23, after line 14, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of buoyage," for the fiscal year 1896, \$15.66.

The amendment was agreed to.

The next amendment was, on page 23, after line 23, to insert:

For repairs to light vessel No. 69, to continue available during the fiscal year 1899, \$15,000.

The amendment was agreed to.

The next amendment was, under the head "Fish Commission," on page 24, after line 6, to insert:

For completing the construction of the fish hatchery at Spearfish, S. Dak., \$5,000.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 26, after line 15, to insert:

For rent of vault in building on First street, between B and C streets NW., from July 1, 1897, to July 1, 1898, \$600.

The amendment was agreed to.

The next amendment was, on page 28, after line 2, to insert:

For payment of the awards, under condemnation, for land taken for the extension of Connecticut avenue from Florida avenue to Waterside drive, to be charged wholly to the revenues of the District of Columbia, \$230,000.

The amendment was agreed to.

The next amendment was, on page 29, line 19, after the word "dollars," to insert "for 100 boxes for use in the outlying suburbs which have recently been thickly built up, and in unprotected parts of the city, \$12,500;" and, on page 30, line 2, before the word "dollars," to strike out "thirty-seven thousand five hundred" and insert "fifty thousand;" so as to make the clause read:

Telegraph and telephone service: For the complete equipment of the central station of the fire-alarm system, including provision for thirty box circuits and ten alarm circuits, equipped with all modern appliances, to take the place of the present system, \$21,500; necessary cabinetwork for mounting the same, \$3,000; storage-battery system, to take the place of the gravity-battery system now in use, \$3,500; replacing sixty old fire-alarm boxes, which have been worn out, with sixty new, modern boxes, \$6,000; placing in eighty boxes standard cut-outs, to prevent their being destroyed by lightning or other electrical disturbances, \$1,000; for 100 boxes for use in the outlying suburbs which have recently been thickly built up and in unprotected parts of the city, \$12,500; for twenty visual indicators, to be placed in the engine houses for recording visually alarms received, to prevent any errors in responding to fires, \$2,500; in all, \$50,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to insert:

Health department: For one sanitary and food inspector, who shall act as inspector of live stock and dairy farms, fiscal year 1899, \$1,200.

The amendment was agreed to.

The next amendment was, on page 30, line 18, to increase the appropriation for amount required for fuel for public schools from \$1,500 to \$2,700.

The amendment was agreed to.

The next amendment was, on page 31, line 8, after the word "sixty," to insert "and in Senate Document No. 299;" and in line

12, before the word "cents," to strike out "five thousand two hundred and eighty-one dollars and five" and insert "seven thousand one hundred and fifty-nine dollars and forty," so as to make the clause read:

Judgments: For the payment of judgments, including costs, against the District of Columbia, set forth on page 7, House Document No. 319, and in House Document No. 480, and in Senate Document No. 299, of this session, \$7,159.40, together with a further sum to pay the interest on said judgments, as provided by law, from the date the same became due until date of payment.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to insert:

To reimburse B. Pickman Mann amount paid by him to the Fidelity and Deposit Company, premium on his bond as disbursing officer of the Board of Children's Guardians, fiscal year 1895, said Mann having served in that capacity without compensation, \$50.

The amendment was agreed to.

The next amendment was, on page 34, after line 2, to insert:

Support of prisoners: For expenses of maintenance of the jail of the District of Columbia and for support of prisoners therein, to be expended under the direction of the Attorney-General, \$2,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 14, to strike out:

Hereafter in all proceedings by the Commissioners of the District of Columbia to commit resident indigent insane persons to the Government Hospital for the Insane, it shall be the duty of the marshal to impanel juries in such cases from the jurors in attendance upon the criminal courts of said District, who shall perform such service in addition to and as part of their duties in said courts.

The amendment was agreed to.

The next amendment was, on page 35, after line 5, to strike out:

Hereafter the District of Columbia shall not be required in judicial proceedings to pay fees to the clerk of the supreme court of the District of Columbia or of the court of appeals of said District, or to the United States marshal for said District for the service of process, but the said District of Columbia and its Commissioners shall be entitled to institute and prosecute judicial proceedings in said courts without the payment of fees, and shall also be entitled to the services of said marshal in the service of all civil process without the payment of fees.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 36, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation "Artificial limbs," for the fiscal year 1896, from \$48.78 to \$98.78.

The amendment was agreed to.

The next amendment was, on page 36, after line 17, to insert:

Target range, Jefferson Barracks, Mo.: That the appropriation of \$18,000 made for the purchase of land for a target range for the use of troops stationed at Jefferson Barracks, Mo., is hereby continued and made available for expenditure during the fiscal year 1899: *Provided*, That any land purchased thereunder shall be unencumbered by any private or public ways or roads.

The amendment was agreed to.

The next amendment was, on page 37, after line 4, to insert:

Reservoirs at head waters of the Mississippi River: All unexpended balances of money heretofore appropriated for the construction of reservoirs at the head waters of the Mississippi River are hereby made available and may be expended for the necessary renewal and repair of the reservoir dams heretofore constructed at the head waters of the Mississippi River.

The amendment was agreed to.

The next amendment was, on page 37, after line 11, to insert:

Improvement of Elizabeth River: The Secretary of War be, and he is hereby authorized and directed to proceed immediately to cause the channel of Elizabeth River, from Hampton Roads to the United States Navy-Yard near Norfolk, Va., to be improved, widened, and deepened to a width of not less than 450 feet and to a depth of 28 feet, opening first a channel 150 feet wide, so as to admit to the Norfolk Navy-Yard the largest vessels in the Navy, and thereafter, as soon as possible, completing the said channel to the full width of 450 feet as aforesaid. The said work may be let under contract after a ten days' advertisement for bids, or, in the discretion of the Secretary of War, without any advertisement. And for the purposes aforesaid the sum of \$360,000, or so much thereof as may be necessary, is hereby appropriated, to continue available during the fiscal year 1899.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

Yellowstone National Park: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Improvement of Yellowstone National Park," for the fiscal year 1897, \$93.75.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 40, after line 6, to insert:

Payment to owners of steam yacht *Nautilus*: To compensate the owners of the steam yacht *Nautilus* for damages caused to that vessel by the United States torpedo boat *Stiletto*, \$93.87.

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert:

Payment to the Vallejo Land and Improvement Company: To compensate the Vallejo Land and Improvement Company for damages done to their wharf at South Vallejo by the U. S. tug *Unadilla*, as estimated by a board of naval officers, \$168.65.

The amendment was agreed to.

The next amendment was, on page 40, after line 16, to insert:

Naval establishment: Pay of the Navy: To pay balance due on certificate of the Auditor for the Navy Department No. 58, volume 22, in favor of Albert Garrin, being a part

of said certificate paid by Pay Inspector George H. Griffing, United States Navy, and now required for his reimbursement, payable from the appropriation "Pay of the Navy," fiscal year 1895, \$27.19.

The amendment was agreed to.

The next amendment was, on page 41, after line 7, to insert:  
For pay of the Navy, 1897, \$85,350.57.

The amendment was agreed to.

The next amendment was, on page 41, line 14, to increase the appropriation for pay of the Navy, 1895, from \$113.47 to \$169.34.

The amendment was agreed to.

The next amendment was, on page 41, after line 23, to insert:  
For pay of the Marine Corps, 1897, \$18,233.17.

The amendment was agreed to.

The next amendment was, on page 42, line 2, to increase the appropriation for pay of the Marine Corps, 1896, from \$1,176.61 to \$1,460.31.

The amendment was agreed to.

The next amendment was, on page 42, after line 4, to insert:  
For pay of the Marine Corps, 1894, \$196.50.

The amendment was agreed to.

The next amendment was, on page 42, after line 7, to insert:  
For contingent, Bureau of Ordnance, \$3.78.

The amendment was agreed to.

The next amendment was, on page 42, line 14, to increase the appropriation for contingent, Bureau of Equipment, 1897, from \$51.30 to \$63.90.

The amendment was agreed to.

The next amendment was, on page 42, after line 17, to insert:  
For equipment of vessels, Bureau of Equipment, \$8,960.36.

The amendment was agreed to.

The next amendment was to increase the appropriation for contingent, Bureau of Medicine and Surgery, 1897, from \$258.97 to \$262.62.

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

For contingent, Bureau of Supplies and Accounts, \$497.10.

The amendment was agreed to.

The next amendment was, on page 43, line 5, to increase the total appropriation for the naval establishment from \$16,223.27 to \$127,828.97.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment," on page 43, line 20, to increase the appropriation for the fiscal year 1897 from \$2,015.11 to \$2,403.89.

The amendment was agreed to.

The next amendment was, on page 43, line 23, to increase the same appropriation for the fiscal year 1896 from \$894.58 to \$895.46.

The amendment was agreed to.

The next amendment was, on page 44, after line 4, to insert:

For contingent, Bureau of Equipment, \$7,500.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Supplies and Accounts," on page 45, line 3, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Supplies and Accounts," for the fiscal year 1897, from \$1,081.66 to \$1,437.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam Engineering," on page 45, line 9, to increase the appropriation for "Steam machinery, Bureau of Steam Engineering," fiscal year 1897, from \$276.52 to \$446.59.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Ordnance," on page 46, line 1, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Ordnance," fiscal year 1897, from \$2,223.92 to \$2,649.59.

The amendment was agreed to.

The next amendment was, on page 46, after line 8, to insert:

Marine Corps:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Pay, Marine Corps," for the fiscal year 1896, \$15.50.

The amendment was agreed to.

The next amendment was, under the sub-head "Marine Corps," on page 47, line 1, to increase the appropriation "to pay accounts on file for freight, cartage, oil, ice," etc., for the fiscal year 1897, from \$2,398.21 to \$2,410.87.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 48, line 6, to increase the appropriation for "Contingent expenses, Department of the Interior," for the fiscal year 1897, from \$30.26 to \$32.59.

The amendment was agreed to.

The next amendment was, on page 50, line 11, before the word

"Capitol," to strike out "Lighting the;" so as to make the clause read:

Capitol and grounds: For lighting the Capitol and grounds about the same, etc.

The amendment was agreed to.

The next amendment was, on page 50, after line 24, to insert:

For a public elevator, to be located at some suitable place in the northeast corner of the Senate wing of the Capitol, \$8,000; for electrical engine, generator, and switchboard, \$12,000; in all, \$20,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to insert:

That hereafter in case of the absence or disability of the Architect of the United States Capitol, the chief clerk to the Architect shall have full power and authority to do and perform all the acts which the Architect of the United States Capitol might himself do, and in case of a vacancy the chief clerk shall perform the duties of the Architect until the vacancy shall be filled according to law.

The amendment was agreed to.

The next amendment was, under the subhead of "Public lands service," on page 54, after line 2, to insert:

To pay Winfield S. Collins for services and expenses in the survey of the town site of Basin, Wyo., \$339.50.

The amendment was agreed to.

The next amendment was, on page 54, after line 5, to insert:

Boundary line between Idaho and Montana: That any balance of the appropriation of \$7,650, provided for in the sundry civil act approved June 4, 1897, for surveying the boundary line between Idaho and Montana that may remain unexpended on the 30th day of June, 1898, is hereby reappropriated and made available for the fiscal year 1899.

The amendment was agreed to.

The next amendment was, on page 54, after line 14, to insert:

Payment to boards on town-site entries in Oklahoma: To pay the amounts which shall be found due, after proper audit in each instance, to the persons constituting the boards appointed to carry into effect the provisions of the act of Congress approved May 14, 1890 (26 Statutes, page 109), entitled "An act to provide for town-site entries of lands in Oklahoma, and for other purposes," and the joint resolution of Congress making the provisions of said act applicable to town sites in the Cherokee Outlet, approved September 1, 1893 (28 Statutes, page 11), \$3,854.95: *Provided*, That no payments shall be made hereunder to the disbursing agents of said boards until after the accounts of said agents shall have in each instance been satisfactorily adjusted by the Commissioner of the General Land Office: *Provided further*, That on January 1, 1899, the boards of trustees for town sites, and each of them in said Territory, shall cease and be abolished, and no compensation shall be allowed or paid to anyone, member or trustee or disbursing agent, on or after January 1, 1899.

The amendment was agreed to.

The next amendment was, under the subhead "Geological Survey," on page 55, line 14, after the word "bulletins," to insert "under the direction of the Public Printer;" so as to make the clause read:

For engraving the illustrations necessary for the monographs and bulletins, under the direction of the Public Printer, to remain available during the fiscal year 1899, \$10,000.

The amendment was agreed to.

The next amendment was, on page 55, line 17, after the word "bulletins," to insert "under the direction of the Public Printer;" so as to make the clause read:

For printing and binding the monographs and bulletins, under the direction of the Public Printer, to remain available during the fiscal year 1899, \$30,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 20, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Geological Survey," fiscal years 1895 and 1896, \$93.75.

The amendment was agreed to.

The next amendment was, under the subhead "Indian affairs," on page 57, line 13, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Traveling expenses, Indian inspectors," for the fiscal year 1897, from \$107.50 to \$174.41.

The amendment was agreed to.

The next amendment was, on page 57, after line 14, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for traveling expenses, Indian school superintendent, 56 cents.

The amendment was agreed to.

The next amendment was, on page 57, in line 21, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation for "Traveling expenses, Indian school superintendent," for the fiscal year 1896, from \$6.62 to \$12.40.

The amendment was agreed to.

The next amendment was, on page 58, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of Indian supplies," for the fiscal year 1897, from \$2,250 to \$3,387.53.

The amendment was agreed to.

The next amendment was, on page 59, line 15, to increase the

appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Tomah, Wis.," for the fiscal year 1897, from \$26.90 to \$74.02.

The amendment was agreed to.

The next amendment was, on page 59, after line 16, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Tomah, Wis.," for the fiscal year 1896, \$332.15.

The amendment was agreed to.

The next amendment was, on page 60, after line 11, to strike out:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Traveling expenses of Indian inspectors," for the fiscal year 1897, \$33.90.

The amendment was agreed to.

The next amendment was, on page 60, line 17, before the word "goods," to strike out "such;" and in line 18, after the word "Indians," to strike out "provided for by this act;" so as to make the clause read:

For necessary expenses of transportation of goods, provisions, and other articles for the various tribes of Indians, including pay and expense of transportation agents and rent of warehouse, being for the fiscal year 1898, \$75,000.

The amendment was agreed to.

The next amendment was, on page 61, after line 14, to insert:

For the employment of a physician for the Indians of the Walker River Indian Reservation in Nevada, fiscal year 1899, \$900.

The amendment was agreed to.

The next amendment was, on page 61, after line 17, to insert:

That the paragraph in the Indian appropriation act for the fiscal year 1898, providing for the adjustment of the account of J. Montgomery Smith, late a member of the Chippewa Indian Commission, is hereby amended so as to authorize the Secretary of the Interior to adjust the account of said Smith, and pay him, out of the sum therein appropriated, for his services and expenses as member of said commission from the 11th day of June to the 23d day of July, 1896, the last named being the date when his services on said commission terminated.

The amendment was agreed to.

The next amendment was, on page 62, after line 3, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Incidentals in New Mexico," for the fiscal year 1898, \$13.95.

The amendment was agreed to.

The next amendment was, on page 62, after line 7, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Indian School, Carlisle, Pa.," for the fiscal year 1897, \$231.25.

The amendment was agreed to.

The next amendment was, on page 62, after line 12, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Irrigation, Indian reservations," for the fiscal year 1897, \$277.47.

The amendment was agreed to.

The next amendment was, on page 62, after line 17, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Commission, Crow, Flatheads, and other Indians," \$296.85.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 63, after line 11, to insert:

Advertising: For advertising, on account of the fiscal years as follows:

For the fiscal year 1898, \$6,573.94.

For the fiscal year 1897, \$10.64.

The amendment was agreed to.

The next amendment was, on page 63, line 25, after the word "nineteen," to insert "and Senate Document No. 302;" and in line 3, before the word "cents," to strike out "seventy-five dollars and forty-eight" and insert "eighty-eight dollars and eighty-two;" so as to make the clause read:

For fiscal year 1897, to pay amounts set forth in House Documents Nos. 203 and 319 and Senate Document No. 302 of this session, \$9,588.82.

The amendment was agreed to.

The next amendment was, on page 64, line 23, after the word "nineteen," to insert "and Senate Document No. 302;" and on page 65, line 2, before the word "cents," to strike out "nine hundred and thirty-two dollars and thirty-five" and insert "one thousand and three dollars and eighty-four;" so as to make the clause read:

For the fiscal year 1896, to pay amounts set forth in House Documents Nos. 203 and 319 and Senate Document No. 302 of this session, \$1,008.84.

The amendment was agreed to.

The next amendment was, on page 65, after line 16, to insert:

To pay the St. Louis and San Francisco Railroad Company for amounts heretofore erroneously deducted from its lawful compensation for transportation of United States mails in the Indian Territory, over railroad mail routes Nos. 145003 and 153002, \$36,222.60, said sum having been so erroneously deducted on account of a supposed land grant attaching to said railroad in the Indian Territory, but which land grant the United States Supreme Court has since decided has no existence as to said line of railroad in said Territory.

The amendment was agreed to.

The next amendment was, under the subhead "Compensation of postmasters," on page 66, line 15, after the word "nineteen," to

insert "and Senate Document No. 302;" so as to make the clause read:

Compensation of postmasters: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations, including the amounts set forth in House Documents Nos. 203 and 319, and Senate Document No. 302 of this session, for the fiscal years as follows.

The amendment was agreed to.

The next amendment was, on page 66, line 19, to increase the appropriation for compensation of postmasters for the fiscal year 1897 from \$664,609.30 to \$665,232.79.

The amendment was agreed to.

The next amendment was, on page 66, line 23, to increase the appropriation for compensation of postmasters for the fiscal year 1896 from \$178.61 to \$241.26.

The amendment was agreed to.

The next amendment was, on page 66, after line 24, to insert:

To pay Horace A. W. Tabor the sum of \$3,869.94, or so much thereof as shall appear to the proper accounting officer of the Government to have been paid by said Horace A. W. Tabor for necessary expenses in the Leadville post-office over and above the allowances made for that purpose.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 67, line 11, after the date "1897," to insert "and prior years;" so as to make the clause read:

For miscellaneous expenditures, fiscal year 1897, and prior years, \$458.44.

The amendment was agreed to.

The next amendment was, at the top of page 68, to insert:

For payment to Nathan Plummer for services as accountant during the month of April, 1883, \$150.

The amendment was agreed to.

The next amendment was, under the subhead "Court of Private Land Claims," on page 68, line 21, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries and expenses, Court of Private Land Claims," for the fiscal years 1897 and 1898, from \$220 to \$422.20.

The amendment was agreed to.

The next amendment was, on page 69, line 14, after the words "Indian Territory," to insert "at Muscogee, South McAlester, and Ardmore, respectively;" and in line 18, before the word "thousand," to strike out "seventy-five" and insert "forty-five;" so as to make the clause read:

Indian Territory jails: To establish sites to be selected by the Attorney-General, and for the erection thereon, complete, of three United States jails, one each in the northern, central, and southern districts of the Indian Territory, at Muscogee, South McAlester, and Ardmore, respectively, and for other purposes incident thereto, to be expended under the direction of the Attorney-General, and to be available until expended, \$45,000.

The amendment was agreed to.

The next amendment was, on page 70, line 1, to increase the appropriation to pay the amounts found due by the accounting officers of the Treasury on account of the appropriation "Rent and incidental expenses, Territory of Alaska," for the fiscal year 1898, from \$90 to \$339.17.

The amendment was agreed to.

The next amendment was, on page 70, line 6, to increase the appropriation for "Traveling expenses, Territory of Alaska," from \$500 to \$944.75.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 73, after line 2, to insert:

For repairs to the United States penitentiary at McNeils Island, Washington, and for other purposes incident thereto, to be expended under the direction of the Attorney-General, and to be available until expended, \$5,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 20, to insert:

For payment, as approved by the Attorney-General, to the estate of George P. Sanger, deceased, late United States attorney for the district of Massachusetts, for professional services performed and expenses incurred by said Sanger during the years 1881, 1882, and 1883, while such attorney, under the instructions of the Department of Justice, at the request of the late Prof. Spencer F. Baird, United States Commissioner of Fish and Fisheries, in the matter of certain premises leased by the Fish Commission at Fort Wharf, Gloucester, Mass., and also in the matter of the acquisition of certain premises at Woods Hole, Mass., for the use of said commission, \$641.48.

The amendment was agreed to.

The next amendment was, on page 74, after line 8, to insert:

To pay the accounts of United States district attorneys for services as special counsel in the circuit courts of appeals by direction of the Attorney-General, prior to July 1, 1896, \$30,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States courts," on page 78, after line 2, to insert:

That the salaries of Berry L. Priddie, Wilton Randolph, and Edward S. Aleshire, Jr., late office deputy marshals of the district of West Virginia, for the period from July 1, 1897, to June 3, 1898, inclusive, or so much thereof as remains unpaid, shall be paid; and the expenses of said deputy marshals for said period, actually and necessarily incurred in the performance of their official duties, shall be allowed the same as if said deputy marshals had been recommissioned and had taken the oath of office required by law after the expiration of the term of office of the marshal who appointed them and the qualification of his successor.

The amendment was agreed to.

The next amendment was, on page 78, after line 15, to insert:  
To pay to W. T. Manning, late United States deputy marshal, Juneau, Alaska, amount of fifteen days' salary in August, 1897, \$30.57.

The amendment was agreed to.

The next amendment was, on page 78, after line 19, to insert:

To pay J. B. Fortune for fees earned as clerk of the United States district court from the 15th day of July, 1897, to the 31st day of December, 1898, such service being rendered under a mistaken view of the law applying to such service, such sum as may be found to be equitably due under the law authorizing fees and compensation to the clerks of the United States district courts, and the accounting officers of the Treasury are directed to audit the said account accordingly.

Mr. HALE. There is a clerical error to be corrected. In line 21, after the word "court," I move to insert the words "of the eastern district of North Carolina."

The amendment to the amendment was agreed to.

Mr. HALE. In line 23 I move to strike out "December" and insert "March," so as to read "the 31st day of March, 1898."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 82, to increase the appropriation to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Fees of commissioners, United States courts," for the fiscal year 1896, from \$1,546.35 to \$1,840.45.

The amendment was agreed to.

The next amendment was, on page 83, to increase the appropriation for support of United States prisoners, etc., for the fiscal year 1896 from \$668.85 to \$2,453.01.

The amendment was agreed to.

The next amendment was, on page 84, line 6, to increase the appropriation for pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, etc., from \$10,000 to \$25,000.

The amendment was agreed to.

The next amendment was, on page 84, line 20, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, etc., for the fiscal year 1898, from \$25,000 to \$45,000.

The amendment was agreed to.

The next amendment was, on page 84, line 22, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General, etc., for the fiscal year 1897, from \$6,000 to \$6,178.68.

The amendment was agreed to.

The next amendment was, on page 85, line 2, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General, etc., for the fiscal year 1895, from \$519 to \$594.08.

The amendment was agreed to.

The next amendment was, on page 85, line 4, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General, etc., for the fiscal year 1894, from \$166.53 to \$241.53.

The amendment was agreed to.

The next amendment was, on page 85, line 6, to increase the appropriation for payment of such miscellaneous expenses as may be authorized by the Attorney-General, etc., for the fiscal year 1893, from \$38.74 to \$113.74.

The amendment was agreed to.

The next amendment was, on page 85, after line 7, to insert:

For fiscal year 1892, \$65.22.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 86, after line 4, to insert:

For expenses connected with collecting statistics relating to the use of alcohol in the manufactures and arts free of tax, from October, 1894, to December, 1897, inclusive, to be paid by the Secretary of the Senate to the parties designated by the chairman of the joint select committee created by joint resolution of June 3, 1896, on vouchers to be approved by him, \$2,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 12, to insert:

Improving Botanic Garden: to pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Improving Botanic Garden," fiscal year 1897, \$101.22.

The amendment was agreed to.

The next amendment was, on page 86, after line 17, to insert:

Senate:

For fuel, oil, and cotton waste and advertising, for the heating apparatus, exclusive of labor, fiscal year 1897, \$45.47.

The amendment was agreed to.

The next amendment was, on page 86, after line 21, to insert:

To pay for doors and glass for Senate galleries, Press gallery, Secretary's office, and Senators' lavatory, and for seats around the walls of the Senate galleries, \$1,414.43.

The amendment was agreed to.

The next amendment was, at the top of page 87, to insert:

For purchase of furniture, \$7,302.20.

The amendment was agreed to.

The next amendment was, on page 87, after line 2, to insert:  
For miscellaneous items, exclusive of labor, \$5,000.

The amendment was agreed to.

The next amendment was, on page 87, after line 4, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1897, to March 4, 1898, for clerk hire and other extra clerical services, \$3,990.

The amendment was agreed to.

The next amendment was, on page 87, after line 10, to insert:

For payment to Clarence W. De Knight, for compiling and indexing for the Committee on Naval Affairs of the Senate the debates on the cost and price of armor for naval vessels, from the Fifty-third Congress, third session, to the Fifty-fifth Congress, first session, inclusive, \$300.

The amendment was agreed to.

The next amendment was, on page 87, after line 16, to insert:

To pay to Thomas Williams, for injuries received while in the discharge of his duties as an employee of the Senate, in 1892, \$1,500.

The amendment was agreed to.

The next amendment was, on page 87, after line 20, to insert:

To pay to John Brady, for injuries received while in the discharge of his duties as a laborer in the Capitol Grounds in the year 1897, the sum of \$150.

The amendment was agreed to.

The next amendment was, on page 87, after line 24, to insert:

To pay to the clerk and the assistant clerk of the Senate Committee on Claims for the preparation of the omnibus claims bill and report on the same, together with an index of both, in addition to the work authorized by the general deficiency appropriation act of the first session of the Fifty-fifth Congress, \$1,000.

The amendment was agreed to.

Mr. HALE. The Senator from Arkansas [Mr. BERRY] has an amendment which will come in here. If he will send it to me, I will offer it.

Mr. BERRY. Very well.

Mr. HAWLEY. What is the amendment?

Mr. HALE. It is an amendment which I shall propose on behalf of the committee. At the end of line 5, on page 88, I move to insert:

To pay Robert Bowman, jr., late clerk of the Committee on Revolutionary Claims, of which Senator E. C. Walthall was chairman, one month's salary.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 90, after line 15, to insert:

To D. Gardiner Tyler, \$593.

The amendment was agreed to.

The next amendment was, on page 90, to increase the total appropriation for allowances to contestants and contestees, audited and recommended by the Committees on Elections of the House of Representatives, from \$69,711.47 to \$70,304.47.

The amendment was agreed to.

The next amendment was, on page 94, after the word "to," to strike out "April 15" and insert "July 1;" and in line 11, before the word "cents," to strike out "one hundred and seventy-nine dollars and seventy-six" and insert "five hundred and thirteen dollars and eight;" so as to make the clause read:

To pay Robert A. Stickney for services rendered in the office of the Clerk of the House of Representatives from March 4, 1897, to July 24, 1897, inclusive, and from December 7, 1897, to July 1, 1898, inclusive, \$1,513.08.

The amendment was agreed to.

The next amendment was, on page 97, after line 4, to strike out:

Library of Congress:

That the title "Three clerks at \$1,400 each," copyright department, provided for in the legislative, executive, and judicial appropriation act for the fiscal year 1898, is hereby amended to read: "One clerk, \$1,800; two clerks, at \$1,400 each."

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States courts," on page 98, line 17, after the word "appealed," to insert "and Senate Documents Nos. 300 and 308;" and in line 20, before the word "dollars," to strike out "nine thousand and forty-five" and insert "eighteen thousand and sixteen;" so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1897, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Document No. 225, and which have not been appealed, and Senate Documents Nos. 300 and 308, \$18,016.63, together with such additional sums as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 99, line 5, after the name "Theodore Maj-theny," to insert "and in Senate Document No. 308;" and in line 9, before the word "cents," to strike out "four hundred and thirty-three thousand five hundred and one dollars and forty-two" and insert "seven hundred and fifty-six thousand nine hundred and forty-seven dollars and forty-six;" so as to make the clause read:

For payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 325, except the

judgment in favor of Theodore Majethy, and in Senate Document No. 303, \$756,947.46: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired: *And provided further*, That in the case of the judgment in favor of the commissioners of the sinking fund of the city of Louisville, Ky., the warrant therefor shall be delivered to said commissioners or to one of their number duly authorized to receive the same.

The amendment was agreed to.

The next amendment was, under the head "Judgments in Indian depredation claims," on page 99, line 22, after the word "dollars," to insert "and in Senate Document No. 301, \$224,885.55;" and in line 7, after the word "all," to strike out "\$106,886" and insert "\$331,771.55;" so as to make the clause read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document No. 92 of this session, \$31,886, and in Senate Document No. 301, \$224,885.55, and the further sum of \$75,000 to pay certain judgments of the Court of Claims in Indian depredation cases rendered in 1892 and 1893, and reported to Congress in Senate Executive Documents No. 7, parts 1 and 2, and No. 82 and 128, Fifty-third Congress, second session; in all, \$331,771.55, etc.

The amendment was agreed to.

The next amendment was, under the head of "Naval Establishment," on page 102, line 13, before the word "contingencies," to insert "unforeseen;" in line 14, before the word "constantly," to strike out "that can not possibly be foreseen, but which;" and in the same line, after the word "constantly," to strike out "arise" and insert "arising;" so as to make the clause read:

For emergency fund to meet unforeseen contingencies constantly arising under existing conditions, for the six months beginning July 1, 1898, \$10,000,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," on page 106, line 12, after the word "and," to strike out "ninety-eight" and insert "ninety-nine;" so as to make the clause read:

Ordnance and ordnance stores: For labor, munitions of war, and other material at navy-yards and stations, and necessary expenses incident to improving and increasing the efficiency of ships and the Ordnance Department for the fiscal year 1898, \$400,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Equipment," on page 109, line 4, to increase the appropriation for ocean and lake surveys, the publication and care of the results thereof, etc., for the six months beginning July 1, 1898, from \$4,000 to \$10,000.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 114, line 16, to increase the appropriation for the employment of such additional temporary force of clerks, messengers, etc., from \$120,090 to \$207,000.

The amendment was agreed to.

The next amendment was, on page 116, line 1, to increase the appropriation for contingent expenses of the War Department and its bureaus, including purchase of professional and scientific books, etc., from \$12,000 to \$30,000.

The amendment was agreed to.

The next amendment was, on page 116, line 5, to increase the appropriation for stationery for the War Department and its bureaus for the six months beginning July 1, 1898, from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, on page 116, after line 5, to insert: For rent for the War Department for the six months beginning July 1, 1898, \$10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Pay Department," on page 121, line 6, before the word "regiments," to strike out "nineteen" and insert "forty-one;" and in line 7, after the word "infantry," to strike out "\$14,956,596" and insert "\$20,761,865.75;" so as to make the clause read:

For 141 regiments of infantry, \$20,761,865.75.

The amendment was agreed to.

The next amendment was, on page 123, line 2, to increase the total appropriation for pay of volunteers under act approved April 22, 1898, and subsequent acts, for the six months beginning July 1, 1898, from \$25,026,266 to \$30,831,535.75.

The amendment was agreed to.

The next amendment was, on page 123, line 20, before the word "regiments," to strike out "seventy" and insert "twenty-eight;" and in the same line, after the word "infantry," to strike out "nine million nine hundred and twenty-eight thousand one hundred and ninety-three dollars and thirty-one" and insert "four million one hundred and twenty-two thousand nine hundred and twenty-three dollars and fifty-six;" so as to make the clause read:

For 28 regiments of infantry, \$4,122,923.56.

The amendment was agreed to.

The next amendment was, on page 124, line 24, after the word "all," to strike out "fourteen million ninety-nine thousand eight hundred and eighty-one dollars and eighteen" and insert "eight

million two hundred and ninety-four thousand six hundred and eleven dollars and forty-three;" so as to make the clause read:

For 20 per cent increase, \$2,319,980.19; in all, \$8,294,611.43.

The amendment was agreed to.

The reading of the bill was continued to line 3, on page 128, in the clause making appropriations for "purchase of subsistence supplies."

The VICE-PRESIDENT. The Chair calls attention to the fact that the word "post," in line 3, on page 128, should be in the plural, so as to read: "For expenses of expresses to and from frontier posts and armies in the field."

Mr. COCKRELL. That change should be made.

The VICE-PRESIDENT. That correction will be made, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Quartermaster's Department," on page 133, line 20, to increase the appropriation "for all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service," etc., for the six months beginning July 1, 1898, from \$200,000 to \$300,000.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 134, after line 9, to insert:

For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical-supply depots, pay of employees, civilian nurses, medical care and treatment of officers and enlisted men of the regular and volunteer armies on duties at posts and stations for which no other provision is made, for the proper care and treatment of cases in the armies suffering from contagious or epidemic diseases, \$150,000.

The amendment was agreed to.

The next amendment was, under the head "Treasury Department," on page 139, line 25, after the word "to," to insert "be available from the date of the approval of the foregoing act and to;" so as to make the clause read:

For such additional temporary force in the Internal-Revenue Service as, in the judgment of the Commissioner of Internal Revenue, may be necessary to carry into effect the act "to provide ways and means to meet war expenditures, and for other purposes," the office force in the Internal-Revenue Bureau to be appointed by the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue; and internal revenue agents and deputy collectors of internal revenue paid from this appropriation shall be selected and appointed, respectively, under the provisions of section 3153 and section 3148 of the Revised Statutes, to be available from the date of the approval of the foregoing act and to continue available during the fiscal year 1899, \$500,000.

The amendment was agreed to.

The next amendment was, under the head "Claims allowed by the Auditor for the Navy Department," on page 145, line 4, after the word "cents," to insert the following proviso:

*Provided*, That hereafter the accounting officers of the Treasury shall not receive, examine, consider, or allow any claim against the United States for difference between mileage and actual expenses which has been or may be presented by officers of the Navy, their heirs or legal representatives, under the decisions of the Supreme Court which have heretofore been adopted as a basis for the allowance of such claims, which accrued prior to July 1, 1874.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Auditor for the State and other Departments," on page 156, after line 2, to insert as a new section the following:

SEC. 5. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1895 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 311, Fifty-fifth Congress, second session, there is appropriated as follows:

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department: Freight, telegrams, etc., \$49.72.

For pay of assistant custodians and janitors, \$150.

For fuel, lights, and water for public buildings, 50 cents.

For heating apparatus for public buildings, \$23.83.

For suppressing counterfeiting and other crimes, \$28.45.

For collecting the revenue from customs, \$1,180.18.

For repayment to importers excess of deposits, \$9,950.23.

For Life-Saving Service, \$245.30.

#### CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, \$3,284.27.

For subsistence of the Army, \$249.77.

For regular supplies, Quartermaster's Department, \$11.80.

For incidental expenses, Quartermaster's Department, \$1,531.96.

For transportation of the Army and its supplies, \$1,190.34.

For barracks and quarters, \$10.20.

For artificial limbs, \$100.

For gun and mortar batteries, 70 cents.

For Board of Ordnance and Fortification, \$3.43.

For contingencies of fortifications, \$1.52.

For expenses of California Débris Commission, 40 cents.

For horses and other property lost in the military service, \$8,500.

For traveling expenses of California and Nevada volunteers, \$1,641.83.

For transportation of officers and their baggage, \$101.95.  
For collecting, drilling, and organizing volunteers, \$44.10.  
For pay of volunteers, Mexican war, \$28.93.

## CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, \$1,999.27.  
For pay, miscellaneous, \$70.  
For mileage, Navy, Graham decision, \$3,055.08.  
For pay, Marine Corps, \$3,615.76.  
For transportation, recruiting, and contingent, Bureau of Navigation, \$265.76.  
For outfit for naval apprentices, \$45.  
For contingent, Bureau of Equipment, \$2.50.  
For provisions, Navy, Bureau of Supplies and Accounts, \$1,280.05.  
For contingent, Bureau of Supplies and Accounts, \$296.24.  
For steam machinery, Bureau of Steam Engineering, \$2.50.  
For enlistment bounties to seamen, \$2,502.14.  
For bounty for destruction of enemies' vessels, \$47.32.

## CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For contingent expenses, Department of the Interior, 39 cents.  
For reimbursement to receivers of public moneys for excess of deposits, \$21.45.  
For surveying the public lands, \$8,878.88.  
For traveling expenses, Indian inspectors, \$21.53.  
For traveling expenses, Indian school superintendent, \$71.82.  
For telegraphing and purchase of Indian supplies, \$906.97.  
For transportation of Indian supplies, \$192.06.  
For support of Sioux of different tribes, subsistence and civilization, \$12.10.  
For support of Kickapoos, \$70.  
For Indian schools, support, 55 cents.  
For incidentals in Washington, including employees, and support and civilization, \$77.50.  
For fees of examining surgeons, army pensions, \$125.

## CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For increase of Library of Congress, \$67.84.  
For salaries of ambassadors and ministers, \$97.33.  
For salaries of consular officers while receiving instructions and in transit, 54 cents.  
For salaries of secretaries of legations, \$135.44.  
For contingent expenses, foreign missions, \$8.  
For salaries, consular service, 23 cents.  
For pay of consular officers for services to American vessels and seamen, \$4.96.  
For loss by exchange, diplomatic service, \$8.31.  
For loss by exchange, consular service, \$42.86.  
For contingent expenses, United States consulates, \$29.45.  
For propagation of food fishes, 68 cents.  
For Interstate Commerce Commission, 91 cents.  
For vegetable pathological investigations and experiments, \$3.39.  
For investigating the history and habits of insects, \$5.  
For irrigation investigations, \$4.74.  
For general expenses, Weather Bureau, \$273.37.  
For fees and expenses of marshals, United States courts, \$195.  
For pay of special assistant attorneys, United States courts, \$1,400.  
For fees of commissioners, United States courts, \$89.50.  
For support of prisoners, United States courts, \$65.68.  
For rent of court rooms, United States courts, \$32.  
For miscellaneous expenses, United States courts, \$417.70.

## CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For free-delivery service, \$1.  
For clerk hire, \$441.58.  
For rent, light, and fuel, \$229.61.  
For compensation of postmasters, \$674.55.  
For mail deprivations and post-office inspectors, \$555.  
For rewards, \$550.  
For railroad transportation, \$88.25.  
For star transportation, \$55.90.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. There are several amendments to be offered by Senators who desire the opportunity to-morrow morning, and the committee have some amendments to offer. Therefore, I give notice that I shall ask to have the bill taken up directly after the routine morning business to-morrow.

## HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5887) for the prevention of smoke in the District of Columbia, and for other purposes;

A bill (H. R. 10474) for the extension of Eleventh street N.W.; and

A joint resolution (H. Res. 136) for the relief of farmers, gardeners, and truckmen selling produce of their own raising on the south side of B street, between Seventh and Thirteenth streets, in the city of Washington, D. C.

## 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 ten minutes spent in executive business the doors were reopened, and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 29, 1898, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate June 28, 1898.*

## ASSISTANT APPRAISER OF MERCHANDISE.

James Campbell, of Maryland, to be assistant appraiser of merchandise in the district of Baltimore, in the State of Maryland. Office created by act of Congress approved August 18, 1894.

## PROMOTIONS IN THE NAVY.

Lieut. Commander Conway H. Arnold, to be a commander in the Navy from the 11th day of May, 1898, vice Commander Benjamin P. Lambertson, promoted.

Surg. Remus C. Persons, to be a medical inspector in the Navy from the 18th day of June, 1898, vice Medical Inspector Joseph B. Parker, promoted.

## APPOINTMENTS IN THE VOLUNTEER ARMY.

## SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

*To be captain.*

Harry Bingham, of California.

The nomination of Harry Bingham, of Maryland, for the above-named office, which was delivered to the Senate June 20, 1898, is hereby withdrawn.

## SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

*To be first lieutenant.*

David H. Gildersleeve, of New Jersey.

The nomination of David H. Gildersleeve, of Pennsylvania, for the above-named office, which was delivered to the Senate June 20, 1898, is hereby withdrawn.

## FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

*To be major.*

James M. Liddell, of Mississippi.

The nomination of James M. Tiddell, of Mississippi, for the above-named office, which was delivered to the Senate June 22, 1898, is hereby withdrawn.

## FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

*To be second lieutenant.*

Harry C. De Lano, of New York.

The nomination of Harry De Lano, of New York, for the above-named office, which was delivered to the Senate June —, 1898, is hereby withdrawn.

## TO BE ADDITIONAL PAYMASTER.

Washington Haverstick, of Wisconsin.

The nomination of William Haverstick, of Wisconsin, for the above-named office, which was delivered to the Senate June —, 1898, is hereby withdrawn.

## SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

*To be second lieutenant.*

Rodmond V. Beach, of Connecticut.

The nomination of Rodman V. Beach, of Connecticut, for the above-named office, which was delivered to the Senate June —, 1898, is hereby withdrawn.

## THIRD REGIMENT OF INFANTRY.

*To be captain.*

Wade H. Westmoreland, of Georgia.

*To be first lieutenant.*

William Albert Jones, of Georgia.

*To be second lieutenant.*

Edward Harolson, of Georgia.

## SEVENTH REGIMENT OF INFANTRY.

*To be captains.*

Amos W. Brandt, of Iowa.

Phillip Bernhardt, of New York.

## NINTH REGIMENT OF INFANTRY.

*To be lieutenant-colonel.*

David M. Sells, of Iowa.

*To be captains.*

Walter A. Dayton, of Louisiana.

Henry A. Chandler, of Texas.

Clarion A. Windus, of Texas.

## TENTH REGIMENT OF INFANTRY.

*To be captains.*

Thomas B. Turney, ordnance sergeant, United States Army.

Luther Sage Kelly, of New York.

## FIRST REGIMENT OF ENGINEERS.

*To be assistant surgeons with the rank of first lieutenant.*

Charles D. Webb, of New York.

Charles I. Proben, of New York.

*To be first lieutenant.*

Second Lieut. George Perrine, First United States Volunteer Engineers.

*To be second lieutenant.*

Percy R. Owens, of New York.

## SECOND REGIMENT OF ENGINEERS.

*To be captains.*

Alexander W. Cooke, of Illinois.

Burton F. Dickson, of Indiana.

Alexander H. Weber, of South Carolina.

Archibald O. Powell, of Minnesota.

Tillinghast L'H. Huston, of Ohio.

George A. Hurd, of Illinois.

*To be first lieutenants.*

William M. Venable, of Ohio.

Frank H. Hamilton, of Illinois.

Arthur E. Ballantine, of Ohio.

Gates A. Johnson, jr., of Minnesota.

Fremont Hill, of Illinois.

Oscar S. Durfee, of Illinois.

Maurice W. Cooley, of Ohio.

Christopher C. Fitzgerald, of Indiana.

Eugene Klapp, of Illinois.

Randolph E. Fishburn, of Illinois.

*To be second lieutenants.*

James E. Lawton, of Ohio.

Frank S. Clark, of Indiana.

David G. Anderson, of Pennsylvania.

Joseph R. McAndrews, of Illinois.

Orville Benson, of Ohio.

George A. Purington, of Ohio.

Clarence F. Jackson, of Indiana.

## THIRD REGIMENT OF ENGINEERS.

*To be surgeon with the rank of major.*

George E. Lyon, of Missouri.

*To be assistant surgeons with the rank of first lieutenant.*

Julius A. Schuelke, of Wyoming.

John H. Gibbon, of Pennsylvania.

## TO BE COMMISSARY OF SUBSISTENCE WITH THE RANK OF CAPTAIN.

Edwin W. Hurlbut, of Colorado. Mr. Hurlbut was nominated to the Senate June 8, 1898, and confirmed June 10, 1898, under the name of Edward W. Hurlbut.

## APPOINTMENT IN THE ARMY—INFANTRY ARM.

*To be second lieutenant.*

Frank D. Wickham, of Missouri (now first lieutenant, Fourth Missouri Volunteer Infantry), to date from June 27, 1898.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 28, 1898.*

## APPOINTMENTS IN THE VOLUNTEER ARMY.

## FOURTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

*To be captains.*

Albert A. Franzheim, of West Virginia.

Adam C. Carson, of Virginia.

## FIFTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

*To be major.*

James M. Liddell, of Mississippi.

## SEVENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

*To be major.*

James R. Branch, of Virginia.

## PROMOTION IN THE NAVY.

Naval Cadet Joseph W. Powell, to be advanced two numbers, under the provisions of section 1506 of the Revised Statutes, and to be an ensign in the Navy for extraordinary heroism while in charge of the steam launch which accompanied the collier *Merri-mac* for the purpose of rescuing her gallant force when that vessel was, under the command of Naval Constructor Hobson, run into the mouth of the harbor of Santiago, Cuba, on the 3d instant and dexterously sunk in the channel.

## POSTMASTERS.

Lorenzo W. Shedd, to be postmaster at Montpelier, in the county of Washington and State of Vermont.

Charles A. Parker, to be postmaster at West Rutland, in the county of Rutland and State of Vermont.

## HOUSE OF REPRESENTATIVES.

TUESDAY, June 28, 1898.

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

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

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Senate concurrent resolution No. 44.

*Resolved by the Senate (the House of Representatives concurring),* That the Public Printer be, and he is hereby, authorized and directed to print 2,000 copies of volume 2 of the Commercial Directory of the American Republics in cloth binding corresponding to that of volume 1; of which 100 copies are to be for the use of the Senate, 500 copies for the use of the House of Representatives, and the remaining 1,400 copies are to be distributed by the Bureau of the American Republics to the Presidents of the Republics composing the International Union of American Republics, to the executive departments of the various Republics of the union, to the newspaper press, and for such other public uses as may be deemed advisable. The Public Printer is also authorized and directed to print 10,000 copies of each issue of the Monthly Bulletin of the Bureau of the American Republics during the fiscal year ending June 30, 1899, for the distribution by the Bureau of the American Republics upon requisition from members of the Senate and House of Representatives.

The message also announced that the Senate has passed bill and joint resolution of the following titles; in which the concurrence of the House was requested:

S. R. 139. Joint resolution authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard; and

S. 4757. An act to grant the right of way through the Indian Territory to the Gulf, Chickasaw and Kansas Railway Company for the purpose of constructing a railway, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10585. An act designating Titusville, Crawford County, Pa., a port of delivery in the customs collection district of Erie, Pa.;

H. R. 1004. An act for the relief of Theodore F. Swayze, administrator de bonis non of the estate of John S. P. Wheeler, deceased;

H. R. 369. An act for the relief of Benjamin S. Barnes;

The message also announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6896) 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, 1899, and for other purposes, and had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. PERKINS, and Mr. COCKRELL as the conferees on the part of the Senate.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4757. An act to grant the right of way through the Indian Territory to the Gulf, Chickasaw and Kansas Railway Company for the purpose of constructing a railway, and for other purposes—to the Committee on Indian Affairs.

S. R. 139. Joint resolution authorizing the Librarian of Congress to accept the collection of engravings proposed to be donated to the Library of Congress by Mrs. Gertrude M. Hubbard—to the Committee on the Library.

Senate Con. Res. No. 44. Concurrent resolution relative to printing copies of the Commercial Directory of the American Republics—to the Committee on Printing.

## BANKRUPTCY.

Mr. HENDERSON. I present a privileged report, the report of the committee of conference on the bankruptcy bill.

The report of the committee, as published in the Senate proceedings of June 24, was read.

Mr. HENDERSON. I ask that the statement accompanying the conference report be read.

The statement was read, as follows:

*Statement of conferees on the part of the House to accompany conference report on the bill (S. 1035) to establish a uniform system of bankruptcy throughout the United States.*

The conferees on the part of the Senate, Senators GEORGE F. HOAR, WILLIAM LINDSAY, KNUTE NELSON, and the conferees on the part of the House, Representatives D. B. HENDERSON, GEORGE W. RAY, and WILLIAM L. TERRY, after full and free conference agreed on the report filed herewith that the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment which struck out the amendment of the House and inserts in lieu thereof Exhibit A, attached to said report.

This was the most convenient form of reporting the agreement of the conference, and which report is signed by all of the conferees excepting Hon. WILLIAM L. TERRY.

In substance and effect, with a few changes to which attention will be called, the House bill, which was substituted for the Senate bill as an amendment thereto, is agreed to by the conference committee, and attention will be here called to the changes in the bill as it passed the House and the effect of the same.

I. In the House amendment to the Senate bill definitions were included in the chapter headed "Bankrupts." In the bill, as finally agreed upon, Chapter I is headed "Definitions" and devoted to that subject.

II. In the House amendment to the Senate bill Chapter II was devoted to "Courts," and the jurisdiction of courts of bankruptcy was included under that head. In the bill as agreed upon Chapter II is devoted to "Creation of courts of bankruptcy and their jurisdiction" solely, and that subject is brought forward and precedes in the bill the definition of acts of bankruptcy.

III. In the bill as agreed upon Chapter III is headed "Bankrupts" and devoted to acts of bankruptcy, and matters treated in the House bill in Chapter I, except as now transferred to other chapters.

IV. In the bill as agreed upon "Courts and procedure therein" are treated under Chapter IV, and this chapter includes all the subjects treated of in the House amendment to the Senate bill in Chapter II under the head "Courts" excepting "Jurisdiction of courts of bankruptcy."

V. In the bill as agreed upon by the conference Chapter V is devoted to "Officers, their duties and compensation" and treats of the same subjects contained in Chapter III of the House amendment to the Senate bill.

VI. In the bill as agreed upon Chapter VI is devoted to "Creditors" and treats of the same subject as did Chapter IV in the House amendment to the Senate bill.

VII. In the bill as agreed upon Chapter VII is devoted to "Estates" and treats of the same subjects contained in Chapter V of the House amendment to the Senate bill.

VIII. It will be noted that all these changes relate to matters of form and arrangement and that the chapters are increased from five to seven.

IX. "Definitions" in the House amendment to the Senate bill are the same as "Definitions" in the bill as agreed upon, with the exception that in the bill as finally agreed upon the word "creditor" may include the agent, attorney, or proxy, whereas in the House amendment to the Senate bill the definition stated that the word should include the agent, attorney, or proxy.

The definition of "defeat" is stricken out as unnecessary, the bill as agreed upon using the words "hinder, delay, or defraud" throughout the bill.

The definition of the word "insolvent" is changed so as to be in harmony with section 3, which describes acts of bankruptcy, and is enlarged in its meaning so as to prevent a fraudulent debtor showing himself solvent when proceeded against by counting or including property he had previously concealed or removed for the purpose of defrauding creditors.

The definition of the word "transfer" in the bill as agreed upon is the same as in the House amendment to the Senate bill, with the exception that the words "and the creation of a lien on property by any means other than by compulsory process prosecuted in good faith" are stricken out as unnecessary. Ample provision has been inserted in the bill to take care of and declare void in proper cases all liens.

The other changes are slight and relate to form rather than substance.

"Remove" and "suppress" are eliminated from the definition of "conceal."

X. The House amendment to the Senate bill contained no provision creating courts of bankruptcy except in the section devoted to definitions. The bill as agreed upon designates the courts of bankruptcy and declares certain courts to be such, and then defines the jurisdiction of courts of bankruptcy the same as did the House amendment to the Senate bill with the important change that, whereas under the House amendment to the Senate bill a person might be adjudged a bankrupt in any district where he had done business, under the bill as agreed upon a person can only be adjudged a bankrupt and proceeded against in the district where he has had his principal place of business or resided for the time required. The bill as agreed upon also limits the power of the courts in taking charge of the property of bankrupts after the filing of the petition and before adjudication to cases where the court finds it absolutely necessary so to do for the preservation of the estate. The bill as agreed upon adds a provision giving the court power to close estates and reopen them in certain cases. This is a wise and a necessary provision. Otherwise the bill as agreed upon and the House amendment to the original Senate bill so far as they relate to the jurisdiction of courts of bankruptcy are substantially identical.

XI. The House amendment to the Senate bill, in declaring acts of bankruptcy, specified eight different acts. That bill made it an act of bankruptcy for a debtor to conceal himself, depart or remain away from his place of business, residence, or domicile, with intent to avoid the service of civil process and to defeat his creditors. The bill as agreed upon does not make these acts of themselves acts of bankruptcy, but the subject is covered by the bill as agreed upon in this way: Whenever an insolvent person has concealed himself, departed or remained away and proceedings are taken against him, and any of his property is attached or seized by a creditor, the failure of the debtor to pay or release the property five days before it is sold or disposed of is declared an act of bankruptcy, and hence, under the bill as agreed upon, no creditor can be injured by the acts above specified and made acts of bankruptcy by the House amendment to the Senate bill. In substantial effect, such acts, committed by a person who is insolvent when a petition is filed, are made acts of bankruptcy.

Under the laws of the several States (if there is an exception we are not aware of it) when a debtor absconds or conceals himself to avoid the service of process and hinder, delay, or defraud his creditors, a suit may be commenced, the property of the debtor attached and held, and eventually sold. Hence, in all cases, so long as the absconding debtor is solvent, the creditors may secure their debts by legal proceedings under State laws. In case the property is insufficient to cover all claims made and satisfy all attachments issued, or one creditor is gaining a preference over another by such proceedings, if such attachments, or any one of them, are not released at least five days before a sale of the property attached, a petition in involuntary bankruptcy may be filed and the creditor adjudged a bankrupt. In such case the attachments so levied, or liens of any nature gained by legal proceedings, are, by subsequent provisions, vacated and declared null and void.

The result is that in such cases there is no danger that the one creditor will obtain an advantage over the others. The main objection is that the more diligent creditor, who is put to the expense of attaching and holding property in such a case, may be compelled to release or surrender it and so lose the full benefit of his superior activity. If the absconding or concealed debtor leaves sufficient property to pay all his debts, all creditors will be satisfied and no great injury done. The main contention of the Senate conferees was that no person, however great the frauds committed by him, should be forced into involuntary bankruptcy unless actually insolvent at the date of the filing of a petition against him. While reluctant to yield on this point, it is well to state that but few cases will arise where an absconding or concealed debtor may not be safely proceeded against at once. Solvent persons do not abscond or conceal themselves to avoid service of civil process and defeat their creditors. If such a person does so abscond or conceal himself and proceeding to adjudge him a bankrupt is commenced, he must disclose the fact that he has sufficient property to satisfy all his creditors or else he is adjudged a bankrupt. One of the main objections to our last na-

tional bankruptcy law was that it was harsh and extremely drastic in many of its provisions.

In framing the House amendment to the Senate act, and in agreeing on the bill as now reported by the conferees, great care has been taken to eliminate or modify every provision of this nature, and it is confidently asserted that no honest man need fear that wrong can be done him under the operation of the law. The conferees have studiously avoided provisions that are not essential to a wise and comprehensive uniform system of bankruptcy. They have not sought to enact a collection law or one that can be used as an engine of oppression. The conferees have sought to afford every honest insolvent debtor an opportunity, on surrendering all his property not exempt by the law of his domicile from levy and sale on execution, to secure a discharge from all his debts and commence life anew. At the same time it has been necessary to guard the bill by reasonable involuntary provisions that will prevent debtors from running in debt, wasting the property obtained on credit, or applying it all to the payment of one or more special creditors, to the exclusion of others equally deserving of protection.

The House amendment to the Senate bill also declared that it should be an act of bankruptcy for a person to suffer while insolvent an execution from a court of record for \$500 or over, or a number of executions aggregating that amount, to be returned "no property found," unless such judgments should be paid before the filing of a petition in bankruptcy. This is eliminated from the bill as finally agreed upon; still the act is really declared to be an act of bankruptcy, for the bill as agreed upon provides that if the debtor, while insolvent, suffers or permits any creditor to obtain a preference through legal proceedings and shall not remove or discharge such preference five days before a sale or a disposition of the property to satisfy such lien or preference, it is an act of bankruptcy.

The principal difference in the two propositions is that in the bill as agreed upon property must have been seized and be in danger of sale, while under the House bill the mere return of an execution unsatisfied made the debtor liable to be adjudged a bankrupt, even though he was perfectly solvent and had an abundance of property to pay all of his debts situate in some other jurisdiction. The return of an execution "no property found" may be prima facie evidence of insolvency, but under the bill as agreed upon it is not an act of bankruptcy, and before the debtor can be adjudged a bankrupt in such a case it must appear that he is insolvent and that he has property.

Under the House amendment to the Senate bill a debtor might be thrown into bankruptcy against his will who possessed no property whatever. Such a proceeding is impossible under the bill as finally agreed upon unless the debtor admits in writing his inability to pay his debts and his willingness to be adjudged a bankrupt. It must be understood that this statement is made with the understanding that the debtor has been honest in all his business transactions.

In other respects all acts declared to be acts of bankruptcy by the House amendment to the Senate bill are made acts of bankruptcy by the bill as agreed upon.

Under the bill as agreed upon a debtor who conveys, transfers, conceals or removes, or permits to be concealed or removed any part of his property with intent to hinder, delay, or defraud his creditors, commits an act of bankruptcy, provided he is insolvent when a petition is filed against him; and the bill provides that if the debtor is shown to have committed any of these acts, the burden is on him to prove that he is solvent when proceeded against and that the acts have not, therefore, injured a creditor.

The bill as agreed upon also provides that if an insolvent debtor transfers any of his property with intent to prefer a creditor, or while insolvent permits a creditor to obtain a preference and does not five days before a sale discharge such preference, he is guilty of an act of bankruptcy. The making of a general assignment for the benefit of creditors is also declared to be an act of bankruptcy.

In case of such a transfer or the giving or permitting of such a preference through legal proceedings, it is made the duty of the debtor, in case a petition is filed against him, to appear in court with his books and papers and submit to an examination and give evidence as to all matters tending to establish solvency or insolvency, and in case a debtor fails to do this the burden of proving solvency at the time the petition is filed is thrown upon such debtor.

It will be observed that under the provisions of the bill as finally agreed upon no person can be adjudged an involuntary bankrupt unless he is insolvent at the time a petition is filed, but in certain cases the burden is on the debtor to show solvency, and in other cases he is compelled to appear and submit to a rigorous examination on this subject. This provision is just, for the debtor has full information on this subject, and the creditor should not have the burden of showing that his debtor is insolvent when proven guilty of the acts to which attention has been called or when he has permitted a preference through legal proceedings or has transferred property with intent to prefer the one creditor over another.

It is believed that the provisions of the bill as agreed upon are sufficiently rigorous to protect the great manufacturing and commercial interests of the country who give credit.

The provision compelling the petitioner in involuntary bankruptcy proceedings to give a bond has been somewhat modified, and under the provisions of the bill as agreed upon the petitioner is not compelled to give a bond unless it is proposed to interfere with the property of the alleged bankrupt before the final adjudication on the petition. It is certainly unjust to compel a creditor to give a bond before proceeding in bankruptcy where the property or business of the debtor is not to be interfered with, and the proceeding can not be instituted unless the debtor is insolvent and has committed acts of actual fraud, or has permitted one creditor to obtain a legal preference over another. No such provision has ever been incorporated into any statute in any State where an honest creditor is proceeding against a fraudulent debtor or one who is insolvent and is permitting his property to be taken by one creditor to the exclusion of others.

XII. A change has been made in the bill as agreed upon as to who may be adjudged involuntary bankrupts by including an unincorporated company and corporations engaged principally in manufacturing, trading, printing, publishing, or mercantile pursuits. It is believed that such corporations should be subject to the involuntary provisions of this bill. In these times the formation of corporations for these purposes is very common. The great railroad and transportation companies and banks incorporated under any law are left to be dealt with by the laws of the State creating them. It would lead to much confusion and hardship and many complications should we undertake to subject the great railroad and transportation corporations to the provisions of this act. It is believed that they can be better dealt with under other laws.

XIII. The House amendment to the Senate bill provided that the bankrupt should attend meetings of creditors when notified so to do by any creditor. The bill as agreed upon provides that he shall so attend when required by the court; that he shall not attend at a place more than 150 miles distant from his home or principal place of business unless directed so to do by the court, and that his actual expenses shall be paid from the estate when required to attend at a place other than his home. This provision is just and wise, as the bankrupt will, in most cases, be without means to defray his own expenses.

XIV. The phraseology of the section providing for the detention and protection of bankrupts has been altered, but the true meaning and effect has not been substantially changed. It is made clear that a court of bankruptcy can not arrest the bankrupt on a debt. He may be arrested for disobedience of its orders, for contempt, and on process issued from a State court on judgments not affected by bankruptcy proceedings when such arrest is permitted by the laws of the State where issued.

The provision providing for the arrest and detention of a bankrupt when he is about to leave to avoid an examination, and thereby defeat the proceedings, is so limited that proceedings for such examination must be instituted within one month after the trustee is chosen and qualified and that the bankrupt can not be detained more than ten days. This affords reasonable time for such an examination, but will not permit persecution of the bankrupt or detention for an unreasonable time. The provision that the bankrupt shall not be imprisoned is retained.

XV. Considerable change has been made in the form of the section relating to "Discharges, when granted." The House amendment to the Senate bill provided that the bankrupt might apply for his discharge two months after the adjudication and within the next four months. The bill as agreed upon fixes these dates at one and twelve months, respectively.

The House amendment to the Senate bill provided that a bankrupt should not receive a discharge from any of his debts if he had within four months of the adjudication given a preference not surrendered to the trustee, obtained property by false statements or representations, made a fraudulent transfer of property, transferred property in contemplation of bankruptcy otherwise than in the ordinary course of his business and in contemplation of bankruptcy. These provisions are stricken out, but in the bill as agreed upon the general discharge of the bankrupt will not release him from any debt created by or judgment obtained and based on any of the acts referred to.

Failing to disclose the fact that some alleged creditor has proved or attempted to prove a false claim against the estate is not made a ground for refusing a discharge. Making a false account or valuation of his property is stricken out of the list of causes for refusing a discharge, but by the bill as agreed upon such acts are made offenses punishable by imprisonment, and a general provision is inserted that the bankrupt shall not be discharged when he has been guilty of any of the offenses specified in the bill. In this respect the bill as agreed upon is as effective as the House bill, for conviction of the offense is not necessary as a foundation for refusing the discharge. In substantial effect discharges are to be refused when the bankrupt has committed an offense against the act and when he has fraudulently failed to keep or has destroyed or concealed books of account. Discharges from debts created by wrongs, frauds, etc., can not be granted.

XVI. The powers of and procedure in courts are left substantially unchanged as fixed by the House amendment to the Senate bill, except in the matter of appeals where the procedure is made more definite and certain and appeals to the Supreme Court of the United States are limited. This is in the interest of a speedy determination of controversies and settlement of the estates of bankrupts. It is highly proper that the settlement and distribution of the estates of bankrupts shall not be delayed by vexatious, expensive, experimental, and dilatory appeals profitable only to the attorneys who advise and promote them. Creditors should reap the benefits of bankruptcy proceedings at the earliest possible moment. Our circuit courts of appeal are to be the courts of last resort except in extreme and particular cases. A general supervisory power over proceedings in bankruptcy is vested in the circuit courts of appeal, and its exercise will expedite the proceedings and promote justice.

XVII. Some changes are made in section 29, which relates to "offenses." The obtaining of goods by false pretenses prior to being adjudged a bankrupt is not an offense punishable by imprisonment under the provisions of the bill as finally agreed upon. The State laws will properly and severely deal with such an offense. Under the provisions of the House amendment to the Senate bill, falsely accounting for or failing to account for property after being adjudged a bankrupt was made an offense. While these words are stricken out, the bill as agreed upon makes it an offense to "make a false account," so that, in effect, no substantial change is made.

The bill is so changed that the mere "offering" of a false claim for proof is not an offense. The provision relating to the giving or offering to give money as a consideration for unlawfully acting or forbearing to act in bankruptcy proceedings is changed in form but not in effect, except that the mere paying of money for such a purpose is not an offense punishable by imprisonment. Refusing to permit the inspection of books, etc., is not an offense unless such inspection was ordered by the court. If an inspection is denied by the referee or trustee, it is assumed that the refusal will be based on some good ground. The court can in a proper case direct such inspection in all cases.

XVIII. Section 60, while changed in form, has substantially the same effect as the House bill. An insolvent person who procures or suffers a judgment against himself, or who transfers any of his property by sale, mortgage, gift or pledge, etc., is deemed to have given a preference if its enforcement will enable one creditor to obtain a greater percentage of his debt than another of the same class. Payments to an attorney by a person in contemplation of bankruptcy for services to be rendered are subjected to the supervision of the court, but under the bill as agreed upon payments made in good faith for services actually rendered are not to be overhauled. This is simply a reasonable modification of the House amendment to the Senate bill.

XIX. By an addition to section 67, which relates to liens, the bill has been materially strengthened. All levies, judgments, attachments, and other liens obtained through legal proceedings against a person who is insolvent, within the four months before a petition is filed, are declared null and void in case he is adjudged a bankrupt. Bona fide purchasers for value on a sale under such a lien, etc., are fully protected. In effect, liens of any description obtained upon the property of a bankrupt within four months of the adjudication are made null and void, except when given for a new and fair consideration to a person who has no notice of the insolvency or no reasonable cause for inquiry.

XX. The bill as agreed upon changes the time when the act shall become operative. It goes into full force and effect immediately, except that voluntary petitions can not be filed until thirty days and involuntary petitions until four months after the passage of the act. Voluntary bankrupts will have its benefits almost immediately, and creditors will not run the risk of having its provisions evaded by dishonest debtors who might give preferences and make fraudulent conveyances or other disposition of their property in defiance of the act and thereby defeat its operation as to them, were the time when it is to take effect postponed.

D. B. HENDERSON,  
GEO. W. RAY.

Managers on the part of the House of Representatives.

Mr. HENDERSON. Mr. Speaker, the gentleman from Arkansas, Judge TERRY, one of the managers on the part of the House, who does not concur in this report, has agreed with myself, subject, of course, to the approval of the House, that this question be

debated for forty-five minutes on each side. Will the Chair submit that question to the judgment of the House?

The SPEAKER. The gentleman from Iowa asks unanimous consent that all debate on this question be closed after forty-five minutes have been occupied on each side, the time to be controlled by the gentleman from Iowa and the gentleman from Arkansas. Is there objection?

There was no objection.

Mr. HENDERSON. Mr. Speaker, the statement just read is very full and enters carefully into an explanation of the changes which have been made by the conferees. As that will appear in the RECORD, the fullest information will there be found in regard to those changes.

It may be well to state the general history or status of the bill in this Congress. At the extraordinary session last year the Senate passed a bankruptcy bill. On the 19th of February of the present year the House passed a bill as a substitute for the Senate bill and asked for a conference. The Senate disagreed to the amendment or substitute of the House and agreed to the conference. For fully three months and a half the conferees on the part of the two Houses have been steadily at work—I say steadily in the sense of working as continuously as the circumstances would possibly admit—trying to reach an agreement. We finally, a few days ago, reached an agreement.

In justice to my associates on the conference committee, Mr. Speaker, I desire here to make public acknowledgment of the untiring energy and able services of my colleague from the State of New York [Mr. RAY]. We appointed, from the conference committee, a subcommittee, consisting of the Senator from Minnesota [Mr. NELSON], one of the conferees on the part of the Senate, and Judge RAY, of New York, to take into consideration the matters involved and in dispute in connection with the bill now before the House.

This subcommittee was appointed after many gatherings of the full conference and a pretty thorough consideration of the main issues. The work of the subcommittee was, of course, to be tentative and to be submitted to their conferees before anything was considered as having been agreed to by the subcommittee. The patriotism, the faithful, painstaking, and constant industry, and the energy of these two gentlemen on the subcommittee I feel it to be my duty here and now to acknowledge in justice to them and for the information of the country.

Finally, after they had gone over the various parts of the bill and had come to the part where they thought there could be an agreement, they respectively referred the questions at issue to their co-conferees, and after consideration, with some suggestions, modifications, and changes, to make a long story short, their associates agreed to the recommendations submitted by the subcommittee. We then met again in full conference, fully discussed the various items at issue, and with some slight additional changes in the conference, reached a complete agreement, which is now submitted to the House for its action.

The Senate, Mr. Speaker, have already agreed to the conference report, as, under the rules, that body was first to consider it, and by a vote of 43 to 18 they have ratified the action of the conference committee without the change of a word.

We have just made, on behalf of the House, as its managers, our report, which is the same as that submitted to and ratified by the Senate. If this is approved without change, the matter goes to the President for his signature without delay.

In this connection I want to say another word, personally, as to one of the other conferees on the part of the House, the distinguished gentleman from Arkansas, Judge TERRY. I feel warranted in saying that he is opposed to any kind of a bankruptcy bill and made his position in reference to the matter clearly known not only in the House, but in the committee. But it is my duty and pleasure here to testify that during all of these three months' labor that gentleman has ever shown himself in this work to be a faithful legislator and a gentleman who would scorn to resort to any of the tricks of the politician.

In matters involving technical legal knowledge he has given us the full benefit of his large learning and wide experience as a lawyer and helped us to perfect the bill from the standpoint of the true lawmaker, not notwithstanding his opposition to the measure generally, and I can not fail here, in justice to myself and to him, to recognize his courteous treatment and faithful services which were given to us at all times in perfecting the bill.

Now, Mr. Speaker, if the House could have heard our printed statement, just read from the desk, and which was prepared by my distinguished colleague, Judge RAY, of New York, who went over every detail of the bill and to whom I give the fullest credit, they would know exactly what we have done and why we have done it. I want to say in brief that this bill as presented modifies or amends twenty-two of the seventy sections that were in the bill originally as it passed the House.

Forty-eight sections in the House bill remain untouched. There

are really but eight sections of the House bill that have been fully considered and that have received thorough treatment and amendment, and there were but three general themes that were the battlefield, I may say, of the conference on the part of the two Houses: First, the grounds for involuntary bankruptcy. Five conferences were held by the committee, with many propositions offered by each side, without result, although at the fifth meeting I thought, from what I had seen and heard, that an agreement between the two Houses was possible. Then we appointed the subcommittee to which I have referred, and the work went on.

The grounds of involuntary bankruptcy amounted, I think, to seven or eight in the original bill.

Mr. RAY of New York. Eight.

Mr. HENDERSON. My colleague says there were eight grounds for involuntary bankruptcy. Under the conference bill there are numerically five, although these five contain substantially, as we believe, all the grounds of the House bill with the single exception of the first, which was:

For concealing one's self or running away to avoid the service of civil process and to defeat his creditors.

Under the proposed bill fraudulent transfers, conveyances, or concealments with intent to hinder, delay, or defraud creditors, transfers while insolvent to prefer one creditor to another, preferences given through legal proceedings, general assignments under State laws, and a written admission that a debtor is unable to pay his debts and his willingness to be adjudged a bankrupt, are the grounds for involuntary proceedings and would seem to cover very fully the necessities of a good bankruptcy law.

In the matter of discharges we made concessions to the Senate, so that some clauses formerly in the bill concerning the securing of discharges are removed to a certain extent; yet we have left thorough barriers to discharges on account of dishonesty or fraud on the part of debtors. The other questions at issue were the offenses. Some concessions were made by the House, but there still remains thorough protection against scoundrels, and punishment is provided for those who would seek to destroy the just operation of the proposed law.

The following are the sections amended by the conference, namely: Nos. 1, 2, 3, 6, 8, 13, 14, 16, 18, 19, 21, 24, 25, 29, 39, 41, 44, 48, 55, 60, 67, 70; in all, twenty-two. But the substantial amendments were made only to the following: No. 2, acts of bankruptcy; No. 3, who may become bankrupts; No. 5, duties of bankrupts; No. 8, detection and detention of bankrupts; No. 13, discharges, when granted; No. 25, appeals and writs of error; No. 29, offenses; No. 67, liens.

The sections of the House bill not amended are as follows: Nos. 4, 5, 7, 9, 10, 11, 12, 15, 17, 20, 22, 23, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 43, 45, 46, 47, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 68, 69.

The original Senate bill was not pressed in conference, but a substitute to that bill was brought in by the Senate conferees, but never seriously pressed. The House bill was then taken up and considered as I have just shown in my remarks. We make the bill operative in thirty days, or in four months for involuntary bankruptcy.

I want the House to understand that in my judgment we submit to you a bankruptcy bill which should find the approval of every member of this body unless he is opposed to any bankruptcy law at all.

Experience will doubtless show imperfections in the proposed bill, but I believe it to be the best that has ever been tendered to the country. It will bring blessings to hundreds of thousands of those who can never get from under a hopeless load of debt and will thoroughly protect honest men in preserving their rights against dishonest debtors and secure a fair distribution of the estates of insolvents. Time and experience will enable Congress to improve where improvement is needed and make a law that I believe will be retained upon the statute books of our country.

And with these observations, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has occupied eleven minutes.

Mr. TERRY. Mr. Speaker, I desire in the beginning to express my sincere thanks to my distinguished colleague on the committee [Mr. HENDERSON] for the very kind things he has been pleased to say with reference to my services on the Judiciary Committee and on the conference committee in the consideration of this conference bill. I very highly appreciate his graceful courtesy in that behalf.

I believed from the very beginning, Mr. Speaker, that this Congress would in all probability pass a bankruptcy bill, and I have labored earnestly to remove objectionable or obnoxious features from such bill as far as I could, so that in case it did become a law it might not bear too heavily upon the debtor class of this country, who, unfortunately, are a very large class; and I feel that it is but just that I should now state that very many of the objectionable features have been removed from the bill, compared to what it was when originally proposed.

Others have been greatly modified; but still, Mr. Speaker, it is not such a measure as I can conscientiously support. It is still in effect a Federal attachment law. It still gives an extended jurisdiction to the United States courts that may be used oppressively. It still has the involuntary features that I have always opposed. It deprives an honest debtor of the right to prefer one creditor to another. I have always believed that there was a difference in the matter of debts; that some debts should be preferred to others.

I will not, on this occasion, enter into any extended argument to show that. I think every man's experience will show that some debts are of a higher obligation than others. It was always a common-law right for a debtor to prefer one creditor to another. It is a right that has been denied in quite a number of the States of this Union, but it is a right that has always been recognized in my State; and taking the involuntary features of this bill, the destruction of the right of a debtor to prefer one creditor to another, the fact that this bill is in effect a Federal attachment law, the fact that it opens wide the door of jurisdiction to the Federal courts in the matter of collection of debts, in many cases where they have no such jurisdiction now—those considerations, Mr. Speaker, are the main ones upon which I ground my opposition to the present bill.

I have spoken several times in this House against bankruptcy bills, and I do not care to take up any more of the time of the House than merely to make the brief statement that I have with regard to this bill.

I ask my committee colleague on the other side [Mr. HENDERSON] if there is anyone over there who desires to use any time? If so, will he please use it now.

Mr. HENDERSON. What is the remark of the gentleman?

Mr. TERRY. If you have anyone over there who desires to submit any remarks in behalf of the bill, I should be glad to have him do so, and then I will yield to one of my colleagues on the committee.

Mr. HENDERSON. How much time has the gentleman from Arkansas occupied?

The SPEAKER. Six minutes.

Mr. HENDERSON. I should prefer to have my friend go ahead.

Mr. TERRY. Will there be anybody else over there to speak?

Mr. HENDERSON. I can not tell yet. There is one gentleman who desires to speak.

Mr. TERRY. Well, I do not suppose it makes very much difference. I yield to my colleague on the committee [Mr. DE ARMOND] such time as he may desire, and I will then reserve the balance of my time.

Mr. DE ARMOND. Mr. Speaker, I have not the time and shall not make the effort to compare and contrast this bill as reported by the conference committee with the Senate bill or with the bill which passed the House. To my mind the main objections to the bill as it left this House may still be lodged against it as it comes back to the House from the conference committee.

A proposition for bankruptcy legislation along the lines followed in this report was made to this House and to this country years and years ago. Its origin was with the great credit-holding, credit-collecting organizations of this country. The original bill, known as the Torrey bill, was drafted by a skillful lawyer employed by the wholesalers of the country and was designed to afford an additional and, from their point of view, a very effective means of collecting debts.

Of course it was presented to the Congress and to the country as a measure designed to relieve insolvent debtors. If it had been presented in its true light, as a measure concocted by creditors for the benefit of creditors, it might have met some objections which it has escaped in the course of the discussion in Congress. Nevertheless it is such a measure. No man can read a page of it without finding upon that page indisputable evidence that the bill originated with those who have debts to collect, and to obtain new means for their collection, rather than with those who are overwhelmed with debt and are seeking an avenue of escape from the hopeless burdens which they can not otherwise lift. The bill is stringent in guarding the avenues of escape and release for the debtor. The bill is precise and minute and strict with the debtor, in providing how the creditor may secure from him, how he must yield to the creditor, all that the creditor demands.

Scarcely can the insolvent get through under this law and with this machinery if those who take the other side—the creditors—choose to bar the exit and deny him a discharge. No longer will the creditor need to resort to the State courts that have been provided for the protection of debtor and creditor. Here are provided for him new and extraordinary Federal tribunals to which he may force the debtor at will. A man once assailed under this law, whether or not he be a bankrupt at the commencement of the proceedings, certainly will be a bankrupt in the end. Assailed as a bankrupt, thrown into court as a bankrupt, there is no escape

for him from bankruptcy in fact. His credit destroyed, his property seized, his business broken up, however hopeful the outlook before the proceedings begin, after they are begun all will be dark, except for one possible ray of light—the hope that through the bankruptcy court he may secure a discharge from his debt.

The provision for the arrest of the hunted debtor when bankruptcy proceedings are on foot, notwithstanding it was pared down a little in this committee of conference, still is unjust, harsh, and unnecessarily severe. The unfortunate bankrupt is regarded as a criminal from start to finish. The person for whom this legislation is said to be, but is not, designed is the object and subject of suspicion from beginning to end. The real design is to make a bankrupt of him of whom a creditor would have a bankrupt made.

Another great objection to this bill, an objection that ought to be fatal to it anywhere and at any time, is that it is framed to establish permanently in this country a system which at best ought to be temporary. A bankrupt law designed for the relief of those who could not otherwise be relieved, a bankrupt law conceived in mercy and to be executed in justice, ought not to be perpetual.

It ought to be made to apply only to the exigencies of hard times, ought to be designed only to set men again upon their feet and then leave them to walk the various paths of life as best they may. If this bankruptcy law were a hundred times as good as it is, if 99 per cent of the objectionable features of it were eliminated, still it ought not to be passed unless circumscribed and limited in its operations within a reasonable period of time. If there be need for this measure now, if it should pass now, why ought it to become a permanent feature of the jurisprudence of the country? Why not provide for the evils which at present exist? Why not deal only with the ills to be cured?

Why would it not be enough to provide that for one or two years a bankruptcy law shall prevail, so that those desiring to take advantage of it may do so; and then, at the end of that time, all proceedings shall be wound up and no new proceedings shall be begun? Would not that be better and safer for the masses of the people than to establish a new, enduring system for collecting debts, with the power of the creditor to throw the debtor into the Federal instead of the State courts? Can such legislation be in the interest of the masses of the American people? Is it in the interest of the debtors themselves? Is it not rather designed to transfer from the State courts to the Federal courts jurisdiction which now resides alone in the State courts, and which is ample, certainly, for all ordinary times, and even for all general purposes in time of depression as well as in time of prosperity?

Mr. GAINES. Will the gentleman allow me to ask him a question?

Mr. DE ARMOND. Certainly.

Mr. GAINES. Has the State court jurisdiction to enforce a Federal bankrupt law?

Mr. DE ARMOND. No.

Mr. GAINES. How are you going to cure it, then?

Mr. DE ARMOND. I am not making a bill here. I have not time to do so if I could, and perhaps it would not be adopted if I did. The real objection, be it small or large, goes to the system, and is that it changes permanently in the American statute books the methods of doing business in this country between debtor and creditor, and takes away from the State courts a jurisdiction which now resides there, and which, under our system of government, ought to reside there.

It transfers to the Federal courts jurisdiction which does not now belong to them, and which should not reside there permanently, if it should reside there at all. The result will be to multiply greatly the numbers of those employed and those hereafter to be employed in the judicial service of the United States. Almost before the ink of the Presidential signature to this bill is dry, a cry will be raised for the creation of new courts, the appointment of new judges, for enduring additions to the machinery of the Federal courts, made necessary, it will be said, by this new and extensive jurisdiction conferred upon them.

There has been enough passing away and drawing away of jurisdiction from the home tribunals of the people to the Federal courts. The people of this country—not those who propose and those who father and those who put through Congress such bills as this, but those without influence here to voice their feeble hopes and growing fears—seek not the enlargement of the jurisdiction of the Federal courts. They desire rather the enlargement of the sway of the local courts over which they have more direct control, where they feel that justice will be meted out to them with a more even hand than in the distant, lofty courts under the Federal judges holding office for life.

The whole matter is this: In order to facilitate the collection of debts, because the creditor class of the nation have pleaded and schemed for it for years and years, there is now to be passed a bill in their interest, one that will bear hardly, in many instances cruelly, on the debtor class of the country, because they would

rather go into the Federal court, where their power will be greater and where the victims will be more powerless than in meeting the debtors and the creditors of the land face to face in the courts of the vicinage. This law is to be passed. This legislation is to be adopted not as a temporary expedient for temporary ills, but as a permanent feature of the jurisprudence of this country for the creditor class, who urge its passage.

In making these remarks, in trying to express myself strongly on this subject, because my convictions upon it are firm and unshaken, I impute nothing of evil to the gentlemen who have carried the involuntary bankruptcy bill through the House. I have no strictures, no criticisms, for the gentlemen who served upon the conference committee. It is at the legislation that I strike; it is the legislation that I oppose. While realizing fully that the power which has pressed this bill, substantially in the same form, with little changes here and there, for years and years, is finally to have its triumph, is finally to carry the measure into the law, I am one of those who desire, in discharging my duty to my constituents, in discharging my duty, as I believe, to the plain people of this country, in behalf of fairness, to endeavor to characterize this bill as I believe it ought to be characterized—as a creditor's measure, for the creditor's benefit, as an exaltation and enlargement of the Federal power for the sake of getting the courts farther away from the people. Instead of being a benefit, a boon, to the poor and helpless of the country, it is a greater menace to them, a greater danger to them, and a deadlier stroke at them than many may suppose.

I do not go much into this business of prediction. Predictions often are worthless. But unless I greatly mistake, the time will come, and come speedily, when corruption of the worst kind will grow up around this law and be sheltered by it; when oppression there will find one of its citadels; when the power of the mighty rich will be magnified greatly by such legislation, and the weakness of the defenseless poor will be made manifest in the same proportion. There is a taking from the people of their home courts and of the opportunity to have their affairs adjudicated in their own vicinage. There is a carrying of the helpless of the land far away to the distant and mighty courts, where the wealthy have power and where the poor are comparatively defenseless. There is a multiplying of the officials of this land. There is an increase of the pay rolls. There is at once temptation to the dishonest would-be bankrupt and danger of denial of relief to the real bankrupt who is honest and helpless.

Here is a power for the mighty, when there is no need for it, to make bankrupts of those who otherwise would not become bankrupt. Here is power for the wealthy at will to tarnish forever the names of the honest and hopeful and, comparatively speaking, prosperous men who are indebted to them. Here is the power to strike down at will, and here is the power also to deny relief after the stricken debtor lies prone, his fortune gone, his business reputation scattered to the winds, and nothing but the relief of a discharge in bankruptcy in prospect before him. Here is a threat of the arrest of every man who does not dance attendance on the Federal court and help the creditors to make him more securely and more hopelessly bankrupt.

Trial by jury is vouchsafed if he asks for it speedily. Many a man will be thrown into bankruptcy and the time will expire for demanding the right of trial by jury before he learns that he has such a right. It is one that must be demanded quickly if it is to be enjoyed. The provisions in this bill are such that the purpose is not to give, but to deny, a trial by jury in most instances.

The man thrown into bankruptcy is compelled to attend the meeting of the creditors—their servant, their lackey, their slave—there at their bidding, as an abject creature owned by them. Yet this will be heralded abroad to the country as a supreme effort at legislative relief to those now bowed down with the burden of debt. The country may be mistaken about it now, but soon, I apprehend, it will ascertain and by bitter experience know what this measure is. The people will know what has passed from them, and they will know to what point it has passed.

This bill ought to have been limited in time. It will take the power of legislation to get rid of it. The whole history of bankruptcy legislation has shown that these laws have become odious; that the robbers have gathered around the places where they have been administered; that the buzzards have preyed upon the carcasses of those who have been slain by them. And yet it has been difficult to get rid of the other bad laws; and it will be difficult to get rid of this one. There will be powerful agencies to hold it upon the statute book long after the people of the United States, learning its character and effect, are urging its removal and pleading for the relief which that removal would bring. Why not put upon this bill a limitation of two or three or four years, or, better still, one year? Then, if it should prove a benefit or boon, with reasonable promise of continuing so indefinitely, as it will not, a very small amendment would continue it in force. But it is to be fastened upon the people for all time, so far as its projectors are

concerned. The people may get rid of it when they can and as they can. [Applause.]

Mr. HENDERSON. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, at all stages of the legislation on this bill up to the present time I have voted against it. My reason for doing so has been that I have always been opposed to an involuntary bankruptcy bill and in favor of only a purely voluntary bill. I agree thoroughly with my colleague on the committee that if I had the writing of a bill I would make it a voluntary bill and limit its force to one, two, or three years' duration, and then have it wiped from the statute book. But I came here to legislate for what I may conceive to be the best interests of the people I represent. I can not always get such legislation as I believe to be perfect legislation. I must adopt for my constituents that legislation that I believe comes nearest to filling the end that they desire.

Now, the conference committee in the consideration of this bill had eliminated almost all the features which were objectionable to me. As I have said, if I could prepare the bill myself I would prefer a purely voluntary bill. But when the question was before this House several months ago I voted for the Nelson bill as a substitute for the Henderson bill. The present bill in its involuntary features is substantially what the Nelson bill was at that time. In other words, it substantially limits the questions of involuntary bankruptcy to cases where the bankrupt has committed a fraud or where he has given a preference. Now, I do not believe that an insolvent man should prefer any of his creditors. So far as my own State is concerned, we allow no preferences. And when you come to a question of fraud, I say that the man who attempts to defraud his creditors carries himself beyond the pale that entitles him to the protection of the law.

Therefore, although the bill does not fully meet my views on these questions, I think it a bill that is nearer to what my constituents want than any that they will have an opportunity to get in this House. And when I realize that on account of the depression of values in this country, on account of the great shrinkage of the property of this country in the last six or seven years, hundreds of men in my district and in your district have been made bankrupts through no fault of their own—men who with the shackles of debt hanging on them are unable to do anything further for their own benefit or the benefit of their families, men who have the capacity, the vigor, and the business principles which, if you would but strike these shackles from them, would enable them once more to make a living for themselves and their families and become live factors in the communities in which they live and good citizens of this Republic—when I realize that this is to be accomplished by the passage of a bankruptcy bill with the involuntary features in it, then I say that, with my duty to my constituents before me, realizing the evils on the one side and the benefits on the other, I am bound to take this opportunity to give relief to this class of people who have been crying at the doors of Congress for relief for the last ten years without getting it. For this reason I shall cast my vote in favor of the bill as it is now presented to the House. [Applause.]

Mr. TERRY. I yield to my colleague [Mr. MCRAE] such time as he may desire.

Mr. MCRAE. Mr. Speaker, as is known perhaps to all the membership of this House, I am opposed to all Federal bankrupt legislation. I indorse what the gentleman from Missouri, Judge DE ARMOND, has said against this bill, and for want of time I shall not undertake to point out at length the very many objections that might be fairly urged against it. From beginning to end it magnifies the Federal courts, and absolutely nullifies the collection and insolvent laws of the States. Let me read section 2 in order to call attention to the very many powers conferred by it upon the courts of bankruptcy:

SEC. 2. That the courts of bankruptcy as hereinbefore defined, viz, the district courts of the United States in the several States, the supreme court of the District of Columbia, the district courts of the several Territories, and the United States courts in the Indian Territory and the District of Alaska, are hereby made courts of bankruptcy, and are hereby invested, within their respective territorial limits as now established, or as they may be hereafter changed, with such jurisdiction at law and in equity as will enable them to exercise original jurisdiction in bankruptcy proceedings, in vacation in chambers and during their respective terms, as they are now or may be hereafter held, to (1) adjudicate persons bankrupt who have had their principal place of business, resided, or had their domicile within their respective territorial jurisdictions for the preceding six months, or the greater portion thereof, or who do not have their principal place of business, reside, or have their domicile within the United States, but have property within their jurisdictions, or who have been adjudged bankrupts by courts of competent jurisdiction without the United States and have property within their jurisdictions; (2) allow claims, disallow claims, reconsider allowed or disallowed claims, and allow or disallow them against bankrupt estates; (3) appoint receivers or the marshals, upon application of parties in interest, in case the courts shall find it absolutely necessary, for the preservation of estates, to take charge of the property of bankrupts after the filing of the petition and until it is dismissed or the trustee is qualified; (4) arraign, try, and punish bankrupts, officers, and other persons, and the agents, officers, members of the board of directors or trustees, or other similar controlling bodies, of corporations for violations of this act, in accordance with the laws of procedure of the United States now in

force, or such as may be hereafter enacted, regulating trials for the alleged violation of laws of the United States; (5) authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary, in the best interests of the estates; (6) bring in and substitute additional persons or parties in proceedings in bankruptcy when necessary for the complete determination of a matter in controversy; (7) cause the estates of bankrupts to be collected, reduced to money, and distributed, and determine controversies in relation thereto, except as herein otherwise provided; (8) close estates, whenever it appears that they have been fully administered, by approving the final accounts and discharging the trustees, and reopen them whenever it appears they were closed before being fully administered; (9) confirm or reject compositions between debtors and their creditors, and set aside compositions and reinstate the cases; (10) consider and confirm, modify or overrule, or return, with instructions for further proceedings, records and findings certified to them by referees; (11) determine all claims of bankrupts to their exemptions; (12) discharge or refuse to discharge bankrupts and set aside discharges and reinstate the cases; (13) enforce obedience by bankrupts, officers, and other persons to all lawful orders, by fine or imprisonment or fine and imprisonment; (14) extradite bankrupts from their respective districts to other districts; (15) make such orders, issue such process, and enter such judgments in addition to those specifically provided for as may be necessary for the enforcement of the provisions of this act; (16) punish persons for contempts committed before referees; (17) pursuant to the recommendation of creditors, or when they neglect to recommend the appointment of trustees, appoint trustees, and upon complaints of creditors, remove trustees for cause upon hearings and after notices to them; (18) tax costs, whenever they are allowed by law, and render judgments therefor against the unsuccessful party, or the successful party for cause, or in part against each of the parties, and against estates, in proceedings in bankruptcy; and (19) transfer cases to other courts of bankruptcy.

Nothing in this section contained shall be construed to deprive a court of bankruptcy of any power it would possess were certain specific powers not herein enumerated.

These and many other things, Mr. Speaker, may be determined by the judges in vacation. The bill confers extraordinary and dangerous powers upon the Federal courts over the estates of debtors, and fairly bristles with penalties against those who may become subject to their jurisdiction. I predict, sir, that within less than six months after this bill goes into operation you will find that the honest trader will have no credit at home because this bill will not allow him to prefer or protect his home creditors, and the honest debtors throughout the country will be driven into bankruptcy by the nonresident creditors. It means absolute ruin to small traders who operate on borrowed capital.

Mr. LEWIS of Washington. Let me ask the gentleman from Arkansas a question.

Mr. MCRAE. Certainly.

Mr. LEWIS of Washington. Do you construe the provision to which you refer as creating bankruptcy courts and, as such, courts, distinct from the ordinary Federal courts already provided for by law?

Mr. MCRAE. Not at all. The bill declares what Federal courts shall become courts of bankruptcy and gives them the power to appoint referees in each county.

I am struck with the political cunning of our friends on the other side of the House which is exhibited in the last section of this bill, which provides that "no petition for involuntary bankruptcy shall be filed within four months of the passage thereof." It is strange, when so much has been said, here and elsewhere, about its fairness, liberality, virtues, and advantages—it is strange that the operation of its involuntary features should be postponed for a period of four months after it becomes a law. If it is such a good thing, why delay it four months? The only way I can account for this is that those on the other side are unwilling to meet the wrath, the just wrath, of the people that is sure to be aroused by such an act until after the next November election. They have taken the precaution to say that the bill shall not go into effect for four months, and yet during this period acts of bankruptcy may be committed. It operates on the business of the debtor, but the courts can not act until November.

Now, if the bill is what gentlemen claim for it, and if the people are demanding it throughout the whole country, as they insist, why do they close the courts against the practical operation until next November? They know, as well as I know, and as well as can be known, that when the greedy creditors, aided by all of these courts and their army of officers and all the vast powers granted, shall commence to move against the millions of honest debtors; when the dishonest debtors begin to use this act to rob honest people and get relief from just debts; when the exemptions allowed by State laws to the people of the States are to be construed, and allowed or disallowed, by these Federal judges far removed from the people; when all of the attachment, assignment, and collection laws come to be administered by Federal officers; when all of the property rights of our people in relation to trade and business is taken from the State courts; when Federal courts have been given the power to set aside honest assignments and stand in the way of fair arrangements which would permit debtors to continue their business—when the people begin to realize fully what this means and what they must submit to and endure under this law; when they learn what is true, that this is nothing less than a national collection law, there will arise a storm of indignation that will demand its repeal and the rebuke of the men who have made such things possible. The people have but little

left, and I trust they will be allowed to enjoy that without the interference of the Federal courts. Mr. Speaker, in the light of history and in the light of experience arising from the bankruptcy act of 1867, passed by Congress, our friends on the other side have acted wisely in protecting themselves against the next elections, which come in November, but I hope that is not the only election we will have in this country. I now yield to my friend from Texas [Mr. BURKE], who has indicated a desire to ask me a question.

Mr. BURKE. The gentleman from Arkansas seems to fear greatly the present powers which are conferred by the bill on the Federal courts and judges.

Mr. MCRAE. I do.

Mr. BURKE. Now, frankly, I would ask the gentleman if the powers conferred by the bill are not the inherent powers in all courts—the right, for instance, to punish for contempt of court or contempt of its orders, the right to appoint receivers or assignees to take charge of estates, and things of that kind? In view of this fact, I ask if the gentleman from Arkansas is not complaining of the authority proposed to be conferred by the bill on the Federal courts which is now an inherent power of the court? Why should we draw the line on this particular bill?

Mr. MCRAE. The powers to which my friend from Texas refers may properly belong to any court that is given such bankrupt jurisdiction. But what I object to, if the gentleman will bear with me a moment, is that Federal courts, presided over by judges not elected by the people, but appointed for life, should be given full and complete jurisdiction over the property of the people. This is not a temporary statute. On the contrary, it is intended to be permanent. That may do for a monarchy, but it is not suited to a dual government like ours. When such power as that is given, there should be some responsibility to the people of whose estates these officials are made the trustees and administrators. All such matters, in my opinion, should be left to the State courts and you can safely trust the States to enforce the collection of debts humanely, fairly, and cheaply.

Mr. BURKE. Will the gentleman allow another question?

Mr. MCRAE. Certainly.

Mr. BURKE. Does the gentleman from Arkansas include in his complaint the action of the Federal judge in his own district, Judge Rogers?

Mr. MCRAE. I make no complaint against any particular judge. The judge of the district in which I reside is an able, upright, honorable, incorruptible judge, and I would risk him as far as I would any judge so far removed from the people. He is my personal friend, and I think our people quite fortunate in having him to administer this law if it passes; but that will not in the least prevent me from protesting against the wrongs and judicial tyranny made possible by the bill now proposed. [Applause.]

I have a very high personal regard for many of the Federal judges, but I know they can not settle these matters as well as if they lived among the people. It is not a question of the political affiliations of the judge with me. It is a question involving the rights of the people which we should consider. I am opposed to giving such power to any Federal judge, whether he be a Democrat, a Gold Democrat, or a Republican. I warn our friends in the House against the dangerous powers which you propose to give these courts over the estates of our people who may have become involved in debt. An honest debt is no crime, and we should be careful not to injure those who may be in debt.

Mr. Speaker, Congress should not strike the struggling trader by providing new and extreme methods to harass and vex him. On the other hand, let us elevate the standard of commercial integrity, which is the strongest and most potent influence for good in this growing country. You can not promote honorable dealing among the people by granting discharges in bankruptcy. The merchants and business men of our country who are fighting against hard times want to be left free to continue as heretofore. There is more pride taken in their commercial integrity and more credit extended upon it than in the possession of their property. This bill destroys such credit. You can not expect by law to make men honest, and you should not punish the innocent in a foolish effort to catch bad men. We can safely leave these matters with the parties and the State courts.

If a man honestly confesses his inability to pay his debts and makes a general assignment for the benefit of his creditors without preference under a State law, by this bill it is possible to take his estate from the State court into the Federal court and have it administered. In other words, you will not let him do in the State court just what you say he must do in the Federal court. An honest, worthy act on the part of the debtor who finds himself unable to meet his obligations is made an act of bankruptcy, and he must forever after bear the stigma of being a bankrupt, and his property wasted in cost. Again, you make it possible for a debtor to conspire with some friendly creditor, who may be his child, his father, his uncle, or his aunt, to be put into bankruptcy.

All that is necessary is for him to write a letter saying that he is unable to pay his debts and that he is willing to be put into bankruptcy, and the bankruptcy proceedings can be instituted, although he may have borrowed thousands of dollars from his neighbors.

Mr. RAY of New York. Will my friend permit me?

Mr. MCRAE. Certainly.

Mr. RAY of New York. You are altogether mistaken.

Mr. MCRAE. I wish I was, but I am certain that I am not.

Mr. RAY of New York. Certainly you are. The possibility that what you have just mentioned might occur was pointed out and urged upon the conference committee. So, if you will look at the bill as finally agreed upon, you will find it provides that a man may be adjudged an involuntary bankrupt when he makes a written statement that he is unable to pay his debts, and in the statement also says that he is willing to be adjudged a bankrupt on that ground. It must be a voluntary act on his part.

Mr. MCRAE. That is exactly what I said.

Mr. RAY of New York. What you said, as I understood it, was that if a man wrote a letter to his friend, saying that he could not pay his debts, that he could be adjudged a bankrupt.

Mr. MCRAE. I said if he stated in that letter that he was unable to pay his debts and was willing to be adjudged a bankrupt, all he has got to do in order to relieve himself of initiating the proceeding is to write this letter and say that he is unable to pay his debts and that he is willing to be adjudged a bankrupt, and straightway his friend, his cousin, his uncle, or his aunt may proceed against him, and his estate will be administered and honest creditors will be robbed.

This is an easy way for a debtor to voluntarily select some one to put him into involuntary bankruptcy, and it is full of danger. I have endeavored during the whole time that this bill has been pending—and it has been here for ten years—to look somewhat to the interests of the people to whom the bankrupt is in debt, as far as I could. I do not want the courts made the instruments by which deserving and confiding men and women are robbed. I do not want to make it possible for the dishonest debtor to defeat the honest debts that he owes; and if the history of bankrupt laws is worth anything, it stands out in living letters and ought to be a warning to every man who intends to vote for this bankruptcy bill. The act of 1867 furnished the machinery by which more honest debts were wiped out and dishonest men set afloat as commercial pirates than any other law that has ever been passed.

There are features in this bill that demand our closest attention. It will, I believe, be the means by which the dishonest debtor will be relieved and permitted to repeat his thieving indefinitely. The best thing we can do for the dishonest debtor is to say to him, "You must get rid of your debts as you made them—by contract, compromise, or otherwise." When you let him understand that there are only two ways to get rid of an honest debt—to pay it or to compromise it—he will be careful about making it, and then you will have commercial integrity and personal honor. That, as a general thing, is what the merchants of this country ought to and do stand for. That is what we all want, but we will never get it by putting the Federal courts of this country to issuing discharges and by giving them this immense jurisdiction and the dangers that necessarily go with it. The honest men in business will be ruined and the dishonest men who are in debt will be relieved of their debts. You make it possible to break one to give another who has failed another chance. I am opposed to that policy.

I yield back to my colleague the time which remains.

Mr. HENDERSON. I will yield five minutes to the gentleman from Texas [Mr. BURKE].

Mr. BURKE. Mr. Speaker, on a former day of this session I voted for the bill which was originally presented and passed in this House. I voted for it because I believed that bankruptcy legislation was absolutely necessary for the best interests of a large portion of the citizenship of this country.

Mr. KING. May I ask my friend a question?

Mr. BURKE. Yes.

Mr. KING. Does not my friend know that instead of a large number of the citizens of this country pressing this legislation it has been persistently pressed for years by a strong lobby representing the creditor interests of the United States?

Mr. BURKE. I will answer the gentleman from Utah by saying that according to the report presented in this House by the Judiciary Committee, accompanying this bill, approximately 400,000 debtors were suffering and absolutely standing in need of some beneficial legislation in this direction when this bill was presented. I think I am not mistaken in the number.

Mr. RAY of New York. Will my friend and colleague permit me right there to say that it is true that the clamor for bankruptcy legislation does not come from the great creditor classes of this country, as you term them—that is, the great manufacturing

and commercial interests that give credit. The strongest commercial houses in the United States, those who give the largest credits throughout the United States, have opposed this bill and this legislation from first to last.

Mr. BURKE. I thank the gentleman from New York for the suggestion.

Mr. KING. May I ask the gentleman from New York, though I do not like to take the gentleman's time, why do you so strongly insist on the involuntary feature if my friend inferred—and it is a reasonable inference from his statement—that it is the debtor class that want this legislation?

Mr. RAY of New York. I will answer in a few moments, if my colleague will permit me to do so right here.

Mr. BURKE. Let the gentleman from New York go ahead, though not to come out of my time.

Mr. RAY of New York. Now, the gentleman does not appreciate the people of the United States; does not seem to understand them. We have really three classes. One, those who are so very rich that they live simply on the interest of their money. They invest in stocks and Government bonds; they do not give credit; they do not ask credit. We have another class, so very lazy and criminal that they do not get credit. They do not work, they do not ask credit, and they do not expect it; some steal, some beg, and some sponge. These two classes do not care anything about this bankruptcy legislation. Then we have the great mass of our people, rich people and poor people, manufacturing people, mercantile people, farmers, and laboring people; people of all classes that have money and property or who work and earn money and who invest it in business.

Some have money, some do not have much money, but they labor, they work, and they have money or its equivalent coming to them. They give credit. The day laborer gives credit; he belongs to the creditor class. He waits until the end of the week for his pay; so that his employer becomes his debtor. The great mass of the people belong to the debtor and creditor class alike. They are both debtors and creditors; and these, the masses of the people, are almost unitedly asking for this legislation, because when one of them fails or when his property is not sufficient to pay his debts and he is pressed and can not get out he wants to be relieved from the great burden of debt that is pressing down upon him. This law will help this class. In giving relief to that class of men we must be careful that we do not open the door to fraud; that is, for men who get in debt who proceed on the idea that they will get all the goods or property or money or labor out of workingmen that they can on credit, then run away and cheat their creditors or use it all to prefer a few. We must guard all classes when we seek to benefit either. Hence it is that both voluntary and involuntary provisions are absolutely necessary.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BURKE. Now I ask the gentleman from Iowa to yield me five minutes.

Mr. HENDERSON. I will give you five minutes, but you must take care of it.

Mr. BURKE. I will do so. I hope I will not be interrupted any more.

Mr. Speaker, I can only speak advisedly for one class of people, and that is my own people; and I know, sir, that there is no measure that proffers greater benefit for the people of my State to-day than the enactment of a just and wise bankrupt law; and, according to the suggestion made by the gentleman from Arkansas [Mr. TERRY], a member of the conference committee, he frankly states to the House that many, if not all, of the most objectionable features contained in this bill when it originally passed the House have been eliminated from it by this conference committee.

Mr. TERRY. The gentleman is stating my language a little too broadly.

Mr. BURKE. I will permit the gentleman to correct it in the RECORD. I do not wish to do my friend an injustice, even in quoting him. But let me make another suggestion. The gentleman from Missouri [Mr. DE ARMOND]—and I always listen to him with pleasure and usually with much profit, because what he says is usually to the point—seems to stand in great dread of the Federal courts of this country and the jurisdiction that attaches to those courts. Why, Mr. Speaker, that jurisdiction is constitutional. Why should the gentleman from Missouri [Mr. DE ARMOND] or the gentleman from Arkansas [Mr. MCRAE] get up here and decry to such an extent about the jurisdiction of the Federal courts of this country? No bankruptcy legislation can be had except by Congress, and Federal courts must construe and enforce such legislation.

I say, Mr. Speaker, in a spirit of candor and of frankness, that I do not stand in dread of the Federal courts to such an extent as the gentlemen to whom I referred. They are courts of my country, and I have never yet seen the time when I was afraid to trust the courts of my country. Let them be Federal or State, I have

no fears of them. Why, Mr. Speaker, in my own State to-day, if you will pardon the digression, there presides over the circuit and district courts two gentlemen, one a Republican and the other a Democrat, and I venture the assertion upon the floor of this House that there is not a member of the House from Texas who would not be willing to trust his life and his fortune in the keeping of those incorruptible judges.

I have no fears of the Federal judges of Texas. I do not know how my friend from Missouri and my friend from Arkansas regard those in their respective States. Much has been said upon the floor of this House about the harsh creditor and the poor debtor. I suggest to you, sir, that the Congress of the United States can not afford to legislate in the interest of the debtor class to the exclusion of the creditor class. Creditors have rights in this country as well as debtors, and Congress should see to it that those rights are protected at least equally with the rights of the debtor class. At a former day in the House, at this session, when this bill was up for discussion, I attempted in my feeble way to point out to the House that in two-thirds of the States of the Union to-day more grounds exist for the issuance of writs of attachment than exist for involuntary bankruptcy under the provisions of this bill. The chairman of the committee, the gentleman from Iowa [Mr. HENDERSON], says that two of the grounds formerly in the bill have been eliminated by the conferees, leaving now only six grounds for involuntary bankruptcy as contained in the conferees' report, less than there are now in three-fourths of the States as a cause for seizing a man's property under writs of attachment, and yet we hear the distinguished gentlemen say nothing here about the issuance of writs of attachment or the attachment laws of the respective States—not a word.

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman from Texas has expired.

Mr. HENDERSON. Will the gentleman from Arkansas use the remainder of his time now?

Mr. TERRY. There was a gentleman that I wanted to yield some time to, but he is not now present.

Mr. HENDERSON. We have nineteen minutes remaining, I believe.

The SPEAKER pro tempore. That is correct.

Mr. HENDERSON. I will yield eighteen minutes of that to my colleague [Mr. RAY of New York].

Mr. RAY of New York. Mr. Speaker, in the brief time I have I can not fully answer the objections that have been raised to the enactment of this bill into law, but I desire briefly to call attention to some of them. The gentleman inadvertently gave the impression to the House that we are creating new and additional courts and additional officers, which, of course, the gentleman did not mean to say. We simply confer certain jurisdiction upon certain of the United States courts. We do not confer jurisdiction so much as we declare jurisdiction. No new powers are created, excepting as necessary to administer the law, and almost every power specified in the bill is inherent in the courts, if they are given jurisdiction of bankruptcy cases.

Now, the gentleman raised the further objection that the judges who preside in our United States courts are to be feared, and gave the impression that every bankrupt is to be tried before a judge, and that a judge appointed for life and not answerable to the people is to pass upon the merits of his case. Not so. We have provided throughout this bill that whenever a person is accused of a crime, or charged with having committed acts of bankruptcy, he shall be entitled to a jury trial upon all the issues involved. On the question of whether or not he is insolvent he is entitled to a jury trial.

Mr. LOVE. Does he have a trial at home or must he go to a Federal court?

Mr. RAY of New York. In some cases he is entitled to a trial near home and in other cases he has to go to a Federal court. But there will be very few cases where an issue is raised. I desire to call attention to the acts of bankruptcy as finally agreed upon by the conferees.

Mr. BARTLETT. Will the gentleman from New York allow me a question?

Mr. RAY of New York. Yes; but please do not take much of my time.

Mr. BARTLETT. Why was it you struck out of the bill the right of the jury to assess damages for a malicious attempt to put a man into bankruptcy? You do not allow the jury to assess the damages.

Mr. RAY of New York. Certainly, the jury may assess the damages.

Mr. TERRY. If the gentleman will allow me, I think in the conferees' report it says the damages shall be assessed by the court.

Mr. RAY of New York. They may be assessed by the court, unless one of the parties demands a jury trial; and if he does, he is, I think, entitled to a jury trial.

The gentleman says that we have provided that this bill shall go

into effect immediately. Who can complain of that, Mr. Speaker? The great and pressing demand for bankruptcy legislation has come not from the East, not from the Northern States, so called, but mainly from the far West and from the great South, and the members of this House who are most urgent for the enactment into law of the bankrupt bill are those from the South and from the far West.

Mr. GAINES. Will the gentleman allow me a question?

Mr. RAY of New York. Yes; if you will not take up too much of my time.

Mr. GAINES. When and under what circumstances do parties have the right to demand a jury trial?

Mr. RAY of New York. Whenever an issue of fact is raised as to whether or not a man has committed an offense, whenever an issue of fact is raised whether or not he is guilty of an act of bankruptcy, or whenever an issue of fact is raised on any other important question material to the administration of this law a man may file his written request for a jury trial, and he is entitled to it. This is one of the best provisions of the bill.

Mr. GAINES. He is not entitled to it on a question of damages?

Mr. RAY of New York. Can not you have an issue of fact on a question of damages? I never appeared in a court where the claim of damages was made on the one side and allegations of no damage on the other but what it was held that a question of fact was raised, and it is usual to submit to the jury to say whether or not the damage had been incurred, and if so, the amount of the damages.

Now, we have brought the enforcement of this act to the very doors of all persons affected by it. Only two new offices are provided for, one is the referee and the other is the trustee. The referee, appointed by the court, must live in the county where the parties in interest, the bankrupts, reside, and the trustees in all cases are elected by the creditors themselves, and the fees and charges for the administration of the affairs of the bankrupt estate are very light indeed. The court may appoint a trustee if the creditors fail to elect.

Now, it is stated that we have had trouble with former bankruptcy acts. That is true, and the great objection to the last one was its severity. We have had the experience of more than one hundred and twenty-five years, and as a result of that experience, during a portion of which time we have had a bankruptcy law, but during the greater portion of which we have not had one, we have so grown in wisdom that to-day we think we can avoid the pitfalls into which our predecessors fell and can frame a wise, expedient, and just law. And I assert here, Mr. Speaker, that under the provisions of this bill it will be absolutely impossible to do a substantial wrong or an injustice to any man.

No State can pass a law to discharge a man from debts contracted before the enactment of that law. The United States, in the exercise of its constitutional power, can do so. And owing to circumstances not within the control of man, we have to-day throughout the length and breadth of the country a great army of formerly good, strong business men, who find themselves saddled with debt, and therefore powerless to do business. Every good citizen of the United States desires to see these men given a chance to get rid of this load of debt and start life anew.

In doing this it is absolutely essential that we guard against frauds and so frame our law that dishonest men shall not have the benefits of it. Therefore it is that in the bill as finally agreed upon we have said that men who have transferred, concealed, or removed their property with intent to hinder, delay, or defraud creditors may be adjudged involuntary bankrupts if such acts have worked injury to their creditors. And who will complain of that? No man, except he be dishonest, can be reached by this provision.

Mr. BERRY. Can not that be done under State laws just as well in nearly every State of the Union?

Mr. RAY of New York. You can attach the debtor's property under the State law, but you can not secure an equal division of his property, and you can not discharge him from his debts, which is absolutely essential—

Mr. BERRY. Under the laws of my State you can discharge a man from his debts by taking his property.

Mr. RAY of New York. From all his debts?

Mr. BERRY. Not absolutely all—

Mr. RAY of New York. I thought not, because it has been adjudged a dozen times by the highest court in the land, as I just stated, that no State can pass a law that will discharge a debtor from all his debts, only those contracted after the enactment of the State law, and then the discharge applies only within the particular State.

Mr. BERRY. In my State a man's property may be sequestered or taken charge of and his debts paid, but he does not get a discharge in bankruptcy as he would under the laws of the United States.

I understand the gentleman is asserting here that it is the people who are in debt who are seeking the passage of a bankrupt act. I understand it is the men who have claims who are seeking the passage of such a bill as this.

Mr. RAY of New York. The gentleman does not understand correctly.

Mr. BERRY. Well, I heard the gentleman from New York state just now that in the South and West there is an almost universal demand for the passage of this bill. When he says that I think he does not know the sentiment of those people.

Mr. RAY of New York. But I do.

Mr. BERRY. I should like to know how the gentleman can know the sentiment of my people better than I do.

Mr. RAY of New York. I know that I know the sentiment of the section of which I spoke, for the reason that representatives from the State of Texas have urged before the Judiciary Committee, and have also appealed to me in private, that we hurry up the passage of this bankruptcy bill, because it is absolutely essential to the welfare of the people of the great State of Texas. The best men of the delegation of the State of Mississippi have made the same appeal. Men from all over the South have made the same appeal.

Mr. BERRY. The gentleman may know more about the sentiment of the State of Texas than I do, but he does not know more about the sentiment of the State of Kentucky. I know that the masses of the people there do not want any bankruptcy law.

Mr. RAY of New York. Well, Kentucky may be an exception; but I know that there are a great many men in that State who desire a bankruptcy law. Senator LINDSAY, one of the conferees on this bill, a Democrat, has urged the bill and favors its enactment.

Mr. BERRY. Those are people who have claims against poor men whom they want to crowd to the wall.

Mr. RAY of New York. My dear friend, you are mistaken; because, as I have already said, the great mercantile class—the strongest mercantile houses in the United States—are opposed to this bill. And why? Simply because under the State laws they can operate to better advantage. When they see their debtor going to the wall they have their attorneys on hand ready to use the attachment laws of the State and to secure all the property of the failing debtor, to the exclusion of the great mass of the creditors.

Mr. BERRY rose.

Mr. RAY of New York. I can not give the gentleman any more of my time.

Now, we have provided further that if a man who is insolvent gives a preference to any one creditor over another, he may be thrown into bankruptcy; and we have provided here that no man can be adjudicated an involuntary bankrupt unless he is insolvent at the time such action is taken against him. Therefore any honest man will be perfectly safe under the law, and no solvent man need have any fear of the operations of the bill. When men begin to cheat or defraud or give preferences, and are insolvent, it is time that proceedings are taken to protect all creditors.

Reference is also made, Mr. Speaker, to the offenses created by the bill, and they are held up as terrors and objected to under the claim that honest men will suffer or be prosecuted unjustly. Now, we provide in section 29 of the bill for the punishment of embezzlement by a trustee in a bankruptcy case. We provide as follows:

Sec. 29. Offenses.—<sup>a</sup> A person shall be punished, by imprisonment for a period not to exceed five years, upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee.

<sup>b</sup> A person shall be punished by imprisonment for a period not to exceed two years, upon conviction of the offense of having knowingly and fraudulently (1) concealed while a bankrupt, or after his discharge, from his trustee any of the property belonging to his estate in bankruptcy; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition with intent to defeat this act; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

<sup>c</sup> A person shall be punished by fine, not to exceed \$500, and forfeit his office, and the same shall thereupon become vacant, upon conviction of the offense of having knowingly (1) acted as a referee in a case in which he is directly or indirectly interested; (2) purchased, while a referee, directly or indirectly, any property of the estate in bankruptcy of which he is referee; or (3) refused, while a referee or trustee, to permit a reasonable opportunity for the inspection of the accounts relating to the affairs of, and the papers and records of, estates in his charge by parties in interest when directed by the court so to do.

<sup>d</sup> A person shall not be prosecuted for any offense arising under this act unless the indictment is found or the information is filed in court within one year after the commission of the offense.

We have also declared it to be a crime to embezzle or to extort, or attempt to extort, any money or other property of any person as a consideration for action or failure to act in bankruptcy proceedings. This last provision does not hit the bankrupt; and there

are only a few criminal acts that pertain to the bankrupt himself.

This, Mr. Speaker, taking it in all, is in my opinion the most just and equitable bankrupt law that was ever framed; and it is a law that will operate most advantageously to that debtor class of our people whose circumstances are so reduced that they will need to take advantage of it. It is not a collection law—is not framed or intended as such. We have reduced the cost of proceedings in bankruptcy—the charges and expenses—to the very lowest possible point, and the law has been made just and equitable on that subject, so that no extraordinary or unusual charges shall be made against an estate in bankruptcy. The estate can not be eaten up either by lawyers or officers. Liberal provision is made for discharges.

The judges to whom the applications for discharge are made may refuse the discharge from bankruptcy on the following grounds: If the bankrupt has committed an offense punishable by imprisonment as is provided in the bill, or if with fraudulent intent to conceal his true financial condition, and in contemplation of bankruptcy, he has destroyed, concealed, or failed to keep books of account or records from which his true condition might be ascertained. That is a fraudulent act and one that ought to prevent a discharge. A debtor will not be discharged from the following:

SEC. 17. Debts not affected by a discharge.—*a* A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (1) are due as a tax levied by the United States, the State, county, district, or municipality in which he resides; (2) are judgments in actions for frauds, or obtaining property by false pretenses or false representations, or for willful and malicious injuries to the person or property of another; (3) have not been duly scheduled in time for proof and allowance, with the name of the creditor if known to the bankrupt, unless such creditor had notice or actual knowledge of the proceedings in bankruptcy; or (4) were created by his fraud, embezzlement, misappropriation, or defalcation while acting as an officer or in any fiduciary capacity.

Mr. LOVE. Will the gentleman allow an interruption just there?

Mr. RAY of New York. Certainly.

Mr. LOVE. In the bill as it previously passed the House provision was made that at any time within twelve months after a bankrupt was finally discharged from his debt his case might be reconsidered at the instance of his creditors in view of indications of fraud in the distribution of the estate.—

Mr. RAY of New York. That is retained with a modification.

Mr. LOVE (continuing). At any time within the twelve months, then, he may be thrown back into the courts.

Mr. RAY of New York. Yes. That provision is contained in the bill. We say in the bill that one month after a man is adjudged a bankrupt he may apply for a final discharge from bankruptcy, and he is to be discharged if he is not guilty of the offenses specified or has not committed other acts specially provided for in terms in the bill. Reference has been made to other provisions in the bill where the bankrupt may be arrested and detained for examination. If he is about to leave the district, he may be arrested and held for examination, but such detention shall not be for a longer period than ten days; and there is nothing unjust or wrong in that provision.

The objections made to this bill by the gentleman from Missouri [Mr. DE ARMOND] and the gentleman from Arkansas [Mr. MCRAE] are visionary, not real. Each demonstrates that he has not studied the bill as now framed with care and without prejudice.

Those who fail in business hereafter are as much entitled to the benefits and protection of a bankruptcy law as those who are now encumbered with debts they can not pay. Five or ten years hence we may not have as many people seeking the benefits of a bankruptcy law as now, but there will be those who will need its protection and its benefits. In legislating to-day we are to legislate not simply for present conditions, but for those likely to arise in the future. If it shall so happen that a few years hence a bankruptcy law is not needed, it will be inoperative and only come into use from time to time when people are so circumstanced as to require its benefits.

Under the provisions of this bill no man can be dragged far from his home, except in exceptional cases, and when his attendance is required at a point farther than his home his expenses are to be paid from the estate. The referee in each county is to act in nearly all cases upon all questions that can arise, and so the hearings and proceedings will be brought usually to the very doors of the bankrupts affected by the law. The gentleman says that the commercial honor and integrity of this nation and of its people should be maintained. I agree with the gentleman in that statement. The maintenance of commercial honor and integrity is just what this bill seeks to secure, and the law asks nothing and seeks nothing beyond that. The person who has maintained and who maintains his commercial honor and integrity will be unharmed by the severest and most drastic measure found in this bill.

There can be no combination of dishonest creditors that will

harm any debtor. We have tried to so frame this bill as to promote business intercourse and the giving of credit. Under its provisions, when in operation, the manufacturer and merchant in New England will not hesitate to extend credit to the trader or farmer in New Orleans. The merchants and traders in the great Northwest will not fear to extend credit to those asking it all through the great South. Under the beneficent influences of this bill, when it becomes a law, confidence will be restored and created where it does not now exist, and business enterprises of all kinds will be stimulated and strengthened, and the growth of the nation accelerated.

If there is anything in this bill that is a terror to an honest man I regret that the provision is found in the bill. I know no such provision can be found. If, on the other hand, there is one or more provisions in this bill that is a terror to the dishonest man, I rejoice that I have had a hand in framing the provision. No man who cares for the business and commercial interests of this country, or who cares for the prosperity of this people, desires to have it possible for the debtor to cheat his creditor, or have a creditor oppress his honest debtor. We have made it impossible for either of these things to occur.

The interests of our people to-day are not only different, but far greater from a commercial and credit standpoint than they were fifty or seventy-five years ago. In thirty years our population has increased from thirty to seventy millions, and our commercial interests are far greater in proportion. Different sections of our country promote and carry on entirely different enterprises, and the manufacturers in New England exchange their products for those produced in the far West, and in carrying on this business it becomes necessary to give and receive credit. Any law that gives confidence to business men everywhere can not fail to be beneficial to all our people and can not fail to add to the glory and strength and prosperity of our common country.

The founders of this Republic when they framed the Constitution saw the necessity of laws on the subject of bankruptcy throughout the United States, and they saw that it was necessary to put in the Constitution a provision that the Congress of the United States might exercise the power of enacting a broad, comprehensive, and universal law on this subject. The true mission of a bankruptcy law is not to discharge debtors from their debts alone, but to protect also the great so-called creditor classes whose interest must be looked to and guarded when we provide for the absolute discharge of debtors from all their debts and obligations.

The following persons may be adjudged bankrupts involuntarily:

SEC. 3. Acts of bankruptcy.—*a* Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) made a general assignment for the benefit of his creditors; or (5) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

And the following may become voluntary bankrupts:

SEC. 4. Who may become bankrupts.—*a* Any person who owes debts, except a corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

*b* Any natural person, except a wage-earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any corporation engaged principally in manufacturing, trading, printing, publishing, or mercantile pursuits, owing debts to the amount of \$1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. Private bankers, but not national banks or banks incorporated under State or Territorial laws, may be adjudged involuntary bankrupts.

No just claim can be made that an honest man will suffer under these provisions. They are just, necessary, and in the interest of debtors and creditors alike.

Mr. Speaker, I am convinced that under the provisions of this bill thousands of our good citizens, now hopelessly involved, will be benefited; that merchants, traders, and manufacturers will be protected, and that all our business interests will be strengthened and extended.

Mr. HENDERSON. Mr. Speaker, in the one minute remaining I desire to say that, with the consent of the House, I will incorporate in my remarks in the RECORD the sections which have been amended and those which have not been amended by the conferees on the House bill. And I wish to make this further statement: While imperfections may be found in this bill, if it becomes a law, yet it is such a bill that, in my judgment, experience will enable us to perfect it in such a way that it will work for the good of the greatest number of the people of this country. Let us now have a vote, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. HENDERSON] asks unanimous consent to incorporate certain papers in his remarks. Is there objection?

There was no objection.

Mr. MCRAE. I ask unanimous consent to insert in my remarks certain papers which I have not here, but which are not very long.

Mr. HENDERSON. I hope that will be granted.

The SPEAKER pro tempore. The gentleman from Arkansas makes a similar request. Is there objection?

There was no objection.

Mr. RAY of New York. I ask unanimous consent that in my remarks I may insert verbatim the sections to which I have called attention.

The SPEAKER pro tempore. The gentleman from New York makes a similar request. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question being taken, on a division (demanded by Mr. TERRY) there were—ayes 87, noes 27.

Mr. TERRY. The yeas and nays, Mr. Speaker.

Mr. DE ARMOND. No quorum, Mr. Speaker.

The SPEAKER pro tempore. The yeas and nays are demanded. The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 53, answered "present" 24, not voting 144; as follows:

YEAS—134.

Acheson,	Curtis, Kans.	Hull,	Perkins,
Adams,	Dalzell,	Jones, Wash.	Peters,
Aldrich,	Danford,	Ketcham,	Pitney,
Arnold,	Davenport,	Kirkpatrick,	Powers,
Baird,	Davey,	Knowles,	Pugh,
Baker, Md.	Davison, Ky.	Knox,	Ray,
Ball,	Dayton,	Landis,	Reeves,
Barham,	Dorr,	Lentz,	Ridgely,
Barrows,	Driggs,	Lewis, Wash.	Rixey,
Bartholdt,	Ellis,	Livingston,	Sayers,
Belford,	Evans,	Lovering,	Shaftroth,
Belknap,	Fenton,	Low,	Shannon,
Bell,	Fischer,	Lybrand,	Shattuc,
Bennett,	Fletcher,	McCleary,	Showalter,
Bingham,	Gaines,	McClellan,	Simpson,
Bishop,	Gibson,	McCormick,	Southard,
Boutell, Ill.	Gillet, N. Y.	McDonald,	Sperry,
Brewster,	Gillett, Mass.	McDowell,	Steele,
Broderick,	Graff,	Mahon,	Stephens, Tex.
Bromwell,	Greene, Mass.	Maxwell,	Stevens, Minn.
Brownlow,	Griffin,	Mercer,	Stewart, N. J.
Burke,	Grosvenor,	Mesick,	Strode, Nebr.
Burleigh,	Grow,	Mills,	Sulzer,
Burton,	Hawley,	Minor,	Thorp,
Butler,	Heatwole,	Mitchell,	Underwood,
Capron,	Hemenway,	Moody,	Updegraff,
Catchings,	Henderson,	Moon,	Van Voorhis,
Chickering,	Henry, Conn.	Morris,	Weymouth,
Clark, Iowa	Henry, Tex.	Northway,	Williams, Pa.
Cochrane, N. Y.	Hilborn,	Olmsted,	Wise,
Connell,	Hill,	Packer, Pa.	Yost,
Cowherd,	Hitt,	Parker, N. J.	Young.
Crump,	Howe,	Payne,	
Cummings,	Howell,	Pearson,	

NAYS—53.

Allen,	De Graffenreid,	Kitchin,	Rhea,
Baker, Ill.	Dinsmore,	Kleberg,	Robb,
Barlow,	Dockery,	Lacey,	Sims,
Berry,	Faris,	Lamb,	Sparkman,
Bodine,	Fleming,	Lloyd,	Straut,
Brundidge,	Griggs,	Love,	Tate,
Cannon,	Gunn,	McCulloch,	Terry,
Castle,	Hay,	McRae,	White, Ill.
Clark, Mo.	Henry, Miss.	Maddox,	White, N. C.
Cochran, Mo.	Hepburn,	Marsh,	Williams, Miss.
Cooney,	Howard, Ga.	Marshall,	Wilson.
Cousins,	Hunter,	Meekison,	
Cox,	Kelley,	Norton, S. C.	
De Armond,	King,	Osborne,	

ANSWERED "PRESENT"—24.

Bankhead,	De Vries,	Loud,	Slayden,
Bartlett,	Elliott,	Maguire,	Smith, Ill.
Brucker,	Griffith,	Meyer, La.	Stallings,
Clayton,	Hager,	Miers, Ind.	Stark,
Cooper, Wis.	Jenkins,	Miller,	Stone, W. A.
Curtis, Iowa	Lester,	Otey,	Wanger.

NOT VOTING—144.

Adamson,	Brumm,	Foot,	Jones, Va.
Alexander,	Bull,	Foss,	Joy,
Babcock,	Campbell,	Fowler, N. C.	Kerr,
Bailey,	Carmack,	Fowler, N. J.	Kulp,
Barber,	Clardy,	Fox,	Lanham,
Barney,	Clarke, N. H.	Gardner,	Latimer,
Barrett,	Coddington,	Greene, Nebr.	Lawrence,
Beach,	Colson,	Grout,	Lewis, Ga.
Belden,	Connolly,	Hamilton,	Linney,
Benner, Pa.	Cooper, Tex.	Handy,	Littauer,
Benton,	Corliss,	Harmer,	Little,
Bland,	Cranford,	Hartman,	Lorimer,
Booze,	Crumpacker,	Henry, Ind.	Loudenslager,
Botkin,	Davidson, Wis.	Hicks,	McAfee,
Boutelle, Me.	Davis,	Hinrichsen,	McCall,
Bradley,	Dingley,	Hooker,	McEwan,
Brantley,	Dolliver,	Hopkins,	McIntire,
Brenner, Ohio	Dovener,	Howard, Ala.	McMillin,
Brewer,	Eddy,	Hurley,	Mahany,
Brosius,	Ermmentrout,	Jett,	Mann,
Broussard,	Fitzgerald,	Johnson, Ind.	Martin,
Brown,	Fitzpatrick,	Johnson, N. Dak.	Mudd,

Newlands,	Royse,	Sprague,	Tongue,
Norton, Ohio	Russell,	Stewart, Wis.	Vandiver,
Odell,	Sauerhering,	Stokes,	Vehslage,
Ogden,	Settle,	Stone, C. W.	Vincent,
Otjen,	Shelden,	Strowd, N. C.	Wadsworth,
Overstreet,	Sherman,	Sturtevant,	Walker, Mass.
Pearce, Mo.	Shuford,	Sullaway,	Walker, Va.
Pierce, Tenn.	Skinner,	Sutherland,	Ward,
Prince,	Smith, Ky.	Swanson,	Warner,
Quigg,	Smith, S. W.	Talbert,	Weaver,
Richardson,	Smith, Wm. Alden	Tawney,	Wheeler, Ala.
Robbins,	Snover,	Taylor, Ohio	Wheeler, Ky.
Robertson, La.	Southwick,	Taylor, Ala.	Wilber,
Robinson, Ind.	Spalding,	Todd,	Zenor.

So the conference report was agreed to. The Clerk announced the following pairs:

Until further notice:

Mr. HENRY of Indiana with Mr. GRIFFITH.

Mr. DOVENER with Mr. LESTER.

Mr. MCEWAN with Mr. VEHSLAGE.

Mr. ARNOLD with Mr. COX.

Mr. OVERSTREET with Mr. MIERS of Indiana.

Mr. KNOX with Mr. MCALLEN.

Mr. TAWNEY with Mr. BENNER of Pennsylvania.

Mr. ALEXANDER with Mr. ELLIOTT.

Mr. MANN with Mr. JETT.

Mr. FISCHER with Mr. SETTLE.

Mr. CLARKE of New Hampshire with Mr. CARMACK.

Mr. CHARLES W. STONE with Mr. BLAND.

Mr. DAVIDSON of Wisconsin with Mr. FOX.

Mr. BROSIUS with Mr. ERMENTROUT.

Mr. SOUTHARD with Mr. MEYER of Louisiana.

Mr. FOSS with Mr. SMITH of Kentucky.

Mr. COLSON with Mr. FITZPATRICK.

Mr. HICKS with Mr. BANKHEAD.

Mr. PRINCE with Mr. HINRICHSEN.

Mr. LORIMER with Mr. CAMPBELL.

Mr. ROYSE with Mr. ZENOR.

Mr. SPRAGUE with Mr. ROBERTSON of Louisiana.

Mr. JENKINS with Mr. STOKES.

Mr. JOHNSON of Indiana with Mr. BRANTLEY.

Mr. PEARCE of Missouri with Mr. VANDIVER.

Mr. SHELDEN with Mr. TODD.

Mr. ROBBINS with Mr. BROUSSARD.

Mr. YOST with Mr. LAMB.

Mr. HENRY of Connecticut with Mr. BOTKIN.

Mr. MORRIS with Mr. SPARKMAN.

Mr. WM. ALDEN SMITH with Mr. SWANSON.

Mr. STEVENS of Minnesota with Mr. SIMS.

Mr. SPALDING with Mr. BRUCKER.

Mr. McCALL with Mr. LEWIS of Georgia.

Mr. WANGER with Mr. ADAMSON.

Mr. MILLER with Mr. CLARDY.

Mr. LOUD with Mr. RICHARDSON.

Mr. BOUTELL of Illinois with Mr. GRIGGS.

Mr. BENNETT with Mr. GAINES.

Mr. CONNOLLY with Mr. LANHAM.

Mr. BEACH with Mr. BRENNER of Ohio.

Mr. DINGLEY with Mr. McMILLIN.

Mr. SNOVER with Mr. HARTMAN.

Mr. STEWART of Wisconsin with Mr. LITTLE.

Mr. QUIGG with Mr. CRANFORD.

Mr. WALKER of Virginia with Mr. OTEY.

Mr. CORLISS with Mr. DAVIS.

Mr. CRUMPACKER with Mr. ROBINSON of Indiana.

Mr. ODELL with Mr. BARTLETT.

Mr. BARRETT with Mr. COOPER of Texas.

For this day:

Mr. BELDEN with Mr. NORTON of Ohio.

Mr. FOWLER with Mr. STALLINGS.

Mr. LOUDENSLAGER with Mr. CLAYTON.

Mr. BARNEY with Mr. LATIMER.

Mr. JOY with Mr. PIERCE of Tennessee.

Mr. SAMUEL W. SMITH with Mr. FITZGERALD.

Mr. OTJEN with Mr. TALBERT.

Mr. HAMILTON with Mr. JONES of Virginia.

Mr. HARMER with Mr. MAGUIRE.

Mr. JOHNSON of North Dakota with Mr. DE VRIES.

Mr. HOOKER with Mr. BENTON.

Mr. HOPKINS with Mr. STROWD of North Carolina.

Mr. KULP with Mr. VINCENT.

Mr. WALKER of Massachusetts with Mr. OGDEN.

Mr. WILBER with Mr. SUTHERLAND.

Mr. BABCOCK with Mr. WHEELER of Kentucky.

Mr. FOOTE with Mr. TAYLOR of Alabama.

Mr. TAYLER of Ohio with Mr. BRADLEY.

Mr. BULL with Mr. BREWER.

Mr. FENTON with Mr. HANDY.

On this vote:

Mr. RUSSELL with Mr. STARK.

Mr. BRUCKER. Mr. Speaker, I am paired with my colleague from Michigan, Mr. SPALDING. Not knowing how he would vote on this question, I desire to withdraw my affirmative vote and to be marked "present."

Mr. SAYERS. Mr. Speaker, my colleague, Mr. LANHAM, is absent on account of the serious illness of his mother. He desired me to say that if he were present he would vote for the conference report.

The result of the vote was announced as above recorded.

On motion of Mr. HENDERSON, a motion to reconsider the last vote was laid on the table.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the number allowed under the rules of the House of this bill be printed and put to the credit of members in the folding room, so that each will control his proportionate share.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the number of the bill be printed that can be printed under the rule, and put to the credit of members in the folding room—

Mr. HENDERSON. Just a moment, Mr. Speaker. I will amend that request so that it will apply to the law after the bill is signed by the President. I do that on the suggestion of my friend from Texas [Mr. SAYERS].

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the number of copies of this bill, when it becomes law, permissible to be printed under the rules, may be printed and put to the credit of members in the folding room. Is there objection?

Mr. MCRAE. I would like to ask the gentleman how many that will allow?

Mr. HENDERSON. I do not know. I understand it will give us 19,000 copies, which ought to clothe us with a fair amount. If it does not, in a few days afterwards I will renew the request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take up the bill H. R. 4936. My purpose is to send it to conference. I desire to nonconcur and send it to a committee of conference.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the House nonconcur in the Senate amendments to the bill H. R. 4936 and agree to a conference. Is there objection?

Mr. DOCKERY. What bill is that?

Mr. MAHON. The Court of Claims bill.

Mr. LOUD. Mr. Speaker, the understanding with the gentleman was that he would yield the floor to me if consent is granted.

Mr. MAHON. I will.

Mr. HULL. Now, one question. If unanimous consent is granted it goes to conference, and there is no further question?

Mr. MAHON. I agreed that the gentleman should be heard.

Mr. HULL. I will not consent to any debate upon the bill at all. How long a time was the gentleman to be recognized? The gentleman says he does not know how much time he will consume. I object, Mr. Speaker, if it is going to take time.

The SPEAKER pro tempore. Objection is made.

Mr. HENDERSON. I offer a privileged report.

Mr. MAHON. I want to say this to the gentleman: There will be no unanimous consent or bills passed through without a quorum. I represent this bill, and 300 people are interested in it. It will not take more than a moment. The gentleman from California wants to make a statement, and I agreed, if you will give us a little time, so as to get it to conference.

Mr. HULL. The threat of the gentleman that no business shall go through without a quorum has no fears for me.

Mr. MAHON. The committee has rights, as well as others.

Mr. HULL. But the bills that I propose to ask consideration of represent not myself or the committee, but the people of the United States. Let this bill go to conference with the understanding that five minutes be given to the gentleman from California for a statement. Now the gentleman declines to fix a limit, and says he does not propose to fix it. If it is five minutes or ten minutes—

Mr. LOUD. I want to say to the gentleman that I shall not take any unnecessary time. I am not specially anxious; I am not shedding tears about this bill going to a conference; but if unanimous consent is given, the gentleman has stated that he will yield the floor to me. I may take five minutes, I may take ten minutes, or I may take fifteen minutes.

Mr. BAILEY. I will say to the gentleman from Iowa that I am perfectly sure the gentleman from California has no desire to delay the business or trench on the patience of the House.

Mr. HULL. I do not see why he can not fix some time.

Mr. BAILEY. You know the gentleman well enough to know that he will not go into unnecessary debate.

Mr. HULL. There is no further yielding except to the gentleman from California?

Mr. MAHON. That is all. I will make this request, that the House nonconcur in the Senate amendments, agree to the conference, and that the vote shall be taken after the gentleman from California has spoken.

Mr. HULL. Make that request and I will not object.

Mr. MOODY. I should like to ask the gentleman if at some proper time he will allow the House to vote on the various amendments upon the bill, the one that I have particularly in my mind being for the payment of judgments on account of the French spoliation claims?

Mr. MAHON. I do not know what the conference committee will do. I do not know who the conferees will be.

Mr. MCRAE. It is proper to say that there is but one amendment.

Mr. PAYNE. If unanimous consent is given to nonconcur, we simply nonconcur in the Senate amendments without taking a vote on nonconcurrence on any of the amendments.

Mr. MAHON. And agree to a conference.

Mr. HULL. I have no objection to the gentleman making a statement pending that time.

Mr. DINSMORE. There is only one Senate amendment.

Mr. HULL. Submit your request.

Mr. RAY of New York. Before that consent is given, I desire to ask the gentleman if I understand that the French spoliation claims are dropped out of the bill?

Mr. MAHON. That is put on by the Senate.

Mr. HULL. Ask unanimous consent in that way.

Mr. MAHON. I want to renew my request.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the House nonconcur in the Senate amendments to House bill 4936 and agree to a conference.

Mr. MAHON. And I ask that a vote be taken after the gentleman from California gets through with his remarks.

Mr. PAYNE. There is no vote.

The SPEAKER pro tempore. There is no vote on the question.

Mr. HULL. It is simply unanimous consent.

Mr. MAHON. I make that request so that the gentleman can be heard.

The SPEAKER pro tempore. And that the gentleman from California be allowed to address the House. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LOUD. Mr. Speaker, I have stood in the way of this bill going to conference for some days, and only at the solicitation of some of my friends who are as much interested in this measure as I am, and probably more, who have thought it was the best thing that could be done to have the bill go into conference, have I consented. So far as I am personally concerned, I believe this bill should never go a step further than it has gone. I want to call the attention of the House to possibly some unwritten history regarding this bill. In the early days of this Congress this House took up and passed what is known as the Grant claim. Evidently a majority of the House thought that claim had some merit. I do not believe it had a particle; but however that may be, it passed the House.

Subsequently the House took up the Methodist Book Concern claim, which was fought here for some days, and finally, to the disgrace, I think, of the country, passed it. It is true the Methodist Church have secured about an equal division of the plunder. It is true that those who are back of the claim gave the Methodist Church \$188,000, in their liberality, and only retained \$100,000 for their own services. Next came what is known as the Bowman Act claim, embracing in their number about 1,100 separate claims. There may be among those some meritorious claims—I do not know about that, and very few members of this House know whether many of these claims have any special merit or not. Congress does know, and the country knows, that we have had three separate commissions during the last thirty-three years to investigate this class of claims.

The House and country know that rakes have been over the whole South to drag out claims that had merit or otherwise, and they have all been laid before Congress. At the time that bill was up I strenuously opposed the passage of claims of that character in that manner. I object to their passage as much to-day as I did then. I would have been willing to bear my share, however much odium might have been brought upon my head, to have had this House carefully scan every claim in that bill, and it is but an act of justice that this House should know something about the character of the claims that are embraced in a bill carrying about eleven hundred thousand dollars.

Having had four years' experience on the Committee on Claims, I know something about how claims are reported from the committee. I know that an average Claims Committee report a claim because the committee preceding it had made a favorable report, and it calls to my mind my first session in Congress. Having

given my assent to a claim for \$40,000 for a claimant up in Michigan, Wisconsin, or some of those States near the lakes, for the taking of property by the Government for cutting a canal—one of the most perfect cases I ever saw in my life, a brief perfect from its inception to the end—the case was reported to this Congress, but it did not pass, and it came up before the committee again.

I had occasion to go to the War Department on that occasion to investigate the claim, which had a unanimous report from many committees of this House, and what did I discover? First, that this claimant never had any title to the land; second, that the value of the land never exceeded \$25, and again, that this man was the principal who was asking the Government to expend some \$50,000 to cut through the canal which benefited property that he owned above. I simply recite that as a sample of claims that come from our Committee on Claims.

Now, coming back to these Bowman Act claims. Had some men been willing to have occupied the position in the House that I occupied, they would not have passed until the House scanned every claim in the bill, but to my surprise upon my return from lunch one day I found that they had all passed; and now a portion of the unwritten history in regard to these claims. I charge here that there was a compact entered into by members of this House on both sides, by which that claim was permitted to pass this House with the agreement on the part of others that no other claims outside of the Bowman Act claims should be attached to this bill. That is a bargain, if you please, that these claims shall pass; that you shall be permitted to take eleven hundred thousand dollars out of the public Treasury if you will enter into a solemn agreement with us that no other claim shall be permitted to pass. Principally on account of that agreement I have objected to the passage of these claims up to the present time.

Now, what is the condition? There happens to be on that bill to-day a claim of the States of Oregon, California, and Nevada, too much money for this House to pass in a bill by itself. Oregon, California, and Nevada have not a delegation strong enough to form any combination on this floor to pass its claim about which there is no doubt of loyalty. Nearly \$4,000,000 for equipping troops to suppress the late rebellion, and there was a compact entered into in this House, a solemn compact, if you please, where men have pledged their honor that that claim and like claims shall not pass this House.

Mr. SPARKMAN. Was that agreement in writing?

Mr. LOUD. I do not care to say whether it is in writing or not. I have made the charge and I can substantiate it. I can well understand that the agreement was made here in the interest of the public Treasury, as I have supposed, and not to do justice.

Now, while I believe that those claims are just and equitable—

Mr. KING. Do you mean the Bowman Act claims?

Mr. LOUD. I refer to the claims of the States of Oregon, California, and Nevada. Those claims must be just and equitable, because there is not a single State outside of those three that has not been reimbursed for equipping troops during the rebellion. Another claim, too, from the State of California of equal equity—

Mr. CUMMINGS. The gentleman will allow me to say that the city of New York has never been reimbursed for the \$2,000,000 which she spent in raising and equipping troops.

Mr. LOUD. Let me say that the State of New York has received some millions of dollars from the United States Government. Perhaps she has not received all that she ought to have received. I do not know anything about that. I know that these States to which I refer have never received a cent. And then there is this additional claim which gentlemen here have urged that Congress should not pass—the claim known as the 5 per cent claim of the State of California. That State is the only one in the United States that has not received 5 per cent of the amount realized from the sale of her public lands. But gentlemen say that is not a good claim; that claim must not pass because it carries five or six million dollars.

Again men say, "You have no legal claim upon the Government, because your State was not admitted under an enabling act." It is true we were not so admitted; but that was not our fault. California, as gentlemen will remember, was admitted in the days when the slavery question was the great question before this country; and both parties were so anxious to add another State to the Union that they would not allow us sufficient time to come in under an enabling act. And then Congress stands back here and says, "Simply because we took advantage of a condition that existed, you shall not have the rights enjoyed by every other State of this Union."

And let me say again a compact is entered into under which claims of this character can not pass the House, while claims of a suspicious character—and I emphasize the word "suspicious" when I refer to the loyalty in the South—are allowed to pass. Three years I spent in that section of the country. I never found many loyal people there. Yet Congress has been enabled since

the war to find many thousands. Thirty-three years after the war has closed, and when nearly all the actors in that event have gone, it is perfectly easy to prove that a man was loyal during that controversy.

Mr. HENRY of Mississippi. Do you not accept the finding of your own court on that subject?

Mr. LOUD. I say that the findings of the Court of Claims as relating to a legal claim are not worth the paper they are written on. Perhaps the gentleman does not know what the findings of the Court of Claims are. Let me illustrate by one case that is before Congress to-day.

A gentleman in what is now Montana or Idaho bought in the early days a stage route from the Holiday Stage Company; he paid money for it; he had his stage station there for a number of years (these are the facts as found by the Court of Claims); he resided there for some years, when it was found that the property he was supposed to have purchased was upon a Government reservation, and he was ordered off. The court found that the buildings were worth so much; that the hay cut there was worth so much; that he had so many cattle which were driven into the State of Nevada, in doing which so many cattle were lost. The various amounts summed up \$40,000.

Now, that is a finding of the Court of Claims; and so far as concerns any action by this House, it is not worth the paper it is written on. The court simply finds a condition of facts, but never attempts to say whether the Government is liable or not. In such a case the Government evidently is not liable. No man would assume as between man and man that if a person has purchased a bad title to real estate some innocent party must necessarily pay him for his laches.

I have heard many people throughout the country declaiming constantly against the dishonesty of the Government in refusing to pay claims presented; and during the last ten days my committee room and my residence have been besieged by honest "patriots" who are anxious to get their own hands or the hands of their friends into the public Treasury, and who have been condemning this great Government of ours as a "robber" of the mass of the people. If they could but know how often the Government itself is robbed, perhaps they might change their tune. My experience in this House has been that claims of the greatest merit, however, can not pass this body, but claims which are suspicious in their character and having but little merit, if they represent a great section of the country and can thereby command a great number of votes, have no trouble whatever in passing.

I do not believe this bill will ever get out of conference. I hope to God it never may. A compact of this kind should never be carried out if we have proper regard for the credit and honor of this House.

Mr. DOCKERY. Will the gentleman state to the House the amount of the claims added by the Senate amendment?

Mr. LOUD. About \$8,000,000, I think.

Mr. DOCKERY. And the original bill carried—

Mr. LOUD. About \$1,000,000.

Mr. DOCKERY. One million one hundred thousand dollars, I understand.

Mr. LOUD. Yes, sir.

Mr. DOCKERY. And the bill was carried through, as the gentleman affirms, by a compact?

Mr. LOUD. By a compact.

Mr. DOCKERY. Well, I want to enter my disclaimer as to being any party to it.

Mr. LOUD. It was carried through by a compact that no other claim should be added to it. And that is what I object to. I have never yet raised my voice or cast my vote against a bill that I believed had merit. I have quietly sat here many a time and have seen claim after claim go through which I could have prevented, claims which, in my judgment, were doubtful in their character—

Mr. HEPBURN. Will the gentleman allow me an interruption just there?

Mr. LOUD. Certainly.

Mr. HEPBURN. What is the objection that the gentleman is urging; that a sufficient amount was not added to the bill? You say that eight millions were added.

Mr. LOUD. Yes.

Mr. HEPBURN. Now are you finding fault because ten or even twenty millions were not added?

Mr. LOUD. Oh, no. The gentleman is getting very facetious, apparently. [Laughter.]

Mr. HEPBURN. I would like to know the gentleman's contention.

Mr. LOUD. Men of great ability, Mr. Speaker, sometimes stoop to "pettifogging." [Laughter.] Let me state to my friend from Iowa, whom I have usually regarded as one of the clearest men in the House, what I object to is a proposition which proposes to allow a claim of \$1,000,000 and over to pass through Congress of

doubtful merit, with an agreement that no other claim shall pass, no matter how much equity it may have—

Mr. HEPBURN (interrupting). That is just the reason that I asked the gentleman the question. You were objecting, as I understand it, because the other claims were put on the bill.

Mr. LOUD. Oh, no; the gentleman does not seem to get it into his head yet. I will state publicly this, although privately I will say to the gentleman from Iowa that I know he fairly understands the situation. [Laughter.]

Mr. DINSMORE. Does the gentleman from California object to the claims put on the bill by the House?

Mr. LOUD. I do not know more than the gentleman from Arkansas himself knows of the nature of these claims.

Mr. DINSMORE. But the illustration of the gentleman, and to which he has called attention, is in reference to property taken by the Army and used by the Army during the war.

Mr. LOUD. That is the claim.

Mr. DINSMORE (continuing). And the Court of Claims has decided on that with reference to the loyalty of the claimant, the amount of the property taken, the necessity of its use by the United States, and the value of it. Now, does not the gentleman know that to be the fact?

Mr. LOUD. I do not know anything more about it than the gentleman from Arkansas does, which is very little.

Mr. DINSMORE. But the gentleman is making an argument, as if he did understand the facts.

Mr. LOUD. If the gentleman is on the committee—

Mr. DINSMORE. I am not on the committee.

Mr. LOUD. The gentleman knows how this claim was considered by the House. The bill was read, it is true, while there were fifteen or twenty members present. I do not know even if the gentleman from Arkansas was present at that time.

Mr. NEWLANDS. Will the gentleman permit me an interruption?

Mr. LOUD. Certainly.

Mr. NEWLANDS. I understand this bill originally provided for \$1,000,000 or \$1,100,000 of claims under the Bowman Act, and that since that time claims aggregating about \$8,000,000 have been added in the Senate by way of amendment. I understand the gentleman to allege that a compact, to which he has referred, was entered into in the House which prevents a fair consideration of the justice and merits of the claims passed by the Senate and incorporated in the House bill. Is that true?

Mr. LOUD. If the conferees enter into a compact, which I will not admit or allege, because personally I do not think they did; but my point is that, to a certain extent at least, if the committee shall go into a conference now, they must practically go into it with their hands tied.

Mr. NEWLANDS. I understand the gentleman criticises the validity of the claims presented to the House. Now, has he any doubt of the claims which have been added by the Senate, aggregating about \$4,000,000, and due to California, Nevada, and Oregon for expenditures in equipping troops and furnishing munitions of war during the late war?

Mr. LOUD. That is a question which I have not carefully investigated. I can only say, as before, that every other State in the United States has received pay under exactly similar circumstances.

Mr. NEWLANDS. Have you any doubt that this money was advanced by Nevada, California, and Oregon?

Mr. LOUD. Certainly not. There is not a sane man in the world who can deny the fact.

Mr. NEWLANDS. There is no doubt of that.

Mr. LOUD. Well, Mr. Speaker, I have said all I desired to say, simply entering my protest against this method of transacting public business.

Mr. LEWIS of Washington. I would like to ask the gentleman from California if any Indian depredation claims are included in the bill?

Mr. LOUD. I have not examined it carefully, but I think not.

The SPEAKER pro tempore. The Chair will announce the conferees on the part of the House.

Mr. MAHON, Mr. OTJEN, and Mr. RICHARDSON were appointed conferees.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate still further insisted upon its amendments to the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, numbered 13, 14, 186, 221, 222, and 233, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. GORMAN as the conferees on the part of the Senate.

#### BUSINESS FROM COMMITTEE ON MILITARY AFFAIRS.

Mr. HENDERSON. Mr. Speaker, I desire to submit for present consideration a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The report will be read. The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 326, have considered the same, and report the following as a substitute therefor:

*Resolved*, That immediately upon the adoption of this resolution it shall be in order for the House to proceed with the consideration of business reported by the Committee on Military Affairs, and to continue such consideration for a period not exceeding two days.

Mr. BAILEY. Mr. Speaker, I am not of the opinion that it is necessary to adopt that rule. I believe, if it can be done, it is more desirable to reach an agreement without a rule, and I say to the gentleman from Iowa [Mr. HULL] frankly that there are several bills reported by the committee that some gentlemen in the House desire to antagonize, while there are others that I presume every gentleman in the House will cheerfully support. I hardly think it necessary, therefore, to put the House in the attitude of having to adopt a rule to insure the consideration of desirable and necessary measures reported from the Military Committee, and I believe if the gentleman from Iowa will prefer a request—

Mr. HENDERSON. Mr. Speaker, the effort was made twice in the House to reach an agreement by unanimous consent and it failed.

Mr. HULL. It was made three times on several bills and three or four times on individual bills.

Mr. HENDERSON. This proposition was made twice, and the chairman of the Military Committee says it was made at other times, and no agreement was arrived at. There are important matters pending which have been reported from this committee. We will all agree to that. My friend from Texas [Mr. BAILEY] I think will agree that there are important bills that ought to be considered. Having made fruitless efforts to reach an agreement, this resolution was introduced and referred to the Committee on Rules, and the Committee on Rules have agreed to it, in view of the importance of securing action upon these measures, some of which are of great moment. If there are any bills that ought not to be passed, the House is able to protect itself.

Mr. BAILEY. I believe an objection has been made on each side of the House, but of course that objection was directed entirely against some objectionable bill. I know that nobody on this side, and I am equally sure that nobody on that side, has any objection to any bill which is necessary for the prosecution of this war. But there are some bills that I believe are confessedly intended to deal with the Army as a permanent regulation; and on this side of the House we hardly think that desirable at this time. If it is believed that there may happen to be individual gentlemen on the floor who would object, then, of course, the rule becomes a necessary resort; but I desire it understood, not merely for the benefit of one side, but for both sides, that there is no disposition on the part of any gentleman in the House to antagonize any necessary and proper war measure.

Mr. HENDERSON. Let us have a vote on the resolution.

Mr. KING. I desire to ask the gentleman from Iowa one question, with his consent. When will the two days expire?

Mr. HENDERSON. That will have to be determined when the question is presented to the presiding officer, I suppose.

Mr. KING. Would it be forty-eight hours from this time?

Mr. HENDERSON. I can not answer that question. I am not in the chair.

Mr. KING. Would not the gentleman consent to amend the rule?

Mr. HENDERSON. It allows two days, commencing at this hour; and the meaning of the resolution will have to be determined by the presiding officer when the proper time comes. It is not a question that can be answered at this stage. I am not here to furnish information for the officer who may preside.

Mr. KING. It seems to me that the presiding officer will have to construe the two days as terminating to-morrow evening at the hour of adjournment.

Mr. HENDERSON. I ask for a vote.

Mr. KING. I think the rule in its present form ought to be voted down.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Iowa.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KING demanded a division, but, pending the division, withdrew the demand.

Accordingly the resolution was agreed to.

Mr. BAILEY. Now, Mr. Speaker, I want to make a suggestion in all friendliness to the gentleman from Iowa [Mr. HULL]. I hope that the bills that will excite no opposition will be first

disposed of, because there are perhaps one or two of the bills that will provoke controversy.

Mr. HULL. Mr. Speaker, I do not know how I can determine what bills will provoke opposition until they are taken up, but I will say that the Committee on Military Affairs and myself are anxious first to take up the bills affecting the business interests of the Army, the Quartermaster's bill, the Subsistence Department bill, the Ordnance bill, and bills of that character.

Mr. HENDERSON. I hope the Engineers' bill will be included.

Mr. HULL. And the Engineer's bill.

Mr. HANDY. And the Inspector-General's bill.

Mr. HULL. Yes; although I do not regard that as of special importance. But let the great business departments of the Government be cared for first.

Mr. BAILEY. I will instance a bill that I do not think ought to be taken up first, and that is the bill to create the office of Lieutenant-General. I think that ought to be deferred.

Mr. HULL. I will say to my friend—

Mr. KING. And the military secretary.

Mr. HULL. I do not know about the military secretary, but there will be no bill creating rank brought up until the business bills are first considered.

Mr. BAILEY. That will expedite the matter.

Mr. HULL. Now, Mr. Speaker, I desire to make a parliamentary inquiry. There is a Senate bill relating to the Quartermaster's Department on the Speaker's table. The House committee and I desire first to take up the House bill and perfect it, if necessary, and then move to strike out of the Senate bill all after the enacting clause and insert the House bill. To do that is it necessary first to call up the Senate bill?

The SPEAKER pro tempore. The Chair thinks that it is.

TO INCREASE THE EFFICIENCY OF THE QUARTERMASTER'S DEPARTMENT OF THE ARMY.

Mr. HULL. Then, Mr. Speaker, I call up the bill S. 4809.

The Clerk read as follows:

A bill (S. 4809) to increase the efficiency of the Quartermaster's Department of the Army.

*Be it enacted, etc.*, That during the existing war, and for a period not exceeding one year thereafter, the Secretary of War may make such distribution of the duties and labors of the Quartermaster's Department as may be deemed for the best interests of the service, and may assign a suitable officer in charge of each of such divisions, and may assign to duty as special inspectors of the Quartermaster's Department not exceeding four officers, to be selected from the regular and volunteer officers of the Department; and such officers, and the quartermaster on the staff of the Commanding General of the Army, while so acting, shall have the rank next above that held by them and not above colonel.

SEC. 2. That the President may nominate and, by and with the advice and consent of the Senate, may appoint twenty assistant quartermasters of volunteers, with the rank of captain, in the Quartermaster's Department. The Secretary of War may assign such of the volunteer quartermasters, with the rank of captain, as may be deemed necessary to duty as assistants in the office of the Quartermaster-General, at the various supply depots, or on other important and special work, and may continue such assignments for a period not exceeding one year after the close of the war, then to be discharged.

Mr. HULL. Mr. Speaker, I—

Mr. HANDY. A parliamentary inquiry. Must not that bill be considered under the rules in Committee of the Whole? It carries, as I understand, additional charges upon the Treasury of the United States. We might as well proceed in an orderly manner.

The SPEAKER. Under the language of the rule it would be considered in the House.

Mr. HULL. Mr. Speaker, I move to amend the bill; and I will say that this amendment came to me from the Secretary of War to-day too late to consult the committee in regard to it or by person.

The Clerk read as follows:

Amend section 2, by inserting at the end of line 2, the following:

"Two chief quartermasters of volunteers with the rank of colonel;

"Two chief quartermasters of volunteers with the rank of lieutenant-colonel;

"Three chief quartermasters of volunteers with the rank of major."

Strike out the word "twenty," at the end of line 3, section 2, and insert the word "thirteen."

Mr. HULL. I will say, Mr. Speaker, that it is simply a change of the rank. The Secretary in his statement said that he wants one man to take charge of the transportation and another for some other purpose, and unless he gains some higher rank it will be impossible to do so. I prefer the House bill to this, and I shall afterwards move to strike out after the enacting clause and insert the House bill.

Mr. KING. If the gentleman would permit me one question, I would like to know why it is considered necessary that the men to be appointed in the Quartermaster's establishment should be civilians? Can not line officers be appointed colonels, and would not they be capable of performing the duties? The line officers will never have a chance of recognition so long as these places are thrust upon civilians.

Mr. HULL. I will say, in reply, that the gentleman will certainly recognize the fact that a man can not leave his business

and take a temporary employment at a low rank and do the work. To have the work done you must give a better rank. Take, for instance, transportation and the purchase of ships. The Secretary especially wants a man who has had large experience, and even with the rank of colonel he will make business sacrifices if he accepts it at all. You can not ask a man of that character to step in and take charge of these large departments at a low rank. For the good of the service you want the highest character of men you can get.

Mr. LEWIS of Washington. Will the gentleman from Iowa permit me to ask him a question?

Mr. HULL. Certainly.

Mr. LEWIS of Washington. Do I understand the gentleman from Iowa to say, in response to the inquiry of my friend from Utah, that a man who takes this place takes it as a matter of business, and that it involves no patriotism; and that he has got to have a rank that is to be given him here to be commensurate with the value of his services?

Mr. HULL. You did not understand me to say that. I said that even with the rank of colonel he made a great business sacrifice.

Mr. LEWIS of Washington. I understand that the Administration has found it necessary to employ Mr. Blanchard, having charge of the freight, and Director Thompson, president of the Pennsylvania road, in the service of which you now come, and is it to give those gentlemen this rank? If so, will the gentleman do me the kindness to state whether the rank has been conferred on other gentlemen than those?

Mr. HULL. I have not kept track as to what gentlemen are appointed. That is a matter of indifference to me. I have enough to keep me busy here, and I am willing to trust the Executive with appointments. I know that the Secretary of War himself regarded this matter of such importance that he came personally to the Capitol to-day and gave me this amendment, with the request that I offer it to the House and say for him that the best interests of the Government demanded that it should be adopted; and when I have said that, I have given the gentleman all the information I have myself.

Mr. LIVINGSTON. I will state to the gentleman from Washington that I understand that Mr. Thompson and Mr. Blanchard would not accept the position. One of them was getting \$50,000 a year and the other \$25,000.

Mr. McCLELLAN. We have 78 officers now. This is a total of 98, as against 568 in 1865, and we have 300,000 men now, and then about 1,500,000. In other words, the proportion—

Mr. HULL. Is less than one-fourth of what it was at that time.

Mr. McCLELLAN. A very moderate increase of number.

Mr. KING. Will my friend permit another question? As I understand it, there are a great many line officers, men educated at the expense of the Government, that would be very glad to secure the promotion contemplated in this bill. Why should there not be power vested in the Secretary of War or commanding officers to detail some of those officers who have been educated at the expense of the Government to conduct the business of these departments, and take the rank which the performance of those duties would confer upon them?

Mr. HULL. I assume that where they have a man specially qualified for the discharge of these duties, he will be given the position. There is nothing in the bill prohibiting that. It gives the Secretary of War power to get the best man from the Army or civil life. It is the temporary rank that he gets for extra services. So far as the purchase of supplies, it is expected that it will be a promotion within the line of the Army.

Mr. KING. Why not provide that the men shall be taken from the line? Why not have men that have been educated in that line of business?

Mr. HULL. To-day the line of the Army has been drawn on until many of the companies have but one commissioned officer. It is wrong to continue to take the officers away from the command and give them staff positions. You have a man on the staff that is educated on this line and they have to have help. There are men in civil life that are better qualified for some lines of work than men in the Army would be. Take, for instance, the matter of transportation and the shipment of a large number of troops; you find men in civil life who have made a business of it, who have organized trains for moving large bodies of men, and who are educated to it. We leave it with the Department, not with Congress, whether they will take the men out of the Army or out of civil life, and let them get the best men they can.

Mr. SULZER. I want to say to the gentleman from Utah that there is nothing in this bill that will prevent the Department from taking men from the line.

Mr. HULL. Not at all; but I do not want to force them to do it.

Mr. KING. Is it not regarded that this bill, as well as a number of others that have been passed, is for the purpose of conferring positions on civilians in preference to those from the line?

Mr. SULZER. Not at all. This bill leaves it discretionary with the Department; and that is where the discretion should lie.

Mr. NEWLANDS. Will the gentleman allow me a word or two?

Mr. HULL. Certainly.

Mr. NEWLANDS. I wish to inquire whether the amendment suggested by the Secretary of War increases the number of quartermasters provided for by the Senate?

Mr. HULL. It does not. It gives some of them additional rank with additional pay.

Mr. NEWLANDS. And you think that is required by the exigencies of the service?

Mr. HULL. I simply stated what they say to me. I think they ought to have the additional rank. The House bill gave a higher rank than the Senate. The committee believed that where you want the increase is in the rank. The pay between a captain and a colonel is not very large, but it makes a big difference in the rank as to the character of men you get.

Mr. NEWLANDS. Will you permit me to say a word or two further?

Mr. HULL. I will.

Mr. NEWLANDS. I understand a similar bill will be brought in with reference to the Commissary-General's Department.

Mr. HULL. Yes.

Mr. NEWLANDS. I had a conversation the other day with the Commissary-General, who has served a long time on the Pacific coast, on whose experience and capacity I place much reliance. He told me, in talking of the Commissary Department, that his department consisted, if I recollect right, of 22 officers in time of peace, but he said that in time of war the force was reduced to less than 15; that those were all regular officers, and 5 or 7 of the officers in his department had been assigned to staff duty in various corps and divisions and given increased volunteer rank.

That was carrying out the very suggestion made by the gentleman from Utah, taking the officers graduated from West Point, regular officers, assigning them to duty in the volunteer corps and giving them increased rank and increased pay, and thus reducing the actual number of men employed in the regular Commissary Department here at the time when there was need for an increased force. He told me that a number of officers in his department had been desirous of securing these volunteer appointments with increased pay, and he had been obliged to write them personal letters urging them to remain in the department; that they were familiar with their work, engaged in the purchasing of large supplies, involving large amounts of money, and he wished them to remain and he would in a recommendation to Congress request that a certain number, seven or eight, should be given increased rank, not greater than a colonel or less than a major. It seems to me that this applies also to the Quartermaster's Department and that the amendment should carry.

Mr. HULL. All you say is an argument in favor of keeping the men in the position in which they are at present, and the way to keep them and save the Government money and transact the business of the Government properly is to give them the corresponding rank that they ought to have in these times.

The SPEAKER. The gentleman from Iowa [Mr. HULL] has offered an amendment to the Senate bill.

Mr. HULL. I have.

The SPEAKER. The question is on agreeing to the amendment to the Senate bill already reported by the Clerk.

The amendment was agreed to.

Mr. HULL. Now, Mr. Speaker, I move to strike out all after the enacting clause and insert the House bill.

The SPEAKER. The gentleman should offer the bill which he has in his hand not as a House bill, but as a substitute for the Senate bill; and if he desires to offer it, he should offer it with the amendment already in it.

Mr. HULL. Very well; let it go. I think the bill is all right now. I call for a vote on the Senate bill.

The question being taken, the bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

Mr. HULL. Now, Mr. Speaker, in order that, if the Senate does not agree to our amendment, we may have a conference at a very early date, I move that the House request a conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HULL, Mr. MARSH, and Mr. SULZER as conferees on the part of the House.

#### SUBSISTENCE DEPARTMENT OF THE ARMY.

Mr. HULL. There is on the Speaker's table a Senate bill in regard to the Subsistence Department. The Committee on Military Affairs this morning instructed me to ask to take up that bill and to move a substitute agreed upon by the committee. Will that be in order?

The SPEAKER. When the bill is before the House the gentleman can offer any substitute which may be germane.

Mr. HULL. Then I call up the bill (S. 4810) to increase the efficiency of the Subsistence Department of the Army.

The bill was read, as follows:

*Be it enacted, etc.* That during the existing war, and for not exceeding one year thereafter, each commissary of subsistence who may be assigned to the duty of purchasing and shipping subsistence supplies at important depots, and the two commissaries of subsistence who may be assigned as assistants to the Commissary-General of Subsistence, and the commissary on the staff of the Commanding General of the Army shall, while so acting, have the rank next above that held by him and not above the rank of colonel. And the President may nominate and, by and with the advice and consent of the Senate, may appoint twenty assistant commissaries of subsistence of volunteers, with the rank of captain, to be discharged within one year after the close of the war.

Mr. HULL. I yield to the gentleman from Wisconsin [Mr. GRIFFIN] that he may offer a substitute.

Mr. GRIFFIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That during the existence of the present war, and for one year thereafter, every commissary of subsistence, of whatever rank, who shall be assigned to the duty of purchasing and shipping of subsistence supplies at important depots, shall have the rank of colonel, but the number so assigned shall only be such as may be found necessary, not exceeding 12; also that the 2 commissaries of subsistence, who may be detailed as assistants to the Commissary-General of Subsistence, shall have the rank of colonel: *Provided*, That when any such officer is relieved from said duty his temporary rank, pay, and emoluments shall cease, and he shall return to his lineal rank in the Department.

"SEC. 2. That there is hereby authorized to be added to the Subsistence Department in the volunteer service during the present war, and not to exceed one year thereafter, 8 majors and 12 captains for the discharge of such subsistence duties as may be assigned to them by the Secretary of War."

Mr. HULL. This substitute covers exactly the point which the Commissary-General made before the committee this morning.

The amendment of Mr. GRIFFIN was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. GRIFFIN, a motion to reconsider the last vote was laid on the table.

Mr. HULL. I move that the House request a conference with the Senate on the amendment to this bill.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HULL, Mr. GRIFFIN, and Mr. COX as conferees on the part of the House.

#### ORDNANCE DEPARTMENT.

Mr. HULL. I call up the bill (H. R. 10531) to increase the force of the Ordnance Department.

The bill was read, as follows:

*Be it enacted, etc.* That section 5 of chapter 458 of Statutes at Large shall be amended to read as follows:

"The Ordnance Department shall consist of 1 Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; 4 colonels, 5 lieutenants-colonels, 12 majors, 24 captains, 20 first lieutenants; and all vacancies which may hereafter exist in the grade of first lieutenant in said department shall be filled by transfer from the line of the Army: *Provided*, That no appointment or promotion in said department shall hereafter be made until the officer or person so appointed or promoted shall have passed a satisfactory examination before a board of ordnance officers senior to himself."

Mr. HAY. Does not this bill increase this department of the Army, not only during the continuance of the war, but for all time?

Mr. HULL. The bill increases the number of officers in the Ordnance Corps permanently by the addition of twelve.

Mr. KING. What is the necessity of this increase unless you increase the standing army permanently?

Mr. HULL. The necessity is this: The staff corps was fixed in 1876, if I remember correctly, at its present size. Since that time we have built arsenals; we have gone into the coast defense, and we have more than quadrupled the labor of this department in time of peace. At the present time the evidence is overwhelming that it is impossible for the Ordnance Department to anywhere near transact the business devolving upon it. The work is behind in every line.

Mr. LACEY. What is the strength of the Ordnance Department now?

Mr. HULL. Fifty-four officers.

Mr. LACEY. And this increases the corps to what number?

Mr. HULL. To 66—an increase of 12.

Mr. HAY. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "consist," in line 5, insert "during the present war."

Mr. HULL. Mr. Speaker, I hope the amendment of the gentleman from Virginia will not be adopted. This is the only corps of the Army selected from the line officers by competitive examination. It requires the ablest men and the very best talent that men can give to this branch of the service. They go before a board of officers and pass the examination, and, if successful, are appointed to this corps.

The twelve men asked for are absolutely necessary in time of peace for the proper execution of the work assigned to them, and more especially are needed in time of war. Their work has been more than doubled, even in time of peace, and the increase is absolutely necessary, of course, in time of war. The work of that department has been growing rapidly, and the force is not sufficient to discharge it.

Mr. KING. Will the gentleman allow an interruption?

Mr. HULL. Certainly.

Mr. KING. If this Government takes charge of a number of colonial possessions, and the standing army for that purpose is necessarily increased, as it would have to be after the present war, in that event would it not be necessary, if the contention of my friend from Iowa is true, to extend the number proposed here over and above the twelve which the bill carries, and will not additional legislation for that purpose be required?

Mr. HULL. Well, Mr. Speaker, I do not propose to go into the future and speculate as to what may be the consequences. I am only taking matters as they now present themselves to the committee after careful investigation. This force is necessary and should be provided.

Mr. KING (continuing). But if it would be necessary in the future, why not defer the permanent legislation until the termination of the present war and accept the amendment offered by the gentleman from Virginia?

Mr. HULL. I want to say this to the gentleman, and I will give him one case as an illustration. Near my own State, at the Rock Island Arsenal, they are to-day shipping an average of ten carloads of materials to the front, every carload of which must be inspected by an officer of the Ordnance Department; and with four inspectors only to look after the work, see that the work is properly done, and see that the shipments are properly made, the packing properly done, and all the necessary care taken of material of this character, the superintendent furnishes the information that these men are required to work at least an average of twenty hours a day and that then they can not keep up with the work.

As another illustration, an officer of this department was detailed to inspect the supplies and ordnance stores at different places, and it would be utterly impossible for him, if he spent all of his time in the work, to attend to more than half of it.

Now, this is higgling over a very small matter. It is crippling the efficiency of the Army at a time when the very best efforts ought to be put forward to strengthen and sustain it.

Mr. LEWIS of Washington. I understand that this additional force is needed whether there should be any increase made for war purposes or not?

Mr. HULL. Undoubtedly; they are absolutely needed now.

Mr. HAY. Mr. Speaker, I utterly deny the proposition of the gentleman from Iowa that anybody in supporting or offering any amendment here is crippling the Army, or the officials of the Army. I say that every man on this side of the House is ready to vote, and has been ready to vote, for any increase in the Army, in any or all of its various branches, that may be necessary during this present war, and for providing everything that is needed to carry on the war to a successful conclusion.

But this is not a temporary increase. It is a permanent increase of one of the bureaus of the War Department and not an increase to be made for a particular purpose under the emergencies that now exist.

Now, if there be a permanent increase, why should it apply to this department rather than to the Quartermaster's or Commissary Department? There is no reason whatever for it. None has been given by the gentleman; and evidently, under the circumstances, there should be only a temporary increase, as there has been in the other departments of the Army.

When the war is over, when the conditions have been changed, when we can properly take into consideration what is necessary for the Army upon a peace basis for the future, we can consider such measures. But it is not right to single out one department and put it ahead of the others in such a manner as this. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. HANDY) there were—ayes 24, noes 69.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

#### ENGINEER CORPS, UNITED STATES ARMY.

Mr. HULL. Mr. Speaker, I call up the Senate bill (S. 4718) for present consideration in lieu of the bill (H. R. 10460) relative to the Corps of Engineers in the Army. It is the same bill and relates to this branch of the Army.

The SPEAKER. The bill will be read.

The bill was read, as follows:

*Be it enacted, etc.* That the Corps of Engineers of the Army shall hereafter consist of 1 Chief of Engineers, with the rank of brigadier-general, 7 colonels, 14 lieutenant-colonels, 28 majors, 35 captains, 30 first lieutenants, 12 second lieutenants, and the battalion of engineers: *Provided*, That the vacancies created by this act in all grades above second lieutenant shall be filled by the promotion by seniority of the officers now in the Corps of Engineers: *And provided further*, That the number of officers in any grade above second lieutenant shall not be increased beyond the number heretofore established by law by the promotion of any officer to fill an original vacancy created by this act until such officer shall have served at least three years in the grade from which he is promoted and the captains and lieutenants shall have satisfactorily passed the examinations required by existing laws.

Mr. HAY. Is that bill one that provides for this increase during the present war only?

Mr. HULL. No; it makes a permanent increase in the Engineer Department of sixteen officers.

Mr. HAY. Then I move to insert, after the proper words in the bill, the words "during the war."

The SPEAKER. The Clerk will report the amendment of the gentleman from Virginia.

The Clerk read as follows:

After the word "consist," in line 4, insert the words "during the present war."

Mr. HULL. Only a single word, Mr. Speaker, with reference to the amendment.

The Engineer Department for many years have been knocking at the doors of Congress for an increase in their force, which is absolutely necessary by reason of the work which has been imposed upon them with reference to river and harbor improvements. This work has been thrown upon their shoulders by acts of Congress, and it is impossible to discharge the duties unless they have the increase which is proposed by the bill. In addition to this, our elaborate system of coast defenses is under their supervision.

That is all I desire to say.

Mr. HAY. Mr. Speaker, I want to say that this just goes to show what I have said before, that these permanent increases in the Army are made under stress of the present emergency, because there is a war. If there had been no war, everybody on this floor knows that these bills would not have been brought in here, and could not have been passed if they had been. Advantage is being taken of the existence of the war in order that they shall be passed.

As I said before, I am willing to vote for any bill which has for its object the meeting of the present emergency, but I do not believe in adding to the present standing army any officers or men to serve after this war is over. If it be necessary that there shall be a larger standing army than the one we have, after the war is over, it will be time then, when men's minds are cool and when their understandings can be appealed to in a cool manner, to determine the question. I think this bill ought to be voted down.

Mr. HULL. I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN of Missouri addressed the House. See Appendix.]

Mr. HULL. I want to say to my friend from Missouri that he has made a speech on a subject that is not before the House at all. This bill increases one certain staff department of the Army. That is true—the Engineer Corps. But, Mr. Speaker, every man who is put in the Engineer Corps comes from the highest graduates of West Point; and if they are not put on the Engineer Corps they are put in some other part of the Army as graduates from West Point. They may be unassigned second lieutenants, having no place to put them. This simply takes a number of highest graduates from West Point and increases the Engineer Corps by eighteen. It does not add a man to the Army; it does not interfere with the volunteers; it does not interfere with the militia or any part of the Government, except making more efficient the Army of the United States by including in the corps men of the highest intelligence and education for the discharge of the duties that Congress has put upon it.

Mr. CANNON. Will the gentleman yield to me for a question?

Mr. HULL. Yes.

Mr. CANNON. As I understand, the Engineer Corps has charge under the law, first, in time of peace, and war also, of the rivers and harbors and armament?

Mr. HULL. Yes, sir.

Mr. CANNON. Now, it has also charge of the coast fortifications and the emplacements?

Mr. HULL. It has charge of all those matters. It has charge of the building of light-houses, the river and harbor improvements, and the fortifications.

Mr. LEWIS of Washington. I will inform the gentleman, so as to show the necessity for these men, that seventeen have been asked for in Puget Sound in the northwest Pacific. That will give an idea of the somewhat important necessity for them.

Mr. HULL. I will say further that for the last two or three

years I have thought it would have been good policy for the Government to take all the river and harbor improvements away from the Corps of Engineers, and you would not have had any increase; but I will say further that to have secured men of the same ability and of the same fidelity that you get out of a captain of engineers would have cost three times the pay of the captain, if you obtained the same service from civil life.

Mr. SULZER. Ten times.

Mr. McCLELLAN. Is it not a fact that there has been no increase in the Engineer Corps since July 28, 1866?

Mr. HULL. That is true.

Mr. LEWIS of Washington. It is but a transfer from one service to another.

Mr. HAY. And a permanent increase in the whole Army.

Mr. HULL. The bill permits the appointment of a certain number of men, and fills up with second lieutenants. It takes them from one line of the Army and puts them in another.

Mr. HAY. It increases the Army.

Mr. HULL. It does not increase the Army one.

Mr. LEWIS of Washington. The gentleman from Virginia is mistaken in his idea as to what is the object and status of the bill. The bill does not increase the Army. It merely takes those who go to West Point and qualify for the Army and details them to a special line of the service.

Mr. HULL. Mr. Speaker, in answer to that, I will say that in the last two or three years it would not have increased the Army at all, before war was declared, because we had as many as sixty second lieutenants who were unassigned. There was no place for them in the line of the Army; but although they were unassigned, we paid them just the same as if they were assigned. At this time we increase the number temporarily of the officers in the reorganization bill, because at this time we are having more officers in the Regular Army, and there are more places for first and second lieutenants than we have officers.

Mr. HAY. Has there not been authorized an organization of 3,500 engineers?

Mr. HULL. Those are volunteer troops entirely. I will say that there are only three officers of the Regular Army with each regiment, and they do not necessarily come out of the Corps of Engineers, only three officers of the Regular Army that can serve with one regiment.

Mr. HAY. But you are making a point that this is an emergency measure of this war to increase the Corps of Engineers.

Mr. HULL. The 3,500 engineers have nothing to do with the Engineer Corps.

Mr. Speaker, I now yield ten minutes to the gentleman from Ohio [Mr. BROMWELL].

Mr. BROMWELL. Mr. Speaker, the gentlemen who have dealt with this proposition to increase the force of the Army seem to forget all about the manner in which the engineer officers now in the Army are assigned to that position. When a class of cadets at West Point, consisting of 50 or 60 members, graduates, two or three or more who stand highest in the class are assigned to the Engineer Corps, the next highest are assigned to the ordnance or artillery, the next to the cavalry, and the lowest to the infantry.

Now, this bill provides that the present number of engineer officers—that is, 109, the number fixed in the act of 1866—may be increased by assigning to that corps more men at the head of the class of the graduates of West Point than are now taken. There will be no more graduates each year, but they will be divided up among the different corps in a different manner. It will only mean that instead of two or three at the head of the class being put in the Engineer Corps, there will be five or six or seven, according as the emergency exists and the service demands and as vacancies exist in the Engineer Corps.

Gentlemen forget the immense amount of work that is done by the Engineer Corps in time of peace and overlook the fact that it is in times of peace that you need these officers more than in times of war. In the first place, they have the fortification work to look after. It is going to require three or four years, with all the rush work that is now going on, to complete these fortifications according to the Endicott plan. In addition to that, they have the construction of lighthouses along the coast. They also have the river and harbor work, which every year is put into the hands of the Engineer Corps. I want to say to the gentlemen who are declaiming against the increase of the Army that I have no doubt they will continue to come before the House asking for improvements in the rivers and harbors in their districts which will require the supervision of one of these engineers. I call attention of the House to a report made by Brigadier-General Wilson, Chief of Engineers, as to the increase of work that has taken place in the last thirty years. He says:

As indicative of the great increase of the duties of the Corps of Engineers without any increase in its members, it will be noted that the annual appropriations expended under the direction of officers of the Corps of Engineers between 1864 and 1879 averaged about four and one quarter millions, from 1880 to 1889 about nine and three-quarters millions, and between 1890 and 1897 this average had increased to about twenty millions. The number of separate

works provided for in 1880 was about thirty-four, which number had increased in 1890 to over five hundred.

The annual report of the Chief of Engineers in 1870 covered 630 pages, which in 1880 had increased to 2,556, in 1890 to 3,718, and in 1897 to 4,225 pages; thus while the space required to record the work of the Corps of Engineers has increased sevenfold the number of officers has remained the same. This has necessitated an immense increase in the area of, and amount of work in, the individual districts and in their number, and the assignment to the charge of many of such districts of officers most competent on account of experience and professional training, but with rank far below that which is commensurate with great engineering and financial responsibility connected with the positions occupied. One of the just effects of the proposed act would be, by the slight increase of the number in each grade, to give to a greater extent than now permissible to the officers in charge of districts rank more nearly commensurate with their experience and professional training and with the responsibility attached to the works of their districts.

Now, Mr. Speaker, in view of the fact that this does not provide for any increase in the Regular Army, in view of the fact that for thirty years there has been no increase in this corps, and in view of the fact that year after year all these great public works that are being put into the hands of the engineer officers are growing, and it is a matter that every one of us in our districts where the great improvements are being made is interested in, it seems to me that this bill ought to pass.

Mr. KING. Will the gentleman allow me a question?

Mr. BROMWELL. Yes.

Mr. KING. As I understand the gentleman, while it does not in the aggregate increase the number of officers, it permits the advancement of persons who may be second lieutenants to captains, thus practically throwing an increase of burden on the Government. Why is not the man as a second lieutenant just as capable of performing engineer work as he will be if he is made a captain?

Mr. BROMWELL. These men are all in the Engineer Corps, and I will say to the gentleman from Utah that after they have graduated from West Point all these engineer officers are assigned to a three-years' course of instruction at Willets Point to especially prepare them for the work they are to be called on to do. Then as they go along they are assigned from time to time to more important work. The second lieutenants are given less important work under the supervision of their superior officers. This gives a greater number of these officers for this less important work, and it will give an opportunity for others who would otherwise have to go into the artillery and into the cavalry to take this engineer course.

Mr. DOCKERY. What increase does the bill carry?

Mr. BROMWELL. An increase of eighteen along the entire line. It provides that there shall be no promotions unless an officer has served three years in the grade from which he is to be promoted.

Mr. HULL. I yield five minutes to the gentleman from Delaware [Mr. HANDY].

Mr. HANDY. Mr. Speaker, I wish to call attention to the absurdity of urging this bill as a war measure. The Engineer Corps of the Army is largely devoted to the arts of peace. The young gentlemen who enter the Engineer Corps, after graduating from West Point, take charge of the improvements of our rivers and harbors and our light-houses and all that. As has been stated on the floor, the most brilliant of the graduates of West Point are chosen for the Engineer Corps, and from that time on they devote themselves to duties which are substantially peaceful and civil. Now, we find ourselves in a war, and the Military Committee brings in a proposition to abstract from the fighting force eighteen more of our most brilliant young officers and put them at the works of peace.

They bring in such a measure and ask that we pass it in the name of patriotism and for the sake of supporting the country in the hour of its peril.

Instead of providing now that this corps should be enlarged, the present would be a proper time to reduce this corps. Now would be the time to take these men away from the affairs of peace; now would be the time to recall them from their work on rivers and harbors and send them into the line of battle to fight for their country. When the war is over, when peace comes again, when we can apply ourselves anew to the improvement of our commercial facilities, when we need these men once more to deepen our rivers and harbors, then we may properly enlarge our Engineer Corps and send our brilliant young officers to complete engineering projects.

Mr. Speaker, this is not intended in the least as a war measure. How can it be? This bill proposes to provide a long-needed increase in our force of engineers to carry on the operations of peace. The gentleman from Iowa [Mr. HULL] takes advantage of this opportunity, because we all want to strengthen the Government in time of war, to bring in this proposition for an increase of a corps which we need in times of peace and for peaceful operations. It is of a piece with much that has been going on here under the pretense of getting ready to fight. Under the pretense of strengthening the hands of our soldiers in the field we are doing things with another purpose in view.

And I call attention to this situation: While the gentleman brings this bill in here as a needed war measure, yet when he

comes to debate it, the uses and purposes disclosed in favor of the bill are not the uses and purposes of war. They are not the purposes of fighting the enemy. They are the general purposes of improving our rivers and harbors and taking care of our lighthouses. I should prefer that during this war all our brightest military men, all of our brainiest and most brilliant young officers, should go forth into the fight to win there their country's reward and the promotion which would naturally come from such services in the field. If I understand their desires, that is also what those officers themselves would prefer.

The question being taken, the amendment of Mr. HAY was rejected.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. HULL. I call up the bill (H. R. 10424) to provide for a temporary increase in the Inspector-General's Department of the Army.

The bill was read, as follows:

*Be it enacted, etc.*, That the President is authorized, by and with the advice and consent of the Senate, to appoint one inspector-general with the rank of colonel, one inspector-general with the rank of lieutenant colonel, and one inspector-general with the rank of major; *Provided*, That the vacancies created in the grade of colonel and lieutenant-colonel by this act shall be filled by the promotion of officers now in the Inspector-General's Department according to seniority, and that upon the mustering out of the volunteer forces and the reduction of the Regular Army to a peace basis no appointments shall be made in the Inspector-General's Department until the number of officers in each grade in that Department shall be reduced to the number now authorized by law.

Mr. LACEY. I wish to call the attention of the chairman of the Military Committee to a defect in section 10 of the act of April 25 last. I find that a House resolution (No. 270) to remedy this defect has been introduced by the gentleman and referred to the Committee on Military Affairs. I ask the gentleman to yield so that I may offer the body of that joint resolution as an amendment to this bill, so as to correct the defect. The original bill as to corps rank provided for giving the rank of colonel to the adjutant-general, the inspector-general, and various officers of a corps commander's staff.

Members of the House will perhaps recollect that when that bill was under consideration I moved to substitute the rank of lieutenant-colonel for that of colonel, which amendment the House rejected. The Senate, however, amended the bill in that way. But in the preparation of that bill one officer was overlooked—the chief of the signal corps. Under the legislation as it stands he alone will have the rank of major, whilst all his associates on the staff, who are not doing any more important duty, will have the rank of lieutenant-colonel. I propose to offer as an amendment to this bill the provisions of House resolution No. 270, introduced by the chairman of the Military Committee.

Mr. HULL. I am willing to yield that the gentleman may offer the amendment. The committee has not yet passed upon that proposition.

Mr. LACEY. Let the amendment be read.

The Clerk read as follows:

Add as section 2 the following:

"That so much of section 10 of the act of Congress approved April 25, 1898, as provides that the staff of the general commanding an army corps shall consist of certain officers, with the rank of lieutenant-colonel, shall be held to include among such officers a chief signal officer."

Mr. HANDY. I make the point of order that this amendment is not germane to the bill.

Mr. LACEY. It seems to me the point is not well taken. This bill is a proposition to amend temporarily the law in regard to the Volunteer Army. It amends the law in relation to the staff. This is another part—

The SPEAKER. The original bill relates solely to the Inspector-General's Department.

Mr. HANDY. And the amendment relates to an officer of the Signal Corps.

Mr. LACEY. It is an amendment as to the staff of the Army; and the Inspector-General is upon the corps staff. Now, this is a proposition not to increase the staff corps of the Army, but to make the rank uniform throughout; and the gentleman, I understand, introduces a resolution that creates a new condition of things, practically a grade of officers really of the same grade of service, but of different rank.

Mr. SULZER. How many officers does this provide for?

Mr. LACEY. One for each corps. They have one now, a major; and this is to give him the rank of lieutenant-colonel for performing precisely the same duties.

Mr. HANDY. Mr. Speaker, my point of order is that this is a bill to increase the corps of the Inspector-General of the Army during the war. The gentleman from Iowa [Mr. LACEY] offers an amendment to increase the rank of certain signal officers who belong to another and different corps. Certainly one is not germane to the other; and hence I have made the point of order.

The SPEAKER. The Chair thinks the point of order is good, and sustains it.

The question was taken on the engrossment and third reading of the bill, which was ordered; and being read the third time, the bill was passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

PAY AND ALLOWANCES OF CHAPLAINS OF VOLUNTEERS.

Mr. HULL. Mr. Speaker, I now call up for present consideration the bill (H. R. 10685) to fix the pay and allowances of chaplains of volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That all chaplains in the volunteer service shall have the pay and allowances of a captain mounted.

Mr. McCLELLAN. If the gentleman from Iowa in charge of this bill will permit me, I desire to submit an inquiry to him.

Mr. HULL. Certainly.

Mr. McCLELLAN. Post chaplains in the Regular Army, having the rank of captains, not mounted, have heretofore been paid the sum of \$1,500 a year, as I understand it?

Mr. HULL. That is correct.

Mr. McCLELLAN. And this makes the pay of such chaplains \$2,000 a year, or an increase of \$500?

Mr. HULL. That is correct. But the gentleman will remember that there are conditions which make one of these appointments very different from the other. The post chaplain is usually located in such position that he has a house furnished free and can buy what he wants at low figures, and supply himself, in other words, without unnecessary cost. A chaplain of the volunteers, however, goes with the regiment wherever the regiment may be, on the field of battle, if necessary, and it may be that he will be sent, as in the present war, away from the country. Therefore, a very different condition of affairs is presented.

This bill gives him the rank and allowances of a captain mounted. That is to say, it increases his pay from \$1,500 a year, under the present law, to \$2,000 a year. And, Mr. Speaker, I think a man who goes into the field, if he is any account at all as a chaplain, and renders efficient services for the Government, looking after the sick, and for the moral and physical welfare of the troops, writing letters home for the boys, and performing duty in various other ways as chaplain which he is compelled to perform, is worth \$500 a year more than the man who remains at the post and is enabled to live comparatively at his ease.

Mr. McCLELLAN. What is the pay of the chaplains of the four colored regiments?

A MEMBER. They receive more pay than chaplains at the post.

Mr. HAY (interrupting). Is the gentleman from New York going to make his first attack on these military bills on the chaplains?

Mr. McCLELLAN. Not at all. I have supported all of the bills, and am simply seeking information from the chairman of the committee in reference to this one.

Mr. STEELE. Mr. Speaker, in view of the fact that the troops have been ordered to the front from many of the posts and have left behind them the chaplain, I would like to ask what duty he is expected or required to perform in that event?

Mr. HULL. It is presumable that the chaplain has followed the troops which have been sent to the front.

A MEMBER. If he is mounted.

Mr. HULL. A chaplain of the Regular Army is not a mounted officer at all. Now, our chaplains out at Fort Alger, where I got my first inspiration with reference to the matter, have no allowance for forage. They have to pay for it. The result is that instead of having the rank and pay that captains had during the civil war, they are infinitely worse off. I do not think the bill gives more than they ought to have in this regard.

Mr. STEELE. I am not objecting to the amount given to the chaplains in the field or when they are ordered away with the troops. But does the gentleman think they ought to have just as much when they stay at home or at the forts and look after the comfort of the families of the officers?

Mr. HULL. I have no objection to any provision which would except from the operation of such a law those chaplains who are not called into the field or who are not there of their own selection. But my impression is that such a proposition would not hit many men—

Mr. STEELE. Well, if it hits one, it is a good thing. [Laughter.] I offer an amendment that chaplains in the field, serving with troops, shall have the pay of mounted officers, as the bill provides.

A MEMBER. I understand this is only for temporary service?

Mr. DOCKERY. Not at all. It is a permanent proposition. We do not want to blend the two propositions.

Mr. STEELE. As there seems to be an impression that the chaplains are preaching to the families of officers, and will not need to go to the field, I withdraw the amendment.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

SIGNAL OFFICERS ON STAFFS OF CORPS COMMANDERS.

Mr. HULL. Mr. Speaker, at the request of members on both sides, I ask unanimous consent for the present consideration of a joint resolution relative to the signal officers on the staffs of corps commanders. It has not been reported from the committee, and I have no right to call it up.

Mr. KING. Have the members of the committee seen it and considered it?

Mr. HAY. What is the resolution? I should like to hear it read.

Mr. HULL. The gentleman from Iowa offered it as an amendment to the Inspector-General's bill.

The SPEAKER. Unanimous consent is asked for the present consideration of a resolution which will be reported by the Clerk.

The joint resolution was read, as follows:

*Resolved, etc.*, That so much of section 10 of the act of Congress approved April 23, 1898, as provides that the staff of the general commanding an army corps shall consist of certain officers, with the rank of lieutenant-colonel, shall be held to include among such officers a chief signal officer.

Mr. HAY. Mr. Speaker, I call for the regular order.

Mr. HULL. I believe that is equivalent to an objection.

The SPEAKER. The regular order is demanded.

PAY OF VOLUNTEER SOLDIERS.

Mr. HULL. I call up the bill H. R. 10805, reported from the committee this morning with an amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That the act of Congress approved May 26, 1898, entitled "An act providing for the payment and maintenance of volunteers during the interval between their enrollment and muster into the United States service, and for other purposes," be, and the same is hereby, amended to read as follows:

"That the pay and allowance of such of the volunteers as are received into the service of the United States under the act of Congress approved April 22, 1898, and the acts supplemental thereto, shall be deemed to commence from the day on which they had their name enrolled for service in the Volunteer Army of the United States and joined for duty therein after having been called for by the governor on the authority of the President: *Provided*, That troops about to embark for service in the Philippine Islands may, in the discretion of the Secretary of War, be paid one month's wages in advance prior to embarkation."

Mr. HULL. Mr. Speaker, the Clerk has read the bill as it will be amended. The bill was introduced by the gentleman from Missouri [Mr. DOCKERY], and its object was to put the word "company" in with the words "battalion" and "regimental," so that companies would receive pay from the day of their enrollment. His idea was that they should have pay from the time of their rendezvous at company headquarters. The Judge-Advocate-General's Department was in consultation with the committee, and agreed, with some of us at least, that putting the word "company" in it might carry pay for many weeks or even months before they were called out. Neither the gentleman from Missouri nor any member of the committee desired that. So we struck out all that referring to company, battalion, regimental, and State rendezvous.

The SPEAKER. Has this bill been reported?

Mr. HULL. It has been reported, but it was reported as it will be as amended, instead of as it was originally offered.

Mr. DOCKERY. The Clerk read the bill with the amendment. I should like to have the original bill read and then the amendment read separately.

Mr. HULL. I will say, before the Clerk reads it, that the bill we passed, and which is now the law, is exactly as the gentleman from Missouri [Mr. DOCKERY] introduced this, with the exception that the one word "company" was inserted.

Mr. DOCKERY. That is the only change.

Mr. HAY. I did not so understand. I thought that the original bill was added to by the gentleman who was before the committee at the time, and that he made an entire change in three or four parts of the bill.

Mr. HULL. I am talking about the bill as it was originally introduced. The bill as introduced by the gentleman from Missouri made no change in the law that we had already passed, except the insertion of the word "company."

Mr. HAY. Oh, I understand.

Mr. HULL. And the bill as reported by the committee strikes out all in reference to battalion and company rendezvous and inserts the words just read.

Mr. DOCKERY. I have examined the amendment very carefully, and while one or two gentlemen have some doubts about it, my own judgment is that the amendment of the committee makes the section clearer than the original bill. I will say to the House that the object of the bill is to place all the volunteer troops on exactly the same footing as to pay. The law now provides that they shall be paid from the time of their enrollment at the battalion or regimental rendezvous. The effect is to discriminate un-wittingly against companies raised in the small towns.

In other words, the law now operates to discriminate in favor of companies raised in cities where there is a battalion or regimental rendezvous, as against companies raised in small towns.

To illustrate: Two regiments from Missouri were paid from the 16th day of May. Two other regiments that entered the service at the same time were, under the law, paid from the 27th of April, obviously an unfair discrimination. Of course Congress had no such purpose in view. This amendment is simply intended to equalize the pay, so that all soldiers shall receive their pay from the time they report for enrollment under the order of the governor, and after a call by the President.

Mr. BRUCKER. As the law now stands, was there any distinction made between regimental officers and privates as to the time when their pay should commence?

Mr. DOCKERY. Oh, no.

Mr. BRUCKER. I ask the question for the reason that I was informed by some regimental officers of Michigan troops, for instance the Thirty-third and Thirty-fourth Michigan, that the pay of the regimental officers did not commence at the same time as the pay of the privates.

Mr. DOCKERY. Then there is faulty administration somewhere. I think the gentleman from Iowa [Mr. HULL] will bear me out in the statement that that would be an erroneous construction of the existing law.

Mr. STEELE. I should like to ask the gentleman from Missouri a question. I understand that the States have been paying the militia organizations up to the time they were mustered into the service of the United States, and some of the States have been paying a great deal more compensation to their soldiers than they get in the Regular Army.

Mr. SULZER. That is correct.

Mr. STEELE. New York, for instance, gives \$1.50 a day, while in this service they get 60 cents. So that your proposition would be against rather than for them in the case of New York.

Mr. DOCKERY. I will say that question is not raised by my proposition.

Mr. MARSH. And New York will be around here in due time to collect that money from the United States Government.

Mr. STEELE. I am glad to have a prophet among us.

Mr. DOCKERY. I will say to my friend from Indiana that that issue is not raised by this amendment.

Mr. STEELE. They are going to get what the State gives them and what the Government gives them also.

Mr. DOCKERY. This amendment simply seeks to pay the volunteer soldier from the time of enrollment in the company under the order of the governor.

Mr. BRUCKER. I would like to ask the gentleman from Iowa whether or not, under the existing law, there is any distinction made between regimental officers and privates as to the time when their pay commences?

Mr. HULL. I think not. The bill we passed some weeks ago provided that the pay should commence when the battalion or regiment was ordered to the battalion or regimental rendezvous. That is the law as it is. It places officers and privates on the same footing.

Mr. DOCKERY. I know, as a matter of fact, a distinction has been made, and that as to the privates of the Thirty-third and Thirty-fourth Michigan their pay commenced at one time and the pay of the regimental officers commenced at a time much subsequent.

Mr. SULZER. That is the fault of somebody in Michigan. They are to be paid by the United States Government.

Mr. HULL. You are talking about the State.

Mr. BRUCKER. No.

Mr. SULZER. It is a mistake as far as the Government of the United States is concerned. If there is an error, it is somewhere in the State of Michigan.

Mr. COX. I would like to ask the gentleman from Missouri a question.

Mr. DOCKERY. Very well.

Mr. COX. In this bill, as I understand, we are assuming that the company is organized in one of your counties. We are trying to put the bill into practical operation. Now, that company is called out by authority of the governor, and he gets his authority from the President of the United States. These men are enrolled. They are put upon the list. Now, then, as I understand this bill, it simply means that they shall be paid from the time the governor gave the order calling them out, if the United States has accepted them.

Mr. DOCKERY. That is a correct statement.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In lines 14 and 15 strike out the words "joined for duty and are enrolled at the company, battalion, regimental, or State rendezvous" and insert in lieu thereof the words "had their names enrolled for service in the Volunteer Army of the United States and joined for duty therein, after having been called for by the governor on the authority of the President."

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman from Iowa a question, because I do not understand it yet. Does this give pay to the members of the regiment in those States that do not pay their volunteers anything from the time they agree to volunteer?

Mr. HULL. Oh, no, sir; it pays them from the time they volunteer and report for duty on the call of the governor, authorized by the President of the United States.

Mr. PAYNE. Now, there are States which pay the men from the time they volunteer up to the time they are mustered into the service of the United States, our State paying them \$1.25 a day, but some other State pays them nothing. Now, it is proposed to pay them, where the State is doing nothing to pay its soldiers, from the time they first volunteered until they are mustered into the service.

Mr. HULL. I think the law we passed for the pay of soldiers settled that matter. The governors of the various States could not fix the pay. They did not know at what amount it would be fixed. We have fixed the pay that is to be paid by the Government, and if the pay of the soldiers paid by a State was greater than that which is paid by the Government, there would be no validity in any claim that the State would make for the difference in the pay after the amount of the pay had been fixed by Congress.

It was originally battalion or regimental rendezvous, and it was suggested at the time to put in the word "company," as it might go on for weeks and months before they were ordered for duty and joined for duty. The committee did not believe it right to pay companies from date of enrollment before a call is issued. This makes it apply to the squad or an individual who has joined for duty and to every member who is an enlisted soldier with his company in waiting until he gets to the State camp. But he must join for duty after called upon by the governor of his State. To pay from date of enrollment might mean pay for months before a call is issued and while the man is attending to his ordinary duties in civil life. He is paid at the same rate that the United States pays the volunteers, without any reference to what the State pays, and the State has no honest demand upon the Federal Government for a penny more. To let the States pay this would make the pay of a soldier vary with the different States from nothing up to \$2 a day.

Mr. PAYNE. Will the volunteers from my State, before they were mustered into the service of the United States, get their proportion of this pay from the United States in addition to their pay from the State?

Mr. HAY. If they rendezvoused at camp, they would.

Mr. HANDY. They would get both pays.

Mr. PAYNE. That would be all the better for the boys, but I think the State of New York should be reimbursed.

Mr. HULL. It simply equalizes the little difference between the city regiment and the country regiment. The States have no business to pay the men after they volunteer. There are several States where the State paid nothing.

Mr. DOCKERY. Mr. Speaker, I desire to print in the RECORD a letter from the Paymaster-General approving this bill. Beyond that I do not care to say anything further.

The SPEAKER. If there is no objection, the letter presented by the gentleman from Missouri will be printed in the RECORD. The Chair hears no objection.

The letter is as follows:

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,  
Washington, June 25, 1898.

SIR: I have the honor to return herewith the proposed amendment to the act of May 28, 1898. In my opinion there appears no just or sufficient reason why a company, recruited from adjacent towns, should not receive pay from the date of enrollment as a company at the company rendezvous.

The men are withdrawn from their avocations and render themselves up to the control of the officers selected to command them for the time, and should, in my opinion, be recognized as entitled to pay from that time without waiting until summoned to some other rendezvous to be incorporated in a battalion or regiment.

Very respectfully,

T. H. STANTON,  
Paymaster-General United States Army.

Hon. ALEX. M. DOCKERY, M. C.,  
Ebbitt House, Washington, D. C.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITARY STOREKEEPER IN THE QUARTERMASTER'S DEPARTMENT.

Mr. HULL. Mr. Speaker, by instruction of the committee I now call up the bill (S. 3277) to authorize the appointment of a military storekeeper in the Army, and I call it up in lieu of the House bill on the same subject.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.* That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint a military storekeeper in the Quartermaster's Department of the Army; and all laws inconsistent herewith are hereby suspended for the purposes of this act only.

Mr. HAY. Is this a war measure? Is it necessary to have it passed to carry on the war?

Mr. HULL. No; I think the war would go on without it.

Mr. HANDY. Is it a sutler's bill?

Mr. KING. When does it expire?

Mr. HULL. When the man dies.

Mr. KING. It does not expire at the end of the war?

Mr. HULL. No. Mr. Speaker, I want to say to the House that the President of the United States would like to have the grade revived, and I will say to the House in all frankness that it will not add anything to the expense of the Government, provided the gentleman who receives the appointment continues to be able to discharge the duties he has been discharging.

Mr. SIMPSON. Has the gentleman already been selected?

Mr. HULL. Yes. I am willing to meet the matter frankly which these questions are seeking to draw out. The gentleman who will be appointed, in all human probability, will be Major Loeffler. He is a gentleman who served under Lee before the civil war, and was in the Utah expedition, served all through the civil war in the Regular Army, was with General Grant when he was elected President of the United States, and so commended himself to General Grant that, at Grant's own request, he was taken out of the Army and put on duty at the White House, and he has stayed there from that day to this; and every man who has had business at the White House for the last thirty years knows that no more efficient man has ever been in the discharge of any public trust.

I want to say further that his salary is exactly the same as this salary will be, but the time may come when he will be unable to discharge the duties, and it allows him to have this grade and this rank and is the testimony of Congress and the President of the United States to an efficient officer who has served his country for more than forty years.

Mr. SIMPSON. It has the effect to put him on the retired list?

Mr. HULL. When he can not perform the duties.

Mr. HANDY. Can not he go on the retired list without this bill?

Mr. HULL. He is not an officer of the Regular Army.

Mr. STEELE. He was a good soldier and is a very efficient man.

Mr. HANDY. This is in the nature of a civil pension.

Mr. HULL. You may call it what you please.

Mr. LOVE. Will he draw the pay for the position which he now holds in addition to this one provided for in this bill?

Mr. HULL. No; he will draw but one pay, and it makes no increase of pay at all.

Mr. HANDY. Would the gentleman from Iowa object to telling the House what will be his duties in this position provided for in this bill?

Mr. SULZER. The same duties that he is attending to now.

Mr. COX. I ask the chairman of the committee to yield me three or four minutes?

Mr. HULL. I will, of course.

Mr. COX. Mr. Speaker, what is the present proposition?

Mr. KING. To give a man a position.

Mr. COX. I will do my own answering, if the gentleman pleases. [Laughter.]

Mr. KING. Very good, if the gentleman will answer correctly.

Mr. COX. I will.

The gentleman for whom this bill proposes to provide a place is no doubt a good soldier and a good officer. Nobody can say anything against him. But we are proposing to create a place for him—I can not call it an office. We propose to give him the rank of military storekeeper. What is he going to do? What will be his duties?

Mr. SIMPSON. We are giving a man a job.

Mr. COX. Of course; we are giving a man a job. It is solemnly proposed in this Congress to put this man into a job.

Mr. SULZER. He has a job now.

Mr. COX. Do you propose to provide jobs for all the good soldiers?

A MEMBER. Yes.

Mr. COX. You do? Then bring in a general bill for that purpose, so that we may all understand it. Now, here is a proposition to do what? To create a new position and to name the man who is to fill that position, to pay him a salary, and in due time retire him. Yet there is not a man on the other side of the House who can tell what duties this officer is going to perform. Where are we to stop with these "Army emergency" bills? I do not want to say a word against this man. I have no objection to him personally. I do not know anything about him. I assume he is all right. But, if you are going to introduce here as "war bills" all sorts of propositions to provide places for worthy gentlemen, then let us have a general bill and put them all in.

Mr. HANDY. Will the gentleman from Iowa permit me to ask him a question?

Mr. HULL. Certainly.

Mr. HANDY. Is there anything in this bill that provides what shall be the salary attached to this position, or what shall be the rank of this officer in the Army, or what shall be the duties performed by him?

Mr. HULL. The bill provides that he shall have the rank of a military storekeeper. That rank is well known, and also the salary.

A MEMBER. How much?

Mr. HULL. One thousand eight hundred dollars a year. The rank is that of a captain not mounted.

Mr. HANDY. Do we have these storekeepers now in the Army?

Mr. HULL. No; the office has been abolished. This bill revives it for this particular case.

Mr. SULZER. This is a good bill and ought to pass.

Mr. HANDY. It strikes me that it is a bad bill, setting a bad precedent, and one which ought not under any circumstances to pass.

Mr. BARTLETT. Is this one of the bills that the Secretary of War so earnestly urged the gentleman from Iowa to present to the House?

Mr. HANDY. This is one of the bills that the Democratic minority is so unpatriotic as not to be in favor of.

Mr. HULL. I will say to the gentleman from Delaware that a very large number of good Democrats, and men who are recognized as leaders on that side of the House, have urged me to take up this bill. There is no party politics in it. It is not a bill in behalf of this man as a Republican or a Democrat. I do not know whether the man who will get this place is a Democrat or Republican, and I do not care. I have not called this a war measure, and no one in authority has claimed that for it. It is a just measure.

Mr. HANDY. The gentleman will excuse me. My remark was not intended for his ear, but for our friend from Ohio [Mr. GROSVENOR].

Mr. KING. I want to ask my friend from Iowa, in good faith, who will perform the duties this man is now performing?

Mr. HULL. He will perform them himself. I have the liberty to say that he has letters from all the Presidents under whom he has served, from Grant down, recommending him in the highest terms for continuance in that place or for any other place that he might desire. The two ex-Presidents now living and the present occupant of the White House all say that this bill is simply an act of ordinary justice to a faithful public officer.

Mr. RIDGELY. We are all in favor of the bill. Let us vote.

Mr. KING. We are not all in favor of it.

Mr. HANDY. I think the gentleman from Iowa had better withdraw this bill unless there is a quorum present.

Mr. DALZELL. No; let us have a vote.

Mr. GROSVENOR. Would it not be as well for the gentleman from Delaware to ask that the bill considered here for one of his relatives should be withdrawn?

Mr. DALZELL. What bill is that?

Mr. GROSVENOR. Providing for General Breckenridge. Now let us vote for some of these other bills.

Mr. HANDY. I do not know of any such bill as that the gentleman refers to.

Mr. GROSVENOR. Has not the gentleman from Delaware, in and out of season, presented reasons and arguments to the chairman of the committee for the presentation and passage of that bill?

Mr. HANDY. The gentleman from Ohio is surely aware of the fact that the gentleman to whom he has referred has no advantage personally and no promotion of any character because of the passage of that bill. It will not increase any salary attaching to his office nor give him any rank whatever if it shall become a law. He has no interest in it whatever, save as the head of the Inspector-General's Department; and the bill simply gives additional men to do the work imposed upon him as the Inspector-General of the Army.

The gentleman from Ohio can not therefore accuse me of selfishness, or a wrongful desire to advance a relative of mine by any legislation here.

Mr. GROSVENOR. Would it not have been as well if the gentleman from Delaware had failed to make reference to a gentleman who has taken no part whatever in the discussion of the measures before the House?

Mr. HANDY. When the gentleman from Ohio says on the floor of the House that I am an advocate of any bill which proposes to benefit any relative of mine, I will meet him.

Mr. GROSVENOR. The gentleman's anxiety with reference to the bill marked it in my estimation.

Mr. HANDY. I have reasons that the gentleman from Ohio may perhaps not be aware of.

Mr. HULL. Mr. Speaker, I believe I have the floor?

The SPEAKER. The gentleman from Iowa is entitled to the floor.

Mr. HULL. If no other gentleman desires to discuss the bill under consideration, I ask for a vote.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; and the Speaker announced that the Chair was in doubt.

On a division (demanded by Mr. HULL) there were—ayes 64, noes 41.

Mr. HANDY. I raise the point, Mr. Speaker, that there is no quorum present.

Mr. SULZER. Oh, no; do not make that point.

Mr. HANDY. I make the point of no quorum.

The SPEAKER. The gentleman from Delaware makes the point of no quorum, and the Chair will determine the matter.

Mr. HULL (pending the count by the Speaker). I move that the House do now adjourn.

Mr. GROSVENOR. Mr. Speaker, before that I move to reconsider the vote by which the House passed the bill H. R. No. 10424—

The SPEAKER. But a question of quorum is still pending—

Mr. GROSVENOR. Mr. Speaker—

The SPEAKER (continuing). And the gentleman from Iowa moves that the House do now adjourn.

Mr. GROSVENOR. I give notice, then, that I shall submit a motion to reconsider the vote by which the bill H. R. 10424 was passed.

The SPEAKER. The question now is on the motion of the gentleman from Iowa that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of St. Lucia River, Florida, was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. ELLIS, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill of the House (H. R. 7937) to prohibit the sale of intoxicating liquors on any reservation or territory exclusively under control of the United States Government, and for other purposes, reported the same with amendment, accompanied by a report (No. 1629); which said bill and report were referred to the House Calendar.

#### 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. JENKINS: A bill (H. R. 10830) to amend section 1042 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 10831) for the relief of certain homestead settlers in Florida—to the Committee on the Public Lands.

By Mr. HAWLEY: A bill (H. R. 10832) for improving the mouth of the Brazos River, Texas—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10833) for the improvement of the Brazos River as far as the town of Richmond, Tex.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 10834) providing for the construction of a suction dredge to be used in deepening the shoals and bars at the mouths of certain streams—to the Committee on Rivers and Harbors.

By Mr. PAYNE: A bill (H. R. 10842) to amend the act approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes"—to the Committee on Ways and Means.

By Mr. HILBORN: A joint resolution (H. Res. 290) tendering the thanks of Congress to Assistant Naval Constructor Richmond Pearson Hobson and to the volunteer crew of the *Merrimac*, and authorizing the transfer of Assistant Naval Constructor Hobson from the Construction Corps to the line of the United States Navy—to the Committee on Naval Affairs.

Also, a joint resolution (H. Res. 291) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgeson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila—to the Committee on Naval Affairs.

By Mr. BURTON: A joint resolution (H. Res. 292) to provide an emergency fund for the maintenance, repair, and preservation of river and harbor work and for expenses incidental thereto—to the Committee on Rivers and Harbors.

#### 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. BELFORD: A bill (H. R. 10835) to pay J. and W. Seligman & Co. the sum of \$1,794.56 for certain coupons detached from

United States bonds, which were lost on the Cunard steamship Oregon, sunk at sea March 14, 1886—to the Committee on Ways and Means.

By Mr. BRUCKER: A bill (H. R. 10836) for the relief of H. E. Monroe, Company E, Eleventh Michigan Infantry—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 10837) granting an increase of pension to George W. Wakefield, of Pawtucket, R. I.—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 10838) granting a pension to Mrs. Rebecca J. Jones—to the Committee on Invalid Pensions.

By Mr. DORR: A bill (H. R. 10839) granting a pension to John F. Dorsey—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 10840) granting a pension to Mary Forward—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 10841) granting a pension to Libbie B. Fries—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 10843) granting a pension to Samuel A. Lownsbery—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 10844) granting a pension to Mary Lundy—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. BAKER of Illinois: Resolutions of brotherhoods of Locomotive Engineers, Locomotive Firemen, Railroad Trainmen, orders of Railway Conductors and Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BARHAM: Petitions of the Woman's Christian Temperance Union of Calistoga and the Methodist Episcopal Church of Sierraville, State of California, favoring legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

By Mr. BARTHOLDT: Papers to accompany House bill for the relief of William G. Miller—to the Committee on War Claims.

Also, papers to accompany House bill to correct the military record of Julius H. Rogge—to the Committee on Military Affairs.

Also, papers to accompany House bill for correction of the military record and granting an honorable discharge to Charles Stierlin—to the Committee on Military Affairs.

By Mr. DALZELL: Resolutions of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railway Trainmen, and Order of Railway Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DORR: Affidavits to accompany House bill No. 3912, to grant a pension to James M. Bryant—to the Committee on Invalid Pensions.

Also, petition of John F. Dorsey, of Nicholas County, W. Va., to accompany House bill for a pension—to the Committee on Invalid Pensions.

By Mr. HENDERSON: Resolutions of brotherhoods of railroad men, representing a membership of 126,000, favoring the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Resolutions of a joint meeting of brotherhoods of railway engineers, firemen, and trainmen, and orders of railway conductors and telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOX: Petition of Alfred Reno, late of Company K, Seventh Regiment Infantry Vermont Volunteers, to accompany House bill for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, evidence in support of the claim of Emma C. Nudd for a pension—to the Committee on Invalid Pensions.

By Mr. KULP: Resolutions of a union meeting of the Brotherhood of Locomotive Engineers, Brotherhood of Firemen, Order of Railway Conductors, Railway Trainmen, and Telegraphers, held in Philadelphia, Pa., June 5, 1898, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the American Federation of Musicians, Cincinnati, Ohio, for legislation restraining the Marine Band from competing with musical organizations outside of the District of Columbia—to the Committee on Naval Affairs.

By Mr. LIVINGSTON: Resolutions of a joint meeting of locomotive engineers and firemen and railway conductors, trainmen, and telegraphers, held in Philadelphia, Pa., in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. MEYER of Louisiana: Memorial of the city council of the city of New Orleans, La., against the amendment limiting the

free-delivery system in all of the cities of the United States to a number not exceeding four deliveries per day—to the Committee on the Post-Office and Post-Roads.

By Mr. OSBORNE: Resolutions adopted by the Brotherhoods of Locomotive Engineers, Firemen, and Trainmen, and Orders of Railway Conductors and Telegraphers, in favor of the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

#### SENATE.

WEDNESDAY, June 29, 1898.

The Senate met at 11 o'clock a. m.

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

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

#### PETITIONS AND MEMORIALS.

Mr. FRYE. I present the petition of Governor Powers, of Maine, and a large number of other very distinguished citizens of the United States, addressed to the Committee on Foreign Relations of the Senate, asking for legislation to provide for arbitration, the arbitrators to be the highest courts of the various countries. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HOAR presented the petition of Henry Howerter and sundry other citizens of the United States, representing the Brotherhoods of Locomotive Engineers, Firemen, Conductors, and Telegraphers, praying for the passage of the so-called anti-scalping ticket bill; which was ordered to lie on the table.

Mr. PASCO presented a petition of the Democratic county convention of Hamilton County, Fla., praying for the imposition of an import duty on long-staple cotton; which was referred to the Committee on Finance.

#### REPORTS OF A COMMITTEE.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4382) granting an increase of pension to Eliza M. Miller; and

A bill (H. R. 10316) for the relief of Georgie Smiley.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4283) granting an increase of pension to William B. Murray;

A bill (H. R. 4200) granting an increase of pension to Ellen Stack; and

A bill (H. R. 7293) granting a pension to Della E. Spaulding.

#### FRANK H. NEWCOMB AND DANIEL B. HODGSODON.

Mr. FRYE. I report favorably from the Committee on Commerce Senate joint resolution 178, a joint resolution to carry out the recommendations of the President of the United States touching certain officers of the Revenue-Cutter Service, and I am instructed by that committee to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 178) recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter *Hudson*; of his officers and men; also retiring Capt. Daniel B. Hodgsdon, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter *Hugh McCulloch* at Manila.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be, and are hereby, extended to First Lieut. Frank H. Newcomb, of the Revenue-Cutter Service, commanding the revenue cutter *Hudson*, his officers and the men of his command, for their intrepid and heroic gallantry in the action at Cardenas, Cuba, on the 11th day of May, 1898, when the *Hudson* rescued the U. S. naval torpedo boat *Winslow*, in the face of a most galling fire from the enemy's guns; the *Winslow* being disabled, her captain wounded, her only other officer and half her crew killed. The commander of the *Hudson* kept his vessel in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally he got a line made fast to the *Winslow* and towed that vessel out of range of the enemy's guns; that, in commemoration of this signal act of heroism, First Lieut. Frank H. Newcomb, Revenue-Cutter Service, be given a gold medal of honor, each of his officers a silver medal, and each member of his crew a bronze medal, of such appropriate design as may be approved by the Secretary of the Treasury.*

*That in recognition of the efficient and meritorious services of Capt. Daniel B. Hodgsdon, United States Revenue-Cutter Service, while in command of the U. S. revenue cutter *Hugh McCulloch*, under the orders and in cooperation with the fleet commanded by Rear-Admiral George Dewey, United States Navy, at the battle of Manila, on May 1, 1898, and said officer being now in the sixty-third year of his age, and having served continuously for thirty-seven years as an officer of the Revenue-Cutter Service, he be placed on the permanent waiting orders or retired list of the Revenue-Cutter Service, on the duty pay of his grade.*