

Asst. Paymaster George G. Seibels, to be a passed assistant paymaster.

Asst. Paymaster Edmund W. Bonnaffon, to be a passed assistant paymaster.

Asst. Paymaster Joseph Fyffe, to be a passed assistant paymaster.

APPOINTMENTS IN THE VOLUNTEER ARMY.

SIXTH REGIMENT OF INFANTRY.

To be captains.

Ike T. Jobe, of Kentucky.

William H. Gillenwaters, of Tennessee.

William B. Penny, of Kentucky.

Benjamin W. Hooper, of Tennessee.

Winston Baird, of Tennessee.

Douglas E. McDowell, of Tennessee.

James J. Bowers, of Tennessee.

Charles W. Wadsworth, of Tennessee.

Oliver E. Fox, of Tennessee.

Xenophon Z. Hicks, of Tennessee.

To be first lieutenants.

Frank E. Murphy, of Tennessee.

Thomas A. Davis, of Tennessee.

George F. Milton, of Tennessee.

James P. Clark, of Tennessee.

Frederick H. Gregg, of Tennessee.

Edgar R. Carter, of Tennessee.

John T. Fuller, of Tennessee.

Thomas F. Peck, of Tennessee.

Jacob B. French, of Tennessee.

Frank Maloney, of Tennessee.

Lou Routhan Dennis, of Tennessee.

Autry Greer, of Tennessee, vice Wright, declined.

To be second lieutenants.

James W. Park, of Tennessee.

Harris Lindsley, of the District of Columbia.

Frank L. Case, of Tennessee.

Grant T. Trent, of Tennessee.

Cornelius C. Williams, of Tennessee.

Elmer E. Houk, of Tennessee.

Samuel F. Rogers, of Tennessee.

Harry A. Sizer, of Tennessee.

Andrew J. Brown, jr., of Tennessee.

John Q. Tilson, of Tennessee.

THIRD REGIMENT OF INFANTRY.

To be captains.

John D. Twiggs, jr., of Georgia.

Frank R. Frost, of South Carolina.

To be first lieutenants.

Albert W. Gilchrist, of Florida.

Rex Van Deu Corput, of Georgia.

Robert B. McBride, of Georgia.

To be second lieutenant.

Martin L. Williams, of Florida.

FOURTH REGIMENT OF INFANTRY.

To be first lieutenant.

Charles C. Berkeley, of Virginia.

To be second lieutenants.

Lawrence W. H. Peyton, of Virginia.

James B. Adams, of Maryland.

Thomas M. Clinton, of Maryland.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

Charles P. Pollard, of Alabama.

NINTH REGIMENT OF INFANTRY.

To be captains.

James Henry Aldrich, of Louisiana.

Frank E. Patrick, of Louisiana.

Robert M. Nolan, of Louisiana.

Willis P. Coleman, of Louisiana.

William Lowry, of Louisiana.

To be first lieutenants.

Louis E. Brown, of Texas.

Sterling P. Brown, of Louisiana.

Louis A. Barnett, of Louisiana.

Nelson A. Smiley, of Texas.

To be second lieutenants.

Adolph J. Wakefield, of Texas.

Philip Philipson, of Louisiana.

George W. Butler, of Louisiana.

Wallace D. Seals, of Texas.

TENTH REGIMENT OF INFANTRY.

To be second lieutenant.

Robert S. Hansbury, of Pennsylvania.

TO BE ADDITIONAL PAYMASTER.

Philip Dallam, of Illinois.

FIRST REGIMENT OF ENGINEERS.

To be assistant surgeon with the rank of first lieutenant.

Walter D. Webb, of New York.

COLLECTOR OF CUSTOMS.

John R. Tolbert, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina.

POSTMASTERS.

Frank M. Hoeye, to be postmaster at Perry, in the county of Dallas and State of Iowa.

Seth B. Strong, to be postmaster at Houston, in the county of Harris and State of Texas.

William T. Black, to be postmaster at Mount Pleasant, in the county of Titus and State of Texas.

Robert T. Bartley, to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Laban L. Jenkins, to be postmaster at Gastonia, in the county of Gaston and State of North Carolina.

Mark Sternberger, to be postmaster at Jackson, in the county of Jackson and State of Ohio.

Stephen G. Newman, to be postmaster at Haverstraw, in the county of Rockland and State of New York.

Jay Jackson, to be postmaster at Pine Plains, in the county of Dutchess and State of New York.

SENATE.

TUESDAY, July 5, 1898.

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

Prayer by Rev. J. F. HEISSE, of the city of Washington.

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

COLLECTORS OF INTERNAL REVENUE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting a letter from the Commissioner of Internal Revenue, submitting an estimate of deficiency in the appropriation for "Salaries and expenses of collectors of internal revenue" for the fiscal year ended June 30, 1898, \$30,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF A COMMITTEE.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1037) to remove the charge of desertion standing against the name of Patrick Dougherty, Company A, Thirteenth New York Volunteer Infantry, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 4831) fixing the rank of the Adjutant-General of the Army, reported it with amendments.

He also, from the same committee, to whom was referred the joint resolution (H. Res. 270) to correct an omission relative to signal officers on the staff of corps commanders, reported it with amendments.

JULIA MOORE SELDEN.

Mr. CLAY, from the Committee on Claims, to whom was referred the bill (S. 4418) for the relief of Julia Moore Selden, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4418) entitled "A bill for the relief of Julia Moore Selden," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

ESTATE OF DANIEL LAKE.

Mr. CLAY, from the Committee on Claims, to whom was referred the bill (S. 4393) for the relief of the estate of Daniel Lake, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4393) entitled "A bill for the relief of the estate of Daniel Lake, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4845) granting an increase of pension to George H. Lamport; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROACH introduced a bill (S. 4846) to increase the pension of Derrick F. Hamlink; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

PRINTING OF WAR REVENUE ACT.

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

Resolved, That there be printed for the use of the Senate 18,000 copies of the war-revenue law of 1898, with paper covers and index.

ANNEXATION OF THE HAWAIIAN ISLANDS.

The VICE-PRESIDENT. The morning business appears to be closed.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution 259.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota, that the Senate now proceed to the consideration of the unfinished business? The Chair hears no objection, and the joint resolution is before the Senate, as in Committee of the Whole.

WASHINGTON AND UNIVERSITY RAILROAD.

Mr. GALLINGER. Mr. President, while the Senators are gathering, as they doubtless will very soon, and with the consent of the Senator from Minnesota, very graciously granted, I ask unanimous consent to consider House bill 9206, it being a bill that our Methodist friends are especially interested in, for the construction of an electric railroad through the university property. It is a very important matter.

The VICE-PRESIDENT. Unanimous consent is asked for the present consideration of the bill (H. R. 9206) to incorporate the Washington and University Railroad Company, of the District of Columbia. Is there objection?

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 amendments.

The first amendment was, in section 2, page 1, line 11, after the word "passengers," to strike out "parcels, and milk;" and on page 2, line 1, after the word "street," to insert "as at present laid out;" so as to read:

That the company is authorized to construct and operate a street railway for carrying passengers along the following-named route: Beginning at the intersection of Connecticut avenue extended and Milwaukee street; thence westerly on Milwaukee street as at present laid out to the intersection of Tennallytown road (or Wisconsin avenue), etc.

Mr. GALLINGER. I move an amendment to the amendment of the committee. In line 12, page 1, after the word "at," I move to insert the words "or near;" in line 13, after the word "of," I move to strike out the words "Connecticut avenue extended and Milwaukee street; thence westerly on Milwaukee street as at present laid out to the intersection of Tennallytown road (or Wisconsin avenue); thence northerly over the tracks of the Georgetown;" in line 4, page 2, to strike out "and" before "Tennallytown" and insert "the;" and in the same line to strike out "to" and insert "and" before "Quincy;" so as to read:

SEC. 2. That the company is authorized to construct and operate a street railway for carrying passengers along the following-named route: Beginning at or near the intersection of the Tennallytown road and Quincy street; thence westerly on Quincy street to Forty-fourth street, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on the District of Columbia was, in section 6, page 3, line 14, after the word "shall," to insert "at all times;" so as to make the section read:

SEC. 6. That the railway and its appurtenances shall be constructed in a substantial and durable manner. Such construction shall at all times be subject to District inspection. All changes to existing structures in public space shall be made at the expense of the company.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4741) to authorize the construction of a bridge over the Tombigbee River, in the State of Mississippi.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10561) to increase the force of the Ordnance Department; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. MARSH, and Mr. COX managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution to print 75,000 copies of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States;" in which it requests the concurrence of the Senate.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I call for the regular order.

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.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. HOAR] is entitled to the floor.

Mr. HALE. I think the Senator from Massachusetts should speak to a fuller Senate than there is present. I do not think there is a quorum in attendance.

The VICE-PRESIDENT. The absence of a quorum is suggested by the Senator from Maine. The Secretary will call the roll.

The Secretary called the roll.

Mr. JONES of Arkansas. I think the absentees should be called.

The Secretary called the names of absent Senators.

The following Senators having answered to their names:

Allison,	Elkins,	Lindsay,	Roach,
Bacon,	Fairbanks,	Lodge,	Shoup,
Baker,	Faulkner,	McEnergy,	Stewart,
Berry,	Foraker,	McLaurin,	Sullivan,
Burrows,	Frye,	Mason,	Teller,
Caffery,	Gallinger,	Mitchell,	Turley,
Cannon,	Hale,	Morgan,	Turpie,
Clark,	Hansbrough,	Pasco,	Warren,
Cockrell,	Harris,	Penrose,	Wilson,
Cullom,	Hawley,	Perkins,	Wolcott,
Daniel,	Hoar,	Pettus,	
Davis,	Jones, Ark.	Pritchard,	
Deboe,	Jones, Nev.	Proctor,	

The VICE-PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present. The Senator from Massachusetts is entitled to the floor.

Mr. HOAR. Mr. President, as I observed last night, it seems to me that I ought to state my views and what I believe to be the views of my constituents before this debate is over. The people of Massachusetts now almost equal in number that of the entire people of the United States when our liberties were won. A question so vital to their interest and to the interest of the whole country ought not to be decided without their voice being heard. But I shall not at this time undertake to go over the whole field or to restate the arguments on either side which here or in executive session heretofore have been so fully and admirably stated.

I believe it is well known—if it be not I am willing to make it known—that I have entertained grave doubts in regard to this measure. I have approached the subject with greater anxiety and hesitation, I believe, than I have ever felt in regard to any other matter during the whole of my public life. I think my friends who do me the honor to listen to me will agree with me that it has not been my habit to hesitate in this way. I have commonly, I believe, formed my opinions pretty early, held to them with a pretty strong confidence, and been ready to express them at all times and anywhere with whatever of clearness and vigor I can command. But I have hesitated and doubted and considered and reconsidered more than once in this matter. Some of my friends, connected with what is called the independent press, I understand, are inclined to attribute this hesitation to cowardice, to a fear of public opinion, or party opinion, or the dread of displeasing somebody, or of offending somebody. I do not observe that these gentlemen ever attribute an honest or patriotic or generous motive to anybody, or at any rate to anybody in public life, who does not happen to agree with them. I must bear their disapproval with such comfort as I can get from the excellent company, including nearly the whole of the American people, of all parties, to whom they are in the habit of applying like criticisms.

Why, Mr. President, if there be any man on the face of the earth who can utter his opinion and cast his vote without fear of anybody it is a Senator from the State of Massachusetts. Her people do not demand of her Senators anything except that they shall form their opinions honestly and conscientiously and act upon them fearlessly. Our constituency expect of me and my colleague not that on all occasions we shall agree with them, not that on all occasions we shall even study to find out what they think; they will not be found on all occasions agreeing among themselves; all that they ask is that we shall do our best to find out what is right and for the public interest, and do it.

This is not a party question. Eminent Senators, eminent leaders of both parties in this country, are found upon different sides. I believe no party in the country has in any important convention approved and no party in the country has in any important convention condemned this measure. President Harrison, who has been credited alike by friend and by opponent with wisdom, caution, conservatism, negotiated a treaty for the annexation of these

islands long before the present war was ever thought of. President Cleveland withdrew the treaty. But his eminent Secretary of State, Mr. Bayard, declared his opinion that the islands inevitably in the course of events must sooner or later belong to us.

Of the two great political leaders between whom the Republicans of the United States made their choice at the time of the last nomination, the present Executive favors the measure, which his able and powerful competitor is understood to disapprove. Mr. Bryan, the defeated Democratic and Populist candidate, is understood passionately to denounce the whole scheme, while some gentlemen who are quite likely to succeed him in the leadership and confidence of his following are quite as passionately and eagerly and eloquently arguing the other side.

But, Mr. President, the trouble I have found with this Hawaiian business is this: Not in the character of the population of the Sandwich Islands, not in their distance from our shores, not in the doubt that we have an honest right to deal with the existing government there in such a matter. I have found my trouble in the nature and character of the arguments by which, in the beginning and ever since, a great many friends of annexation have sought to support it. Some very good friends of mine, with whom I have been accustomed to agree all my life, look with an unconquerable apprehension upon this measure, and their judgment of itself would be enough to make me distrust my own opinion.

I can not remember whenever in my life before, during thirty years of my public life, I have ever differed, either in principle or in policy, on an important public question from my honorable friend, the senior Senator from Vermont [Mr. MORRILL]. At the age of four score and eight years, with his intellectual vision undimmed and his natural mental forces unabated, he has contributed to this great argument the most powerful statement which has been made on either side of the question. I should wait, and wait, and wait certainly until I had heard him before helping to commit the country to an important step which my venerable friend thinks would be fraught with danger.

But, as I have said, the most important argument to my mind against this measure has been the character of the arguments with which it was brought forward and by which it has been supported. If it be true that the passage of these resolves is to commit the United States to such a policy as we have heard advocated on this floor, and as has been advocated in many parts of the country in the press, then the people of the United States are confronted at this moment with the most serious danger they have encountered in all their history, unless we except the danger that slavery would be extended over the whole country or the danger that the rebellion would succeed.

If this be the first step in the acquisition of dominion over barbarous archipelagoes in distant seas; if we are to enter into competition with the great powers of Europe in the plundering of China, in the division of Africa; if we are to quit our own to stand on foreign lands; if our commerce is hereafter to be forced upon unwilling peoples at the cannon's mouth; if we are ourselves to be governed in part by peoples to whom the Declaration of Independence is a stranger; or, worse still, if we are to govern subject and vassal states, trampling as we do it on our own great charter which recognizes alike the liberty and the dignity of individual manhood, then let us resist this thing in the beginning, and let us resist it to the death.

I do not agree with those gentlemen who think we should wrest the Philippine Islands from Spain and take charge of them ourselves. I do not think we should acquire Cuba, as the result of the existing war, to be annexed to the United States.

I do not think we should undertake to rule, as I just said, over barbarous archipelagoes in distant seas. I do not think we should force our commerce upon unwilling nations at the cannon's mouth. I do not think we should enter into a struggle, lawless and barbarous, for the plunder of dismembered China. I do not think that a navy, on the whole, is the best instrumentality of a friendly intercourse with mankind. I do not think drums and trumpets and shouting and the clapping of hands and stamping of feet are the only arguments to be addressed to the statesmanship of a sane and Christian people.

Now, I do not mean to say that the men who propose to us this measure of Hawaiian annexation put their case exclusively or chiefly on such grounds. Certainly nothing of the sort can be found in the state papers of President Harrison or President McKinley. But there has been enough of it to make sober and righteous men who have read history pause, hesitate, and consider. But, Mr. President, I am satisfied, after hearing and weighing all arguments and much meditating on this thing, that all this is needless alarm.

What is the precise proposal which has so excited this dream of empire on the one hand and this dread of national dissolution and destruction on the other? It is proposed to bring under the control of the United States a group of islands containing, according to the Statesman's Year-Book, which I suppose is the best authority, 6,640 square miles and a population, in round numbers, of 100,000. This is to add to the territory of the United States a

little less than one five hundred and forty-third part of its gross area—about eighty-four thousandths of 1 per cent. It is proposed to add to the population of the United States about thirteen hundredths of 1 per cent. We are to get a territory a fortieth part of the size of the State of Texas and a population not equal to that of a third-rate city.

But this does not quite state the case. The opponents of annexation, with scarce an exception, say we should hold on to Pearl Harbor for all purposes of war or peace—a harbor of refuge, a coaling station, a naval station, to be ours completely and altogether for all the needs of commerce or of war. So that the question is not whether we are to advance our flag into the Pacific for the first time, but whether it is, on the whole, best that the little scrap of territory and the little handful of people that dwell under the walls and at the gates of our great fortified place shall be under our lawful control or shall be under the control of some foreign country, perhaps a powerful country, perhaps a hostile country.

It is not a question of empire in the Pacific, small or great. It is a question of how far in that little group of islands the boundaries of that empire shall reach—whether we shall be there forever in a strait-waistcoat and within stone walls, or whether we shall have about our walls a little breathing room and a little elbow room. And that, Mr. President, is the whole of it.

No; that is not quite the whole of it. There is a substantially unanimous concert of opinion in this country among all classes of people, I think having not an exception in the Senate, agreed to by all our statesmen of all parties from the beginning, that we have a relation to this group of islands which we can permit no other power to hold or to share. They are to this extent under our dominion now, that they can not be permitted to annex themselves or to attach themselves to any foreign country whatever. We exercise already, and we have exercised for two generations, a dominion over Hawaii which makes it impossible for her to contract not only a marriage alliance, but any other special treaty granting favors or exclusive privileges to any other nation on earth.

Whatever Mr. Webster may have thought, whatever Mr. Bayard may have thought, of annexing Hawaii as a part of this country has been disputed. But there is no dispute about what I have said. There is no dispute that both of them agreed with every predecessor and with every successor in this opinion. When we are considering the question of taking this maiden into our family we can not overlook the fact that she is our dependent and our ward already. Gentlemen doubt whether we are not putting a constraint upon this maiden queen of the Pacific when, with the assent of her existing lawful guardians, at least, we propose to take her hand in marriage. But they have no scruple to tell her that although we will not have her she never shall marry anybody else. She shall dwell forever under the walls of our city and under the guns of our fortress, only half a nation, half a people, possessing half manhood and half womanhood only, in the condition of perpetual childhood and tutelage.

So, Mr. President, what we have to think about and to talk about is whether we shall add thirteen hundredths of 1 per cent to our population and eighty-four one-thousandths of 1 per cent to our domain, when the land and the people are nothing but the outskirts and the suburbs of a place that is ours already, and are, at any rate, to abide for all time, in all the great objects and transactions of national life, under our dominion and under our tutelage.

Why, Mr. President, the Senator from South Dakota [Mr. PETIGREW], who has studied and argued this question with great thoroughness, tells us that the entire value of the ships engaged in the Hawaiian trade, which are to be such a corrupting influence on us, will not exceed one-fourth of the value of the wheat crop of a single year in one single county of South Dakota. There are thirty-five fair cities in my own State, every one of which for effective political strength is more powerful than all the Sandwich Islands put together. There are wards in Chicago, nay the ward where I dwell in Worcester, could furnish in everything which makes a great people's strength in war and in peace—art, literature, science, education, invention—more of real value and of real power than the whole Hawaiian population.

Neither do I think, Mr. President, we need to concern ourselves much with the argument of distance. It is true that it is 2,000 miles, or a little more, from San Francisco to Honolulu, but we have learned long ago to annihilate such space. The center of the territory of this Republic, if I am rightly informed, is already in the Pacific Ocean. The water line of Alaska equals the circumference of the globe if it were straightened out. It is 600 miles farther from San Francisco to Kiska—which gentlemen on the other side tell us ought to answer our purposes as a way station on the road to the east—than it is from San Francisco to Honolulu.

My late colleague and friend, and the friend of all of you, Senator Dawes, is, as I think we all know, a man not much given to flights of fancy. But he uttered in my hearing at a little gathering of twenty or thirty men a few years ago a sentence worthy of being handed down in literature by the side of Mr. Webster's

famous passage in his speech on the President's protest. Mr. Dawes said: "If we can not say of our country, as Mr. Webster said of Great Britain, that her morning drum beat, following the sun, keeping company with the hours, circles the earth in a continuous and unbroken strain of the martial airs of England, we can say that before the sun sets upon Alaska it has risen upon Maine."

The utterances of the fathers of the Republic, even the utterances of Mr. Webster and his contemporaries of a later time, so far as they speak of dealing with remote regions, have been rendered irrelevant by steam and electricity. When this Constitution of ours was inaugurated it was a nine days' journey from New York to Boston; it frequently took three weeks to go from Philadelphia to New Haven; in Jefferson's time, when Louisiana was acquired, it took three months to go from St. Louis to Washington and six months from the mouth of the Colorado River.

I remember very well myself when my father was a member of the House of Representatives that it was a four days' journey from Washington to his home in Concord, Mass. The steamboat voyage between New York and Norwich, on Long Island Sound, took them as long as it takes now to go from Washington to Boston. It is to-day four days of pleasant passage in a first-class hotel over the smooth waters of the Pacific from San Francisco to the Sandwich Islands, and it will, I hope and believe—and I hope and believe the life of my honorable friend from Vermont [Mr. MORRILL] will be prolonged to see it—soon be reduced to three days, or probably to two days. The ocean telegraph, and perhaps the telephone, will have that effect upon distance that the enterprising newspapers of Honolulu under our rule will tell their readers of events in Washington six hours before they happen. [Laughter.]

Mr. President, I think it will be presumptuous to disregard the opinions of our great military and naval experts, including the known opinion of two Presidents of the United States, both admirable soldiers, that the possession in the Sandwich Islands of a harbor, of a coaling station, of a station for the repair and refuge of vessels, is essential to the safety of our Pacific coast in time of war. I think it would be presumptuous to disregard the lessons of the present war, that such a possession will be a great advantage to us both for defense and for attack, and that such possession by any powerful foreign government will be a great military and naval danger to our Western coast.

I am not qualified to discuss it. Without derogating from the authority of the eminent civilians who discuss these questions either in the press or in the Senate, I do not think they are qualified to discuss it. I do not complain of them. We are committed, however, to that doctrine already, and we have settled that question already in the minds of all of us without exciting any alarm and without any considerable dissent.

We made a treaty years ago for the possession of Pearl Harbor at a cost, direct and indirect, of many millions of dollars. I understand the gentlemen who have spoken on the other side are substantially unanimous in saying that we ought to occupy, improve, and fortify Pearl Harbor. So the question is simply, as I have said, whether, in occupying and fortifying and improving Pearl Harbor and establishing there a naval station and a fortified place, a place of deposit for coal, for the materials to repair our shipping, a place like those which the experience and wisdom of England has led her to establish all around the globe, we are adhering to the established, settled, and almost wholly unquestioned policy of the United States.

If that be true, we have only left the simple question whether, when occupying and holding and controlling Pearl Harbor, it is better we should command the islands also, or leave them to be in the command of a foreign and perhaps a hostile power.

But it is said that until present conditions change very much the population of these islands must be governed under arrangements established by Congress, and not in the ordinary way of an American State. That is true. But that is in entire accord with the constitutional policy established by our fathers and maintained without any considerable complaint from their day to ours. The Constitution says:

The Congress shall have power to exercise exclusive legislation in all cases whatsoever, over such district (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

And it adds:

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.

Mr. President, we are governing here by Congress now a population in this District of 300,000, I suppose, or thereabouts—larger than all but three or four of the States that formed the Union—simply because we do not deem it wise that the Congress of the United States shall sit where their protection against mobs and public disorders shall depend in times of political excitement upon the authority of any State, and we govern without complaint and

as a matter of political necessity, for the sake simply of having the Capitol safe and keeping its windows from being broken by mobs, 275,000 or 300,000 people here at the will of Congress and without their being represented, and nobody complains of it, and nobody thinks that it is a violation of American principles. And so in a less degree of every smaller place where a fort or a dock-yard or an arsenal is established.

We govern Alaska also and we govern the Territories at the will of Congress, and I find no departure from our American principles in saying that this little population living near Pearl Harbor shall be governed as Territories are governed and as the District of Columbia is governed until they are fitted to come in as a State.

Gentlemen tell us that the possession of the Sandwich Islands will not add to our security, but to our danger in a foreign war. They say that we must maintain a powerful fleet to defend them besides what we already have on our Pacific coast. But I have already suggested an answer to that argument. We settled that question when we acquired by treaty our rights in Pearl Harbor, and it will remain settled until Congress is ready to cede back Pearl Harbor to the Sandwich Islands. If we are to give up Pearl Harbor then there may be room for that argument. If we are to hold on to Pearl Harbor—as nearly every man who has spoken in this debate on the other side says we are—we must fortify it, we must defend it in case of war, and we do not want to run any risk that the power that tries to take it shall be already lawfully entrenched next door.

But I do not put this case upon any such ground. I think the acquisition of Hawaii by the United States is an extension of the domain of peace upon the habitable globe. I hope and expect that we shall come out of the present war, unless we indulge in the folly, as I think it, of entering upon a policy of acquisition and of aggression, after such fashion that no nation, small or great, powerful or weak, will desire to attack us for a hundred years.

Mr. President, we must, of course, have no doubt about the question whether we have an honest right to do this. If we have not, we are not going to steal Naboth's vineyard or to commit under any temptation an act of international dishonor. That is clear. But we have, in the first place, the assent of the Hawaiian Government. We can not in matters of international dealing commonly go behind that. We would never permit any nation, small or great, who undertook to deal with us, to make the inquiry whether the President and the Senate of the United States did not represent the will of the American people, and there is no possibility for any dealing under public law between nations on public questions which undertakes to go on any other theory.

I agree that in annexing a nation and merging its life with our own we would not take the act of a temporary usurpation in violation of the will of the people. We have heard repeated the charge that the present Government in Hawaii was the result of a usurpation countenanced and fostered by the presence of the American forces. I think that argument is refuted by the fact that ever since and during four years when the President of the United States was notoriously in sympathy with the exiled Queen there was neither overthrow nor attempt to overthrow the existing Government in Hawaii.

There was nothing to stand in their way if a few thousand men were governing a hundred thousand during those four years, with President Cleveland ready to acknowledge a new Government. If the Government did not represent the people there was no difficulty in its overthrow. This question is settled. We met and debated and overthrew and overthrew again this pretense that the American people committed an act of dishonor and of oppression and of fraud when about a hundred marines went ashore after the revolution was fairly accomplished in order to protect the lives and property of American citizens. Very few gentlemen, except those who through thick and thin stand by the political policy of the Democratic party adopted at that time, will be heard to make that argument now. Certainly it will not be heard from my honorable friend from Vermont.

Mr. President, the Senator from Minnesota [Mr. DAVIS], in a charming and delightful passage, described that old Government of the Queen with a humor and felicity which are alike the admiration and the despair of all who heard him when he referred to it as a little spectacle or puppet show—this dusky Queen, with her tinsel crown and her stage mask and her gilded dresses and trimmings, making an exhibition in a summer's day in that tropical island, and then, when it was over, going out, like an ordinary stage queen, at the back door to take her place again in the ranks of the common people, and Mr. Cleveland and Mr. Commissioner Blount happening to be present and looking on and taking it all seriously, as Don Quixote and Sancho Panza took seriously the exhibition on the stage in the immortal story.

Mr. President, the attempt to frighten us here with the old masks and the old dresses of that poor old stage play, which have not now even the reality of an actor inside of them, will fail in the present serious mood of the American people. The Queen and the

Hawaiian monarchy are just as surely things of the past, a nightmare of the past, as are Mr. Cleveland and Mr. Blount and their mugwump followers.

Mr. President, our Quaker fellow-citizens, from whom we can learn a great deal in the ways of peace and of self-government, have a habit of taking a vote, which I think is perhaps sometimes rather better than the mere counting of noses. As I understand, there are some parts of the country where the counting of noses always prevails, where those having white noses are counted as Republicans and those having red noses as belonging to some other party [laughter], and they declare the result by the actual numerical majority. But the Quakers ascertain what they call the solid sense of the meeting, and they determine through the instrumentality of the clerk on what side of any given question the permanent weight and strength, considering character as well as numbers, is to be found, and I suppose no man will doubt that everything that gives character, that gives industry, that gives sobriety, that gives strength, that gives either honor in the past or hope for the future to the Sandwich Islands is on the side of this measure of annexation.

The Americans want it, the Government there wants it, the Portuguese want it, and the Hawaiians, to the best of my knowledge, neither know nor care whether they want it or not. They are a perishing people. They were 300,000 a century ago; they were 150,000 half a century ago; they were 50,000 ten or twenty years ago; they are 30,000 to-day, and their only hope and desire and expectation is that, in the providence of God, they may lead a quiet and undisturbed life, fishing, bathing, supplied with tropical fruits, and be let alone.

They will fall, Mr. President, if we do not prevent it, a prey to Japan, not by conquest, but by immigration. This result all parties agree that we must prevent. Japan is not, according to the opponents of annexation of this body and in the press, to be allowed to get the Sandwich Islands, either by force or by absorption. If that be true, is it better, is it safer, is it more in accordance with the policy of a wise and well-considered peace, to prevent that by annexation than to have hereafter a war of force based on the doubtful principle of international law and the doubtful claim of right to which we must resort if we find that thing going on?

I had the statistics of the different classes of the population here, but I have mislaid them for a moment, and I shall not go into that.

We did not consult the Indians in Texas or in California or in New Mexico or in Alaska when those Territories were taken into the Union. We did not consult the Indians when we declared our own independence.

Mr. President, I believe that this is a contest to be settled now peacefully or to be settled hereafter by force between America and Asia for the possession of this group of islands; that it is a contest between the domain of peace, which is America, and the domain of war, which is Asia. The danger is, as I have said, that there will be an infusion of Japanese and then an attempted annexation to Japan; and there is a more serious danger in undertaking to resist this hereafter by war than there is in preventing it now by the methods and instrumentality of peace.

Mr. President, of the population in 1896 there were 53,726 persons, one-half the entire number, without any regular occupation. This was after counting laborers, after counting fishermen, after counting all persons engaged in trade, agriculture, and the mechanic arts. There were 53,726 persons without any regular occupation.

Now, when we are speaking of a great national choice, I prefer to take the opinion as to national destiny of the Government and the men who carry on the schools and the men who rescued the nation from barbarism and cannibalism, and the tradesmen and the fishermen and the laborers and the farmers and the mechanics, rather than the men who are without any occupation at all. Of the population in 1896—another significant fact showing the general character of a large portion of this population who are relied on as agreeing and sympathizing with the opponents of annexation—there were 72,517 males against 36,503 females, the males outnumbering the females in the proportion of two to one. Half the males in those islands are men without family, without any occupation which they can give to a census taker as an occupation in life, and undoubtedly persons who will depart from those islands and go back to their Asiatic homes when they get ready.

The native population, which was 200,000 when Captain Cook discovered the islands a century ago, has gone down to 31,000. So the Chinese and Japanese, who will get out when we get proper American labor laws, who are there not for any purpose of permanent citizenship, already exceed the entire native population by one-half and are increasing as the natives diminish.

Now, it is idle to suppose that the will of this simple native population, the will of these transitory Asiatics, will be or can be exerted for any rational choice to determine their destiny. Their only hope is that the power which rescued them from barbarism may hereafter, under the benignant influence of the United States and under the protection of our flag, rescue them from decay and

death. It would be as reasonable to take the vote of the children in an orphan asylum or an idiot school as to what should be done if a conflagration were raging in the street or if a flood were about to sweep away their building as to consult these simple and helpless people about how to deliver them from this oriental menace.

It is said they will come in as a State some time. But they will not come in as a State unless they are fit to be a State. If they have got hereafter a population of a million or fifteen hundred thousand of American lineage and American character and American ideals, a population like that of Washington or like that of Colorado, they will come in and we shall welcome them. But if they are unfit, they will not come in; we never have been in a hurry about this thing. They said that about New Mexico when they made the treaty by which we acquired her, and I remember that thirty years ago, when I first came into public life, the great-grandfather of my honorable friend the Senator from West Virginia [Mr. ELKINS], a slender, graceful, elegant Delegate from New Mexico in the other House, a man who could have crept through any alderman's thumb ring, was there beseeching and beseeching and besetting us to admit New Mexico as a State. I think my friend the Senator from Maine will remember it. He has gone and his great-grandson is here, a Senator from the State of West Virginia, and New Mexico is not any nearer admission as a State in the United States than she was in the year 1869. We have not admitted Alaska; we have not admitted the District of Columbia; we have not admitted Arizona. If they get a people there likely to select such men as Mr. Dole or Mr. Thurston or Mr. Damon for Senators and Representatives, they will be a very good people for statehood and for American citizenship and American sovereignty.

Mr. President, I have regretted to hear in this debate some sneers at the missionaries and the sons of missionaries who have redeemed Hawaii and who are now presenting her at the gates to the people of the United States. I know something about that quality. I know something of the New England missionaries and of the like missionaries from other parts of the country who, wherever, either in a foreign land or within our own borders on the frontiers, there has been a contest for civilization and Christianity and peace, have been in the front rank. I knew the fathers of these men in my youth, and I have watched their character and career ever since.

All over the West, all over the South after the civil war, almost before the first settler arrived with his measuring chain or his rifle on the frontier, the Methodist or the Congregationalist or the Presbyterian missionary is found in advance. The corner stone of the church precedes the corner stone of the cabin. There is not a story of true heroism or true glory in human annals which can surpass the story of missionaries in this or in foreign lands whom America has sent forth as the servants of civilization and piety. They have taken their lives in their hands. They have sacrificed ambition, family ties, hope, health, and wealth. No danger that stood in their way, no obloquy, deterred them.

Forth went the heralds of the cross,
No dangers made them pause;
They counted all the world but dross,
For their great Master's cause.

Through looks of fire, and words of scorn,
Serene their path they trod;
And to the dreary dungeon borne,
Sang praises unto God.

In all his dark and dread array,
Death rose upon their sight;
But calmly still they kept their way,
And shrank not from the fight.

They knew to whom their trust was given,
They could not doubt His word;
Before them beamed the light of heaven,
The presence of their Lord.

In this day of our pride and exultation at the deeds of our young heroes in Manila and in Cuba, let us not forget that the American missionary in the paths of peace belongs to the same heroic stock and is an example of the same heroic temper.

Mr. President, I said a little while ago that the telegraph and the railroad, electricity and steam, had rendered obsolete the prophecies even of our wisest statesmen in regard to the value to us of distant properties and dependencies. Mr. Webster, the most prudent, wise, and sane intelligence that ever represented an American State on this floor, declared, when the question of the struggle for our Northwest Territory was up, that the land of Oregon and of Washington never would be worth a quarter of a dollar an acre. Just think of it! Suppose we had Vancouver's Island to-day alone, which we should have had but for that prevalent feeling among the statesmen of forty or fifty years ago, what an addition to the strength and glory of the people of the United States!

Mr. President, there are two dreams and conceptions of empire. Of one I shall have something to say presently. But the other, although in every generation good men and wise men have

been alarmed by it and conservative men have resisted it, has no terror for me. The empire which consists in the slow, sure, steady growth of American ideas, of the principles of equality, of the doctrines of the Declaration of Independence, of the right of every man to an equal share in the government under which he lives—I have no fear of such an idea of empire if it shall travel, as some day it will travel, the whole continent over, from the North to the South, or the whole round world over, from the East to the West.

I do not undervalue the quality of the noble Southern stock who have contributed so much of strength, of heroism, of the sense of honor, or courage, of the love of home to the character of this people. I have stated my opinion of it more than once. But I also take some pride in the character of the Pilgrim stock, a people whose one quality is the desire to carry to other people and to other lands the blessings and the principles to which they owe their own greatness and strength.

We have taken this step, which these sons of the New England missionaries ask us to take now to the islands of the sea, again and again and again, in spite of misgiving and hesitation and timidity in every generation. We settled Ohio and the four great States which were made from Ohio; we went on to the great States of the Middle West and to the far West. We planted on the shore of the Pacific those great States whose people in the near future on a larger scale and with greater success are to repeat the great deeds of civilization—

The world's great age begins anew,
The golden years return,
The earth doth like a snake renew
Her winter weeds outworn:
Heaven smiles, and faiths and empires gleam
Like wrecks of a dissolving dream.

A brighter Hellas rears its mountains
From waves serener far;
A new Peneus rolls its fountains
Against the morning star.
Where fairer Tempes bloom, there sleep
Young Cyclads on a sunnier deep.

Our brethren and our children have done in the West what our fathers did in the East. Under new conditions, in a later age, on the shores of a more pacific sea, in a more genial clime, they are to repeat in the near future the old and wondrous story. The world shall see in that far clime the streets of a wealthier New York; the homes of a more cultured Boston; the halls of a more learned Harvard; the workshops of a busier Worcester. The time has come for another step and another advance until halfway between America and Asia, in the very center of the Pacific, the United States is to plant her flag, the emblem not of empire, not of tyranny, not of force, but of freedom, of equality, of self-government, of peace.

Mr. PETTUS. If the Senator from Massachusetts will allow me, I desire to ask his opinion, as an authority, on a very important matter connected with this debate. He has expressed some alarm at the idea of extending the empire of this country by conquest. I wish to know from the distinguished Senator from Massachusetts whether he thinks it is possible for the United States to take and hold as its own the Island of Cuba in this war, or whether the United States is not in all honor bound not to do it?

Mr. HOAR. I was just approaching that subject. I do not think it is possible for the United States, without ceasing to be the United States, to do the thing of which the Senator from Alabama inquires. I said the other day a few sentences when the resolutions the result of which was the declaration of the present war were about to be voted upon in the Senate, and I should like to repeat what I said then.

I am one of those persons who believe the war in which we are engaged to be a holy and just war. I said, when the resolutions which made it inevitable were before Congress:

It will lead to the most honorable single war in all history, unless we except wars entered upon by brave people in the assertion of their own liberty. It is a war in which there does not enter the slightest thought or desire of foreign conquest or of national gain or advantage. I have not heard throughout this whole discussion, in the Senate or in the House, an expression of a desire to subjugate and occupy Cuba for the purpose of our own country. There is nothing of that kind suggested. It is disclaimed by the President. It is disclaimed by the committee. It is disclaimed by everybody, so far as I am aware. It is entered into for the single and sole reason that three or four hundred thousand human beings within 90 miles of our shores have been subjected to the policy intended, or at any rate having the effect, deliberately to starve them to death—men, women, and children; old men, mothers, and infants.

When I said that, Mr. President, I had, of course, no right to speak for anybody but myself. But the resolutions which followed thereafter, passed by both Houses of Congress and approved by the President, spoke the sense and plighted the faith of the American people. They declared, "That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

Mr. President, this was no idle utterance. It was no mere dec-

laration of a present purpose, a policy we might change, affecting the people of the United States alone, concerning which we were at liberty to change our mind under new conditions or under new views of old conditions. We had no reason to know at that time what, in accordance with their custom in all European wars, the great powers would consider they had the right to do, either in interfering with the war or undertaking to influence either by force or diplomacy the terms of peace. It is utterly idle to say that we meant when we made that declaration to confine it to the case of Cuba, and that we reserved the right to strip Spain by armed force for our own selfish purposes as the price of peace of every other possession she held on the face of the earth. We meant to declare in the face of the people of the earth, as a just and wise policy, to which the time had come for committing ourselves, that neither the object nor the result of this war was to be the acquisition of territory or the pride of empire. By that policy I expect for one to stand. Unless I misunderstand the temper of the people of Massachusetts and of the people of these United States, they mean to stand by it also.

To go further than the acquisition of the Sandwich Islands, a matter substantially determined upon by the people of the country long before this war broke out and considered by them with reference as much to the interests of peace as to the interests of war, would be, in my judgment, a serious mistake, and under the present circumstances a serious breach of faith.

Mr. President, we must change all our constitutional methods of procedure before we can undertake the government of millions of people at a distance who can not be admitted to our self-government.

Just look at one matter—the utter inadequacy of our diplomacy to deal with the delicate and difficult problems we must encounter. If we are to govern an oriental empire, we shall have a deep and immediate interest in the balance of power in Europe and the yet unadjusted balance of power in Asia and in the islands of the sea. We must have our alliances, struggles, rivalries, jealousies, strifes, bargains. We must jostle and scheme and plan and thrust.

The American flag must be kept flying the whole world over on powerful and numerous ships of war. We must have a navy equal to the strongest and costliest as the most expensive. We must have a standing army ready at an instant's or a week's notice to be poured out against any foreign competitor.

We must be ready to move among the mighty chess players in the game where little delay or pause for reflection can be tolerated. Eastern diplomacy of late years is a game of alliances, offensive and defensive, of threats, of cajolments, of exchanges, sometimes of swagger and bluster, of professed friendships, and of secret enmities. Its alliances and its antagonisms are never long lived. The friend of to-day is the enemy of to-morrow. It requires the hand of iron under the glove of silk; the open countenance and the close counsel; if not the diplomacy that lies but never deceives, at least the diplomacy that deceives but never lies.

Now, how impossible is all this to the simple-hearted, open, frank, impressionable American people, governed always more by emotions and sympathies than by interest; tolerating no secrecy, impatient, unwilling to wait, fed by its press with predictions rather than narratives of the past; in its eagerness to know what is to happen in the next hour, careless as to what has happened in the last hour. The great countries with whom we must deal are served by a body of trained diplomats, circumspect, secret, grave, prudent, prepared for their function by the training of large part of a lifetime and expecting nothing but its honorable exercise for the rest of a lifetime.

England or Germany can wait. If you will not come to her terms this year, she will wait five years or ten years, until the time be propitious. An American Secretary of State or plenipotentiary is ambitious to sign his name to a treaty. If he fails, his official life, which at best must end in a few years, is a failure. The Englishman knows that if England does not carry her point this year, she can make the effort again in five or ten years and that he will doubtless be there to make it.

The other great powers of the world can keep their secrets.

Upon our diplomacy the enterprise of the press turns constantly its powerful Drummond light. Under this it is hard for the Department of State to keep its secrets. It is absolutely impossible for the Senate, with its ninety members and its six or eight executive officers admitted to all its sessions, to do so. If in a proposed treaty there be any advantage to the United States which a far-sighted sagacity has perceived, that is pointed out to the other party to the bargain before the bargain is accomplished. Not only that, but in all grave matters our diplomacy is accompanied by the impassioned and excited utterances of the press and the pulpit, sometimes inspired by partisanship, sometimes inspired by sincere, zealous, patriotic, enthusiastic but most ill-informed, excited, and foolish counsels.

Foreign nations who deal with us or make alliances against us can act promptly. Their foreign relations are conducted by a single will. We require the concurrence by a two-thirds vote of

a Senate representing forty-five States, where unlimited debate is often used as a weapon to prevent action altogether. It is rare that any Administration will have a two-thirds majority in the Senate. It is rare that important treaties committing the country to new policies will not be the subject of difference between political parties. So the party in opposition is not unlikely to muster all its strength to defeat the policy of its antagonist. For a country at peace with all the world, confined within a single continent, such an arrangement may work well. But if we are to pursue a career of empire in oriental archipelagoes, into China, perhaps into Africa, our Constitution must be amended and larger diplomatic authority conferred on the Executive.

Mr. President, our constitutional arrangements, State and national, are founded upon the principle of the equality of States and the equality of citizens. We have no training, no principles, no historic precedents, that fit us for any other but self-government. We are as little fitted to govern barbarous archipelagoes as their people are to govern us. Any thoughtful person who will read the memoirs of any of the great diplomats of Europe—Metternich, Talleyrand, Lord Stratford de Redcliffe, Lord Malmesbury, Sir Henry Bulwer—will see how impossible would have been the conduct of their negotiations under our system.

Diplomatic secrets shared with ninety Senators, the power to declare war in one place and the treaty-making power in another, no bargain with a foreign country to have any binding force unless the political opponents as well as the political friends of the Administration concur in it. Add to this the dominant power of public sentiment which, though always wise when it is deliberate, yet so often invades the atmosphere of American diplomacy with passionate, ignorant clamor from press and from pulpit. Do not let it be supposed that in stating this as one reason against the acquisition of an Eastern empire it is stated as the strongest. As I said in the beginning, the temptation constitutes, in my opinion, a danger to the Republic greater than that of war or of rebellion.

If this country, tempted by the desire to extend the market for its manufactures or to extend its foreign commerce, undertakes to enter upon the competition with the great powers of Europe for empire in the Eastern Hemisphere, it will require very soon a reconstruction of our Constitution and an abandonment of our great principles of equality and constitutional liberty which lie at its foundation. It will change the sentiments and aspirations of the people. The controlling passions, the controlling motives, of our public and private conduct will be ambition, avarice, glory, power, wealth. The teacher of the people will no longer be found speaking of justice, freedom, kindness, love of country, love of home, public spirit, education, humanity, charity. We shall go what is alike the common way of the great empires and the great republics of the past.

There is the moral of all human tales;
'Tis but the same rehearsal of the past,
First Freedom, and then Glory—when that fails,
Wealth, vice, corruption—barbarism at last.
And History, with all her volumes vast,
Hath but one page.

I repeat what I have lately said elsewhere. The starry flag is no symbol of dominion or of empire. Let it never fly in time of peace over conquered islands or vassal states. It is the emblem of freedom, of self-government, of law, of equality, of justice, of peace on earth and good will to men, or, at least, as the older version hath it, of peace to good-willing men on earth—pax in terris hominibus bona voluntatis.

President McKinley has won the love and the admiration of his countrymen by his hesitation to enter upon war even in a holy cause except as a last extremity. He will, I believe, show the same quality of courage and of large patriotism in refusing to permit a result to that war which will transform the character of his countrymen and, sooner or later, the Constitution of his country.

We do not want the large army; we do not want the great navy; we do not want the mighty debt; we do not want the putting up of taxes; we do not want every vocation and every property and every interest in life to be pursued constantly and all the year round by the taxgatherer; we do not want the American when he is born to be like the European when he is born, with an armed soldier riding upon his back and a mortgage of \$100 about his neck; we do not want the proconsul and praetor. We not want the story of Verres or of Marius to be repeated in American history. We do not want what will follow—the temptation to get rid of public obligation by tampering with public honor, debasing our currency, and breaking our faith. We do not want the people of other countries feeling an interest in our policies and our people feeling an interest in the policies of other countries.

Mr. President, there are two dreams of empire, two conceptions of destiny, two avenues of power presented to the gaze of the American people to-day. One is held out to us in the far East and in the West Indies as the result of military conquest; the other is held out to us in Hawaii by the children of the Puritans, who have redeemed those beautiful islands from barbarism and cannibalism, and show them as the harvest of seventy years of Chris-

tian and peaceful labor. The first is that which has been the ruin of the empires and republics of former times. It is that which has brought Spain to her wretched condition to-day. The second allure us in the path we have followed since liberty entered this hemisphere by the gates of Jamestown and of Plymouth, and the little handful of Puritans and Cavaliers came in, who have grown and multiplied until our temple covers a continent and its portals are upon both the seas. One is the dominion over subject people, and the rule over vassal states. It is forbidden to us by our Constitution, by our political principles, by every lesson of our own history and of all history.

The other is the invitation to willing and capable people to share with us our freedom, our self-government, our equality, our education, and the transcendent sweets of civil and religious liberty. In that path we have never yet known failure. Let us tread it, if need be, without fear and without flinching. Let us, if need be, take some risks in the holy cause of liberty. Let the light which illuminates the continent shine also upon the sea.

Mr. President, the wise man in that sublimest of poems, the Book of Ecclesiastes, describes to us the decay of human strength and hope in old age. He tells us that “the keepers of the house shall tremble;” that “the grasshopper shall be a burden, and desire shall fail;” “they shall be afraid of that which is high, and fears shall be in the way.” This applies also with a still more terrible and emphatic significance to the disease and decline of states. The country that hath no growth in it hath no hope in it. That people that loses its courage loses with it everything else that is worth having.

We have made in the past acquisitions and additions into our empire to which that of the Hawaiian Islands is but as a drop in a bucket—is but as the dust that hangs upon the scales. We have never been afraid to venture our ship of state upon any voyage or in any sea.

We sailed wherever ship could sail;
We founded many a mighty state;
Pray God our greatness may not fail
Through craven fears of being great.

I think we can find no safer guide than the chart of our own experience. What has been good for us in the past will be good for us again in the future.

Some of our passengers will always be seasick. There will never to them be blue in the sky, or freshness in the gale, or light in the horizon, or hope in the heart. Our brave young country, especially in this Fourth of July season, will not look for its leadership to such counselors. We have never from the beginning looked to such counselors. Our New England prophet and poet has struck for every American heart the note which belongs to the season and the opportunity:

O tenderly the haughty day
Fills his blue urn with fire;
One morn is in the mighty heaven,
And one in our desire.

Mr. President, it is not distance; it is not numbers; it is not vast space by sea or land; it is not hostile or rival nations that we have at this time to dread. It is a departure from American principles. It is the temptation to substitute for our fundamental law of political equality and our fundamental rule of political justice the dream of empire, the greed of gain, the lust of the flesh, and the lust of the eyes, and the pride of life. I would solve this problem which is upon us to-day. I would solve the greater and more dangerous problem which is upon us in the near future by this simple rule:

We will acquire no territory; we will annex no people; we will aspire to no empire or dominion, except where we can reasonably expect that the people we acquire will, in due time and on suitable conditions, be annexed to the United States as an equal part of a self-governing Republic.

Mr. LINDSAY obtained the floor.

Mr. HAWLEY. The Senator from Kentucky kindly promised to yield to me.

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Connecticut?

Mr. LINDSAY. I yield to the Senator.

Mr. HAWLEY. Mr. President, I wish only to recite very briefly one or two historical incidents that will illustrate some things the Senator from Massachusetts has just been saying. We are not altogether without instruction in precedents in some of these matters.

I was interested to read the other day a joint resolution passed by Congress January 15, 1811, to this effect:

Taking into view the peculiar situation of Spain, and of her American provinces; and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce—

That is, of the territory—

Resolved by the Senate and House of Representatives, etc., That the United States, under the peculiar circumstances of the existing crisis, can not, without serious inquietude, see any part of the said territory pass into the hands

of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory—

Meaning Florida—

They at the same time declare that the said territory shall, in their hands, remain subject to future negotiation.

Nobody must take Florida. And here is a more significant statute:

Be it enacted, etc. That the President of the United States be, and he is hereby, authorized to take possession of and occupy all or any part of the territory lying east of the River Perdido and south of the State of Georgia and the Mississippi Territory, in case an arrangement has been or shall be made with the local authority of the said territory for delivering up the possession of the same or any part thereof to the United States, or in the event of an attempt to occupy the said territory or any part thereof by any foreign government; and he may, for the purpose of taking possession and occupying the territory aforesaid and in order to maintain therein the authority of the United States, employ any part of the Army and Navy, etc.

And it is further enacted that the President may establish some form of government for the territory east of the River Perdido.

In the act of February 12, 1812, Congress proceeded to authorize him "to occupy and hold all that tract of country called West Florida, which lies west of the River Perdido, not now in possession of the United States." Thus by two successive acts the President was also authorized in his discretion to take possession of this territory, the whole of Florida, for which he had made no treaty.

The territory was acquired by treaty in 1819. Between that and 1822 the President governed it pretty much as he pleased. But here is a significant act, the act of March 30, 1822, declaring that the executive power of all this territory which we had acquired should be vested in a governor holding for the term of three years, commanding the militia, ex officio superintendent of Indian affairs, with power to grant pardons for local offenses and reprieves for those against the United States; and that a secretary should be appointed for four years. Here is the way in which we governed this territory:

That the legislative power shall be vested in the governor and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who shall be appointed annually by the President of the United States by and with the consent of the Senate.

There was no popular election there.

And it was further provided the governor, "by and with the advice of the legislative council, or a majority of them, shall have power to alter, modify, or repeal the laws which may be in force at the commencement of this act. Their legislative powers shall also extend to all the rightful subjects of legislation." It was, of course, provided that such legislation must be in harmony with the Constitution and laws of the United States. The right to govern a land acquired by seizure, upon which were persons of various races and religions, by a central power, without the consent of the people, was demonstrated. Of course it was only for temporary purposes. That is clearly set forth in these acts concerning Florida.

Mr. LINDSAY. Mr. President—

Mr. BACON. If the Senator from Kentucky will pardon me a moment—

Mr. LINDSAY. Certainly.

Mr. BACON. When the Senator from Massachusetts [Mr. HOAR] took the floor, the Senator from Maine [Mr. HALE] said he thought he was entitled to a better audience than was then present among the Senators, and for that reason he suggested the want of a quorum. I think I can bear testimony to the fact that on our side the Senator from Massachusetts had a full and a patient hearing. We desire that the Senator from Kentucky shall have an equally full and patient hearing from the other side of the Chamber. I think it is nothing but fair that they should give it. I therefore suggest the want of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

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

Allen,	Davis,	Hoar,	Pettus,
Allison,	Deboe,	Jones, Ark.	Pritchard,
Bacon,	Elkins,	Kyle,	Shoup,
Baker,	Fairbanks,	Lindsay,	Spooner,
Bate,	Faulkner,	McBride,	Stewart,
Berry,	Frye,	McEnerly,	Sullivan,
Burrows,	Gallinger,	Mills,	Teller,
Clark,	Gear,	Morgan,	Turley,
Clay,	Hale,	Morrill,	White.
Cockrell,	Hansbrough,	Nelson,	
Cullom,	Harris,	Pasco,	
Daniel,	Heitfeld,	Perkins,	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present. The Senator from Kentucky will proceed.

Mr. LINDSAY. Mr. President, if the protraction of this debate had resulted in no other good, the country has been more than compensated by the patriotic speech which has just been delivered by the senior Senator from Massachusetts [Mr. HOAR]. In some respects it is a most remarkable speech. It is in the na-

ture of a poetical apology for an act about to be committed, which, if it be not unconstitutional, is at least extraconstitutional, and a patriotic protest against an un-American policy intended to be inaugurated by the adoption of this joint resolution.

I agree with the Senator from Massachusetts that the annexation of Hawaii of itself does not import imperialism. I go further than the Senator from Massachusetts. The annexation of Cuba, the annexation of Puerto Rico, the rounding out of our possessions on the south, and the securing of a strategic position in the Pacific, would be in consonance with the destiny of this country and perfectly consistent with confining our domain to the continent of North America, if the proposition came under different circumstances, at a different time, and was being advocated in a different spirit.

It was said by John Quincy Adams seventy-five years ago, speaking of Cuba and Puerto Rico:

These islands, from their local position, are natural appendages to the North American continent, and one of them (Cuba), almost in sight of our shores, from a multitude of considerations has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position with reference to the Gulf of Mexico and the West India seas; the character of its population; its situation midway between our southern coast and the island of San Domingo; its safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantage; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together.

Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time, and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself.

Mr. President, with all these considerations in favor of the annexation of Cuba, no Senator can say, no right-thinking man can believe, that it would be either proper or generous or honest for us to conduct this war with Spain for the purpose of securing the annexation of this most desirable island.

As was said by the Senator from Massachusetts, we declared on the 20th of April—

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

I would have more confidence in the faithful carrying out of that declaration if the resolutions had been adopted as they stood before that declaration was incorporated. The resolutions, as they stood when the amendment to that effect was offered and accepted, recognized the fact that the people of Cuba, in an organized revolutionary capacity, were then struggling to secure their independence, and that declaration with such recognition was absolutely consistent; but when the Congress of the United States turned its back upon the organized struggle of the Cuban people and entered upon the work of first freeing the Island of Cuba and then pacifying the Cubans, we entered upon the work of erecting a government which will owe its existence to American force and American influence, a government which, when erected, will be ready to do that which is being done to-day by a government similarly created in Hawaii.

The Senator from Massachusetts has heard no suggestion since this debate commenced of an intention to annex the Island of Cuba. The argument thus far has been made by those who oppose the annexation of Hawaii under existing conditions and by the processes being resorted to. But a Senator on the other side of the Chamber since this discussion commenced has boldly avowed that he is in favor not only of the annexation of Hawaii, but, in the face of the declaration of the 20th of April, of the annexation of Cuba also.

Mr. HOAR. It is very important that the sentence to which the Senator alludes should not be misunderstood. It was uttered by myself before the war resolutions passed.

Mr. LINDSAY. The fact nevertheless remains that since this debate has been going on and since this declaration has been solemnly made by both Houses of Congress the friends of Hawaiian annexation do not hesitate to express themselves in favor of the speedy annexation of Cuba.

I do not oppose the annexation of Cuba. I believe the island would be a desirable acquisition. I believe in the fullness of time Cuba will become a part of the United States, but I do most solemnly protest against any policy which, during the progress of this war, or until after its results shall have been fully accomplished, looks to a violation of the declaration that Cuba, being freed and pacified, its people will be left to work out their own destiny.

Is it a fact that absolute silence up to this time has prevailed on the other side of the Chamber because Senators are not willing to disclaim, as the Senator from Massachusetts has disclaimed, any idea of looking beyond the islands of Hawaii to the greater islands of the Asiatic seas and of appropriating permanently territory

which never can be Americanized? Is it a fact that, in order to conceal from or to keep the people in doubt as to the purpose of this most unusual proceeding we are considering to-day, silence prevails with those who owe it to the American people to speak?

Arguments have been made to prove that the Government of the United States has power under the Constitution to acquire additional territory, and that the acquisition of the islands of Hawaii is not beyond the constitutional power of the American Republic. No one has disputed the existence of that power—no one has argued against the right of the Government to exercise that power. The objections made to the joint resolution rest upon an entirely different basis, and that basis the other side thus far has declined to discuss, and the eminent Senator from Massachusetts utterly failed to allude to it.

Where does the power reside in the American Republic to annex outlying territory? Is it in the President? Is it in the Congress of the United States, or is it in the President acting in conjunction with the Senate in the exercise of the treaty-making power?

We have heard much about the inherent powers of the Federal Government. I have never been able to give my assent to the doctrine of inherent Federal powers. Powerful as this Government may be, unlimited as may be its authority within the grants of the Constitution, it has no power independent of the Constitution—no power self-existent, to be exercised independently of a constitutional grant, express or implied.

Up to the time the address was made by the Senator from Massachusetts, I supposed we were to be allowed to treat the report of the majority of the Committee on Foreign Relations as the only argument deemed necessary to be submitted to this Senate. That report is an extraordinary document. Deductions are drawn which the facts by no means warrant. Quoting the act under which Texas was admitted—the preliminary act, I mean—this report says:

This joint resolution clearly establishes the precedent that Congress has the power to annex a foreign state to the territory of the United States, either by assenting to a treaty of annexation or by agreeing to articles of annexation or by act of Congress based upon the consent of such foreign Government obtained in any authentic way.

The last of these propositions covers the whole scope of the precedent made by the annexation of Texas. There is nothing in that precedent which can be construed to support the doctrine that the Congress of the United States is a treaty-making body. The admission of Texas rested upon the idea that the people of Texas, having indicated their desire that the Republic of Texas should be admitted into the Union as a sovereign State, the Congress of the United States, under the express grant of power to admit new States into the Union, had the power by a joint resolution to admit Texas. It was the exercise of a doubtful power.

Many of the most distinguished constitutional lawyers in the country believed that the joint resolution was beyond the constitutional grant, but with all the moral inducements to the admission of Texas into the Union, Congress admitted it not as mere territory, but as a sovereign State, upon terms of equality with the States then in the Union. This much this precedent establishes. It does not go a single step beyond the admission of an organized Republic as a State under the express grant of power by the Constitution to the Congress to admit new States.

We may acquire foreign territory, but we must acquire it in accordance with the limitations of our own Constitution; and if we do not deem it necessary to consult the people of that foreign territory, if we intend to treat the government of that foreign territory as authorized to speak for the people, then we must see that that government keeps within the constitutional limitations upon its own powers.

What do we propose to do? We do not propose to annex Hawaii. The term "annexation" has no proper or legitimate application to the proposition contained in this joint resolution. What we are about to do is not authorized by the constitution of Hawaii. It is in conflict with that constitution; and if we accept the proposed cession we will accept a title which, if not void upon its face, is of such doubtful validity that no lawyer would advise its acceptance in a mere business transaction.

The Senator from Nevada [Mr. STEWART] said the other day, that we can enter upon the possession of territory; we can assume the right to govern the people of Hawaii, and no power on earth can successfully question our right to maintain our possession and authority. That is true; but that is the logic of force; it is the ethics of the strong as against the weak.

We have had the constitution of Hawaii pointed out to us as a shining example of the justice and wisdom and statesmanship of those who control the affairs of that Government. Let us see what that constitution provides:

TREATIES.

The President, with the approval of the cabinet, shall have the power to make treaties with foreign governments, subject to the ratification of the Senate.

That is the general treaty-making power.

The President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

The President shall not be bound to follow the advice of the cabinet, except in the instances where, by this constitution, the approval of the cabinet is required as a prerequisite for his action.

In the exercise of this special and extraordinary power the constitution provides that the President of Hawaii, with the advice of his cabinet, may negotiate a treaty of commercial or political union between the Republic of Hawaii and the United States, subject to the ratification of the Hawaiian Senate. I have read every paper submitted by the Committee on Foreign Relations; I have examined the messages of the Presidents; I have examined the arguments made by the agent of the Hawaiian Government, printed in full in this report, and there is not an intimation anywhere that this treaty was negotiated by and with the approval of the Hawaiian cabinet.

So anxious have been the annexationists to bring about this absorption—and I use the term advisedly—of the territory of the Hawaiian Islands that they have not felt called to say to the Senate of the United States that the cabinet of Hawaii, whose approval was indispensable, has ever given its advice or consent to this treaty. I take it as a matter of course it has, because the cabinet is the mere creature of a government that was created in order to force the islands into the American Republic; but it does seem that a decent respect for the rules of common procedure would have indicated to these gentlemen that they should somewhere say that it is a fact that when the President of Hawaii entered upon this negotiation he had the approval of the cabinet, without which he had no authority to act.

What sort of a union, with the advice and consent of his cabinet, had the President the power to negotiate and the Senate the right to confirm or approve? A commercial union or a political union between two republics. If it had been a commercial union which was negotiated, Hawaii as a republic would have continued to exist notwithstanding its complete consummation.

Mr. ALLEN. With the consent of the Senator from Kentucky, I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. WILSON in the chair). The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

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

Allen,	Deboe,	Jones, Ark.	Perkins,
Allison,	Elkins,	Lindsay,	Pritchard,
Bacon,	Fairbanks,	Lodge,	Proctor,
Baker,	Faulkner,	McBride,	Shoup,
Bate,	Foraker,	McEnery,	Spooner,
Burrows,	Frye,	McLaurin,	Stewart,
Caffery,	Gallinger,	Mallory,	Sullivan,
Cannon,	Gear,	Mason,	Teller,
Clark,	Hale,	Mitchell,	Thurston,
Clay,	Hanna,	Money,	Turley,
Cockrell,	Hansbrough,	Morgan,	Turpie,
Cullom,	Harris,	Morrill,	Warren,
Daniel,	Heitfeld,	Nelson,	Wilson,
Davis,	Hoar,	Penrose,	

THE PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

Mr. LINDSAY. I hope that my friend will not again suggest the absence of a quorum. Senators having made up their minds that this great wrong shall be done, neither care to listen nor expect to act upon anything that may be said in contravention of their preconceived judgments.

I will go back to the proposition I had under consideration—the power of the President and Senate of the Republic of Hawaii to consent to the incorporation of the territory of those islands into the domain of the United States.

The President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

Is it proposed that there shall be a union between the two Republics, either a commercial union or a political union, or is it proposed that one of the Republics shall be literally and absolutely destroyed from the face of the earth? The President of the United States, when he submitted the pending treaty last June, did not misunderstand its character.

He then said that the treaty had been unanimously ratified without amendment by the Senate and President of the Republic of Hawaii on the 10th of September last, and that it only awaited the favorable action of the American Senate to effect—what? A political union between the two Republics? A commercial union between the two Republics? No.

It only awaits the favorable action of the American Senate to effect the complete absorption of the Hawaiian Islands into the domain of the United States.

Not a union with this Republic, but "the complete absorption of the islands into the domain of the United States."

The preamble to the joint resolutions shows that no attention

was intended to be paid to the provision of the Hawaiian constitution authorizing the negotiation of a political union between the two countries. It reads:

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

I call upon Senators who favor the joint resolution to show where in the Hawaiian constitution, by direction or indirection, the Government of the Hawaiian Republic is authorized to cede the sovereignty of that Republic to the United States. There is not a line in that constitution, there is not a word in that constitution, there is not an intimation in that constitution which looks to any such cession as that. Negotiate a union. "Union" as applied to the American Government has a well-known signification. Whatever country negotiates a union with the United States negotiates the union of another State to those which already constitute the confederated Republic of the United States.

That is what the term "union" means primarily, politically, and necessarily, when applied to a treaty of union with the United States. The President of Hawaii has the right to negotiate a commercial union. In negotiating that commercial union he has no right to cede away the sovereignty of the Republic. He has the right to negotiate a political union upon precisely the same terms and under precisely the same grant authorizing the treaty for the commercial union. The treaty attempted, goes far beyond the power of the Government of Hawaii, just as the attempt here to accept that treaty by joint resolution goes beyond the power of the Congress of the United States.

When this joint resolution shall be passed and approved by the President, it will not operate in the islands of Hawaii of its own force or vigor. A law of the Congress of the United States can have no extraterritorial effect. Therefore, when the joint resolution shall have been passed and approved, it will amount to more than an offer by the Congress of the United States to accept Hawaii and its sovereignty, its territory, and its property, upon the terms indicated.

It is said by a journal supposed to speak by authority, the Evening Mail and Express, that—

Recent developments in the Senate show that annexation can be effected either by adopting the Newlands resolution or by ratifying the treaty as was first proposed. The friends of Hawaii have enough votes to carry either of those measures. It must, therefore, be clear to the opponents as well as to the supporters of the project that it should be consummated by the regular, formal, and dignified process specifically prescribed by the Constitution.

Omitting the sentimental argument in favor of annexation, the editor continues:

The treaty now in the hands of the Senate Committee on Foreign Affairs has already been ratified by the Legislature of Hawaii, and its ratification by the Senate would make annexation a reality. There would be nothing more to do aside from taking formal possession of the islands. On the other hand, if the Newlands resolution is adopted by our Senate, it will have to be approved by the Hawaiian Legislature before it can acquire the force of law. This course would involve a delay.

Mr. CAFFERY. From what paper is the Senator reading?

Mr. LINDSAY. The Mail and Express, a paper which is generally understood to come as near speaking by authority as any other of the great metropolitan journals of the country. When the joint resolution shall be adopted and approved, annexation will not be consummated. The proposition will have to be submitted to the Hawaiian Legislature and accepted by the Hawaiian Legislature.

Now, where does the Hawaiian Legislature get the right, where does the Hawaiian Legislature obtain authority, to cede to another power the territory and property of the Hawaiian Republic, with its sovereignty and every attribute of its nationality? The Hawaiian constitution will be searched in vain to find any shadow of authority in the Hawaiian Legislature to extinguish the sovereignty of the Hawaiian Republic. It has no such right outside of the Hawaiian constitution. No such authority can be found anywhere in the constitution.

This editor of the Mail and Express says further:

It must, therefore, be clear to the opponents as well as to the supporters of the project that it should be consummated by the regular, formal, and dignified process specifically prescribed by the Constitution.

That is, the treaty, negotiated by the treaty-making power, which a year ago the President submitted to the Senate for its ratification or rejection, should be taken up and ratified, and, with the dignity becoming the gravity of the proposition, Hawaii should be brought into the United States through this regular, dignified, and constitutional method. Now, if by treaty is the regular way, if through treaty is the dignified course, if by treaty is the constitutional method, it follows that to substitute joint resolutions for the treaty is not dignified, usual, regular, or constitutional.

In conclusion, the Mail and Express says:

In view of these conditions we submit that the wise and patriotic thing for the Senate to do is to abandon the Newlands resolution and substitute the treaty in place of it. Annexation is a certainty. The sooner it is effected the better. The needs of the nation demand that it shall be accomplished with the least possible delay, and we believe we have demonstrated that the speediest way is fortunately also the more orderly and dignified.

It is a peculiar fact that the Committee on Foreign Relations has never given the Senate an opportunity to ratify the treaty. In the face of the statement made by this newspaper that there is a constitutional majority in favor of the ratification of the treaty, the Committee on Foreign Relations turns its back upon the treaty, disregards the recommendation of the President, and insists that Hawaii shall be annexed, if at all, by this unusual, this irregular, this undignified method of joint resolution, which many believe to be beyond the constitutional power of Congress.

These joint resolutions look to the abandonment of American precedents and American traditions and indicate a disposition to substitute the unauthorized exercise of power for regular obedience to constitutional grants.

The great paper read in the hearing of the Senate on yesterday by the Senator from Indiana [Mr. TURPIE] contains this language:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

I read, in connection with this extract from that great American paper, an extract from the report of the majority of the Committee on Foreign Relations and ask the public to compare the two from an American standpoint:

The objection to annexation that is based upon the civil rights of the Kanakas divides itself into two repugnant parts—the first being that annexation forces upon them a new government without their consent, the second being that they are not fit for citizenship in the United States. If the latter proposition is true, we will give them a better government than they can create or conduct for themselves. The injury falls upon us, and not upon them, if we force them into the body of our citizenship and compel them to accept that blessing.

To secure the right to life, liberty, and the pursuit of happiness governments are instituted among men deriving their just powers from the consent of the governed; but if looking around the universe we find a people who are not capable of administering government upon the high plane we have reached, it is legitimate that we shall force those people into the American Republic and compel them to accept the blessings we choose to thrust upon them.

This is a clear departure from American traditions. This is the open abandonment of American precedents. This is in keeping with the attempt to do in an irregular, unusual, undignified, and unconstitutional way that which, if done at all, should be done with the strictest regard to enlightened public opinion and in strict obedience to constitutional limitation.

Defending this avowed intention to force the blessings of citizenship upon the unwilling Kanakas, and in answer to the argument that they are not fit persons of whom to make American citizens, this paper proceeds to say:

We have more than 12,000,000 of negroes and Indians in the United States who are not unfit for citizenship; yet, if every office in the Federal Government, including the executive, legislative, and judicial departments, was filled with the best men from those races, they could not conduct the Government for a year in a proper, constitutional way.

We have 12,000,000 people of African and Indian descent who are not unfit for citizenship, but who, in the opinion of the committee, could not furnish good men enough to administer this Government successfully during the short period of one year. Having these 12,000,000, the argument is that we can not be much worsted by bringing in 100,000 more.

Mr. President, at the beginning of this century we probably did not have more than 6,000,000 people entitled to the right of citizenship in this great Republic. Those 6,000,000 furnished men enough to fill all the offices of the Government and to administer it with dignity and success. We are now told that we have double that population which can not furnish good men and intelligent men enough to administer the Government for the period of one year. Whether this statement was intended to be an argument in favor of increasing the number by bringing in the Hawaiian people, or whether it was intended to justify or excuse the resort to extraordinary processes for controlling elections in some of the States during the last thirty years, I am unable to say.

If we have 12,000,000 people confined to one section of our country and outnumbering the whites in two or three States, who exercise the right of citizenship but are unfit to hold office, is it any wonder that methods have been resorted to to prevent those people from obtaining control of State governments, which can not be defended, but which may be condoned upon the idea that those people are not fit to exercise the powers and functions of public officers?

Did this committee mean to say that all of the lawlessness of the South looking toward the preservation of the State governments from negro domination was to be excused because these

people are unfit to govern? Or did they mean to say that the more of this class of people we have the better our Government is likely to be?

Who make this attack upon 12,000,000 of the people of the United States? Who signed this remarkable arraignment of 12,000,000 of the people of the United States? C. K. DAVIS, a Senator from Minnesota; WILLIAM P. FRYE, a Senator from Maine; S. M. CULLOM, a Senator from Illinois; H. C. LODGE, a Senator from Massachusetts; J. B. FORAKER, of Ohio; CLARENCE G. CLARK, of Wyoming. One Southern Senator alone joins in this arraignment, the senior Senator from the State of Alabama [Mr. MORGAN].

I ask my friend from West Virginia [Mr. ELKINS] what he thinks of these 12,000,000 people, ninety-nine out of a hundred of whom belong to his party, who have not intelligence enough according to this report, or patriotism enough according to this report, or morality enough according to this report to furnish officers to run this Government during the short period of one year?

If six Southern Senators had gone to the country on such a paper as this, if six Southern Senators had made this attack upon 12,000,000 of our people, a cry of indignation would have gone up from the other side of the Chamber, and the statement would have been denounced as a slander upon a race of people who, whatever may have been their misfortunes and disadvantages in the past, now claim to have raised themselves to the level of the average American citizen.

My friend the senior Senator from Massachusetts said that his objection to the pending proposition was the line of argument by which it was maintained. I ask my friend if this particular argument commands itself to him more than those to which he took special exception? The report of the federal relations committee says that—

The constitution of Hawaii provides a plan for annexation to the United States by the Government without a referendum to the people. That purpose, according to that plan, has been executed on the part of Hawaii. It can not be within the constitutional power of the Government of Hawaii to undo that lawful act, and refer the decision of the question of annexation to the people, whose vote upon it under any circumstances is not provided for in the constitution.

To all that I agree; but is it any less objectionable that we shall turn aside from the treaty proposed by the Hawaiian Government and by an adoption of these joint resolutions send the proposition back to be accepted by the Legislature of Hawaii, which has no more authority under the constitution of that Republic to vote upon such a proposition than have the people of Hawaii?

Says our committee:

If a requirement should be made by the United States of a plebiscite to determine the question of annexation, it would work a revolution in Hawaii which would abolish its constitution.

To submit the question of annexation to the Legislature of Hawaii will just as much work a revolution and just as much abolish the constitution of Hawaii. Our committee looks with abhorrence upon a suggestion to consult the people, but with sentimental admiration upon a proposition to abolish the constitution of Hawaii by submitting the question to the Legislature of that country.

When a special power is created and the manner of its execution is prescribed, all the law books teach that the manner of the execution is equally important with the scope of the power. The grant of power to the President and the Senate of Hawaii to negotiate a permanent political union with the Republic of the United States was the grant of a special and extraordinary power. The prescription of the manner in which that power should be executed is equivalent to the declaration that any other manner of its execution shall be deemed unauthorized by that constitution.

Ours is a Government of enumerated powers. The enumeration of the granted powers excludes the idea that powers not granted exist. We may talk about implied powers, we may talk about incidental powers, but every power that is implied and every power that is treated as an incidental power grows out of a power expressly granted.

The Government of the United States is one of enumerated powers, the National Constitution being the instrument which specifies them, and in which authority should be found for the exercise of any power which the National Government assumes to possess. In this respect it differs from the constitutions of the several States, which are not grants of powers to the States, but which apportion and impose restrictions upon the powers which the States inherently possess.—*Cooley's Constitutional Limitations*, page 9.

In the case of *Marin vs. Hunter's Lessee* (1 Wheaton, 326), Chief Justice Marshall laid down the rule as follows:

The Government of the United States can claim no powers which are not granted to it by the Constitution; and the powers actually granted must be such as are expressly given, or given by necessary implication.

The right to acquire territory is not expressly granted. Great constitutional lawyers like Jefferson doubted, and other great constitutional lawyers denied, its existence. The practice of the Government has decided the question in favor of the existence of the power, as an incident to powers expressly granted. It is not an inherent power. When we came to form the more perfect union, when we came to declare the bond of union, and to set out the

grants of power, we fixed, bounded, prescribed, and granted all the powers the Federal Government was intended to possess. It exercises no power inherently; it exercises no power because it is an incident to government; but it exercises each power because the Constitution authorizes its exercise.

The Constitution nowhere expressly declares that we shall have the right to annex outlying territory, but great statesmen, great constitutional lawyers, have deduced the power from powers that are expressly granted. The power to make treaties is a general power to make treaties, and it is argued that we may make anything the subject of treaty which is not prohibited by some provision of the Constitution. The power to make war is expressly granted, and the power to make war carries with it the power to prosecute war to its legitimate conclusion. War involves the power of conquest, and at the end of the war the effect of a conquest is to be determined by the victorious nation.

Up to this time the extent and the character of our conquests have been determined by the exercise of the treaty-making power in the restoration of peace.

Except in one instance, every foot of outlying territory we now hold was acquired through the exercise of the treaty-making power. Texas was admitted as a State by act of Congress, but Texas was not annexed in the sense of absorption by act of Congress. Nobody then supposed that it could be.

There seems to be a modern idea that the power of conquest is not only unlimited, but that our modern policy of conquest is, that whatever we forcibly take from our enemy we are under all circumstances to keep after it has been taken. If it has not been said upon the floor of the Senate, it is one of the favorite arguments of those who look for indefinite territorial expansion, that wherever the flag of this country is once put afloat through our power of aggression, it is never to be taken down.

One of the favorite attacks upon Commissioner Blount was that under authority from the President he ordered our flag to be taken down from the public buildings in Hawaii. Mr. President, the highest honor we can do the flag of our country is to see that it always represents justice, morality, and generosity as well as power, and that it be kept nowhere that it does not float consistently with national honor and international integrity. The flag of the United States once waved over the halls of the Montezumas, but when Mexico and the United States terminated hostilities by treaty, the emblem of the American power was withdrawn from the soil of our sister Republic.

When this unhappy war with Spain shall end, it will be by a treaty; and we will not enter upon that treaty with the idea that everything that we may have seized is to be kept without regard to any interest except our own. We will treat with Spain upon the basis of national honor; we will consult the public conscience as well as the public interest, and when we shall strike hands again with Spain as a friendly power that country will have no ground to say that we have dealt with her as the ungenerous giant deals with the helpless pygmy who can not resist.

There are two ways of acquiring territory under the Constitution. One by treaty, the other by conquest; and a treaty always follows a conquest unless the conquered power be utterly overthrown.

For a hundred years we have construed the Constitution to mean that we may acquire territory by conquest as an incident to the war-making power, and that we may acquire territory by treaty as an incident to the treaty-making power, but to-day we are setting up the new theory that where we can not conquer because we have no ground for war, and where we can not treat because the constitutional majority of the Senate will not consent to a treaty, we may substitute a joint resolution of Congress for a constitutional treaty or for a lawful conquest.

A year or two ago we were discussing the great question whether we would enter into a treaty with Great Britain, providing that hereafter when disputes arose between us, and negotiation and diplomacy had been exhausted, we would submit the matter in dispute to a board of arbitration, for which permanent provision was to be made. All the Senators said they favored arbitration, all said they were opposed to war and loved peace and were willing to take any constitutional steps in the direction of peace, but Senators who are now anxious and willing to abdicate the Senatorial power of participating in the treaty-making power were then opposed to the proposition under consideration because it involved, in their opinion, the surrender of the treaty-making power by the Senate.

If the right of the Senate to participate in making treaties was a sacred right a year ago, it is none the less sacred to-day; and while Senators may have to submit to seeing this body shorn of one of its dignified and most important attributes in obedience to the supposed will of the majority, it is none the less the duty of Senators who do not agree with the majority to protest against any such surrender. Since the formation of the Government the Senate has exercised its right to determine what shall or shall not be a treaty, and it does not speak well for our progress that at the

end of more than one hundred years the Senate is now proposing to abdicate that power and to share its exercise with a body to which the Constitution did not intrust it.

The editor of the *Mail and Express* says that the Senate can ratify the treaty; that when the treaty is ratified and notices are exchanged, the Constitution, by virtue of the treaty, will at once extend its beneficent provisions over the Islands of Hawaii; but if we pass this joint resolution upon the false assumption that a cession has been made or offered, then that the Legislature of Hawaii must usurp a like power with that the American Congress has usurped, and accept and approve the act of Congress, and in doing so, in the language of the report of the Committee on Foreign Relations, overturn the constitution of the Hawaiian Republic.

Mr. President, if we can acquire foreign territory; if we can acquire possession of and dominion over the Hawaiian Islands by an unauthorized exercise of legislative power, and if we are ready to extend our possessions and our dominion whenever we choose by irresistible force, then we have become a nation which not only has ceased to be governed by international law, but has ceased to regard its own organic law.

We are making war to free Cuba, yet Senators are avowing their expectation that Cuba will be annexed to the United States. We are avowing our intention to annex the Hawaiian Islands by an extraconstitutional expedient. We do not seem to realize that we may create the belief in other nations that we have lost all idea of self-restraint, are controlled only by our own interest, and can only be kept in check by forces we can not overcome.

What will be the effect of this? We talk about the Monroe doctrine, and say that European nations shall not establish their institutions on the continent of the Americas; but, Mr. President, if we shall excite the belief that we intend to substitute ourselves for the European powers, against whom we propose to protect this continent, and to absorb territory according to our interest and in defiance of our past policies and traditions, how long will it be before our sister American Republics will look upon us with more of fear, and with juster grounds for fear, than they look upon the monarchial governments on the other side of the Atlantic? Why shall we protect unless we propose also to restrain our own ambition? How long will it be before we shall have no friends among the American Republics, whom we have been so assiduously cultivating during the past thirty years? In what direction are we tending?

The Associated Press sent out this telegram on the 2d day of July:

BERLIN, July 2, 1893.

On the best authority the correspondent of the Associated Press here is informed that Germany, France, and Russia have reached an understanding relative to the Philippine Islands. It is said that these three powers do not intend to interfere actively until hostilities cease, after which they will combine to prevent the United States or Great Britain gaining possession of the whole of the Philippine Islands. When the war is over an international congress will be proposed, similar to the Berlin congress of 1878, to settle all questions connected with the war. All the great powers will be invited to join, including the United States and Spain. It appears certain that Germany will then demand a share of the Philippine Islands or other compensation in the far East.

We are to be invited to a congress of nations, and we are to be expected to sit down and calmly discuss how the territory taken from Spain shall be partitioned out among the great powers. No such invitation has ever been accepted by the American Republic, and so long as we confine our ambition to being the dominant power on the American continent and acknowledge the right of no other power to intervene with us in the settlement of American affairs or of our foreign quarrels no such invitation ever will be accepted.

Whenever such an invitation may be extended, the United States will, as they ought to do, decline to recognize it, decline to sit down with the great powers to consult over any such question and, if need be, use all the forces with which we have been blessed by God and nature to assert our right to stand as the dominant power of the American Continent, not willing to consult with foreign powers as to our American policy and strong enough to resist any attempt to coerce us into any such consultation.

If we intend to do this, then do not let it go out to the world that we have ceased to be an American Republic pure and simple and have entered upon a career of conquest and expansion, to be limited only by the complete gratification of the newly awakened spirit, which is to-day chafing under the feeling that American isolation is inconsistent with national dignity and national power.

On the American Continent we are invincible. We can reasonably annex Hawaii, and we shall annex Hawaii in good time, but we ought to annex it in an orderly, a constitutional, a regular, and a dignified way. The time will come when Puerto Rico and Cuba will be part of the great American Republic, but they, too, ought to come at the proper time and in the proper way, in accordance with our fundamental law, and in obedience to American precedents.

The objection is not that we might not have those countries when we can take them consistently with public honor, but that

those who advocate the immediate absorption of Hawaii show themselves willing to disregard constitutional limitations upon the Government of Hawaii and constitutional limitations upon the Government of the United States and do not disclaim the idea that wherever the American flag shall be planted there it is to remain until the end of time, regardless of consequences and regardless of propriety, of justice, or of magnanimity.

If the speech of the senior Senator from Massachusetts could go out as the accepted interpretation of the annexation of Hawaii, as the authorized statement of the views and intentions of those who desire the annexation of Hawaii, a very grave objection would be removed; but no other advocate of annexation has given out any such patriotic or conservative utterances, and I shall be agreeably disappointed if anyone else during the progress of this debate shall plant himself side by side with the Senator from Massachusetts and declare that he, too, loves and venerates American precedents and that he, too, expects to adhere to them, no matter what the consequences may be and in the face of any public opinion, however aggressive or proscriptive.

A good deal has been said about the delay incident to this debate. Complaint has been made that discussion answers no good purpose. We are to have the rules of the Senate amended so that filibustering can be put down. Mr. President, there has not been a day in the last three weeks when the friends of annexation had a quorum in this Chamber, and the quorum has been made up on each roll call by Senators who are opposed to this joint resolution answering to their names. We come here each day an hour before the usual time of meeting in order that a quorum may be present; and five times out of six the want of a quorum is owing to the absence of those who insist upon an early vote upon this resolution.

Mr. MALLORY. And we did so yesterday, on the Fourth of July.

Mr. LINDSAY. Yes; and it is the same way every day.

It is said that we obstruct public business, that it is an indefensible act upon the part of Senators by debating in extenso a question like this to obstruct public business, and that, in order that public business may be carried on with due dispatch, the rules of the Senate ought to be changed and cloture ought to be adopted.

During my five years' service as a Senator public business has not been obstructed, although full debate has been had. The Wilson bill could have been defeated if the opponents of that bill had chosen to defeat it, but they did not; the Dingley bill could have been defeated if the opponents of the Dingley bill had chosen to defeat it; any of the great appropriation bills might be defeated if a minority were to choose to defeat them; the repeal of the purchasing clause of the Sherman Act in 1893 could have been defeated if its opponents had chosen to defeat it.

But these were questions of business; they involved matters in which the public had interests; and after they had been fairly and fully discussed, the minority yielded, as it always yields in such cases. The annexation of Hawaii by joint resolution is not public business according to the opinion of those who are opposing it. It is the contrary of public business. It is an attempt to do that which the Constitution prescribes shall be done in one of two ways, by a method wholly different from either and in conflict with the constitutional delegation of power.

Those who so believe conceive that when they oppose by any legitimate means the passage of this joint resolution they are not opposing public business at all, but are defending, maintaining, and supporting the Constitution.

Suppose a bill should come over from the other House in the nature of a bill of attainder, providing that some public offender should, upon the passage of that bill, have his estates forfeited and his life taken.

Mr. BACON. Mr. President—

The PRESIDING OFFICER (Mr. CLAY in the chair). Does the Senator from Kentucky yield to the Senator from Georgia?

Mr. LINDSAY. Yes, sir.

Mr. BACON. I think there are present very much less than a quorum; by actual count, not a fourth of a quorum. I therefore suggest the fact.

The PRESIDING OFFICER. The want of a quorum being suggested, the Secretary will call the roll and ascertain if a quorum is present.

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

Allison,	Elkins,	Lodge,	Shoup,
Bacon,	Fairbanks,	McBride,	Spooner,
Bate,	Faulkner,	McEnery,	Sullivan,
Berry,	Frye,	McLaurin,	Teller,
Burrows,	Gallinger,	Mallory,	Thurston,
Caffery,	Gear,	Martin,	Turley,
Chilton,	Hale,	Money,	Turpie,
Clark,	Hanna,	Morgan,	Warren,
Clay,	Hawley,	Morrill,	Wellington,
Cockrell,	Heitfeld,	Pasco,	Wilson,
Cullom,	Hoar,	Penrose,	Wolcott.
Daniel,	Jones, Ark.	Pettigrew,	
Davis,	Kyle,	Roach,	
Deboe,	Lindsay,	Sewell,	

THE PRESIDING OFFICER. Fifty-three Senators have responded to their names. A quorum is present.

MR. LINDSAY. Mr. President, when I was interrupted by the call for a quorum I was discussing the question whether or not in opposing a resolution like this by all reasonable and legitimate means those who are opposing it are obstructing public business. I was about to say that, suppose a bill should come over from the House of Representatives in the nature of a bill of attainder, providing that some offender, and a guilty offender at that, should forfeit both his life and property without a trial by a court, and we were unfortunate enough to have a President who believed that a bill of that character might be passed by the two Houses of Congress and executed by the Executive, and a majority of the Senate were in favor of exercising that extraordinary power, and a minority, under the right of free speech, should stand here day after day protesting against such an open violation of the Constitution, how would it appear to have the press and the majority clamoring for a change of the rules of the Senate in order that the minority, who were standing by the Constitution, might be prevented from obstructing the orderly progress of public business?

Suppose an objectionable judge should be brought before the Senate by articles of impeachment, and after a trial, or, as in this case, after an investigation, it was ascertained that the necessary two-thirds majority for his conviction could not be obtained, and a bill should come over from the House of Representatives removing that judge from office, and the minority of the Senate, who defeated the conviction, should stand here protesting against such an open violation of the Constitution, I suppose the clamor might be raised that the minority were obstructing public business.

Now, then, if the treaty-making power is about to be abrogated by the joint resolution which came over from the House of Representatives, and against which more than one-third of the Senate stands opposed, can their persistent defense of the Constitution, of American precedents, of obedience to American traditions, justify the charge that by this faithful adherence they render themselves open to the complaint that they are obstructing the orderly progress of public business?

My friend sitting here at my right [Mr. ELKINS], who was spoken of by the Senator from Massachusetts [Mr. HOAR] as his own grandfather—and who seemed pleased with the relationship—says that this joint resolution is a higher execution of legislative power than would be a treaty. Yes, it is a higher execution of legislative power than would be the induction of Hawaii into the United States by and through a treaty.

A treaty annexing Hawaii to the United States in accordance with the constitution of Hawaii and by and through the methods prescribed by the Constitution of the United States would be the exercise of a most important governmental power, but it would not be the exercise of the highest power that may be conceived of, because it would be a power consonant with and created by the Constitution of the United States. But to induct the territory of Hawaii into the domain of the United States by and through a joint resolution is the exercise of the very highest conceivable legislative power, because it is the exercise of a power not granted by the Constitution of the United States, and which, if it exists at all, exists in virtue of that higher law about which we heard so much thirty-five or forty years ago, the discussion of which resulted in a civil war which will never be forgotten so long as this country shall survive.

Whenever you get above the Constitution you execute the highest possible power, and whenever you do that which the Congress has no power to do you execute a legislative power high in the fact that its exercise is as dangerous as it is unauthorized. Where does Congress get its power to legislate at all?

MR. CAFFERY. I should like to ask the Senator from Kentucky whether the Legislature can negotiate a treaty without being enabled in the organic law to make contracts of a treaty character?

MR. LINDSAY. The answer to that question involves more than a mere categorical reply. Article I of the Constitution declares that—

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

"All legislative powers herein granted." The Senator who says this power to acquire territory by joint resolution exists takes the burden of finding the grant. Else he holds to the inherent existence of a power which has not been granted in express terms or by reasonable intendment. "All legislative power herein granted shall be vested in a Congress of the United States." Is there any other legislative power vested in the Congress? If so, by whom, and when and where was the grant made?

Borrowing our ideas of government from the Kingdom of Great Britain, the treaty-making power was held to be an executive power, and we vested it in the President because it was an executive power, but we limited the exercise of that executive power by making it subject, not to the Congress of the United States, but to the Senate of the United States, and we provided that this executive

power should not be exercised if in any particular case more than one-third of the Senate should be opposed to its exercise.

The Congress of the United States has the war-making power, and we may acquire territory by the exercise of the war power; but we have not made war against the Republic of Hawaii, and the report of the majority of the Committee on Foreign Relations shows that we not only have no ground of war, but that we are the best friends that Hawaii has in the world and that Hawaii is rather our adopted child than our enemy. So we can not take this territory under the exercise of the war power and we can not take it under the exercise of the Executive power, unless two-thirds of the Senators present and voting approve it, and you can not take it under the legislative power at all, because it is not a subject of legislation and was not made so by the Constitution of the United States.

We have heard much about the necessity for haste in this matter. This treaty was submitted a year ago, and the friends of annexation have never attempted to have a vote taken upon it; and when the supposed necessity, about which we hear so much, arose, the beginning of the war with Spain, the Senate was not then asked to take up the treaty for consideration, and it has never been asked since that day.

The President asked the Senate to consider the treaty. The President has never suggested to either branch of Congress in any communication, by direction or indirection, that he desired to abandon the treaty and to substitute a joint resolution for it. If he desired to abandon the treaty, he would have withdrawn it. If he believed the necessity for speedy action was so great that a joint resolution would be justifiable and constitutional, he would, by a message to the Congress, have advised the abandonment of the treaty and the annexation of Hawaii by and through the joint resolution pending here to-day.

There has been absolute silence upon this great question by the Chief Executive since his message sent to Congress in December last, and then he called attention to the treaty, which he said if adopted would result in the absorption of the Hawaiian Islands by the United States, an absorption which I claim is not authorized by the Hawaiian constitution, not contemplated by the Hawaiian constitution, and which can not come about until we shall have overthrown the Hawaiian Government and trampled upon the Hawaiian constitution. The President did not misunderstand the effect of this treaty when he said that it—

Only awaits the favorable action of the American Senate to effect the complete absorption of the islands into the domain of the United States.

If the Mail and Express knows whereof it speaks when it claims that a majority equal to two-thirds of all the members of the Senate are in favor of the treaty, why do the friends of annexation persist in pushing to the front the joint resolution rather than resort to the regular, usual, dignified, and constitutional method by which foreign territory has been acquired in the past?

The immediate annexation of Hawaii is not necessary as a war measure, and if it was we could not consistently violate our own Constitution in order to annex it. The great naval battle which took place in front of Santiago day before yesterday obviated all the supposed necessity for our owning a coaling station in the Pacific Ocean as an incident to the successful prosecution of the war. As against Spain, we are the monarch of the seas to-day. No Spanish war ship will ever be seen in the Pacific Ocean so long as this war continues, and no Spanish war ship will be seen in the Atlantic Ocean after Commodore Watson goes with his battle ships to look after the interests of the United States along the coasts of Spain.

So, then, as a war measure it is not necessary that we shall proceed with undignified haste to do an unconstitutional act. If Hawaii wishes to be annexed and we wish Hawaii, we will annex it, and it will serve all our purposes next winter as well as it will this summer; and, so far as that is concerned, it will answer all our purposes next year as well as it will answer our purposes this year.

If there was anything necessary to show that there is no real foundation for the claim that we want a coaling station in the Hawaiian Islands, it was an incident which happened during the last two or three days in the halls of Congress. The general deficiency appropriation bill was pending here, and upon motion of the Senator from Maine we provided an appropriation of \$145,000 to begin the work of converting Pearl Harbor, which we now own, into a coaling station. When the bill got into conference the Republican majority of the House conferees, with the consent of the Republican majority of the conferees of the Senate, took the appropriation out as wholly unnecessary.

We do not need to improve Pearl Harbor, if it costs us \$145,000 to improve it, even as a war measure, but it is claimed we do need the Hawaiian Islands at once as a war measure, and the necessity is so great that we are to set aside the dignified, orderly, regular, and constitutional methods by which in the past we have annexed foreign territory that we may have immediate annexation.

No, it is not a compliment to the intelligence of the American

Senate to gravely insist that this measure is being pressed at this particular time in the interest of the more successful prosecution of the war against Spain. Nobody on this side believes the claim is sincere and nobody on the other side can repress a smile when he attempts gravely to assert that we ought not to stand in the way of the progress of public business, because we need to annex Hawaii in order that we may more successfully fight Spain.

The Senator from Massachusetts [Mr. HOAR] treated this as a sentimental question. Occasionally he dealt in satire and humor. He drew the usual picture of the dusky Queen and her mimic kingdom and the play of royalty, and it was a lifelike and an accurate picture. He seemed to forget, however, that that mimic kingdom, this card-basket royalty, had been kept alive so many years by the direct intervention of the American Government. He had forgotten, when the predecessor of the dusky Queen visited the United States in royal state, that he was entertained as a royal visitor at public expense, that his coming was treated as a gala occasion, and that we were as swift to do this dusky monarch honor as we have ever been to do honor to the legitimate royal personages who come across occasionally from the other side of the Atlantic. He forgets, too, that even in advance of Mr. Cleveland a Republican President, when my friend the Senator from West Virginia [Mr. ELKINS] was a Cabinet officer, addressed this Queen as his good friend.

Mr. ELKINS. His good and great friend.

Mr. LINDSAY. His good and great friend. If it was ridiculous in Mr. Cleveland to do so, he could at least have pleaded the illustrious example of Benjamin Harrison.

Mr. ELKINS. Who does all things well.

Mr. LINDSAY. Hawaiian royalty is a joke, but the Queen and the King who preceded her have not made more of a joke of the Hawaiian kingdom than has been made of the Hawaiian Republic by its illustrious founders. It has been scarcely six months since the President of the Hawaiian Republic left the theater of his greatness and came over to the United States to visit his great and good friend at the other end of the Avenue to beg that he might be allowed to abdicate the sovereignty of the Hawaiian Republic, and to cause himself and his people and his country and its sovereignty to be absorbed into the domain of the United States. Whatever may have been the follies of the Queen, she never sought to dispose of her country, sovereignty and all.

There is another remarkable feature in this most remarkable cession—I believe they call it a cession. I have heard of a great many things being ceded, but the cession of the sovereignty of a republic is something new under the sun. But that is what is pretended to be ceded in this particular case. We say we will pay the debts of Hawaii, having taken everything the Republic has, not exceeding \$4,000,000, and this remarkable paper which accompanies the joint resolution says that in consideration for that agreement to pay the debts of Hawaii, not exceeding \$4,000,000, we get \$9,000,000 worth of property. If these debts exceed \$4,000,000, it seems the excess is not to be paid at all.

This is a business transaction. It has been a business transaction from the outset. When the monarchy was overturned and the Republic was established it was in the furtherance of a business scheme.

The Senator from Massachusetts alluded to the fact that the revolution of 1893 had been practically accomplished when the American blue jackets were landed. I was reading the other day a very interesting book, written by a naval officer who distinguished himself the other day off Santiago, which book purports to have been published by authority of the Navy Department, in which he claims that although the blue jackets did land before the revolution commenced, they did not intervene at all, and that the people overturned the government without the assistance of the American forces.

As a matter of fact, there was no revolution until the American blue jackets landed under an order from the commander of the *Boston*, directed to the lieutenant in charge, not only to protect American life and property, but to preserve public order. Now, anybody can overturn a government if somebody else is going to be there to preserve public order whilst the government is being overturned.

That government was overturned in the interest of the sugar planters. All you have to do to reach that conclusion is to read the letters of Mr. Stevens to the Secretary of State. The McKinley Act took the tariff off of crude sugar and put the protection on the refined, and therefore the sugar planter in Hawaii was no longer benefited by the American tariff, whereby he had theretofore got his sugar in free whilst everybody had to pay 50 or 60 per cent in the way of tariff taxation.

The American sugar planter got 2 cents bounty. Therefore if Hawaii could break into the American Union, so that the laws of the United States would operate in Hawaii as well as over Louisiana and the beet-sugar country of the Northwest, the Hawaiians would get 2 cents bounty, too. In this view a monarchial government became intolerable and a republic had to be established in the interest of the sugar planter.

Mr. CAFFERY. I will remind the Senator from Kentucky that Minister Stevens suggested a modified bounty for the Hawaiian Islands of \$12 a ton.

Mr. LINDSAY. Stevens said they would be willing to take a cent a pound if we would let them in. I believe that was it, was it not?

Mr. CAFFERY. It was \$12 a ton for a long ton, and they made about 250,000 tons. That would be \$3,000,000 bounty.

Mr. LINDSAY. At any rate he did not ask for as large a bounty as Louisiana was getting.

Mr. CAFFERY. No; he said they would be satisfied with less.

Mr. LINDSAY. He said they would be satisfied with one-half, and they looked at it purely from a business standpoint.

When the Wilson bill was passed and we put 45 per cent tax on sugar and continued the treaty, annexation faded out of sight because the sugar planter in Hawaii got the benefit of the protection under the Wilson Act.

When we passed the Dingley bill, a good many people here said that we had paid Hawaii as much in the way of a bonus for a harbor we did not need and never expected to use as we ought to pay, and that therefore the treaty ought to be annulled; and it was insisted that notice be given to terminate the treaty. Then the treaty of annexation comes again, and the Hawaiian Republic, not satisfied with its regular minister, has all the while had an authorized agent here to look after the treaty, and the Hawaiian President came here and honored us with a visit to see how this business transaction was getting on.

There are some things about this transaction which tend to provoke a smile. I have before me the report of the House Committee on Foreign Affairs upon the joint resolution. After many arguments such as I had heard before in favor of the annexation of Hawaii and after pointing out with pathetic eloquence the benefits to result to the American people from annexation, and after calling attention to the fact that pretty much everybody was in favor of annexation, the report makes this statement:

There would be one difference after annexation as to the restriction upon Hawaiian sugar. At present, under the reciprocity treaty, all unrefined Hawaiian sugar is admitted free of duty, but not refined sugar.

Then the author innocently says:

After annexation both refined and unrefined would be admitted free, and sugar-refining interests in this country may object to annexation.

In this unsophisticated, innocent, and undesigned way the foundation was laid for raising a great hue and cry that the sugar trust was opposed to the annexation of Hawaii because after Hawaii should be annexed refined sugar would come in free and would compete with the sugar refined by the American sugar refiners. I have examined the statistics pretty carefully, and I can not find anywhere that anybody has ever refined sugar in the Hawaiian Islands. They send their crude sugar over to us and it comes in duty free, and we refine it, and we send the refined sugar back to the two or three thousand republicans who have established the oligarchy known as the Hawaiian Republic for use in their tea and coffee and other like beverages.

Yes, it was supposed that probably the sugar refiners would object to this treaty because it would let refined sugar in to compete with their sugar, and that the differential allowed them by the Dingley Act would be to some extent neutralized by the refined sugar coming over from the Hawaiian Islands. This matter troubled me greatly, but finally it dawned upon me, as it seems never to have dawned upon the Foreign Relations Committee at the other end of the Capitol, that probably Havemeyer and Claus Spreckels would remove their refineries to Hawaii and refine their sugar there, and that it would be their refined sugar that would come to the American sugar consumers free after annexation, and that they would not lose so much after all.

I do not know whether the sugar trust is for or against this treaty. I do not know whether its interest is one way or the other. I take it for granted that if there was a very great interest one way or the other, we would hear of the sugar trust and see it also.

When we were determining what the differential duty should be a year or two ago, when the Dingley bill was pending, we did not have any difficulty in finding the sugar trust, and we did not have any difficulty in finding out which side it was on. The only difficulty we had was that its friends who are now advocating annexation could make up sugar schedules with so much diabolical skill that no one but an expert could tell how much the sugar trust was to get.

The sugar-trust people never fail to put in their appearance when they have an interest in pending legislation. It is only a question now whether the sugar trust will refine in California or remove their establishments over and refine in Hawaii after we absorb the Islands of Hawaii.

It is not worth while to pursue this branch of the question further. This hue was raised to intimidate those who were inclined to vote against the business transaction represented by President Dole and his agents.

The people of the United States should have an opportunity to

be heard before we amend the Constitution by creating a precedent that we may follow in the future whenever a treaty can not be successfully gotten through the Senate. The people ought to have an opportunity to consider this question, too, after it has been discussed on both sides. Sometimes the most convincing argument against a proposition is the argument made by the friends of the proposition.

As long as they maintain absolute silence and treat every objection with studious contempt the people may conclude they could answer if they would, but when they march up to a proposition like this and say, "We defend the joint resolution upon the ground, not that the Constitution grants the power to Congress to act through joint resolutions, but because those who are so clamorous about the want of the grant fail to show anything in the Constitution which prohibits Congress from so acting," the illusion is gone. When that argument goes out in defense of the resolution the plain people of the country will conclude that a better argument than that ought to be made to support a departure from the precedents of a hundred years and the traditions which up to this time have been cherished and followed.

I am curious to know whether the friends of the joint resolution would accept an amendment in line with the speech of the senior Senator from Massachusetts [Mr. HOAR], and declare affirmatively that the annexation of Hawaii is not to be taken as an indication that the policy of the American Republic has in any wise been changed so far as the question of expansion is concerned. If the argument is unjust that this is intended to be a step in the direction of the permanent occupation of the Philippine Islands, then I ask, Will the friends of the joint resolution accept an amendment negativing that idea and declaring that this is but the rounding out of the great American continental Republic, the mere securing of an outpost to defend it against aggression?

I read the other day from an English paper the following:

One thing is very curious in all this matter, and that is the scanty evidence of American opinion which reaches Europe. What do all those quiet millions of working freeholders and industrious citizens, who live away from the newspaper correspondents, think about the progress of the war? Are they aware that their country stands at the parting of the ways, that her external policy must be radically modified, and that she is engaged in a war which may so develop that it will occupy years, create a national debt, and leave the United States with a powerful army and the second fleet in the world?

There are others who are curious to know what the silent millions of Americans think about this appetite for expansion, which within the last sixty days has been developed and which is evidenced by the abandonment of the treaty negotiated by the President and submitted to us a year ago, the taking up of this joint resolution, and the persistent attempt to secure its adoption without explanation or discussion by those who advocate it. It is not to be concealed that the proposed so-called legislation is ominous of a declining respect for constitutional safeguards and for American policies and traditions.

Mr. WHITE obtained the floor.

Mr. GALLINGER. Will the Senator from California yield to me a moment?

Mr. WHITE. Certainly.

HENRIETTA FOWLER.

Mr. GALLINGER. From the Committee on Pensions I report back without amendment the bill (H. R. 3598) granting a pension to Henrietta Fowler. Inasmuch as the report on this bill was mislaid some ten days ago, and the Senator who now occupies the chair is interested in it, I ask that it be put upon its passage. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Henrietta Fowler, widow of Jesse Fowler, late of the Georgia Volunteers in the Indian war of 1836, and to pay her a pension rated at \$8 per month.

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

UNIFORM SYSTEM OF BANKRUPTCY.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States," 75,000 copies, 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate; that such print be of the act with index, etc., as prepared by the Clerk.

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. WHITE addressed the Senate in continuation of the speech begun by him on the 21st of June. After having spoken fifty minutes,

Mr. DAVIS. If entirely convenient to the Senator from California, I will move an executive session.

Mr. WHITE. Very well.

Mr. DAVIS. I make that motion.

The VICE-PRESIDENT. The Senator from Minnesota moves 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 seventeen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 6, 1898, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 5, 1898.

REGISTERS OF LAND OFFICES.

Peter Campbell, of Wray, Colo., to be register of the land office at Akron, Colo., vice August Muntzing, whose term will expire August 3, 1898.

Elmer E. Hershey, of Missoula, Mont., to be register of the land office at Missoula, Mont., vice John M. Evans, whose term will expire July 17, 1898.

George E. French, of North Platte, Nebr., to be register of the land office at North Platte, Nebr., vice John F. Hinman, whose term will expire August 7, 1898.

Fred M. Dorrington, of Alliance, Nebr., to be register of the land office at Alliance, Nebr., vice John W. Wehn, jr., whose term will expire July 19, 1898.

RECEIVER OF PUBLIC MONEYS.

Frank Bacon, of Gothenburg, Nebr., to be receiver of public moneys at North Platte, Nebr., vice William H. McDonald, whose term will expire August 7, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIFTH REGIMENT OF INFANTRY.

To be assistant surgeon with the rank of first lieutenant.

Charles T. Pollard, of Alabama.

The nomination of Charles P. Pollard, of Alabama, for the above-named office, which was delivered to the Senate June 29, 1898, is hereby withdrawn.

THIRD REGIMENT OF INFANTRY.

To be first lieutenant.

Sidney R. Wiley, of Georgia.

Mr. Wiley was nominated to the Senate June 17, 1898, and confirmed June 22, 1898, under the name of Sidney R. Wylie. This message is to correct error in the name of the nominee.

FOURTH REGIMENT OF INFANTRY.

To be captain.

Hugh C. Preston, of Virginia.

The nomination of Henry C. Preston, of Virginia, for the above-named office, which was delivered to the Senate June 29, 1898, is hereby withdrawn.

SECOND REGIMENT OF INFANTRY.

To be chaplain.

Charles B. Carlisle, of Iowa.

THIRD REGIMENT OF INFANTRY.

To be captains.

Charles K. Maddox, of Georgia.

William Y. Carter, of Georgia.

Jefferson Wilcox, of Georgia.

To be first lieutenants.

Lee C. Hoyl, of Georgia.

Thad H. Parker, of Georgia.

To be second lieutenant.

James H. Blount, jr., of Georgia.

FOURTH REGIMENT OF INFANTRY.

To be first lieutenant.

William B. Preston, of Virginia.

To be second lieutenant.

John Mackey Baldwin, of Virginia.

FIFTH REGIMENT OF INFANTRY.

To be chaplain.

Robert D. Wear, of Alabama.

To be captain.

James K. Vardaman, of Mississippi.

To be first lieutenant.

William E. Darby, of Mississippi.

To be second lieutenant.

Samuel K. Mayers, of Mississippi.

EIGHTH REGIMENT OF INFANTRY.

To be captain.

Reuben B. Baskette, of Tennessee.

To be first lieutenant.

Richard E. Toomey, private, Company C, Eighth United States Volunteer Infantry.

NINTH REGIMENT OF INFANTRY.*To be chaplain.*

Charles T. Walker, of Georgia.

TENTH REGIMENT OF INFANTRY.*To be first lieutenant.*

James A. Roston, of the District of Columbia.

SECOND REGIMENT OF ENGINEERS.*To be captain.*

Thomas W. M. Draper, of Colorado.

To be first lieutenants.

E. Storer Tice, of Colorado.

Frederick J. Mills, of Idaho.

Frederick C. Turner, of California.

Frank L. Brittain, of California.

Lawrence P. Butler, sergeant, Company I, Fourth Missouri Volunteers.

To be second lieutenant.

Thomas Cooney, of Montana.

THIRD REGIMENT OF ENGINEERS.*To be first lieutenant.*

Charles G. Post, quartermaster-sergeant, Battalion of Engineers, United States Army.

APPOINTMENT IN THE ARMY.**QUARTERMASTER'S DEPARTMENT.**

To be military storekeeper with the rank of captain.
Charles D. A. Loeffler, of the District of Columbia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 4, 1898.

COLLECTOR OF CUSTOMS.

Henry Whiting, of Maine, to be collector of customs for the district of Frenchmans Bay, in the State of Maine.

Executive nominations confirmed by the Senate July 5, 1898.

PROMOTIONS IN THE ARMY—INFANTRY ARM.*To be captains, to date from April 26, 1898.*

First Lieut. Frank B. McCoy, Third Infantry.
First Lieut. Elias Chandler, Sixteenth Infantry.
First Lieut. Frank L. Dodds, Ninth Infantry.
First Lieut. Charles R. Noyes, Ninth Infantry.
First Lieut. Charles W. Abbot, jr., Twelfth Infantry.
First Lieut. Richard M. Blatchford, Eleventh Infantry.
First Lieut. James E. Brett, Twenty-fourth Infantry.
First Lieut. John H. Beacon, Third Infantry.
First Lieut. Will T. May, Fifteenth Infantry.
First Lieut. Henry W. Hovey, Twenty-fourth Infantry.
First Lieut. Lawrence J. Hearn, Twenty-first Infantry.
First Lieut. John H. Shollenberger, Tenth Infantry.
First Lieut. Walter K. Wright, Sixteenth Infantry.
First Lieut. Charles B. Hardin, Eighteenth Infantry.
First Lieut. Edwin P. Pendleton, Twenty-third Infantry.
First Lieut. Harry A. Leonhaeuser, Twenty-fifth Infantry.
First Lieut. Charles B. Vogdes, First Infantry.
First Lieut. Charles W. Penrose, Eleventh Infantry.
First Lieut. Daniel L. Howell, Seventh Infantry.

To be first lieutenant, to date from April 26, 1898.

Second Lieut. Thomas F. Schley, Twenty-third Infantry.

APPOINTMENTS IN THE VOLUNTEER ARMY.**SECOND REGIMENT OF ENGINEERS.***To be captain.*

Barton F. Dickson, of Indiana.

To be first lieutenant.

Arthur T. Balentine, of Ohio.

THIRD REGIMENT OF INFANTRY.*To be second lieutenant.*

Edward Harralson, of Georgia.

FOURTH REGIMENT OF INFANTRY.*To be captain.*

Hugh C. Preston, of Virginia.

UNITED STATES VOLUNTEER SIGNAL CORPS.*To be first lieutenant.*

Second Lieut. Charles E. Kilbourne, jr., United States Volunteer Signal Corps.

ASSISTANT UNITED STATES TREASURER.

Charles A. Bosworth, of Ohio, to be assistant treasurer of the United States at Cincinnati, Ohio.

ASSISTANT APPRAISER OF MERCHANDISE.

James Campbell, of Maryland, to be assistant appraiser of merchandise in the district of Baltimore, in the State of Maryland.

COLLECTOR OF CUSTOMS.

Thomas C. Walker, of Virginia, to be collector of customs for the district of Tappahannock, in the State of Virginia.

POSTMASTERS.

J. F. Nicholson, to be postmaster at Monongahela, in the county of Washington and State of Pennsylvania.

Allen P. Dickey, to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania.

John C. McKean, to be postmaster at Charleroi, in the county of Washington and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 5, 1898.

The House was called to order by Mr. BROWNING, Chief Clerk, at 12 o'clock m.

Mr. BROWNING. The Speaker has made the following designation:

I hereby designate Hon. SERENO E. PAYNE, of New York, to preside over the House during the day.

T. B. REED, Speaker.

JULY 5, 1898.

Accordingly Mr. PAYNE took the chair as Speaker pro tempore. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

JOURNAL.

The Journal of the proceedings of Friday last was read.

Mr. DALZELL. Mr. Speaker, I find that in the Journal there is a repetition of an appointment of Mr. LOVERING on a committee, and one sentence ought to be erased. And I find in the RECORD, on page 7332, it would appear that Mr. LOVERING was appointed on both the Committee on Coinage, Weights, and Measures and the Committee on Interstate and Foreign Commerce, when in point of fact he was relieved from service as to the first of those committees and transferred to the second. I ask that the correction be made both in the Journal and RECORD.

The SPEAKER pro tempore. The correction will be made. Is there further objection to the approval of the Journal? [After a pause.] The Chair hears no further objection.

SAIL VESSELS OF OVER 700 TONS.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to call up the bill S. 632, reported by the Committee on Merchant Marine and Fisheries.

Mr. LOVE. Without knowing what the bill is, I reserve the right to object until the bill shall have been read.

The Clerk read as follows:

Be it enacted, etc. That section 4438 of the Revised Statutes be, and is hereby, amended to read as follows:

Sec. 4438. The boards of local inspectors shall license and classify the masters, chief mates, engineers, and pilots of all steam vessels, and the masters and chief mates of sail vessels of over 700 tons. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer, or as master or chief mate of any sail vessel of over 700 tons, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense.

Sec. 2. That section 4439 of the Revised Statutes be, and is hereby, amended to read as follows:

Sec. 4439. Whenever any person applies to be licensed as master of any steam vessel, or of a sail vessel of over 700 tons, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this title applicable to him.

Sec. 3. That section 4440 of the Revised Statutes be, and is hereby, amended to read as follows:

Sec. 4440. Whenever any person applies for authority to be employed as chief mate of steam vessels, or of sail vessels of over 700 tons, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo, and in the handling and stowage of freight, and shall examine him as to his knowledge and ability in navigation and managing such vessels, and all other duties pertaining to his station; and if satisfied of his qualifications and good character, they shall grant him a license authorizing him to perform such duties for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station, or the willful violation of any provision of this title applicable to him.

Sec. 4. That section 4441 of the Revised Statutes be, and is hereby, amended by adding thereto the words: "The local inspectors shall, once in every year, at least, upon application in writing of the master or owner, carefully inspect the hull of each sail vessel of over 700 tons within their respective districts, and shall satisfy themselves that every such vessel so submitted to

their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life."

SEC. 5. That this act shall take effect on July 1, 1899.

The amendments recommended by the committee were read, as follows:

In line 10, page 1, after the word "or" and before the word "as," insert "on and after July 1, 1899;" so that the paragraph shall read:

"It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer, or on or after July 1, 1899, as master or chief mate of any sail vessel of over 700 tons, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of \$100 for each offense."

Strike out all of line 4, in section 3, and the following lines, including the words "to him," in line 18, page 3, and insert:

"SEC. 4440. Whenever any person applies for authority to be employed as chief mate of ocean or coastwise steam vessels or of sail vessels of over 700 tons or as second or third mate of ocean or coastwise steam vessels, who shall have charge of a watch, or whenever any person applies for authority to be employed as mate of river steamers, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo and in handling and stowage of freight, and if for license as chief mate on ocean or coastwise steamers or of sail vessels of over 700 tons or as second or third mate of ocean or coastwise steamers, who shall have charge of a watch, shall also examine him as to his knowledge and ability in navigation and managing such vessels and all other duties pertaining to his station, and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of five years upon the waters upon which he is found qualified to act; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station or the willful violation of any provision of this title."

Section 5, strike out "nine" in line 2 and insert "eight;" so that it will read: "That this act shall take effect on July 1, 1898."

Mr. BAILEY. Mr. Speaker, I would like to inquire of the gentleman in charge of this bill what it means by the language "inspector." Does it mean inspector appointed by State authority or by Federal authority?

Mr. PERKINS. Why, by Federal authority.

Mr. BAILEY. Does this deal entirely with officers who are now appointed by Federal authority?

Mr. PERKINS. The object of the bill is simply to put these sailing vessels above 700 tons upon the same footing as steam vessels.

Mr. BAILEY. And it makes no change in the law except that?

Mr. PERKINS. That is the only purpose of the bill.

Mr. BAILEY. And it does not require the performance of any duties by any of these officers which are now appointed by the States themselves?

Mr. PERKINS. Oh, no.

Mr. SIMPSON. Do I understand that this bill is to apply the law as to steam vessels to sail vessels above 700 tons?

Mr. PERKINS. Yes.

Mr. SIMPSON. That is, officers of sailing vessels shall pass the same examination and shall have a certificate given them as pilots the same as on steam vessels?

Mr. PERKINS. Yes.

Mr. LOVE. Then it is for the protection of the traveling public?

Mr. PERKINS. Yes.

Mr. MINOR. Does this apply to the lakes as well as coastwise trade?

Mr. PERKINS. It is applicable to sail vessels of over 700 tons.

Mr. MINOR. All sail vessels?

Mr. PERKINS. Yes.

Mr. MINOR. Let me ask you this question: What do you propose to do with tow barges? How do you class them—as sailing vessels?

Mr. PERKINS. I do not suppose they are affected by this bill.

Mr. MINOR. Let me say to the gentleman that a part of the time some of these barges are sailing vessels.

Mr. LOUD. A barge can not be a sailing vessel.

Mr. MINOR. They are sailing vessels sometimes.

Mr. LOUD. The term "sailing vessel" must mean that the motive power is sail power.

Mr. MINOR. Let me suggest to the gentleman from California that one trip may be made under sail power by one of these barges from Chicago to Buffalo loaded on her way down with grain, and she may return in tow of a steam vessel. Now, tell me whether it is a tow barge or a sailing vessel?

Mr. LOUD. That would have to be determined by the inspection as to what that vessel's motive power is. Your barges, as a rule—there may be a few exceptions—have not sufficient sailing power to make that the motive power. They have enough, perhaps, in case of a storm, to assist them.

Mr. MINOR. I want to say to the gentleman from California that nearly one-half of all the barges being towed on the Great Lakes are supplied with a sufficient amount of canvas to care for themselves in case the towline parts.

Mr. LOUD. Yes.

Mr. MINOR. They are provided with ground tackle, consisting of two anchors; they have a donkey engine, and generally three spars, and sometimes four, and more or less canvas, so that in case of a storm, where the towline parts, they can make a port or come to anchor in safety.

Mr. LOUD. Very true.

Mr. MINOR. Now, you see this matter is somewhat mixed. If a vessel makes a trip this week in tow of a steam barge, and the same vessel next week makes the trip with her own motive power—canvas—I want to know where she is going to be classed under this bill?

Mr. LOUD. I do not think barges are adapted for making trips under their own power. They have not steam power, as a rule, sufficient to propel them, with a fair wind, over 2 or 3 knots an hour.

Mr. MINOR. Oh, the gentleman is mistaken. There are hundreds of barges being towed on the lakes capable, in a fairly good leading breeze, of making 8 or 10 knots an hour.

Mr. PERKINS. Would not they be classed as barges and not as sailing vessels?

Mr. MINOR. When in tow of steam barges they would be classed as barges.

Mr. PERKINS. They would not be inspected as sailing vessels, but as barges.

Mr. MINOR. While I am a believer in the bill, having believed for years that pilots who take charge of sailing vessels having a carrying capacity of 700 tons or over should bear the same investigation and be examined and have the same qualifications as steam vessels, I want the thing settled so that every barge in tow of a steamboat shall have her officers properly examined, just the same as though they sailed continually.

Mr. SIMPSON. I think the gentleman is entirely right. I know of several disasters that have happened on the lakes where the owners of barges have put incompetent men in charge, and when they have broken loose they were sunk and the crew lost by the ignorance of the commanding officers. I think this law ought to be extended so that the commanders of barges shall be examined.

Mr. LOUD. Let me say to both gentlemen that unless you get this bill before the House you can not get that provision in. If it is before the House, you can offer an amendment of that kind if you want it.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MINOR. Not if we can have a chance to debate it.

The SPEAKER pro tempore. The question is on the amendment proposed by the committee.

The amendments proposed by the committee were agreed to.

Mr. PERKINS. Mr. Speaker, on page 1, in line 6, after the word "chief," I move to insert the words "second and third."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 6, after the word "chief," insert the words "second and third;" so that it shall read: "and classify the masters, chief, second and third mates, engineers and pilots," etc.

The amendment was agreed to.

Mr. PERKINS. Now, Mr. Speaker, I yield to the gentleman from California.

Mr. LOUD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. The Clerk will report.

The Clerk read as follows:

On page 4, line 15, after the word "tons," insert the words "and also all sail vessels carrying passengers."

The amendment was agreed to.

Mr. PERKINS. Mr. Speaker, I now yield to the gentleman from Wisconsin.

Mr. MINOR. Mr. Speaker, I desire to present an amendment to the bill. My chief objection to the bill is that it is not definite enough. I want the bill made specific. I want the same rule to apply to barges that applies to sailing vessels, because, as I stated a moment ago, perhaps one trip a barge is a vessel, depending on her canvas for motive power, and the next trip she is in tow of a steamboat, and I want the men in charge and who are responsible to be just as well qualified, whether she is in tow of other vessels as a barge or a vessel under sail; because they sail one trip and are towed the next trip. Now, in line 7, on the first page, I desire to insert the following after the word vessels: "and all barges in tow of steam vessels."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

On page 1, line 7, after the word "vessel," insert "and all barges in tow of steam vessels."

Mr. PERKINS. I think there is no objection to that amendment.

The amendment was agreed to.

Mr. PERKINS. Now, Mr. Speaker, in the last section of the bill I move to amend the date when this act shall take effect by striking out, in line 21, the word "first" and inserting "fifteenth."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In section 3, line 21, after the word "July," strike out the word "first" and insert "fifteenth."

Mr. BAILEY. Mr. Speaker, I desire to take advantage of this opportunity to ask the gentleman from Iowa, the chairman of the Committee on Printing [Mr. PERKINS], if there is any resolution before his committee looking to the printing of an increased number of copies of the bankruptcy bill? We are now entitled to and credited with 55 copies, and I venture to say that every member has received a request for a greater number than that.

Mr. PERKINS. There is no resolution pending before the committee. The only action taken was the other day on the motion of the chairman of the Judiciary Committee to print that number.

Mr. BAILEY. I desire to ask whether under the rules of the House it will be permissible later on to repeat the request and print as many as we may under the rule of the House? I ask that question because if it is not permissible to repeat that request, I desire to introduce a resolution in regard to obtaining at least as many more copies to our credit.

Mr. RAY of New York. Does the gentleman understand how many copies have been printed for the use of the House?

Mr. BAILEY. There are 55 copies to the credit of each member now.

Mr. RAY of New York. I saw the statement of a Senator that \$500, which, I think, is the limit of expense under the rules, is it not—

Mr. PERKINS. Yes.

Mr. RAY of New York. Would print 25,000 copies.

Mr. PERKINS. About 30,000.

Mr. BAILEY. There are 360 Members and Delegates and 89 Senators. As I have stated, the number of copies now to the credit of each member is 55. My colleague on my left [Mr. BURKE], from the Dallas district of Texas, tells me that he has already requests for 87 copies.

Mr. RAY of New York. I concede that every member of the House ought to have at least double that number. Why can not the matter be provided for by unanimous consent?

Mr. BAILEY. I interrupted the consideration of this bill to make my inquiry, so that if the object can not be accomplished by unanimous consent (as I hope it can be), a resolution on the subject may be introduced. I beg pardon for interrupting the consideration of the present bill.

Mr. PERKINS. I have some doubt upon this matter. The point with me is whether we have not exhausted our right under the rule in printing the whole number of this document that the House is authorized to print independently of concurrent action on the part of the Senate.

Mr. BAILEY. I am inclined to think that is true; otherwise we might evade and defeat the rule by repeating these requests every day. I think it would be fairer, perhaps, to draw a resolution and refer it. I ask the gentleman from New York, a member of the committee, whether he will not draw such a resolution?

Mr. PERKINS. I think we could pass a concurrent resolution for unanimous consent without any reference to a committee.

Mr. RAY of New York. It certainly ought to be done.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Iowa.

The amendment was agreed to.

Mr. LOUD. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "least," in line 13, page 4, insert "or;" so as to read "at least or upon application," etc.

The amendment was agreed to.

Mr. WHEELER of Kentucky. After examining the amendment of the gentleman from Wisconsin [Mr. MINOR], I am satisfied that it includes barges on our navigable rivers. I wish to ask the gentleman whether he has any objection to adding to the bill a proviso exempting barges on navigable rivers. If the provisions of this bill should be extended to barges towed from place to place on the rivers of the country, it would practically amount to a prohibition of such traffic. I do not think any such effect was intended; and that construction will be obviated if an exemption such as I have suggested be inserted.

Mr. LOUD. If the gentleman from Wisconsin modifies his amendment so as to make it applicable only to the Great Lakes, that will accomplish the object.

Mr. WHEELER of Kentucky. There will be no objection to that.

Mr. MINOR. I ask unanimous consent that the amendment I proposed some time ago be so modified as to apply only to barges and sailing vessels on the Great Lakes. That will remove the objection suggested by the gentleman from Kentucky.

The SPEAKER pro tempore. Will the gentleman from Wisconsin send up his proposition in writing?

Mr. WHEELER of Kentucky. I suggest that the difficulty can be obviated by adding to the last section a provision that the bill shall not apply to the navigable rivers of the United States.

Mr. LOUD. That will not do, because in order to reach steamers the provisions of the bill must, of course, extend to rivers.

Mr. WHEELER of Kentucky. I have no interest in this matter further than to limit the operation of the amendment of the gentleman from Wisconsin so that it will not apply to barges on navigable rivers.

Mr. PERKINS. Mr. Speaker, has the gentleman from Wisconsin submitted a modification?

The SPEAKER pro tempore. The gentleman did not state the exact terms of the modification he proposes.

Mr. LOUD. Let us have the amendment read from the desk, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the words of the amendment just added, as follows: "and all barges in tow of steam vessels," insert the words "on the Great Lakes."

Mr. MINOR. That is the amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

Mr. LOUD. Mr. Speaker, it does not seem now that the title of the bill is correct. It ought to be amended to conform with the action taken by the House.

Mr. CANNON. If the words "and for other purposes" were added, it would make it all right.

The SPEAKER pro tempore. If there be no objection, the words suggested by the gentleman from Illinois, "and for other purposes," will be added.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles; in which it requested the concurrence of the House of Representatives:

S. R. 164. Joint resolution preventing discrimination against graduates of legally chartered medical colleges in appointments to the medical corps in the Army, Navy, and Marine-Hospital Service of the United States;

S. 95. An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce;

S. 4728. An act to change the time of holding the United States courts in the eastern district of North Carolina;

S. 4806. An act for the relief of Winslow Warren;

S. 4534. An act granting a pension to Ovid G. Sparks;

S. 4382. An act granting an increase of pension to Eliza M. Miller;

S. 3471. An act for the relief of George H. White, late captain Company H, Nineteenth Michigan Infantry Volunteers;

S. 2681. An act granting an increase of pension to Dwight D. Wilber; and

S. 4823. An act granting an increase of pension to Phineas L. Squires.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7362. An act to grant a pension to Junius Alexander;

H. R. 9874. An act for the relief of John C. Coleman;

H. R. 9195. An act granting a pension to Foster C. Carl;

H. R. 377. An act granting a pension to Susan I. Barrows;

H. R. 3565. An act to grant a pension to Thresa Bonnaveau;

H. R. 4918. An act for the relief of J. Henry Rives, of Virginia;

H. R. 6064. An act granting a pension to Mary A. Watts;

H. R. 2276. An act granting an increase of pension to Almon Stuart;

H. R. 4629. An act for the relief of the owners of the ship *Achilles*;

H. R. 5102. An act granting an increase of pension to Edson Sullivan;

H. R. 9732. An act granting an increase of pension to Mary E. Walker;

H. R. 8090. An act granting a pension to Belle Peter;

H. R. 6160. An act to amend section 4746 of the Revised Statutes of the United States;

H. R. 6093. An act granting a pension to Ellen E. Nash;

H. R. 4283. An act granting an increase of pension to William B. Murray;

H. R. 3081. An act granting an increase of pension to Michael J. Fogerty;

H. R. 2267. An act to increase the pension of Jeremiah Hackett;

H. R. 10477. An act to amend an act entitled "An act to authorize the county of St. Louis, in the State of Minnesota, to build, or authorize the building of, a foot and wagon bridge across the St. Louis River between Minnesota and Wisconsin, at a point near Fond du Lac, in said State of Minnesota," approved June 11,

1896;

H. R. 10693. An act directing the enlistment of cooks in the Regular and Volunteer Armies of the United States;
 H. R. 10117. An act granting a pension to Martha Jennie Freer;
 H. R. 4977. An act granting a pension to Mary Hannah Clark;
 H. R. 6799. An act granting an increase of pension to Warren W. Morgan;
 H. R. 7260. An act granting a pension to James E. Jones;
 H. R. 8286. An act granting an increase of pension to Alphonzo O. Drake;
 H. R. 7306. An act granting an increase of pension to Samuel H. Beckwith;
 H. R. 6841. An act granting an increase of pension to James C. Hervey;
 H. R. 9755. An act granting a pension to Matilda Waedel;
 H. R. 1858. An act granting an increase of pension to William Manley, late private of Company L, Seventeenth Regiment Michigan Volunteer Infantry;
 H. R. 4315. An act to increase the pension of George D. Phinney;
 H. R. 3624. An act granting a pension to Pauline Robbins;
 H. R. 8266. An act to increase the pension of Ann Gibbons; and
 H. R. 4189. An act granting an increase of pension to Newton W. Cooper.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 10561. An act to increase the force of the Ordnance Department;

H. R. 10805. An act to amend the act relating to the pay of volunteer soldiers;

H. R. 4274. An act granting an increase of pension to James S. Chapman; and

H. R. 5888. An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed with and amendments the bill (H. R. 8925) to amend sections 1698 1734 of the Revised Statutes of the United States, asked a conference with the House of Representatives on the said bill and amendments, and had appointed Mr. NELSON, Mr. PASCO, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendment to 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, numbered 30, disagreed to by the House of Representatives.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 164. Joint resolution preventing discrimination against graduates of legally chartered medical colleges in appointments to the medical corps in the Army, Navy, and Marine-Hospital Service of the United States—to the Committee on Military Affairs.

S. 95. An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce—to the Committee on the Merchant Marine and Fisheries.

S. 4728. An act to change the time of holding the United States courts in the eastern district of North Carolina—to the Committee on the Judiciary.

S. 4806. An act for the relief of Winslow Warren—to the Committee on Claims.

S. 4534. An act granting a pension to Ovid G. Sparks—to the Committee on Pensions.

S. 4382. An act granting an increase of pension to Eliza M. Miller—to the Committee on Invalid Pensions.

S. 4545. An act to provide for taking the Twelfth and subsequent censuses—to the Select Committee on the Twelfth Census.

S. 2681. An act granting an increase of pension to Dwight D. Wilber—to the Committee on Invalid Pensions.

S. 3471. An act for the relief of George H. White, late captain Company H, Nineteenth Michigan Infantry Volunteers—to the Committee on Military Affairs.

S. 4823. An act granting an increase of pension to Phineas L. Squires—to the Committee on Invalid Pensions.

PAY OF SESSION EMPLOYEES.

Mr. CANNON. Mr. Speaker, I desire to ask unanimous consent to pass the following appropriation bill, which I send to the desk.

The SPEAKER pro tempore. The bill will be read.

The Clerk read as follows:

A bill (H. R. 10885) making appropriations to pay session employees of the House of Representatives, and for other purposes.

Be it enacted, etc. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as follows: A sufficient sum, not exceeding \$5,000, to pay the following session employees of the House of Representatives from and including the 1st day of July, 1898, until the close of the present session of Congress, at the rates of compensation specified in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1898, and for other purposes, approved March 3, 1897, namely, 1 assistant index clerk in the office of the Clerk; 33 pages, 2 messengers, 3 folders, and 10 laborers, under the Doorkeeper; 7 messengers, under the Postmaster, and 18 clerks to committees during the session.

To pay Henry C. Brewster, for expenses in contested-election case of Ryan against Brewster, \$1,969.70.

COLLECTING INTERNAL REVENUE.

For salaries and expenses of collectors and deputy collectors, surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the act of August 2, 1888, taxing oleomargarine, and the act of August 4, 1886, imposing upon the Government the expense of the inspection of tobacco exported; also the act of June 6, 1896, imposing a tax on filled cheese, fiscal year 1898, \$30,000.

Mr. SAYERS. I would like to ask the gentleman in charge of the bill if the four employees that were authorized by the House to represent the Democratic side of the House are embraced in this proposition?

Mr. CANNON. They are paid from the contingent fund until the 4th of next March, the end of this Congress, as I am informed on inquiry.

Mr. SAYERS. Their payment is not covered by this bill?

Mr. CANNON. No.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered and was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE OVER TOMBIGBEE RIVER, MISSISSIPPI.

Mr. ALLEN. Mr. Speaker, I ask unanimous consent to pass the following bill.

The SPEAKER pro tempore. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc. That the county of Monroe, in the State of Mississippi, is hereby authorized to construct and maintain a bridge and approaches thereto over the Tombigbee River, at or near a point 300 yards north of where the railroad bridge of the main line of the Kansas City, Memphis and Birmingham Railroad crosses said river. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers.

SEC. 2. That any bridge built under the provisions of this act shall be built and constructed without material interference with the security and convenience of navigation, such as is had or practicable to be had on said river, and in order to secure a compliance with this condition the board of supervisors of the said county and State shall submit to the Secretary of War a plan of the bridge provided for in this act, with such other information as may be required by the Secretary of War for a full and satisfactory understanding of the subject; and the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and being satisfied that the bridge built upon such plan will conform to prescribed conditions of this act, to immediately notify the board of supervisors for said county, in said State, that he approves the same, and upon receiving such notification the said county may proceed to the erection of said bridge: *Provided*, That until the Secretary of War shall approve the location and plan of the said bridge the same shall not be commenced or built, and any change in the location or plan before or after completion of the bridge shall be subject to his approval: *Provided further*, That the said bridge shall be so kept and managed as to offer reasonable and proper means for the passage of boats through or under said structure, and for the safety of vessels passing at night there shall be displayed on said bridge, at the expense of the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

SEC. 3. That any bridge constructed under this act and according to these provisions and conditions shall be a lawful structure, over which may be transmitted the mails, troops, and munitions of war of the United States free of charge, and the United States shall have the right of way for postal telegraph purposes across said bridge.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

There being no objection, the bill was considered, and ordered to a third reading; and being read the third time, it was passed.

On motion of Mr. ALLEN, a motion to reconsider the last vote was laid on the table.

INCREASE OF ORDNANCE BUREAU.

Mr. HULL. Mr. Speaker, the Senate has sent over two bills this morning with certain amendments, one of them relating to the Ordnance Department, and I ask consent to take these bills up now with a view to moving to concur in the Senate amendment.

Mr. UNDERWOOD. Has the Committee on Military Affairs unanimously agreed on these bills?

Mr. HULL. I will say to the gentleman that that committee reported a House bill relating to the Ordnance Department which passed the House. It went to the Senate and was there amended, and it is now a mere question if the House does not want to concur with the Senate on these amendments the matter can go to conference at once.

The gentleman from Virginia [Mr. HAY], as the gentleman from Alabama will remember, opposed all additional officers in this department except those appointments temporary in their character.

Mr. UNDERWOOD. I understand that the gentleman desires to take them up in order to get them into conference?

Mr. HULL. My intention was to move to concur. If the gentleman objects to that, then I will move for a conference.

Mr. STEELE. Does this give them increased rank?

Mr. HULL. It gives them additional rank.

Mr. STEELE. I am not surprised at that.

Mr. HULL. If the gentleman from Alabama objects to the motion to concur, I will move that we agree to the request of the Senate for a committee of conference.

Mr. UNDERWOOD. I will ask the gentleman to let it go over until the gentleman from Virginia [Mr. HAY] is present.

Mr. HULL. Why not let it go to conference? We can meet to-day and report it back in a day or two. The Ordnance Department are overwhelmed with work, and it is important that this bill should become a law. Mr. Speaker, I move to nonconcur in the Senate amendments to the bill H. R. 10561, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate amendments to the bill H. R. 10561?

Mr. UNDERWOOD. I have no objection to it going to conference, but I do not see other gentlemen here who are interested in the matter.

Mr. HULL. I do not think there is any objection.

Mr. UNDERWOOD. If it goes to conference, there will be an opportunity for the members of the committee on this side to have a vote on it afterwards, will there?

Mr. HULL. Oh, certainly; they would have to have a vote on it.

Mr. COX. What is the bill?

Mr. HULL. To increase the Ordnance Department.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HULL. I move to nonconcur and agree to the conference asked for.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. HULL, Mr. MARSH, and Mr. COX.

PAY OF VOLUNTEER SOLDIERS.

Mr. HULL. Mr. Speaker, now I ask unanimous consent to take up the bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers, with a view to moving to concur in the Senate amendments. It is a bill in regard to the pay of the Army from the time of the enrollment of soldiers to their muster in. It puts officers and soldiers on the same basis. As it is now, nobody but the enlisted men would get any pay.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for the present consideration of the amendments to a bill the title of which the Clerk will report.

Mr. COX. I desire to ask the chairman of the committee for a little fuller explanation of the bill than he has made. As I understand it, it is to settle the pay of the volunteers from the time they start into the service.

Mr. HULL. Yes; from the date of enrollment.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10805) to amend the act relating to pay of volunteer soldiers.

The SPEAKER pro tempore. Is there objection to the present consideration of the amendments?

Mr. WHEELER of Kentucky. Let the amendments be reported.

The SPEAKER pro tempore. The Clerk will report the amendments, subject to objection.

The Clerk read as follows:

Page 1, line 9, strike out "such" and insert: "all officers and enlisted men." Page 1, line 10, strike out "as are."

Page 2, line 1, after "President" insert: "and all officers and enlisted men who have not been so paid shall be so paid by the Pay Department of the Army out of any moneys appropriated for the maintenance of the Army."

Amend the title so as to read: "An act to amend the act relating to pay of volunteer officers and soldiers."

Mr. HULL. I will say, Mr. Speaker, that this is the bill introduced by the gentleman from Missouri [Mr. DOCKERY]. The former bill as it passed both Houses provided for pay only from the date when these men were received into battalion or regimental rendezvous. In a good many cases they were put in company rendezvous and kept there for some time before they were ordered to regimental or battalion rendezvous. The bill in its main provisions is a law now. This simply enlarges the scope of it so that men and officers are paid from the date of their enrollment and reporting for duty. That is all there is to the amendments, and I move that the House concur.

The SPEAKER pro tempore. Is there objection to the present consideration of the amendments?

There was no objection.

Mr. HULL. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I desire to present a conference report. I ask unanimous consent to dispense with the reading of the conference report and let the statement of the House conferees be read.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to dispense with the reading of the conference report and that the statement of the conferees on the part of the House be read instead. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10801) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 5, 8, 9, 47, 49, 50, 60, 62, 71, 73, 74, 105, 124, 141, 147, 175, 176, 177, 184, 193, 202, 203, 206, and 215.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 34, 35, 40, 41, 42, 45, 46, 48, 51, 52, 53, 54, 55, 56, 57, 58, 61, 63, 64, 65, 67, 68, 69, 72, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137, 138, 139, 140, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 180, 181, 182, 183, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 196, 197, 198, 199, 200, 204, 207, 208, 209, 210, 211, 212, 216, 217, 218, 219, 220, 221, 222, 223, and 224; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To make the salaries of the Second and Third Assistant Secretaries of State \$4,000 each for the fiscal year 1899, \$1,000;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "delegates" and insert in lieu thereof the words "a delegate;" and in line 4 of said amendment, after the word "year," insert the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Relations," insert the following: "At a compensation in full not exceeding \$1,500, which sum is hereby appropriated;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment, insert the following: "To make the salary of the Deputy Commissioner of Internal Revenue \$4,000 for the fiscal year 1899, \$800;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: At the end of said amendment insert the following: ".: Provided, That no payment shall be made hereunder until the sureties on said contract shall consent in writing to the same;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and add at the end thereof the following: ".: Provided, That no part of this sum shall be expended for pneumatic-tube service connected outside of said building;" and the Senate agree to the same.

Amendments numbered 33, 37, and 38: That the House recede from its disagreement to the amendments of the Senate numbered 33, 37, and 38, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendments to come in after line 12 on page 120 of the bill; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The salaries of the officers and clerks of the mint at New Orleans, La., shall be the same in number and amount for the fiscal year 1899 as for the fiscal year 1898, and for this purpose the sum of \$8,750 is hereby appropriated in addition to the amount appropriated in the legislative, executive, and judicial appropriation act for the fiscal year 1899."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Dakota," insert the words "fiscal year 1899;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "same," insert the words "fiscal year 1899;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and add thereto the following: ".: Provided, That during such time as jurors are not in attendance upon said criminal courts the marshal may in such cases impanel the jurors in attendance upon the police court, who shall perform such duties in addition to and as part of their duties in said police court;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to come in after line 16 on page 117 of the bill; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the jurisdiction over the places purchased for the location of the Branches of the National Home for Disabled Volunteer Soldiers, under and by authority of an act of Congress approved July 23, 1888, in Grant County, State of Indiana, and upon which said Branch Home is located, and by authority of an act of Congress approved June 4, 1897, at the town of Danville, in the county of Vermilion, State of Illinois, and upon which said Branch is now located, is hereby ceded to the respective States in which said Branches are located and relinquished by the United States; and the United States shall claim or exercise no jurisdiction over said places after the passage of this act: *Provided*, That nothing contained herein shall be construed to impair the powers and rights heretofore conferred upon the Board of Managers of the National Home for Disabled Volunteer Soldiers in and over said places."

And the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 5, 6, and 7, the following: "and as far as practicable from the residents of the respective States where forest reservations exist or may hereafter be set apart;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Add at the end of the matter inserted by said amendment the following: "And so much of the trust vested in said boards and heretofore initiated as shall remain unexecuted on said date shall be vested in the Commissioner of the General Land Office, who is hereby authorized and empowered to complete the same;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For additional pay of physician employed by contract for the Indians of the Walker River Indian Reservation in Nevada, fiscal year 1899, \$300;" and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 9 and 10, the following: "and no such sum shall be barred by the statute of limitations;" and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$60,000;" and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with amendments as follows: In lieu of the number proposed insert "119;" and on page 100 of the bill, after line 24, insert, as a separate paragraph, the following:

"Total amount of pay to increased force of Regular Army under this act, \$4,017,804."

And on page 102 of the bill, in line 16, after the word "surgeons," insert the words "at 7 cents per mile."

And the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with amendments as follows: In lieu of the sum proposed insert "\$3,968,475;" and after said amendment insert as a separate paragraph the following:

"For pay of 42,000 enlisted men to complete regiments already organized, \$5,950,718.32."

And the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$17,000;" and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$28,400;" and the Senate agree to the same.

On the amendment of the Senate numbered 30 the committee of conference have been unable to agree.

J. G. CANNON,
JOSEPH D. SAYERS,
Managers on the part of the House.
EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10391) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, submit the following written statement in explanation of the accompanying conference report, namely:

The Senate made 224 amendments and added \$10,220,906.87 to the bill.

Of the whole sum added, \$8,401,510 is for expenses of the war with Spain, submitted in estimates since the bill was passed by the House, and is recommended to be agreed to by the conference committee.

The appropriations proposed by the House of \$50,000, respectively for a Canadian commission and to complete the appraisers' warehouse in New York, stricken out by the Senate, are recommended to be restored by the conference committee.

Of the remaining sum added by the Senate, \$1,069,306.03 is substantially all to meet deficiencies, including the payment of judgments and audited accounts, submitted in estimates since the bill was passed by the House, and is recommended to be agreed to by the conference committee.

The conference committee recommend that the Senate recede from amendments appropriating \$250,087.24.

The conference committee have been unable to agree on the amendment of the Senate numbered 30, to provide for the settlement of the claims of the United States against the Central Pacific Railroad Company, and appropriating \$20,000 therefor.

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

Mr. CANNON. Mr. Speaker, I desire unanimous consent to print in the RECORD a telegram and letter from the Secretary of the Navy, which explains an item of \$320,000 for dredging Eliza-

beth River at or near Norfolk Navy-Yard, for the purpose of getting a deeper channel, as a war measure. Ordinarily, it would be considered as a river and harbor item, but it appeared to the conferees on the part of the House as well as the Senate that it was absolutely necessary for this appropriation to be made from a war standpoint. I will not take the time to read it, but ask that it be inserted in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to print in the RECORD the matter which he has presented.

There was no objection.

The letter and telegram are as follows:

WAR DEPARTMENT, July 1, 1898.

To Hon. W. B. HOOKER:

As the amendment states, the object is to admit largest vessels in the Navy to the Norfolk Navy-Yard. I presume it was made at the request of the Secretary of the Navy. I suggest that you ask him if he deems it necessary as a war measure.

JOHN M. WILSON,
Brigadier-General, Chief of Engineers.

NAVY DEPARTMENT, July 1, 1898.

To Hon. W. B. HOOKER:

Will send you copy of letter to chairman Naval Affairs Committee of Senate of 23d ultimo regarding improvements to Elizabeth River. Messenger is on his way.

JOHN D. LONG.

NAVY DEPARTMENT, Washington, June 23, 1898.

SIR: Referring to the committee's communication of the 21st instant, inclosing copy of bill S. 4647, "to widen, deepen, and improve the channel of Elizabeth River, Virginia, from Hampton Roads to the Norfolk Navy-Yard," and requesting the views of the Department in regard to the same, I have the honor to inform you that, the matter having been referred to the Bureau of Yards and Docks, the Chief of said Bureau has reported thereon as follows:

"It is considered of the highest importance by the Bureau that a channel of sufficient depth and width to admit the passage of the largest vessels of the Navy at all stages of the tide between Hampton Roads and the Norfolk Navy-Yard be dredged immediately. The largest vessels draw 27 feet 2 inches of water, and a minimum depth of 28 feet at low water should be attained at once in order to make the plant at the Norfolk Navy-Yard available for all the naval vessels for repairs in case of emergency.

"Any disaster to a large number of our ships in the South would render it of the utmost importance that the southernmost navy-yard, possessing facilities for repairs and renovation, be accessible to all classes of vessels at all times, and I have the honor to state that I consider the measure embodied in the bill S. 4647 one of great urgency, and particularly so at this juncture when the fortunes of war might render the failure to make a provision of this character a public misfortune."

Concurring with the views expressed in the foregoing report, the Department commands the bill to the prompt and favorable consideration of the committee.

Very respectfully,

JOHN D. LONG,
Secretary.

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

Mr. MAGUIRE. I have no objection to this request, but I want it understood that the Pacific railroad proposition is to come up unembarrassed by any other proposition.

Mr. CANNON. One moment. I first want to adopt the conference report.

Mr. MAGUIRE. What effect will that have?

Mr. SAYERS. None whatever. It will not have the slightest effect.

Mr. CANNON. Then we can agree about that item.

Mr. MAGUIRE. Very well.

Mr. CANNON. Now, all the items in this bill in difference between the House and the Senate are agreed to except one, and there is a disagreement as to the item touching the Central Pacific and Western Pacific railroads. I move the adoption of the conference report.

The report of the committee of conference was agreed to.

On motion of Mr. CANNON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. CANNON. Now, Mr. Speaker, as there is one item not agreed to, and the only item upon the bill—namely, that just indicated—and as the gentleman from California expressed a desire to be heard touching the same when this matter went to conference, I will ask the gentleman if we can agree at this time upon the length of debate upon the matter?

Mr. MAGUIRE. Mr. Speaker, this amendment to the general deficiency bill is a proposition to refund the indebtedness of the Central Pacific and the Western Pacific railroads to the Government. It involves all the questions that were involved in the discussion of the refunding bills in the Fifty-third and Fifty-fourth Congresses. In each of those Congresses three days were allowed for debate on the funding bill, and in each case the House, after full debate, by overwhelming majorities, voted down the measure. It seems to me we ought to have the same time for debate on this measure.

Mr. CANNON. Well, now, I say to the gentleman three days, so far as I am concerned, is absolutely impossible, unless a majority of the House should so determine, at this stage of the session. The Pacific railroads and all matters in connection therewith have been matter of public history for many, many years and, I think, are fully understood by the House. The provision is

short and exceedingly easily understood. I will ask the gentleman if that is the best indication he can give as to the time?

Mr. MAGUIRE. That is the best indication I can give. It seems to me that, notwithstanding it is a short measure, committing the power of Congress to a commission to do a thing that Congress twice by an overwhelming majority refused to do, involves in the discussion all that was involved in the attempt to do the same through Congressional action.

Mr. MAHANY. In other words, it is a plan to delegate to a commission powers which Congress has refused to exercise itself.

Mr. MAGUIRE. That is the practical purpose.

Mr. HOPKINS. I will ask the gentleman, in view of the fact that the subject has been discussed, as he has stated, if it will not now take much less time to consider it?

Mr. CANNON. If the gentleman has no other proposition to make, I will, Mr. Speaker, retain the floor for the balance of my hour. The gentleman is entitled to be heard, I have no doubt, and if the gentleman will take his hour, well and good, and then I will have to pursue my own course as to the time. I will ask the House to sustain me in a motion for the previous question.

Mr. MAGUIRE. An hour's debate on this question would be simply absurd; simply absurd.

Mr. CANNON. I am saying, as the gentleman will not, from my standpoint, submit any reasonable request, that I will not move the previous question now. If the gentleman desires time, he can take it now.

Mr. MAGUIRE. I desire time for a great many people, and particularly for the members of the minority of the Committee on Pacific Railroads, to which this measure has never been submitted, and it has never been before any committee of the House or Senate, except perfunctorily before the Senate committee, with a seven-line report on it.

Mr. CANNON. I will say to the gentleman I will submit now, not to be bound by it, this request as to the time when I will move the previous question and have it ordered, if the majority is with me—I will submit to the gentleman, however, again a request for unanimous consent that we vote upon the motion, a parliamentary motion to be made, to-morrow at 1 o'clock, to concur in this amendment. That I believe is the motion of highest privilege.

Mr. BAILEY. Will the gentleman from Illinois permit me to inquire if this is the only matter in difference between the conferees of the two Houses, and with the disposal of this the whole bill is disposed of?

Mr. CANNON. If this amendment were disposed of, the whole bill would be disposed of.

Mr. BAILEY. Then it does seem to me that if we get through with it to-morrow, it is just as little time as you could ask the gentleman from California and his friends to agree to.

Mr. MAGUIRE. Several gentlemen here who are as much interested in the measure as I am have suggested 4 o'clock to-morrow. Even with a vote at that time I expect many gentlemen who wish to speak will be shut out.

Mr. CANNON. Well, there are other matters of importance to come up, too.

Mr. SAYERS. I will suggest to the gentleman from Illinois that he had better put it at 4 o'clock to-morrow.

Mr. SHAFROTH. That will only give four hours on a side.

Mr. CANNON. Well, there are other matters that are liable to come up, possibly very important matters; make it 2 o'clock.

Mr. LIVINGSTON. I hope the chairman of the committee will agree to 4 o'clock.

Mr. CANNON. Well, Mr. Speaker, I will ask unanimous consent that a vote may be taken at 4 o'clock to-morrow on a motion to concur, which is the one of highest parliamentary privilege upon this bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that a vote be taken at 4 o'clock to-morrow on a motion to concur.

Mr. MAGUIRE. I desire, in connection with that motion, to submit a motion to instruct the House conferees to nonconcur.

Mr. CANNON. Well, if we refuse to concur, that of itself is nonconcurrent.

The SPEAKER pro tempore. That would be in order after the other motion is disposed of.

Mr. CANNON. The motion in order—the highest parliamentary privilege—is the motion to concur; and if the House refuses to concur, that of itself is equivalent to a vote to nonconcur.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none; and it is so ordered.

PRINTING OF BANKRUPTCY BILL.

Mr. RAY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed of public act No. 171, "An act to establish a uniform system of bankruptcy throughout the United States," 75,000 copies; 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

On motion of Mr. RAY of New York, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

Mr. BAILEY. It is understood that under this resolution the copies will be apportioned to the members?

Mr. RAY of New York. Certainly.

Mr. HOPKINS. Well, you had better have it in the resolution.

Mr. RAY of New York. The chairman of the committee told me it was unnecessary.

Subsequently,

Mr. RAY of New York said: Mr. Speaker, in asking the adoption of the resolution for printing extra copies of the bankruptcy bill I supposed that these additional copies would be printed with the index as prepared by the Clerk. He tells me that the index will not be included unless provision is made to that effect. In order that such an amendment may be inserted, I ask unanimous consent to reconsider the vote by which the concurrent resolution was adopted.

There was no objection.

Mr. RAY of New York. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Amend resolution so as to read:

Resolved, etc., That there be printed of public act 171, "An act to establish a uniform system of bankruptcy throughout the United States," 75,000 copies; 50,000 for the use of the House of Representatives and 25,000 for the use of the Senate; that such print be of the act with the index as prepared by the Clerk."

The amendment was agreed to.

The resolution as amended was adopted.

On motion of Mr. RAY of New York, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

S. 3232. An act granting a pension to Edward Madden;
S. 4231. An act granting an increase of pension to Millie A. Berry;
S. 3777. An act granting an increase of pension to Curtis B. McIntosh;
S. 4630. An act to increase the pension of Chauncey A. Bradley;
S. 1918. An act to increase the pension of William Sharrock;
S. 2965. An act granting a pension to Lewis E. Humpton;
S. 4207. An act granting a pension to Louisa Hale;
S. 3276. An act granting a pension to Mary Ellen Lauriat;
S. 409. An act to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham;
S. 2618. An act granting an increase of pension to William H. Wendell;
S. 605. An act granting pension to Vinton Massie; and
S. 539. An act granting an increase of pension to Clarinda S. Hillman.

The message also announced that the Senate had passed bills of the following titles, with amendments in which the concurrence of the House was requested:

H. R. 9140. An act granting an increase of pension to Felix Tait;
H. R. 8370. An act granting a pension to Pryor Perkins;
H. R. 6525. An act granting a pension to Mary Ann Sullivan;
H. R. 8950. An act increasing the pension of Mrs. Sarah Fry;
H. R. 4916. An act granting a pension to Virginia C. Fleanor;
H. R. 4484. An act granting a pension to Miriam V. Kenny;
H. R. 727. An act granting a pension to Olive H. South;
H. R. 8724. An act granting a pension to Addie L. Ballou;
H. R. 7841. An act granting an increase of pension to George S. Walton;
H. R. 6482. An act granting a pension to Herbert W. Leach;
H. R. 8243. An act granting a pension to John Connolly;
H. R. 8551. An act to increase the pension of Armenias H. Evans;
H. R. 9765. An act to increase the pension of John N. Wiley;
H. R. 8679. An act granting an increase of pension to Eugene A. Shaw;
H. R. 7989. An act granting an increase of pension to Annie J. Bassett;
H. R. 3164. An act granting a pension to Alden B. Thompson;
H. R. 5069. An act to pension Jacob N. Atherton;
H. R. 4811. An act granting a pension to Jane E. Zink;

H. R. 9295. An act granting an increase of pension to Justin O. Hottenstein;

H. R. 3001. An act granting a pension to Mary McLaughlin;

H. R. 2673. An act granting an increase of pension to Diana Clark;

H. R. 8501. An act for the relief of Corydon G. Crafts;

H. R. 6427. An act for the relief of Clarissa A. Dunham;

H. R. 2497. An act to increase the pension of James E. Eaton; and

H. R. 9206. An act to incorporate the Washington and University Railroad Company, of the District of Columbia.

The message also announced that the Senate had passed without amendment the bill (H. R. 3598) granting a pension to Henrietta Fowler.

BEAUTIFYING POST-OFFICE PROPERTY IN SAGINAW, MICH.

Mr. BRUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10709) to authorize the city of Saginaw, Mich., to beautify and use as a public park the United States post-office property in said city, under rules and regulations prescribed by the Secretary of the Treasury.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and empowered to grant to the city of Saginaw, Mich., the privilege of beautifying and using for a public park such part of the United States post-office property situated in said city of Saginaw, Mich., as he may deem necessary to hold for the purpose of which it was purchased: *Provided*, That the Secretary of the Treasury may terminate such grant or privilege at any time.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

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. BRUCKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

GENERAL DEFICIENCY BILL.

The House resumed the consideration of the conference report on the general deficiency bill.

Mr. BAILEY. Mr. Speaker, I presume the gentleman from Illinois [Mr. CANNON] will desire to control the time in favor of a motion to concur. I ask unanimous consent that the gentleman from California [Mr. MAGUIRE] be permitted to control the time in opposition to the motion to concur.

Mr. CANNON. I have no desire about it one way or the other. I suppose the Speaker would control the time.

Mr. BAILEY. I make the request because I know there have been applications to the gentleman from California for time, and he is more familiar with it than anybody else on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas, that the time be equally divided and that the gentleman from Illinois [Mr. CANNON] control the time on that side and the gentleman from California [Mr. MAGUIRE] control the time against the motion?

Mr. BABCOCK. I ask for the regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin calls for the regular order, which is equivalent to an objection.

Mr. SAYERS. I hope the gentleman from Wisconsin will not do that.

Mr. BABCOCK. I do not object to the division of time.

The SPEAKER pro tempore. The gentleman from Wisconsin withdraws his objection. Is there further objection? [After a pause.] The Chair hears none.

Mr. BABCOCK. Now, Mr. Speaker, I renew my request for the regular order.

The SPEAKER pro tempore. The regular order is the consideration of the motion of the gentleman from Illinois to concur in the amendment to the deficiency bill.

Mr. MAGUIRE. I should be pleased to hear a statement from the chairman of the committee on the reason for tacking this Pacific bill onto the general deficiency bill before we proceed on our side.

Mr. CANNON. No applications have been made to me for time in debate up to this time. Fixing the vote at 4 o'clock to-morrow was purely a concession to the gentleman from California and those who agree with him. Until applications are made to me, I can not tell who will desire to talk on this side.

Mr. MAGUIRE. Are there no statements to be made as to the reason why this amendment should be added to the general deficiency bill?

Mr. CANNON. I understand in a general way, I will say to the gentleman, in justice to him, that this is a Senate amendment put on by unanimous action by the Senate, touching the Central and Western Pacific railways. I understand that on the 1st day of next January the Central and Western Pacific railways will be indebted to the United States in the sum of \$59,000,000 in round numbers; that this \$59,000,000 is a second lien upon these two railways; that the first lien upon the railways, a prior lien, is in

round numbers \$28,000,000 or a little less, making the total indebtedness to the Central and Western Pacific railways \$87,000,000 in round numbers. And this is after deducting the sinking fund and various legal claims that the Central Pacific Railway has against the United States for transportation, etc.

Mr. LOVE. Are both these roads owned and operated by the same company or by different companies?

Mr. CANNON. For information on that subject I will refer the gentleman to the Pacific Railroad Committee. I do not care to go into a discussion of that subject, nor does it make any difference who owns and operates these roads. I am trying to get a statement of the indebtedness of these two companies to the Government.

Mr. LOVE. I wanted to find out whether these two roads are owned and operated by one company or by two. I think this a question of some importance in arriving at the best solution.

Mr. CANNON. I suppose they are owned by one company; yet I do not know nor do I care whether they are owned by one, two, or more companies. I am trying to get at the fact of what the indebtedness is to the Government, what is the amount of indebtedness prior to the Government lien, what is the total amount, and what is the prospect of our getting our money. That is the question to which I am trying to address myself. As to whether these roads are leased by other companies, as to who operates them, that is a matter of no importance, at least for the purposes of this discussion.

These roads are 860 miles in length, the two together carrying an indebtedness of something over \$100,000 to the mile. The Central Pacific road commences, as I understand, 5 miles west of Ogden and runs to Sacramento; the Western Pacific commences at or about Sacramento and runs to San Jose.

Now, all this money is now due except in round numbers about \$10,000,000, which (having in the meantime been paid out of the Treasury under a former law to redeem the subsidiary bonds) will be due the 1st day of next January, so that the whole \$60,000,000, or, to be accurate, \$59,000,000, will then be due and owing, subject to the lien of \$27,000,000 or \$28,000,000, which is a first mortgage prior to the Government lien.

Now, in this condition the question arises, What is it best for the United States to do in order to secure this great sum of money? One remedy might be to foreclose. If there should be a foreclosure and no purchaser then the United States, to get possession of the roads, must pay the first mortgage—\$27,000,000 or \$28,000,000. I hope the United States will not be forced to do that, for various reasons. One is, I do not want the United States to own this railway or any other. I am opposed to the ownership of railways by the United States. I would rather that this debt should never be collected than that we should enter upon the policy of Government ownership of railways.

Now let me read the amendment which the Senate has put upon this bill:

That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General, and their successors in office, be, and they are hereby, appointed a commission with full power to settle the indebtedness to the Government growing out of the issue of bonds in aid of the construction of the Central Pacific and Western Pacific bond-aided railroads, upon such terms and in such manner as may be agreed upon by them, or by a majority of them, and the owners of said railroads: *Provided*, That any and all settlements thus made shall be submitted in writing to the President for his approval or disapproval, and unless approved by him shall not be binding.

That said commission shall not agree to accept a less sum in settlement of the amount due the United States than the full amount of the principal and interest and all amounts necessary to reimburse the United States for moneys paid for interest or otherwise: *And also provided*, That said commission are hereby empowered to grant such time or times of payment by installment, and at such rates of interest, to be not less than 3 per cent per annum, payable semiannually, and with such security as to said commission may seem expedient: *Provided, however*, That in any settlement that may be made the final payment and full discharge of said indebtedness shall not be postponed to exceed ten years, and the whole amount, principal and interest, shall be paid in equal semiannual installments within the period so limited, and in any settlement made it shall be provided that if default shall be made in any payment of either principal or interest or any part thereof then the whole sum and all installments, principal and interest, shall immediately become due and payable, notwithstanding any other stipulation of said settlement.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 to defray the expenses of said commission in making the said settlement.

Mr. BARHAM. Allow me to ask when is the settlement under this bill to be perfected and to take effect?

Mr. CANNON. Within such reasonable time as it is practicable to perfect it; and if not perfected to suit the discretion of Congress, the whole matter is subject to future legislation.

Mr. BARHAM. Then will the question have to come back to Congress for future legislation in the event of a failure to perfect a settlement within a reasonable time?

Mr. CANNON. Not necessarily, I apprehend. But if the gentleman thinks that this provision will not lead to a settlement, then he does not agree with the best experts with whom I have been able to get in touch.

Mr. BARHAM. Why should we not make this matter specific? If it is the purpose not to have this settlement hung up indefinitely in the event that the railroad company should continue to make

propositions which the Government would not accept, why should there be any objection to putting upon this measure a proviso limiting the time in which a settlement shall be made—five months, six months, ten months, one year—any reasonable time?

Mr. CANNON. This provision anticipates that a settlement will be made within a reasonable time. And if, when Congress comes together again on the first Monday of December, satisfactory headway has not been made to secure this great amount that is due to the Government—\$60,000,000—we shall then be within a month of the time when the last installment will be due; and it will then be quite competent for Congress, if necessary, to take action.

Mr. BARHAM. Further action?

Mr. CANNON. Further action.

Mr. BARHAM. Then the gentleman thinks that under this measure, before the President could proceed to enforce payment, Congress, in the event of the passage of this bill, would have to take further action?

Mr. CANNON. I do not say so. I say it is quite within the power of Congress at any time to take further action.

Mr. BARHAM. But has not Congress already taken action?

Mr. CANNON. The gentleman knows better than I do the legislation already upon the statute books touching the Pacific Railway—

Mr. BARHAM. Yes; I know a good deal about it.

Mr. CANNON. And this provision in no way repeals that legislation, as I understand.

Mr. BARHAM. In the event that this bill should pass, can the President proceed to foreclose this mortgage?

Mr. CANNON. In my judgment, yes.

Mr. BARHAM. I hope that is so.

Mr. BELFORD. Now, the bonds that are to be foreclosed, will they be foreclosed by the Pacific Railway Company?

Mr. CANNON. What bonds does the gentleman refer to?

Mr. BELFORD. Why, all of the bonds—the mortgage bonds outstanding or authorized.

Mr. CANNON. The railroad companies in question, I will state to the gentleman, do not hold any bonds.

Mr. BARHAM. They have all been disposed of.

Mr. POWERS. All of them.

Mr. CANNON. Then the companies owe \$87,000,000, in round numbers.

Mr. BELFORD. I only wanted to get at the facts and to be satisfied as to the proposition pending.

Mr. CANNON. I will try to satisfy the gentleman, if I can possibly do so. There are better experts than I, who could give the information much more assuredly than I can. But I will give the gentleman such information as I have. I have given to the matter the best attention I could, as a member of Congress, for some twenty years, and have a general knowledge of the subject, without that close technical information which others possess.

There are, as I have said, about \$87,000,000, in round numbers, due by these roads. That is to say, the United States is the creditor of the Central and Western Pacific railroad companies to the extent of \$59,000,000. Then these railroads owe other parties \$27,000,000 and upward, which is a security prior—or, in other words, a prior lien—to that of the United States.

Mr. DE VRIES. In the statement the gentleman is now making as to the outstanding liabilities to other parties of \$27,000,000, does he take into consideration the moneys in the Treasury which are applicable under the sinking fund?

Mr. CANNON. Oh, yes; I have taken into consideration all of the amounts due from the sinking fund and other sources.

Mr. DE VRIES. I think the gentleman has not included that.

Mr. CANNON. Well, I think the gentleman is mistaken; but I will refer him to the public-debt statement, which gives the exact figures. I have given the figures from the best information I have been able to secure. I have given it from the reports, as I gather them, and from the best examination that has been accessible to me.

Now, then, this amount is over \$100,000 a mile of indebtedness upon each mile of the Central and Western Pacific railroads, 860 miles in all, in round numbers, commencing at a point 5 miles west of Ogden and running to Sacramento through the desert and over the mountains, and commencing at or near Sacramento and running the rest of the distance to San Jose.

Mr. POWERS. If the gentleman will permit an interruption, from 5 miles west of Ogden it runs through an absolute desert for 569 miles, with no local business whatever upon it.

Mr. CANNON. I understand that to be a fact from the reports, and in truth I may say that I know it to be a fact from personal observation, having gone over the road.

Now, the question comes up, What shall we do to secure the payment of this large sum of money to the United States? The Senate of the United States under its rules or not under its rules, I do not care which, in an emergency has put the amendment

which has just been read on the deficiency bill. In the House such an amendment would have been subject to the point of order. But it was deemed of such great importance that something should be done that the Senate put it on, the Populists, Democrats, and Republicans all uniting by unanimous consent in so placing it; and that unanimous consent included, of course, the two Senators from California, the two Senators from Nevada, the two Senators from Utah, and all the Senators, and we find it now on the bill.

Mr. Speaker, after the best inquiry I have been able to make, my judgment is that it is wise on the part of the House under all of the conditions to concur in the Senate amendment and let us see what can be done to secure this settlement.

Mr. CASTLE. If the gentleman will permit me, he speaks of certain securities. Will he be kind enough to state just what they are?

Mr. CANNON. Oh, I do not know exactly, nor, in fact, do I care. That is to say, I mean I do not know correctly just what they are.

Mr. CASTLE. Are they any better than the Government now holds under the original charter?

Mr. CANNON. I suppose so; and still I could not speak with certain knowledge. Certainly we could have none worse than the Government now holds under existing conditions.

Mr. CASTLE. One further question. If these roads have not paid anything in thirty years, by what parity of reasoning does the chairman of this committee expect them to pay the entire debt in ten years?

Mr. CANNON. Oh, the roads have not failed to pay anything in thirty years. The roads have transported the supplies of the Government, and that has gone as a credit upon this indebtedness. Then there is the 5 per cent sinking fund and the sinking fund under the Thurman Act. I thought I had the figures here showing the amount which has been paid. It is quite a large amount.

Now, much can be said to muddy the water, and I have no doubt much will be said in this discussion to muddy the water, but I trust the House will keep down to the business proposition. There has been declamation year in and year out ever since the Pacific railroads were constructed; declamation about the plutocrats, about the great fortunes that have been made. How just or unjust that declamation has been it is not for me to say, nor for the purposes of this amendment is it necessary for me to inquire. That country was an untracked desert, a wilderness, when those roads were built. Most of the way it is now a settled country, with many Commonwealths. You recollect the old story of Columbus and the egg. He stood it on end, and after he showed them how, any fool could stand it upon end.

Now, whether one man is wise or another unwise, whether anybody has been oppressed or anybody has been favored, whether there might have been better legislation to develop that great country west of the Missouri River than was had I do not know, and it is not profitable to inquire. That is of the past. Let us act wisely in the present and wisely in the future. It is useless to inquire whether mistakes were made or whether they were not made. Nor is it necessary to inquire whether there has been oppression, as I have heard talked by the hour upon the floor of this House.

I have heard men get up and seemingly start their mouths to going and go away and leave them "calamityizing" and talking about oppression. There may have been oppression. It is not necessary for me to inquire. If there was, I am not responsible for it. We are not responsible for it. But we find here to-day this great indebtedness of \$59,000,000 to the Government, with \$27,000,000 ahead of it as a first lien upon this property, covering a railroad that is without terminal facilities, and that might as well run the most of the way through a tunnel or over a bridge. The question is, What can we do, if anything, to collect this great sum and get it into the Treasury?

The Senate in its wisdom unanimously proposes to create this commission of three Cabinet officers to make the best agreement they can touching securities, upon the basis of full payment, with 3 per cent interest, twenty semiannual payments, in not longer than ten years; if there is default in any one payment, the whole to come due. Otherwise the hands of this commission are left untied, and when the agreement is made it is to be submitted to the President of the United States, to be ratified by him, an agreement to be made under the white light of public criticism. It is hoped and believed by those familiar with such matters that this agreement will result in securing to the Government this great sum of money. I hope it will so turn out, and for that reason I believe the Senate acted wisely and that it is the part of wisdom for the House to concur in the Senate amendment.

Mr. BELFORD. Will the gentleman allow a question?

Mr. CANNON. Yes.

Mr. BELFORD. Do I understand that the Senate's proposal is to accept the House proposition with an amendment?

Mr. CANNON. No; the Senate proposition I have just read.

The vote is to be taken at 4 o'clock to-morrow on concurring in the Senate amendment. If the House votes to concur, that passes the bill.

Mr. FARIS. They ask us to concur in their amendment.

Mr. CANNON. They ask us to concur in their amendment.

Mr. HILBORN. Will the gentleman allow me to ask him a question?

Mr. CANNON. Yes.

Mr. HILBORN. What exigency has arisen to make it necessary to legislate in this unusual way? Why put it upon an appropriation bill at the very close of the session?

Mr. CANNON. The Representative from California had better make that inquiry of his Senators, Senator WHITE and Senator PERKINS, and of a unanimous Senate, than to make it of me. The Senate put on the amendment.

Mr. MAGUIRE. Will the gentleman permit me to read Senator WHITE's answer to that question?

Mr. CANNON. Oh, in the gentleman's own time he can discuss it. I am now answering the gentleman's colleague [Mr. HILBORN]. The gentleman says why put it upon this bill? In my years of service in this House I have heard this matter discussed a number of times, standing by itself, when bills have been reported from the appropriate committees. I have heard gentlemen discuss the proposition with wisdom and, as it seems to me, I have heard other gentlemen discuss it with unwise. I have heard the vials of wrath uncorked upon the heads of individuals. I have heard efforts made to touch the public sentiment of the State or States in which the Pacific railroads are situated in whole or in part.

I have seen times when it was perfectly patent to me that, instead of talking to the merits of the question, gentlemen were talking to their constituents, playing, as I thought, upon prejudice. I have seen every kind of economist—I will not say crank—I have seen every kind of economist exploit his notions in the discussion of bills touching this indebtedness in the years that have passed by. Some wanted Government ownership, some wanted confiscation, somebody wanted to take them by the nape of the neck and the scruff of the breeches and throw them over the fence, and others say "Let us wait until the debt has matured."

Mr. BELFORD. It has matured now.

Mr. CANNON. For one reason or another the committee has decided the time has come; the day is here—

Mr. BELFORD. Right now.

Mr. CANNON (continuing). When action is called for; and with the highest respect to every member of this House, I do not choose, and would not criticise anybody, because I represent my constituency and the great public sentiment of the country according to the best of my ability, and it lies not in my mouth to criticise somebody else who does the same thing. Situated as I am, representing a constituency, trying to speak from a business, sensible standpoint, in my judgment the time has now come to concur in this Senate amendment. I hope, aye, more, upon the best information I can get, I believe, from my best judgment, after inquiry, that it will result in the coming into the Treasury of the whole amount of our debt. If so, I am ready to cry "Hallelujah," that is what we want, without regard to anybody's politics, to anybody's interests, to anybody's prejudices, hopes, or fears.

Mr. BARHAM. Now, will the gentleman answer me this question? The gentleman is a lawyer, and a good one. Will you say that the President of the United States next January, when the full amount matures, can then proceed, if settlement has not been had, to the foreclosure of this mortgage?

Mr. CANNON. In my judgment, this does not repeal the other law.

Mr. BARHAM. The existing law.

Mr. CANNON. But I will say to my friend that he does me too much honor.

Mr. BARHAM. No, no.

Mr. CANNON. I have been away from the bar for a quarter of a century, and never was more than a good hustling circuit-court attorney. There is the gentleman from Vermont, the gentleman from Iowa, and the gentleman from Indiana, upon the Committee on Pacific Railroads.

Mr. BELFORD. And "the gentleman from New York."

Mr. CANNON. And the gentleman from New York—who have given this matter special attention, and are more competent to answer the question than I am.

Mr. BARHAM. Who is the gentleman from New York?

Mr. BELFORD. The gentleman representing the First district.

Mr. MAGUIRE. Permit me to ask the gentleman from Illinois who has asked for this legislation?

Mr. CANNON. I will say to the gentleman, I know not. I find it by way of a Senate amendment touching a matter that I am compelled to have knowledge of as a Representative acting for the people. I find it here, and I ask for it by my voice and by my vote for the people of the United States, for the benefit of the Treasury.

Mr. MAGUIRE. Has any member of the Administration asked for this legislation?

Mr. CANNON. I do not know, I will say to my friend. I will refer him to the appropriate committees for fuller information.

Mr. MAGUIRE. That is what I would like to get—the information. Is there any report of any committee in favor of this measure?

Mr. CANNON. I do not know.

Mr. MAGUIRE. I will say to the gentleman there is not, except a four-line statement made as the report of a committee.

Mr. CANNON. Nor is it necessary for the purpose of this discussion for me to inquire. I do know from examination of public reports, open to everybody, that this great amount of indebtedness is now due to the Treasury, and that it is our duty to do the best we can to make the collection. It does not require the report of a committee. The individual has got a responsibility—each and every Representative has got a responsibility touching this matter, and it is a matter of such notoriety that an examination by any man of good practical sense, it seems to me, will enable such a one to readily understand what is involved in the proposition.

How much time have I left? I reserve the remainder of my time. The SPEAKER pro tempore. The gentleman has consumed thirty minutes.

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. BARHAM. That is all. I ask the Clerk to read the amendment which I send to the desk.

The SPEAKER pro tempore. The Clerk will read the amendment for information.

The Clerk read as follows:

Insert in line 18, page 22, after the word "settlement," the following:
"Provided further, That unless the settlement herein authorized be perfected within one year after the passage of this act the President of the United States shall at once proceed to foreclose all the liens and securities now held by the United States against said railroad companies and to collect the indebtedness herein sought to be settled, and nothing in this act contained shall be held to waive or in any way modify the lien already held by the United States."

[Mr. MAGUIRE addressed the House. See Appendix.]

Mr. CANNON. Mr. Speaker, how is the time? What amount have I used and what amount has the gentleman from California used?

The SPEAKER pro tempore. The gentleman from Illinois has used thirty-five minutes of his time, and the gentleman from California two hours and ten minutes.

Mr. CANNON. I yield such time to the gentleman from Vermont as he may desire.

Mr. POWERS. Mr. Speaker, I regret that this question has come before the House at this time when I am so poorly prepared to consider it as I am, not having given any attention whatever to the subject-matter for more than twelve months. But I have a general recollection of substantial facts relating to this long drawn out controversy which leads me to the conclusion that out of the various suggestions that have been made for the settlement of the Government's indebtedness against these roads this plan probably presents the only thing available to Congress at this time. It is a well-known fact, Mr. Speaker, that for the last five or six years efforts have been made in Congress repeatedly to bring about some sort of settlement with the various Pacific railroad companies that are indebted to the Government.

There was a large indebtedness from the Union Pacific system. There is now a large indebtedness from the Central Pacific system. There is a considerable indebtedness from the Sioux City and Pacific Company, and an indebtedness from the Central Branch Union Pacific Railroad Company, so called. Of these companies that have failed heretofore to adjust their differences with the Government, the claims against the Central Pacific and the Western Pacific are the only ones involving any very considerable sum of money. The indebtedness of these two roads, which we are now considering, amounts, in round numbers, to \$60,000,000 in money. That indebtedness has all matured with the exception of the last installment, which will fall due on January 1, 1899.

Now, this question presents itself to the House as a simple business question. I desire to consider it and discuss it without any reference whatever to any political feeling that it may have in any locality, without reference to any criminality that may be charged against the original projectors of this road. I desire to consider it as a question that is for present consideration, under present conditions, to be determined by the best judgment which the House can apply to the subject. I am aware that the people in the State of California have, or imagine they have, a grievance against the managers of these roads.

Mr. MAGUIRE. That I have?

Mr. POWERS. No; I said the people of California.

Mr. MAGUIRE. I thought you said I had. I have no grievance against any of them.

Mr. POWERS. I am aware that it has entered into the politics of that State and that the fate of many men depends on their attitude on this question. But with the other forty-four States in this Union it is a question unhampered by any considerations of that character, and it should be settled irrespective of the feeling of the people of California or the wrong that has been done by anybody toward the people of California.

Here is substantially the question we have: Here, on the one hand, is the Government of the United States standing in the attitude of a creditor; on the other hand is this railroad company standing in the attitude of a debtor, a debtor that is poor confessedly, a debtor that can not, presently, at least, pay this debt to its creditor. Now, what is the creditor to do? Is the creditor to spend his time scolding and swearing about the iniquities of his debtor in years gone by, or is he, as a practical, prudent, business man, to look over the assets of his debtor and see how much he can get by way of satisfaction of the claim he has got against him?

Why, Mr. Speaker, if my creditors would be content to take their pay in swearing about me and my misdeeds in the past, I could settle every debt I owe in the world in sixty minutes; but if they want to get their pay out of my property, then whatever abuse they pour out on my poor head will not help them very much toward realizing the 100 cents on the dollar they hope to get. That is very much the attitude of my friend from California. He has spent much of his time this afternoon and on former occasions in hurling anathemas against the managers of these railroads instead of pointing out to us some practical way by which the Government could realize 100 cents on the dollar of its indebtedness against the company. He has overleaped that question and devoted himself to an abuse, or, if not abuse, to criticism, of the management of our debtors thirty or forty years ago.

Now, Mr. Speaker, I am very well aware how dangerous prejudice is in determining the action of men upon important questions. I know that if you can fire up their indignation and induce them to hate somebody, or hate some proposition that is favored by the other side, you are quite as apt to carry their conclusions in many cases as you are by the stern force of sound logic. But that does not affect my action on this question. I care nothing about what these men may have done forty years ago, so far as I am called on to determine how this Government can best get its pay on this debt. It makes no difference whether they got rich or poor. The question now is, How can we best collect our debts?

Why, my friend from California himself, if he had a debt against me, much as he might criticize my conduct in the past, would not be silly enough, if he found me unwilling to pay, to waste his breath on that subject and let my assets be depleted in the meantime so as to be beyond his reach. That is not the way men do. Any gentleman who wants to collect his debt against his debtor will husband the assets rather than be overlooking them and abusing the debtor himself.

Now, then, there is another consideration. My friend from California is a frank man; everybody knows him to be an honest man. I have heard him proclaim on this floor that he favored Government ownership of railroads. I have heard him proclaim on this floor that he did not believe in the forcible collection of debts by suits of law; and I have thought to myself that some time I would try to borrow a little money of him and put that last doctrine of his to a test.

He is in favor of the Government ownership of railroads; and I think I do him no injustice when I say that his attitude on this question to-day and heretofore has been taken very largely because he thought he saw an opportunity to put his favorite theory into practical operation; for that undoubtedly is the inevitable result if you adopt the plan that he suggests. What is that plan? It is to ignore any terms of settlement with these companies and compel the Government to foreclose its mortgage—treating these parties, as he says, just as you would treat any debtor that does not pay his debts, by foreclosing on the security that you hold. We, on the other hand, say, rather than do that we will make some settlement with the debtor by which we can save our debt and save the expense of a lawsuit.

Suppose you adopt the theory of the gentleman from California and foreclose your mortgage. You foreclose it in the courts. Under the procedure established in the courts, after obtaining a decree fixing the amount of your debt the property is exposed to public sale; the whole world is admitted to bid upon it; and it has to go to the highest bidder. Now, is this a property which if exposed to public auction would be likely to bring the full amount of the Government debt? If it would, then very clearly the remedy suggested by the gentleman from California is not a precarious but a safe one. But what are the facts about that? In the first place, here is a railroad nearly 800 miles in length, encumbered by a first mortgage amounting in round numbers to \$28,000,000. That is the first incumbrance resting upon the property. It is next encumbered by a second mortgage running to

the United States Government and amounting in round numbers to \$60,000,000.

Following out the procedure which the gentleman from California proposes, the very first step which the Government must take after it has obtained its decree and when it exposes the property to public sale, is to clear off this underlying mortgage at \$28,000,000. Everybody understands that. That is to be wiped out. How is it to be wiped out? By putting your hands into the United States Treasury and taking \$28,000,000 and paying off those first-mortgage bondholders.

Mr. MAGUIRE. Was that done in the case of the Union Pacific road when it was sold under foreclosure?

Mr. POWERS. It was, practically.

Mr. MAGUIRE. Not a dollar was paid in that way—

Mr. POWERS. I ask my friend from California if I have misstated the legal status of this matter on a foreclosure—

Mr. MAGUIRE. I say that the Union Pacific—

Mr. POWERS. I beg my friend's pardon. I hope he will answer my question.

Mr. MAGUIRE. There was a first mortgage on the road; and the purchasers took the road subject to that mortgage.

Mr. POWERS. If they dickered about it, that is another thing. Am I not right in saying that the Government, in case of a sale, in order to give a clear title, must first wipe out the \$28,000,000 mortgage?

Mr. MAGUIRE. That would depend upon whether the purchaser wanted the first mortgage paid off. If he did, of course arrangements would have to be made to have it cleared off.

Mr. POWERS. Did you ever know of a man foreclosing a second mortgage on a farm without being obliged to wipe out the first mortgage?

Mr. MAGUIRE. As a rule, the purchaser is ready to take the property subject to the first mortgage.

Mr. POWERS. But in that case you give him only the rights of a second mortgagee. I see the gentleman does not dispute my proposition, so I assume he agrees to it.

Mr. MAGUIRE. The money must be paid in some way, of course.

Mr. LOVE. I know very little about the financial condition of these roads, and therefore I wish to ask the gentleman from Vermont whether he considers that in this claim the Government has as good security as it had in the case of the Union Pacific, which has been settled. I would like to hear the gentleman on that point, because it seems to me that it is one of a good deal of importance. If the security is equally as good, as was stated by the gentleman from California, then we had better follow the course pursued in the Union Pacific case.

Mr. POWERS. But the Government would get in the one case—

Mr. MORRIS (interrupting). Before the gentleman from Vermont proceeds to answer that question, following out the line of his argument before the inquiry of the gentleman from Mississippi was submitted, I would like for him to state the legitimate conclusion, in his judgment, of the foreclosure proceedings. Unless the road, as I understand it, shall be bid in at \$60,000,000 and \$28,000,000, the Government would have to take the property and operate it for itself?

Mr. POWERS. That is precisely the result, unless some other bidder should offer more.

Mr. LOVE. Oh, well; we all understand that.

Mr. POWERS. And before answering the inquiry of my friend from Mississippi, I wish to follow this thought a little further. If we foreclose the mortgage proceedings under the plan suggested by the gentleman from California [Mr. MAGUIRE], we get a railroad on our hands. There is no doubt of that. And that is precisely what my friend from California desires to bring about. He smiles, and I can see by the twinkle of his eye that I have him on that point. [Laughter.]

Not only that, but in a leading paper of the city of San Francisco—the San Francisco Examiner—an editorial article appeared a couple of years ago, when this matter was under consideration in the House on a former occasion, in which the editor of that paper, who was the leader of that faction in the State, boldly proclaimed that the interests of the people of California and their desire was that there should be Government ownership of the railroad in question; and not only that, but he went a good deal further.

He wanted to have this railroad operated for the people of the State of California alone! Not to be operated for the people of the country at large, but a great business line of railroad running into that State was to be operated exclusively for their benefit!

Now, Mr. Speaker, I have followed out the theory to its legitimate results which my friend from California advances as a proper remedy to be pursued in this case.

Mr. MAGUIRE. Let me ask the gentleman from Vermont if the Government ownership and operation of railroads resulted from the sale of the Union Pacific Railroad?

Mr. POWERS. Not at all; for that road, the gentleman must remember, is worth ten times as much as the Central Pacific, and the relations existing, as a comparison between them, are entirely dissimilar.

Now I will answer the question of my friend from Mississippi as to the real value of the securities which the Government would receive in either case. I need not say—because all gentlemen on the floor are conversant with the fact—that the Union Pacific Company is a great system of railroad. It passes through vast and thriving and populous cities in the growing State of Oregon to its connections down to the Mississippi River; it passes through a great and rapidly growing country; it passes through cities that are big and steadily increasing—you might say strung together like beads.

Mr. KELLEY. Did not the gentleman insist and predict that the Government ownership of railroads was inevitable when the Union Pacific Railroad was sold under mortgage-foreclosure proceedings, just the same as he now predicts?

Mr. POWERS. Possibly I may have done so.

Mr. KELLEY (proceeding). And does not the gentleman think he is just as liable to error now as he was then?

Mr. POWERS. Well, Mr. Speaker, I am not one of those fortunate gentlemen who can expect to proceed with all of the affairs of life without some kind of an error. I do not feel that I am always correct, and I know that I may be mistaken at times. If my friend is so fortunate as to be correct always, I congratulate him.

Now, the Union Pacific Railroad—the entire road—is valuable simply from the income it commands. That is true of all railroads. If it runs through a rich and growing, a populous country, the earnings will correspondingly increase as the country builds up. If it runs through a barren desert, of course it can make nothing, for the earnings of railroads are largely due—mainly due, in fact—to local railroad traffic. From Council Bluffs westward this road runs through a rich, highly cultivated, and rapidly growing region—the very heart of the agricultural portion of the country. That road, therefore, has and had a promising future. But how is it with the Central Pacific? Let us examine the difference.

Why, as stated here by the gentleman from Illinois [Mr. CANNON], that road starts out at a point 5 miles west of the city of Ogden and runs for 569 miles through a barren desert. I speak advisedly of this. The local business on two-thirds of the entire length of the Central Pacific Railroad will not pay for the oil used on the cars. It runs through a sage-bush country. Many of you gentlemen have been over that line and know the character of the country to which I refer. Now, it is the local business, I repeat, that makes the railroad earn profits for its stockholders and measures its earning capacity. The through business, by reason of the competition between rival roads, amounts to nothing in the way of traffic earnings.

Mr. LOVE. Is that true of the other line, too—the Western Pacific?

Mr. POWERS. No; that runs through a good country. But my friend will remember that there are two distinct corporations. One is the Central Pacific, which owes a particular debt. The other is the Western Pacific, which owes another particular debt. The Western Pacific, therefore, might pay its debt, and the other company not be able to pay its.

Mr. FARIS. The Western line is very short, and the debt is small.

Mr. POWERS. Yes; as suggested by my friend from Indiana, the line of the Western is short and its debt is small, about \$6,000,000. Now, the future of the Central Pacific, running as it does for two-thirds of its entire length through an unpopulous and neglected country, is very different from the future of a railroad running through a good country. So that I say upon a foreclosure of the road and the exposure of it to public sale we could not presume that it would be likely to sell for enough to pay the debt of the Government. But when we come to the proposition contained in this amendment to the deficiency bill, have we not just as good an assurance of ultimate payment without the danger of any litigation whatever? My friend from California [Mr. MAGUIRE] talks about a great amount of litigation that might be instituted against the projectors and builders of these roads. Does the Government of the United States want to go into that? Is it not better, is it not more businesslike, to make a peaceable settlement with your debtor and get your money than it is to involve the Government in a long-drawn-out litigation?

Mr. LOVE. If my friend will permit me, I would like to suggest that unless this property is perfectly good for the debt and is now on a paying basis, it will be difficult to obtain security for the payment of the indebtedness at the end of ten years. In other words, if it is not a paying investment, how will it be possible for this company to pay at the expiration of ten years if it can not pay now; and why should the Government wait ten years, unless better security can be given?

Mr. POWERS. Well, that is for the commission to determine. You will notice, if you look at this amendment, that it creates a commission with authority to settle in a particular way, authority to settle upon the basis that the Government shall get its full pay, with 3 per cent interest, on an extended period of not exceeding ten years, and upon such security as the commission in its judgment may see fit to accept. Now, whether that will be gilt-edge security or not I can not say, nor can my friend. We know this much, that we refer the matter to three competent public officials and they are to act under the sanction of the President. Presumably they will act for the best interests of the people of this country.

Mr. FLEMING. I should like to ask the gentleman a question for information also. In what does this debt which is past due consist? Does it consist entirely of principal, or are there not some interest coupons past due and unpaid?

Mr. POWERS. The debt that is past due consists of principal. You might call it all principal, because under a decision of the Supreme Court of the United States it was determined that no interest was payable by these railroad companies upon their subsidy bonds to the Government until the principal itself matured. So that during all these thirty years they have been saved the necessity of paying any interest, and that has been sanctioned by the highest court in the nation.

Mr. FLEMING. Did not some of the principal mature several years ago?

Mr. POWERS. Yes.

Mr. FLEMING. What I want to get at is this: Does this bill provide that there shall be interest paid on the interest which they owe the Government?

Mr. POWERS. This amendment provides that the commission shall exact from the companies the full amount of their indebtedness to the Government. Now, if there is a right to charge interest upon deferred interest payments, of course this covers it. If there is not that right, then it does not cover it.

Mr. FLEMING. I want to ask your opinion about that. Do you consider that under the terms of this amendment to the bill now pending the railroads will be obliged to pay the Government only the principal and the interest that may be due, or will they be obliged to pay interest on the defaulted interest which has been due for some time?

Mr. POWERS. Well, Mr. Speaker, I shall have to decline to run off on a tangent.

Mr. FLEMING. That is a very important question in the case. What is the gentleman's opinion?

Mr. POWERS. My opinion, if the gentleman is asking that, is that whenever the principal of any installment falls due, the interest applicable to that installment falls due and no other interest, so that, as these installments of principal fall due consecutively, January 1, 1894, 1895, 1896, 1897, 1898, and 1899, the interest upon those several installments will also be due at the same time. That is my opinion. Whether it is right or wrong I can not say, but I have answered my friend's question.

Mr. FLEMING. Do you understand the language of the amendment to be broad enough to cover the interest on interest, if it is legally due?

Mr. POWERS. I consider it broad enough to do that if it is legally due, because it requires the commission to see that the company indemnifies the Government for its full claim. If the gentleman differs with me about that, of course he may be right. That is my judgment. But no matter about that.

Now, Mr. Speaker, here are two methods available to the Government as a creditor of these railroads: One to proceed in a way that leads necessarily, or in all human probability, to say the least, to an ownership of this railroad by the Government; the other leading to a settlement of this debt in the brief period of ten years, principal and interest, without any danger of Government ownership.

Mr. RIDGELY. Will the gentleman permit a question?

Mr. POWERS. Certainly.

Mr. RIDGELY. I do not understand from anything in this bill, as it is now before us, that this settlement provided for here shall be made within any limited time.

Mr. POWERS. My friend from California [Mr. BARHAM] proposes an amendment, as I understand him, to compel this settlement to be effected within twelve months. I think that is a very proper amendment.

Mr. RIDGELY. Does the committee accept that?

Mr. POWERS. I am not on the committee.

Mr. FLEMING. Is the gentleman from Vermont in favor of that amendment?

Mr. POWERS. Yes, sir.

Mr. FLEMING. Will you explain in some way how that amendment parliamentarily can be put on?

Mr. POWERS. It can not be done except as the conference committee shall do it.

Mr. SAYERS. The amendment can be concurred in with an amendment.

Mr. POWERS. The amendment, it occurs to me, is a very proper one, I will state to the gentleman from Georgia.

Mr. FLEMING. The gentleman from Illinois, chairman of the committee, has stated that he was going to make a motion to concur. Now, this amendment will have no parliamentary standing at all unless this motion to concur is voted down.

Mr. DALZELL. Oh, yes, it will. A motion to concur with an amendment is in order.

Mr. POWERS. As to whether the parliamentary status is such as will permit it to be offered, better parliamentarians than I must answer.

Mr. RIDGELY. Will the gentleman permit me to address a question to the chairman of the committee?

Mr. POWERS. Yes, sir.

Mr. RIDGELY. I would like to ask the gentleman from Illinois if it will be agreeable to the committee to accept that amendment?

Mr. CANNON. What amendment does the gentleman refer to?

Mr. POWERS. Requiring the settlement to be agreed upon in a year.

Mr. RIDGELY. There is nothing requiring that this settlement shall be made within a limited time?

Mr. CANNON. The gentleman understands this is a motion to concur in a Senate amendment. If the House concurs, the House passes the bill; if the House refuses to concur, that is equivalent to nonconcurrence, and sends it back for future action between the House and the Senate. And if I had power as an individual to accept the gentleman's amendment, I do not think it should be done. This takes the action of three Cabinet officers, when they make a settlement, subject to the approval of the President, and, I will say to the gentleman, it does not change the law that permits foreclosure.

Mr. HOPKINS. It is simply an additional remedy.

Mr. CANNON. Simply an additional remedy; but the gentleman from Vermont is a better authority and a better lawyer than I am, and I refer the matter to him. Practically there can be no amendment of the proposition. It is simply a question of concurring in the Senate amendment and passing the bill or of rejecting it.

Mr. POWERS. Now, Mr. Speaker, I come to this amendment, and I am compelled to differ with my friend from California, and I do so with great misgivings, because I recognize the fact of his very high professional attainments. I understood him to say that, in his judgment, this amendment wiped out and suspended all existing law relating to the collection of these debts. I can not read it that way. This amendment simply proposes that the commission should be appointed—

With full power to settle the indebtedness to the Government growing out of the issue of bonds in aid of the construction of the Central Pacific and Western Pacific bond-aided railroads upon such terms and in such manner as may be agreed upon by them.

Now, then, I have a debt against an individual. The law before the creation of that debt provided that I might bring suit against him, sequester his property, obtain judgment, and satisfy my debt. Suppose the legislature of my State should, in addition to that, provide that as to my particular debtor a commission should be appointed to settle with him. What does that settlement mean? Liquidate the debt, arrange for security, fix the time of payment and rate of interest, etc. If they fix upon such an agreement, of course if both parties have agreed to it, that ends the matter; but until they have agreed to it, until the settlement is effected and security put up and all the contracts in the matter are made, then the old right of proceeding against my debtor is just as perfect as before. Now, what are the rights? Under the act of 1886 or 1887—I will ask the gentleman what is the date of the act?

Mr. MAGUIRE. Seventy-eight was the date of the foreclosure act. The act of 1887 gave an additional remedy and perfected the foreclosure act.

Mr. POWERS. In the year 1887 Congress passed a law authorizing the President, whenever, in his judgment, it became necessary to protect the rights of the Government, to clear off all preliminary liens which antedate the Government lien upon the bond-aided railroads, so as to enforce the rights of the Government. Now, that was adding nothing, in my judgment, to the rights as they existed before, because the Supreme Court has decided repeatedly that the Government in dealing with these railroad companies sustained a double relation. It sustained the relation of creditor and also the relation of sovereign; and so far as the relation of creditor was concerned, it had just the same right, no more, no less, than any creditor has against his debtor.

Upon general principles a creditor would have the right to hold the mortgage and foreclose it in the absence of any special legislation, and so this act of 1887 added nothing in respect to the remedy the Government had against its debtor. It simply added

this feature, that the President should be authorized to clear off and pay the underlying lien on the property; that he might not have, perhaps, on general principles requiring a special appropriation.

Now, then, to come back to the point where I started. This is a pure business question. You may scold about the conduct of the builders of this road all you please, but, sir, it is a pretty safe doctrine in morals as well as in practical life to say that the devil, even, is entitled to his due. These men have done something for the United States. If they stole anything out of these railroads—and I am not here to say they did not; I am here to say that that does not touch this question—if they stole anything out of these railroads, they certainly built the railroads. Away back in 1862, when this nation was in the very throes of civil strife, when it was a matter of great doubt whether we were to maintain our existence as a united people, the Congress of the United States came forward to answer a long call that had come to them from the Pacific slope, and it brought into being the means whereby this great transcontinental line of railroad could be built.

The people of California at that time were enthusiastically in favor of the proposition. There they were, barred out from the whole country pretty much. The only mode of access to them was around by Cape Horn, or over the Isthmus, or overland by stage across the plains. They wanted the line built; the people in the East wanted the line built. It required an immense sum of money to build it. The projectors of the scheme came to Congress and said, "We have not money enough to build the line; we must have national aid." In 1863 Congress passed the charter for the Union Pacific Railroad Company.

The Central Pacific Railroad Company was chartered the year before by the State of California and had built a few miles of railroad to the east of Sacramento. Congress legislated in a liberal manner to aid these men in building this line of railroad. Nine-tenths of the members of the House looked upon it as a chimerical scheme, impossible of completion, but these men were enthusiastic and hopeful. They said "We will undertake the work if you will give us aid." Congress, not supposing that they would ever be called upon to furnish a dollar, because the scheme was so chimerical, granted to these men whatever they might ask for. They asked for a right of way through the public domain, and it was granted to them—a wide sweep of territory, giving them almost an empire; each alternate section for a distance of 20 miles was granted, with a subsidy of so much per mile if they would go forward and undertake what was then looked upon as an almost hopeless undertaking. The subsidy was mammoth; I agree to that. It was \$16,000 per mile where the building of the line was on easy ground, \$32,000 a mile in the intervening sections between the two mountain ranges, and \$48,000 a mile where it went over the mountains themselves.

The two companies—the Union Pacific building west from Omaha and the Central Pacific building east from Sacramento—were rivals; for every mile of road that was built the company got so much subsidy and so much land grant. It was, therefore, a race of diligence between the two companies. There never has been exhibited on this planet such an instance of heroic courage, earnest endeavor, and solid Yankee pluck as was shown by the builders of these lines. They went forward; they were permitted under the charter to complete their roads by the 4th of July, 1876, and save all the land grants and subsidies. Instead of waiting for that time to elapse, the two lines of road were united at Promontory Point, a few miles west of Ogden, on the 10th of May, 1869. That is the enterprise, that is the diligence, that these men showed to the country at large and which gave the country this great transcontinental line.

Now, Mr. Speaker, if these men made money out of that transaction, I say they ought to. Any man who would undertake a work of that kind, looked upon with so great doubt and uncertainty, a work which has afforded to this country such a wealth of return, is entitled to get rich. I do not lament the fact. What was the result to the Government? Why, we had this great central tract of country, almost limitless, almost unexplored, west of the Mississippi River and east of the Pacific Ocean, millions upon millions of acres worth absolutely nothing to the Government until they were opened up to settlement and civilization, as they never could have been until the iron horse had plowed its way out there, bringing in the tide of immigration, and thus bringing those public lands into market, so that the Government could realize upon its own assets from which before it was completely shut out.

I undertake to say, Mr. Speaker, that if the Government should cancel every dollar of this indebtedness against these roads which it has aided, it would have put into its Treasury ten times the millions that it took out in order to build these lines of road. So that upon the principle with which I started out—that I must give the devil his due—I say the devil in this case has done a great public service to the people of this country; so much so that the Congress of the United States can not afford to forget itself so

far as to throw away this debt, which is within their reach, because of a mere prejudice against some of these people.

I am not going to follow my friend from California in his devous windings through the law to ascertain whether we could possibly collect something out of the estate of Mrs. Stanford, or Mr. Crocker, or Mr. Hopkins, or Mr. Huntington. If that could be done, my friend knows as well as anybody that it would involve litigation that would cost the Government quite as much as it would ever realize from it. But suppose you did resort to litigation. Here is a claim more than thirty years old. How long, I inquire of my friend, must a debt run before it reaches a point where the law says you shall not enforce it? He says he will resort to a court of equity.

Mr. MAGUIRE. I think a debt ought to run for at least a few months after the right of action accrues. The right of action has not yet accrued in this case; and let me say that some of these diversions of assets are only eleven years old, according to the report of the Pacific Railway Commission.

Mr. POWERS. My friend says he proposes to enforce the liability of these men for their stock subscriptions. Those subscriptions were made in 1862. Did they not mature then? Were they not due then? That was thirty-six years ago. Now, how long must they run before they are outlawed? In a proceeding at law the statute, of course, would bar them at the end of six years. But my friend is sharp enough to avoid the operation of that rule of law. He says that this is a quasi trust relation.

Mr. MAGUIRE. As to the stock subscriptions, I conceded that the statute had run against them.

Mr. POWERS. I am very much obliged to my friend for that concession.

Mr. BARHAM. I challenge the statement of my colleague [Mr. MAGUIRE]. The statute of limitations never runs against the Government except by virtue of some express statutory provision.

Mr. POWERS. Those subscriptions were not in favor of the Government, but of the railroad.

Mr. BARHAM. But if the Government has a lien upon the subscription, whether paid in or not, it is a perfectly elementary principle that that lien is not lost by lapse of time.

Mr. POWERS. When a man subscribed for ten shares of the stock of the Central Pacific Railroad, he did not create a debt due to the Government of the United States; he created a debt to the railroad company. As against him the railroad company is the only party that can enforce it, and such a debt would be outlawed in six years.

Now, if the Government steps in and, by virtue of some right of subrogation or otherwise, undertakes to enforce a stock subscription, will my friend contend that the statute of limitations which bars the railroad company as against the subscriber does not also bar the Government?

Mr. BARHAM. Beyond doubt it does not bar the Government at all. I can produce authorities which establish that position beyond question.

Mr. POWERS. If the Government undertakes to enforce a stock subscription, it does so by virtue of the right of the railroad company to enforce it.

Mr. BARHAM. Not at all. I challenge that statement.

Mr. POWERS. The subscriber to the capital stock of the Central Pacific Railroad, when he affixed his signature to the subscription and agreed to take ten shares, became a stockholder of the Central Pacific Railroad.

Mr. BARHAM. That does not state the whole case.

Mr. POWERS. Wait a moment till I finish my statement. Now, if the Government of the United States undertakes to enforce that subscription, it must take it, in the language of the law, *cum onere*—with all the burdens that it carries; and as between the company and the original subscriber the debt is outlawed in six years. If the Government undertakes to enforce it, it is barred after the same lapse of time.

A MEMBER. The gentleman is mistaken.

Mr. POWERS. Well, the Supreme Court of the United States has so decided.

Mr. BARHAM. But does not the gentleman find in the Chattanooga bond case an exception that where this statute would apply upon bonds in the hands of the original subscriber, and that would be a bar, that there would be, on the other hand, no bar against the Government, or after they had passed into the hands of the Government? The Supreme Court so held, and it has held a similar doctrine in a hundred different cases.

Mr. POWERS. The Supreme Court of the United States has held repeatedly that the Government of the United States relies as a creditor in a suit exactly on the rights of the creditor in any other capacity, neither more nor less.

Now, Mr. Speaker, I do not propose to exhaust the patience of the House any longer. There have been various attempts made to secure the payment of this indebtedness to the Government for years past. For more than twenty years the subject has dis-

turbed the deliberations of Congress. Away back in 1878, when it was found that these companies were not making the payments that their original charters required them to make, Congress took hold of the matter and passed what was known as the Thurman Act. It was then believed by both Houses of Congress that the provisions of that act would insure the prompt payment of the debt at its maturity, but subsequent events showed that to be a misjudgment of facts. It did not have that effect.

For the last five or six years bills have been pending here and put on their passage in the two Houses of Congress which have endeavored to refund this indebtedness and secure, ultimately, the return of the Government claim when the debt matured in 1899. All of these failed for the same reason that is apparent here to-day. Instead of having the members of this House present and learning something of the case—those who are not familiar with it—you find that nine-tenths of the members' seats are vacated. Men acting on their prejudices say that they care nothing whatever for the question and have given no attention to it. But, gentlemen, let me say to you that something must be done, and done quickly. The time has come when you will either throw this debt away or secure its payment. As earnest, practical business men, what is the thing to do? That is the question.

In my judgment, though I doubt very much whether the companies can comply with the Government demand, whether, in short, within the space of ten years they can pay up, nevertheless this seems to be the very best possible thing that can be done at the present time. If they do not comply with it, then they will have to proceed in some other manner.

Mr. MAGUIRE. Will the gentleman permit me to ask if the Central Railroad Company has ever made any such proposition, or any similar proposition to the Government?

Mr. POWERS. Not to my knowledge.

Mr. MAGUIRE. Is there not, then, in this proceeding some ulterior purpose?

Mr. POWERS. Well, Mr. Speaker, I can not say as to that. I do not know of any.

Mr. MAGUIRE. Does the Senate proposition really contain sufficient power to carry it through successfully?

Mr. POWERS. Well, if the gentleman will permit me to answer his other question, I generally look at the parentage of a proposition, when it is subjected to my attention, to find out if there be any ulterior purposes. Now, in the present instance, if I am not mistaken, this proposition was suggested by the Senator from Alabama [Mr. MORGAN].

Mr. MAGUIRE. Well, Mr. Speaker, unless I am permitted to make allusion to the proceedings of the Senate, I do not think the gentleman from Vermont ought to be permitted to do so.

Mr. POWERS. I am not going to discuss what was done in the Senate. I am merely stating the facts. I understand it to be a fact that that was the origin of the proposition; and that it passed the Senate unanimously. And the gentleman knows what bitter opposition existed in that body to the preceding attempts in this direction.

Mr. MAGUIRE. If the gentleman had read Senator MORGAN'S speech, and the following proceedings in the Senate, he would have discovered that he is entirely in error.

Mr. POWERS. The gentleman from California may be entirely correct, but I think I have kept track of this proposition from the first.

Mr. MAGUIRE. The gentleman is mistaken, then, for this is not Senator MORGAN'S proposition at all. It was and is known as the Gear amendment.

Mr. POWERS. And that may be entirely true. I do not care who is the father of the proposition. I am speaking of it as a proposition emanating from the Senate. It commanded itself to that body, where the gentleman knows there has been more bitter opposition to a settlement of this character than there has been shown in the House.

A MEMBER. And it passed the Senate by unanimous consent.

Mr. POWERS. Yes, by unanimous consent; and I am content to take it up and adopt it here for the same reason. It has the indorsement of the Senator from Alabama and the unanimous indorsement of all the other members of that body. The matter is presented now for our consideration, coming from the Senate, and the belief expressed in that body is that these companies can pay the indebtedness of the Government within the time specified by the bill.

That is a proper question for our consideration. There is an underlying mortgage of some \$28,000,000 to be paid, and a sum of \$30,000,000 or over in the aggregate is to be raised. Now, how can it be raised except by a new mortgage? That can not be floated at less than 4 per cent, and I do not think anybody would take it even at that rate of interest. So that I do not believe any railroad company will ever be able to float a mortgage large enough to wipe out the indebtedness of these two mortgages.

Mr. MAGUIRE. If we are going to meet this railroad company and enable it to settle, would it not be a good idea to wait

until the company makes a proposition stating what it can and will do rather than to take a plunge in the dark and require the taking of steps that you and others who have considered the matter have repeatedly said it is utterly impossible for the company to carry out?

Mr. POWERS. I do not think it is best to wait. I think if we wait for the debtor to offer to pay his debt we shall wait in vain.

Mr. MAGUIRE. We can foreclose.

Mr. POWERS. The only thing the Government can do in looking after its own interest is to take steps for the collection of its debt, and this is a step looking toward the collection of the debt, and if the company can not comply, that is one of its misfortunes; and certainly we do our duty if we open the way for the payment.

Mr. LOUD. Will the adoption of this proposition stop foreclosure?

Mr. POWERS. The adoption of this would stop foreclosure, if this settlement is effected.

Mr. LOUD. Of course, if it is effected; but if it is not effected, would it stop foreclosure?

Mr. POWERS. Certainly not.

Mr. LOUD. Then can the Government lose anything?

Mr. POWERS. Certainly not. If this settlement goes for nothing, all the rights which the Government at present has it will still have.

Mr. MAGUIRE. I understand the Attorney-General has now prepared or is about to prepare to file his papers for the purpose of foreclosing. If the gentleman were Attorney-General and this bill were passed, would he proceed with the foreclosure suit as if no such measure had passed?

Mr. POWERS. I should not proceed until I had exhausted all means of effecting a settlement without litigation.

Mr. MAGUIRE. Under this bill?

Mr. POWERS. Under this bill.

Mr. MAGUIRE. You would consider that the passage of this bill justified or required you to stop foreclosure proceedings until—

Mr. POWERS. I should regard it as a hint from the legislative branch of the Government that they wanted to avoid litigation, and had presented a plan whereby it could be avoided, and I, as a public official, would suspend foreclosure proceedings long enough to make an attempt to bring about the settlement.

Mr. MAGUIRE. How long would foreclosure proceedings be suspended?

Mr. POWERS. Not exceeding twelve months if the amendment of the gentleman from California [Mr. BARHAM] is adopted.

Mr. MAGUIRE. And if it is not adopted?

Mr. POWERS. Then they would be suspended simply a reasonable time. Of course we are to assume that the Government is going to look out for the interests of the people—that it is going to work to bring about this settlement at an early day. If that results in failure, then the proper officials will proceed with the foreclosure.

Now, Mr. Speaker, without taking up any further time, I wish to close as I began, with the declaration that there are but two lines of procedure open to this House. One is a line that leads us directly to Government ownership of this railroad. The other leads to the security of the debt by extending the time of payment only ten years at a fair rate of interest.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3232. An act granting a pension to Edward Madden—to the Committee on Invalid Pensions.

S. 4231. An act granting an increase of pension to Millie A. Berry—to the Committee on Invalid Pensions.

S. 4630. An act to increase the pension of Chauncey A. Bradley—to the Committee on Invalid Pensions.

S. 1918. An act to increase the pension of William Sharrock—to the Committee on Invalid Pensions.

S. 2965. An act granting a pension to Lewis E. Humpton—to the Committee on Invalid Pensions.

S. 4207. An act granting a pension to Louisa Hale—to the Committee on Invalid Pensions.

S. 3276. An act granting a pension to Mary Ellen Lauriat—to the Committee on Invalid Pensions.

S. 409. An act to increase the pension of Sarah Gresham, widow of Col. Benjamin Q. A. Gresham—to the Committee on Invalid Pensions.

S. 605. An act granting pension to Vinton Massie—to the Committee on Invalid Pensions.

S. 3777. An act granting an increase of pension to Curtis B. McIntosh—to the Committee on Invalid Pensions.

S. 2618. An act to increase the pension of Ann Gibbons—to the Committee on Invalid Pensions.

S. 569. An act granting an increase of pension to Clarinda S. Hillman—to the Committee on Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. GILLET of New York, for five days, on account of sickness in his family.

To Mr. SHANNON, indefinitely, on account of illness.

And then, on motion of Mr. CANNON (at 4 o'clock and 57 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a copy of a communication from the Judge-Advocate-General of the Army, together with the draft of a bill for an increase of officers in his department—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel J. Moore against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William D. Rogers, administrator of Eliza Miller, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of War submitting an estimate of appropriation for making surveys and estimates of Wallabout Channel, New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a draft of a proposed bill for the raising of 25,000 colored troops from the nation at large for service in tropical climates—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Internal Revenue submitting an estimate of deficiency in the appropriation for salaries and expenses of collectors of internal revenue—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McDONALD, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9936) to correct the military record of Henry Finnegan, reported the same with amendment, accompanied by a report (No. 1644); which said bill and report were referred to the Private Calendar.

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2274) to remove the charge of desertion from the military record of Daniel Straw, reported the same with amendment, accompanied by a report (No. 1645); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7092) for the relief of George Gregg, reported the same with amendment, accompanied by a report (No. 1646); which said bill and report were referred to the Private Calendar.

Mr. McDONALD, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1217) for the relief of Thomas G. Tiernon, reported the same with amendment, accompanied by a report (No. 1647); which said bill and report were referred to the Private 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. BROMWELL: A bill (H. R. 10886) to amend an act entitled "An act to allow the bottling of distilled spirits in bond," approved March 3, 1897—to the Committee on Ways and Means.

By Mr. GIBSON: A bill (H. R. 10887) to extend the franking privilege to soldiers and sailors during the present war—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 10888) to authorize the raising of 40,000 colored troops—to the Committee on Military Affairs.

By Mr. ALDRICH: A bill (H. R. 10889) to punish offenses against the elective franchise—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SKINNER: A bill (H. R. 10902) to provide for the authorization of a regiment of volunteer mounted infantry—to the Committee on Military Affairs.

By Mr. BERRY: A joint resolution (H. Res. 293) tendering the thanks of Congress to Commodore Schley, United States Navy, and the officers and men under his command—to the Committee on Naval Affairs.

By Mr. ROBERTSON of Louisiana: A memorial of the legislature of the State of Louisiana, concerning the improvement of Bayou Courtaleau, in that State—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. ARNOLD: A bill (H. R. 10890) granting a pension to Mrs. Susan Sidenbender, of Medix Run, Pa.—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 10891) granting a pension to Anna C. Morgan—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 10892) to increase the pension of Andrew J. Taylor—to the Committee on Pensions.

By Mr. GAINES: A bill (H. R. 10893) to remove the charge of desertion against Robert C. Hoggins and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HANDY: A bill (H. R. 10894) for the correction of the military record of Capt. William H. Fairlamb, late of the Eighty-eighth Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 10895) to correct the military record of Harrison Defibaugh—to the Committee on Military Affairs.

By Mr. KETCHAM: A bill (H. R. 10896) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments—to the Committee on Ways and Means.

By Mr. MARSH: A bill (H. R. 10897) to grant an honorable discharge to Thomas Ward—to the Committee on Military Affairs.

By Mr. SOUTHDARD: A bill (H. R. 10898) to pension David Miller—to the Committee on Pensions.

Also, a bill (H. R. 10899) to pension Joseph J. Colomey—to the Committee on Pensions.

By Mr. WARNER: A bill (H. R. 10900) to increase the pension of James Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10901) for the relief of William H. Dotson—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DAVIDSON of Wisconsin: Resolutions of the Wisconsin State Homeopathic Medical Society, in support of Senate bill No. 164, for nondiscrimination in the appointment of surgeons to the Army and Navy of the United States—to the Committee on Military Affairs.

Also, resolutions of the dairy boards of trade of Plymouth, Berlin, Reedsville, Chilton, and Fond du Lac, State of Wisconsin, in favor of the bill to make cheese part of army rations—to the Committee on Military Affairs.

By Mr. GRIFFIN: Resolutions of the Homeopathic Medical Society of the State of Wisconsin, in favor of Senate bill No. 164, to prevent discrimination against homeopathic physicians and surgeons in the military and naval service of the United States—to the Committee on Military Affairs.

By Mr. OTJEN: Resolutions of the Wisconsin State Homeopathic Medical Society, favoring the passage of Senate bill No. 164, to prevent unjust discrimination in the appointment of surgeons in the Army and Navy—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: 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. WEAVER: Petition of the Woman's Christian Temperance Union of Troy, Ohio, 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.

SENATE.

WEDNESDAY, July 6, 1898.

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

Prayer by Rev. E. L. WATSON, of the city of Washington.

On motion of Mr. WOLCOTT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

REPORTS OF COMMITTEES.

Mr. FAIRBANKS, from the Committee on Claims, to whom was referred the bill (S. 1612) for the relief of the heirs of Henry Leef, deceased, owner of the bark *Mary Teresa*, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CHILTON, from the Committee on the Judiciary, to whom was referred the bill (H. R. 10510) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska, reported it without amendment.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2030) for the relief of the administrators of William B. Moses, deceased, and of Lebbeus H. Rogers, reported it with amendments, and submitted a report thereon.

STEAMER TITANIA.

Mr. FRYE. From the Committee on Commerce I report an original bill, and I am compelled to ask for its present consideration.

The bill (S. 4847) to provide an American register for the steamer *Titania* was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer *Titania*, owned by John Rosenfield & Sons, of San Francisco, Cal., citizens of the United States, to be registered as a vessel of the United States: *Provided*, That said steamer shall not hereafter engage in the coastwise trade of the Republic.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

ELECTRIC-LIGHT WIRES BEYOND THE FIRE LIMITS.

Mr. GALLINGER. From the Committee on the District of Columbia I report a joint resolution, and as it is a matter of public concern to which there can be no objection, I ask unanimous consent for its present consideration.

The joint resolution (S. R. 182) relative to electric lighting wires west of Rock Creek was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Commissioners of the District of Columbia are hereby authorized to issue permits to existing electric-light companies in the District of Columbia for the extension of existing overhead electric wires outside the fire limits and west of Rock Creek to be used for lighting purposes only.

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

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

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 4848) granting a pension to Louisiana H. Delahay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4849) for the erection of a public building at Alpena, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER introduced a bill (S. 4850) to quiet title to lot 11, block 12, South Brookland, D. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. SEWELL introduced a bill (S. 4851) for the relief of Commander Bowman H. McCalla, United States Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

THANKS TO COMMODORE SCHLEY.

Mr. PETTIGREW. I introduce a joint resolution which I ask may be read at length and referred to the Committee on Naval Affairs.

The joint resolution (S. R. 181) tendering the thanks of Congress to Commodore Winfield S. Schley, United States Navy, and to the officers and men of the squadron under his command, was