Also, petition of the University of Pennsylvania and Botanical Society of Pennsylvania, Philadelphia, Pa., urging the purchase of the Calaveras big trees of California by the Government and to set aside the grove as a national park—to the Committee on the Public Lands.

Also, petition of the Minnesota National Park and Forest Reserve Association and other associations, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. MAHON: Papers to accompany House bill for the relief of Alexander Everhart—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: Petition of Anna H. Ringe, of New Orleans, La., for relief—to the Committee on War Claims.

By Mr. NEVILLE: Resolution of Reno Post, No. 112, of Lexington, Nebr., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: Resolutions of Norris Post, No. 27, of Fostoria, and Rice and Criglow Post, No. 112, of Attica, Grand Army of the Republic, Department of Ohio, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of Grange No. 348, Wolcott, N. Y., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of Grange No. 348, Wolcott, N. Y., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. POWERS: Petition of Post 110, of Bristol, Vt., Grand Army of the Republic, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. PRINCE: Petition of citizens of Davenport, Rock Island, and Moline, Ill., in behalf of the employees of the Rock Island Arsenal, favoring the passage of House bill No. 3993—to the Committee on Claims.

Also, petition of citizens of Whiteside County, Ill., urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. RAY of New York: Petition of citizens of South New Berlin, N. Y., against the sale of intoxicants in the Army—to the Committee on Military Affairs.

Also, petition of citizens of Franklin, N. Y., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Tompkins County, N. Y., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RIXEY: Petition of the estate of Henry Clevenger, deceased, late of Fairfax County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Capt. James F. Lahnum and 60 members of the Indiana National Guard, Auburn, Ind., favoring the passage of House bill No. 7936, increasing the appropriations for arming and equipping the military of the States and Territories—to the Committee on Militia.

By Mr. ROBINSON of Nebraska: Papers to accompany House bill No. 3945, granting an increase of pension to Burdette N. Cleveland, of Fremont, Nebr.—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Resolutions of Stover Post, of Portsmouth, and Jere E. Chadwick Post, of Deerfield, N. H., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. VREELAND: Petition of the Woman's Christian Temperance Union of Lakewood, N. Y., against the sale of intoxicating liquors in the Philippines—to the Committee on Insular Affairs.

By Mr. WEEKS: Petitions of C. R. Morrison and W. H. Mann, in behalf of 360 Modern Woodmen, relative to the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WEYMOUTH: Petitions of the Woman's Christian Temperance Union and Woman's Suffrage League, of Natick, Mass., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of the Woman's Christian Temperance Union and Woman's Suffrage League, of Natick, Mass., for the passage of a bill to forbid liquor selling in canteens and in all Government buildings—to the Committee on Military Affairs.

By Mr. WILSON of Idaho: Petition of A. P. Nielsen and others, of Ovid, Idaho, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *April 4, 1900.*

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

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

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

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 a bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish War or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 65) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Va.; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a petition of the Methodist Episcopal Church in the city of Vinita, Ind. T., praying that in adopting a code of laws for Hawaii a provision be inserted prohibiting the importation, manufacture, and sale of alcoholic liquors, the importation and sale of opium, and gaming. As we have passed that bill, I move that the petition lie on the table.

The motion was agreed to.

Mr. ALLEN presented a memorial of sundry citizens of Hooker County, Nebr., remonstrating against the leasing of public lands to private individuals and local corporations; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Nebraska, praying for the continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a memorial of sundry citizens representing the entire body of Christians in the United States, remonstrating against the sale of intoxicating liquors in Army canteens, and also against the importation, manufacture, and sale of intoxicating liquors in our new island possessions; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of California, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Antelope Grange, No. 100, Patrons of Husbandry, of California, praying for the extension of rural free mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Antelope Grange, No. 100, Patrons of Husbandry, of California, remonstrating against the use of shoddy in the manufacture of goods; which was referred to the Committee on Manufactures.

He also presented a memorial of Antelope Grange, No. 100, Patrons of Husbandry, of California, remonstrating against the construction of reservoirs or irrigating canals by the Government for irrigating arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of Glen Ellen Grange, No. 299; Sebastopol Grange, No. 306; Tulare Grange, No. 198, and Napa Grange, No. 307, all Patrons of Husbandry, in the State of California, praying for the election of Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented petitions of Glen Ellen Grange, No. 299; Tulare Grange, No. 198; Sebastopol Grange, No. 306, and Napa Grange, No. 307, all Patrons of Husbandry, in the State of California, praying for the enactment of legislation to secure protection in the use of adulterated food products; which was referred to the Committee on Manufactures.

Mr. MCLAURIN presented a petition of the Cherokee Nation, praying for the payment of the sums found due them by the award of the Secretary of the Interior as authorized by the act of Congress of March 3, 1893, known as the Slade-Bender award; which was referred to the Committee on Indian Affairs.

Mr. CLARK of Montana presented a memorial of sundry citizens of Yellowstone County, Mont., remonstrating against the passage of Senate bill No. 1947, for leasing public lands in the West; which was referred to the Committee on Public Lands.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

He also presented memorials of the Rocky Mountain Husbandman, of White Sulphur Springs; of sundry members of the Modern Woodmen Society of Kalispell, and of sundry members of the Modern Woodmen Society of Great Falls, all in the State of Montana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CARTER presented the petition of Maria M. Dean, president, and Mrs. H. D. Moore, secretary, on behalf of the Woman Suffrage Association of Montana, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of sundry citizens of Montana, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented memorials of the Reveille, of Butte; the Progress, of Basin, and the Rocky Mountain Husbandman, of White Sulphur Springs, all in the State of Montana, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of American Federation of Labor No. 7532, of Corder, Mo., praying that all the public lands be held for the benefit of the whole people, and that no grants of titles to any of the lands be given to any but actual settlers and home builders thereon; which was referred to the Committee on Public Lands.

He also presented a memorial of the congregation of the Friends' Church, of Carthage, Mo., remonstrating against the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

He also presented a memorial of the Pennsylvania State Grange, Patrons of Husbandry, remonstrating against the passage of the so-called ship subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation making oleomargarine and kindred imitation products subject to the laws of the State, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a memorial of the Maritime Exchange of Philadelphia, Pa., remonstrating against the enactment of any legislation relative to the regulation of length of tows at sea or in the harbors of the seacoast; which was referred to the Committee on Commerce.

He also presented a petition of the Wholesale Merchants' Association of Wilkesbarre, Pa., relative to the imposition of a tax on adulterated food; which was referred to the Committee on Manufactures.

He also presented a petition of the Central Labor Union and the American Federation of Labor, of Wilkesbarre, Pa., praying for the enactment of legislation to preserve the remaining public lands of the United States for the use of actual settlers and home builders; which was referred to the Committee on Public Lands.

He also presented a petition of Pomona Grange, No. 17, Patrons of Husbandry, of Butler County, Pa., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Creamery Association of Eastern Pennsylvania, praying for the enactment of legislation prohibiting the exportation of oleomargarine unless sold, billed, and described as imitation butter; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., remonstrating against the correction of military records of deserters from the armies of the United States during the civil war except in certain cases; which was referred to the Committee on Military Affairs.

He also presented a petition of the legislative committee of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented memorials of the Republican, the Express, the Nord Amerika, and the Index, all in the State of Pennsylvania, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 293, National Association of Letter Carriers, of Bradford, Pa., and a petition of sundry citizens of Butler County, Pa., praying for the enactment of legislation granting additional compensation to letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Second United Presbyterian Church of Verona, of sundry citizens of Carnegie, the congregation of the African Methodist Episcopal Church of Pittsburg, the Woman's Christian Temperance Union of Allegheny, the Christian Church of Bellevue, the Methodist Protestant Church of Pittsburg, the Bellevue Presbyterian Church of Allegheny, and of the Woman's Christian Temperance Union of Russellville, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the importation, manufacture, and sale of intoxicating liquors, opium, etc., in Hawaii; which were ordered to lie on the table.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the continuance of the appropriation for the Hydrographic Office of the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Harrisburg, Pa., praying for the enactment of legislation to increase the exhibits in the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Central Pennsylvania Conference of the Methodist Episcopal Church, praying for the enactment of legislation abolishing the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Reading, Pa., praying for the enactment of legislation providing for the reclassification of clerks in the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Club, the Ladies' Auxiliary, the Young Men's Christian Association, the Woman's Christian Temperance Union, the congregation of the Methodist Episcopal Church, the Second United Presbyterian Church, and the Reformed Presbyterian Church, all of Wilkinsburg, in the State of Pennsylvania, praying for the enactment of legislation prohibiting the importation, manufacture, and sale of intoxicating liquors, opium, etc., in Hawaii; which were ordered to lie on the table.

He also presented a petition of the County League of Fourth-class Postmasters of Sullivan County, Pa., praying for the passage of the so-called Cummings bill, providing for additional compensation to fourth-class postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Johnstown, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Army and Navy; which was referred to the Committee on Military Affairs.

He also presented a petition of 46 citizens of Chester County, Pa., praying for the enactment of legislation providing for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WELLINGTON presented a petition of 45 citizens of Cumberland, Md., praying for the enactment of legislation for the Government ownership and operation of railways, as well as telegraphs and telephones, etc.; which was referred to the Committee on Interstate Commerce.

Mr. DANIEL presented a memorial of the Fairfax County Medical Society, of Virginia, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Bowling Green Young Woman's Christian Temperance Union, of Caroline County, Va., and a memorial of the Reedy Woman's Christian Temperance Union, of Caroline County, Va., remonstrating against the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lincoln, Va., remonstrating against the sale of intoxicating liquors in our new possessions; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Lincoln, Va., remonstrating against the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

He also presented a petition of the board of directors of the Chamber of Commerce of Richmond, Va., praying for the enactment of legislation to permit the laying of the competing cables between the island of Cuba and the United States; which was referred to the Committee on Military Affairs.

He also presented the petition of Mrs. Louisa C. Urquhart, of Dunnsville, Va., praying that she be granted compensation for property destroyed by troops in 1862; which was referred to the Committee on Claims.

He also presented the memorial of Thomas B. Robertson, of Eastville, Va., and the memorial of George F. Norton, of Winchester, Va., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented the petition of Charles J. Ellis and 197 other inmates of the Wisconsin Veterans' Home, praying for

the enactment of such pension legislation as meets with the approval of the Grand Army of the Republic; which was referred to the Committee on Pensions.

He also presented the petition of Samuel Gompers, president, and Frank Morrison, secretary, on behalf of the American Federation of Labor, praying for the adoption of a sixteenth amendment to the Constitution to prohibit the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. MASON presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Dunlap, Ill., praying for the adoption of certain amendments to the interstate-commerce law, and remonstrating against the passage of the ship subsidy bill; which was referred to the Committee on Interstate Commerce.

He also presented memorials of the congregation of the Park Methodist Episcopal Church, the First Baptist Church, the Universalist Church, and the Christian Church, all of Urbana, in the State of Illinois, remonstrating against the imporation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Rogers Park, Ill., and a memorial of sundry citizens of Chicago, Ill., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I present a memorial of the Osage Indians, remonstrating against the action of certain officials in the proper discharge of the trusts under the treaty of 1865 for the sale of lands belonging to them in the State of Kansas. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. COCKRELL presented the petition of Jane C. Crane, of Exeter, Mo., praying for the employment of women nurses in the hospital service of the Army; which was referred to the Committee on Military Affairs.

Mr. FRYE presented a petition of the Officers' Association of the First Regiment, National Guard, of Portland, Me., praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

Mr. STEWART. I present a petition of the Mississippi Choctaws, praying that any of their nation duly identified and enrolled as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior to make settlement within the Choctaw and Chickasaw country, etc. I move that the petition be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

LANDING OF CABLE IN CUBA.

Mr. STEWART. I present a petition of citizens of Cuba, representing a large amount of property, urging that the law may be changed so as to prevent the Department from refusing to allow a competing cable to be landed on that island. I move that the petition be referred to the Committee on Military Affairs and printed.

Mr. MORGAN. I wish to call the attention of the Senate to the fact that the petitioners are Cubans, and we have a rule that prohibits anyone from presenting a petition from citizens of a foreign country.

The PRESIDENT pro tempore. Petitions from citizens of a foreign country can only be presented through the President.

Mr. MORGAN. That is true. Now, I do not raise any question about Cubans being citizens of a foreign country at all; but as we are going along with our business we had better not fall into any unexpected pits about matters of this kind.

Mr. STEWART. The petition relates to a matter in which the Cubans are deeply interested—the landing of a competing cable on the island. There was a law passed by Congress in regard to that matter, the Foraker amendment, which is construed by the Department to require the interference of the War Department to prevent the landing of the cable. Cubans are very much interested. This is a business matter, and there is no other place to which they can go for relief except to Congress. It seems to me that these petitioners do not come under the rule of foreigners generally, because it is a matter of legislation directly affecting them to which they call attention in their petition.

The PRESIDENT pro tempore. But if the Senator from Alabama objects, the petition can only be received through the instrumentality of the President.

Mr. MORGAN. I do not object. I am very glad to see the petition here. I believe their petition ought to be here. I believe the people of Cuba hold a relation to us to-day that can not be dissolved except by an act of Congress. I believe they are politically under our jurisdiction, and therefore they have the right of petition. I merely wanted to call attention to the importance of the proposition which is now presented with a view of directing the attention of Senators to it.

Mr. SPOONER. I think when the attention of the Chair is called to the rule it will appear that the petition ought not to be received in this way. The rule is founded in good sense. It is important that it should be observed. It is a perfectly easy thing for people who want to make such a communication to Congress to transmit it through the State Department.

Mr. STEWART. When it relates to legislation by Congress directly affecting them it seems to me that they should not be denied the right to come to Congress and ask to have that legislation modified. The legislation was enacted by Congress, and it seems to me that their right to ask for relief in this way can not be waived. I do not believe that the petition is within the rule referred to by the Senator from Wisconsin. The Foraker amendment prohibited the granting of franchises. The competing cable asked for no franchise; but the Department holds that that provision of law made it incumbent upon them to use the military to prevent the company from landing their cable. All they ask is to be let alone. They ask that the competing cable be let alone, and these Cubans want to have the law so modified as to have it let alone. They do not ask for any relief except a modification of the legislation to such an extent that they can go into the courts. That is all they ask. It seems to me that the petition is not within the rule, because it relates to legislation which directly affects them. They are not foreigners in the sense of that rule. This is the only legislative body to which they can go, which legislates for them, and they have a right, it appears to me, to present a respectful petition in regard to that legislation which concerns them.

Mr. MORGAN. If the proposition stated by the Senator from Wisconsin [Mr. SPOONER] is to be considered as an objection to receiving this petition and the Chair holds it in that way, I make no objection. Then I will move that the petition be printed and that the subject go over until to-morrow, so that the Senate may look into the matter with more care.

The PRESIDENT pro tempore. If objection is made, the petition can only be received by the Senate through the instrumentality of the President of the United States.

Mr. STEWART. Then let it be printed.

Mr. SPOONER. No.

Mr. STEWART. Can it not even be printed?

Mr. CHANDLER. No; it can not be received at all if objection is made.

The PRESIDENT pro tempore. It can not be received at all. There is no way by which it can be done if objection is made.

Mr. MORGAN. I do not know whether objection is made. I do not believe the objection is a good one, even if made. That is the proposition I desire the Senate to pass upon. I believe those people are subject to our authority. We are ruling them every day, and we are ruling them under the absolute law of military dominion, military power. We can never get rid of those people so as to give them their independence and sovereignty and autonomy otherwise than by an act of Congress. Being, therefore, subject to the power of Congress in regard to their release from the sovereign jurisdiction of the United States, they have the right to petition Congress, and they are not on the footing of the subjects of foreign countries.

The PRESIDENT pro tempore. The petition, without objection, will be received, referred to the Committee on Military Affairs, and printed.

REPORTS OF COMMITTEES.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4089) granting a pension to Emily Burke; and

A bill (H. R. 3214) granting a pension to John S. Dukate.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1891) granting an increase of pension to Amy Goodman, to submit an adverse report thereon and to recommend its indefinite postponement, the beneficiary under the bill having died since it was introduced.

The bill was indefinitely postponed.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3075) granting an increase of pension to Marie J. Blaisdell;

A bill (S. 3139) granting a pension to J. B. Wetherbee;

A bill (S. 3314) granting a pension to Mary I. Bradbury; and

A bill (S. 3099) granting an increase of pension to M. McCoy.

Mr. GALLINGER, from the Committee on Pensions, to whom

were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3480) granting a pension to John Holland; and

A bill (S. 1347) granting an increase of pension to Marie Sharpe.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3470) granting a pension to Rosalia Tejidor Brinckerhoff;

A bill (S. 2570) granting an increase of pension to John M. Swift;

A bill (H. R. 5134) granting an increase of pension to Joseph F. Allison;

A bill (H. R. 4654) granting an increase of pension to Simon Van Der Vaart;

A bill (H. R. 856) granting a pension to Mary McCarthy; and

A bill (H. R. 5961) granting an increase of pension to Charles A. Hausman.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 1031) granting an increase of pension to Thomas H. Kearney, reported it with an amendment, and submitted a report thereon.

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

A bill (S. 2795) granting an increase of pension to Christina Noll;

A bill (H. R. 7799) granting an increase of pension to Franklin M. Burdoin; and

A bill (H. R. 6356) granting an increase of pension to Lewis R. Armstrong.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3337) granting an increase of pension to Buren R. Sherman;

A bill (H. R. 8605) granting a pension to Joseph Champlin Stone;

A bill (H. R. 3962) granting an increase of pension to Alanson C. Eberhart;

A bill (H. R. 5171) granting an increase of pension to William R. Wallace; and

A bill (H. R. 5170) granting a pension to Cyrus Johnson.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (H. R. 4267) granting an increase of pension to Ezra A. Bennett, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2101) granting an increase of pension to George E. Scott, reported it with an amendment.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3058) granting an increase of pension to Harriet E. Meylert;

A bill (S. 2142) for the relief of Anna Whitney Tarbell;

A bill (S. 3342) granting an increase of pension to Samuel Dornon;

A bill (S. 3534) granting an increase of pension to Helen G. Heiner; and

A bill (H. R. 4657) granting a pension to Laura S. Pontious.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 2191) for the relief of Robert D. McAfee and John Chiatovich, reported it without amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 2581) to incorporate the National White Cross of America, and for other purposes, reported it with amendments.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 3467) granting a pension to Hellen Lang, reported it with an amendment, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 3272) for the preparation of a site and erection of a pedestal for statue of late Maj. Gen. George B. McClellan, reported it with an amendment, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1274) granting an increase of pension to Augustus C. Pyle;

A bill (S. 314) granting a pension to Rosa L. Couch, of Leavenworth, Kans.; and

A bill (H. R. 5970) granting a pension to Phebe S. Riley.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1776) granting a pension to John Carr;

A bill (H. R. 6019) granting a pension to Mrs. Therese W. Hard;

A bill (H. R. 7323) granting an increase of pension to Harrison Canfield; and

A bill (H. R. 8045) granting an increase of pension to Wilford Cooper.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (S. 3549) granting a pension to W. A. Keyes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1147) granting an increase of pension to Luke H. Cooper, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4335) granting a pension to William H. Edmonds, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 4014) to authorize Robert Stockwell Hatcher, of the division of customs and insular affairs, War Department, to accept decorations from the Governments of Venezuela and Liberia; which was read twice by its title.

Mr. WARREN. I should like the attention of the Senator from West Virginia [Mr. ELKINS]. I am directed by the Committee on Claims, to whom was referred the bill (S. 3725) for the payment to Bart A. Nymeyer of the balance due him for surveying public lands, to ask that the committee be discharged from its further consideration, and I suggest, if it is agreeable to the Senator, that the bill be referred to the Committee on Public Lands.

Mr. ELKINS. I have no objection to the change of reference suggested.

Mr. WARREN. I move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 981) for the relief of the estate of William W. Burns, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2356) for the relief of Hiram Johnson and others, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 864) for the relief of John L. Rhea, executor of Samuel Rhea, deceased, and John Anderson, administrator of Joseph R. Anderson, deceased; and

A bill (S. 145) for the relief of Thomas Antisell.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3739) for the relief of homestead settlers who died while in the military and naval service of the United States in the Spanish-American and Philippine wars, reported it with amendments, and submitted a report thereon.

Mr. PRITCHARD, from the Committee on Pensions, to whom was referred the bill (H. R. 1768) granting an increase of pension to George J. Stealy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6089) granting a pension to Alfred T. Moreland, reported it without amendment, and submitted a report thereon.

ESTATE OF RICHARD TERRILL, DECEASED.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 568) for the relief of the heirs of the late Richard Terrill, of New Orleans, in the State of Louisiana, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 868) entitled "A bill for the relief of the heirs of the late Richard Terrill, of New Orleans, La.," 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. CARTER introduced a bill (S. 3983) to validate certain certificates of soldiers' additional homestead right; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3984) to prevent the unlawful placing of signs for sale or rent upon private property in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 3985) for the relief of Curtis

& Tilden; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 3986) for the relief of John Black; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3987) to create a commission for condemnation proceedings in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 3988) for the relief of the estates of Maria Johnson and Sarah E. Ware, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 3989) for the relief of the estate of Josiah White, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 3990) for the relief of the estate of Mrs. Annie E. Montrose, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KENNEY introduced a bill (S. 3991) granting an increase of pension to Sylvester Solomon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3992) granting an increase of pension to Sarah J. Warren;

A bill (S. 3993) granting a pension to Elizabeth Denny Gaston;

A bill (S. 3994) granting an increase of pension to James A. McClellan (with an accompanying paper);

A bill (S. 3995) granting an increase of pension to Charles Moyer (with accompanying papers);

A bill (S. 3996) granting a pension to Mary P. Mitchell (with accompanying papers);

A bill (S. 3997) granting an increase of pension to Jacob Zimmerman; and

A bill (S. 3998) granting a pension to Francis N. Baker.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3999) for the relief of John G. Norris;

A bill (S. 4000) for the relief of Robert Carter; and

A bill (S. 4001) for the relief of Emeline Haas.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4002) to correct the military record of Louis Wollet, alias John Wolf;

A bill (S. 4003) authorizing the erection of a monument in the national cemetery at Arlington, Va., to commemorate the services of the Army nurses of the civil war; and

A bill (S. 4004) authorizing the Secretary of War to issue a special medal of honor to the volunteers, regulars, sailors, and marines who remained on duty in the Philippines after their terms of enlistment had expired.

Mr. PENROSE introduced a bill (S. 4005) to reimburse naval volunteers enlisted for one year or during the war with Spain for the cost of clothing and equipment; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GALLINGER introduced a bill (S. 4006) granting an increase of pension to Edward M. Tucker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 4007) granting an increase of pension to Bernard Dunn; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

Mr. WELLINGTON introduced a bill (S. 4008) to incorporate the District Patrol and Alarm Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WOLCOTT introduced a bill (S. 4009) granting an increase of pension to John C. Johnston; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 4010) for the relief of the Mission of St. James, in the State of Washington; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. PERKINS introduced a bill (S. 4011) for relief of Robert W. Dunbar; which was read twice by its title, and referred to the Committee on Claims.

Mr. DANIEL (by request) introduced a bill (S. 4012) for the relief of the estate of Hugh L. Gallaher, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 4013) granting an increase of pension to Joshua Ricketts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANNA introduced a bill (S. 4015) for the relief of Daniel M. Humer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4016) for the relief of the legal representatives of William T. Duvall, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4017) for the relief of Mary E. Squire; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4018) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 4019) for the relief of the estate of Adaline L. Hebron, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4020) to amend the act of Congress approved May 14, 1880, entitled "An act for the relief of settlers on the public lands;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4021) granting a pension to John W. Phillips;

A bill (S. 4022) granting a pension to William B. Caldwell; and

A bill (S. 4023) granting a pension to William Allen.

Mr. DANIEL introduced a bill (S. 4024) directing the Secretary of the Treasury to reexamine and resettle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CARTER submitted an amendment proposing that hereafter an allowance of 10 per cent for each five years' service shall be paid to paymasters' clerks with their current monthly pay, until such pay and increase shall amount to $1,800 per annum, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $30,000 to enable A. H. Emery to complete and erect the 12-inch elevating carriage he is building for the Government, and also to authorize the Secretary of War to increase the contract price of this carriage and its foundations from $110,000 to $130,000, etc., intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR submitted an amendment proposing to appropriate $5,000 for the rental and preparation of a suitable building for use as a library in Manila, Philippine Islands, and also for the pay of a librarian for the period of one year, intended to be proposed by him to the Army appropriation bill; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McMILLAN submitted an amendment proposing to appropriate $14,000 for paving Florida avenue between First and Fourth streets NW., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $6,000 for the land necessary to open Rhode Island avenue between First street west and Lincoln avenue, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CAPITAL TRACTION COMPANY.

Mr. MASON (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 2826) authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CIVIL SERVICE COMMISSION REPORT.

Mr. LODGE submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate document room 1,000 copies each, in separate pamphlets, of the following extracts of report of the United States Civil Service Commission:

Pages 35 to 47 and 53 to 61 of the Fourteenth Annual Report, part 1: "The demand for the reform from the Presidents and contemporary statesmen."

Pages 127 to 141 of the Fifteenth Annual Report, part 3: "The executive civil service and its classification."

Pages 443 to 485 of the Fifteenth Annual Report, part 6: "The practice of the Presidents in appointments and removals in the executive civil service from 1789 to 1883."

Pages 489 to 517 of the Fifteenth Annual Report, part 7: "Growth of civil-service reform in States and cities; the need of extending the merit system; civil-service reform in current literature, etc."

Pages 521 to 559 of the Fifteenth Annual Report, part 8: "Colonial governments and their civil service."

Pages 563 to 570 of the Fifteenth Annual Report, part 9: "Report of the chief examiner."

Pages 84 to 88 of the Sixteenth Annual Report: "Extracts from debates in Congress at the time of the passage of the civil-service law."

EDWARD COTTFRIED.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be directed to send to the Senate a copy of the memorial of Edward Cottfried, a citizen of Wilkesbarre, Luzerne County, Pa., and late a consular agent of the United States of America at Trujillo, Peru, sworn to March 21, 1900, now on file in the State Department, together with all papers, letters, and exhibits attached to said memorial in connection with the action of a party of Peruvian revolutionists against the constitutional government of Peru on and after August 28, 1898, the memorialist at the time being consular agent of the United States in Peru, the wrongdoers perpetrating, it is alleged, depredations on his property and injuries and indignities upon his person in violation of treaty rights.

HOUSE BILL REFERRED.

The bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. If there be no further morning business, it is closed, and the Chair lays before the Senate a resolution, which will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. CHANDLER. Mr. President, I move to amend the resolution by striking out the word "not."

The PRESIDENT pro tempore. The Senator from New Hampshire moves to amend the resolution by striking out the word "not." The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. BURROWS. Mr. President, in obedience to the order of the Senate, this resolution is properly before the Senate at this time, and personally I should be very glad if it could be proceeded with. I will state, however, to the Senate that the Committee on Privileges and Elections at this time is engaged in listening to an argument by counsel on another very important election case, the case of the Senator from Montana [Mr. CLARK], and probably that hearing will be concluded by Friday of this week. Of course, while that discussion is in progress the presence of every member of the Committee on Privileges and Elections is not only desirable, but is important and necessary. It will therefore be impossible, so far as I am concerned, to enter upon the discussion of this case to-day, but I will be ready to do so on Monday or Tuesday of next week or at any time when the Senate has the opportunity to take it up.

I therefore ask, as a matter of courtesy, that the order may be postponed until next week, or from day to day, it makes no difference, but under the circumstances I would be glad if it could be laid over until that time.

Mr. STEWART. It is not necessary, as I understand the matter, for all Senators to be present when a speech is made. It may be very interesting to those gentlemen to be here when the Senator from Michigan makes his speech, but they can read it if they become extra anxious to know what he said. If we were to adjourn every proceeding until we got a full Senate to hear the speeches, we would not do very much business. I have made speeches here, and so have others, when very few paid attention to them, and we thought it was very important that they should be present. I appreciate the desire of the Senator from Michigan to have a full house when he delivers himself of his argument, but I know no rule of the Senate under which an adjournment should take place for such a reason.

Mr. BURROWS. Mr. President, I am sure the Senator does not wish to misrepresent me.

Mr. STEWART. Certainly not.

Mr. BURROWS. I said nothing whatever about a full Senate, although that unusual condition seems to exist at this time. I only spoke about the Committee on Privileges and Elections being engaged in another matter which demanded the attention of the committee, and as the committee has this matter also in charge, I am sure the members of the committee would be glad to be present when the argument in the Quay case is entered upon. They are obliged to be present during the argument in the other contested-election case, which will close on Friday of this week, and early next week—Monday, if desired——

Mr. STEWART. That does not better the request or the statement at all.

Mr. BURROWS. It betters it in this regard, that I did not ask for a full Senate. I think the Senate is certainly full now, and yet I am not prepared to proceed to-day.

Mr. STEWART. Is it necessary to have all the members of the Committee on Privileges and Elections here? Why could they not read the remarks, and let us go on with the Quay case? It has been delayed. It is a question of the highest privilege, and it has been too long delayed.

That is not fair. The case should be taken up and finally disposed of. It is here by unanimous consent, and I insist that it shall have its place, and that the consent agreement shall not be violated. Of course, it could come up without any unanimous consent against any business. I hope every minute of the time will be occupied until 2 o'clock at least every day until the case is disposed of, and I think it will be disposed of in a few days if the Senator having it in charge will insist on keeping it before the Senate. If it goes away from the Senate, let it go away on a vote. Let us have a vote. That is the only way to deal with a matter so important as this.

Mr. CHANDLER. What the Senator from Michigan says is quite true, that the Committee on Privileges and Elections is now executing another order of the Senate in investigating the Montana case; that it is to hear arguments during the remaining portion of this week, and that all the members of the committee will wish to attend the hearing of those arguments.

But, Mr. President, that fact does not prevent debate in the Senate from going on upon this resolution, if any Senator wishes to debate it. The Committee on Privileges and Elections will not remain in session any day longer than 1 o'clock, and the debate in the Senate upon this resolution can go on, and it ought to go on, because since the resolution was reported in the middle of January there has been ample time for Senators to prepare themselves to speak.

Now, the friends of the resolution are willing to forego all further speech in its behalf and to have a vote taken on the question here and now. If, however, any Senator wishes to speak against the motion to amend which I have made, it is his privilege to speak, and I especially desire to hear from the Senator from Michigan, who I understand is prepared to speak. I ask him why he can not go on now. If other Senators desire to speak, I wish to say to them that they ought to be prepared to speak within a day or two upon this resolution, which has been so long before the Senate.

I am willing that there shall be delay for one or two days, until Senators shall have an opportunity to prepare themselves, if they need preparation, to give their views to the Senate upon this question of high privilege. I know of no reason why the Senator from Michigan, familiar with the subject and abundantly prepared, should not go on to-day. The Committee on Privileges and Elections does not meet to-day, and the Senator from Nevada is anxiously waiting to hear the views of the Senator from Michigan.

Mr. STEWART. All are prepared now. All were agreed about taking it up, and of course they are prepared to carry out the agreement. Everybody is prepared to go on, and there can be no excuse for delay. They understood the condition when they made the agreement, and the case should go on from this day right along. I am opposed to a violation of that consent agreement. If there are no speeches to be made, there will be no difficulty in taking a vote. The gentlemen can come down from the committee room to vote, as they do in other cases, and record their vote and go back.

Mr. CHANDLER. I ask the Senator from Michigan if he is ready to go on this morning?

Mr. BURROWS. Mr. President, I am not ready to go on this morning. I will state further that I desire to be heard upon this case. I will also state that there are several Senators absent who have advised me of their desire to speak upon the case and who will return the latter part of this week.

Mr. STEWART. I should like to inquire of the Senator from Michigan why he is not ready to vote or to go on this morning? Why not take it up and go on with it?

Mr. BURROWS. I will inform the Senator from Nevada that I understand no agreement was made to vote upon the case this morning.

Mr. STEWART. No; but to take it up and go on with it.

Mr. BURROWS. We are ready to take it up.

Mr. STEWART. Let us go on with it, then.

Mr. BURROWS. If any Senator is prepared to speak this morning, I have no objection to it. For myself I am not prepared this morning to go on, but I will be prepared on Monday.

Mr. STEWART. Then let the vote be taken. If you do not want to speak, let us vote.

Mr. CHANDLER. I am not disposed to be unreasonable, but this high question of privilege must be dealt with unless the Senate, by a direct vote, orders otherwise. Is there no other Senator who can talk on the subject to-morrow or the next day?

Mr. STEWART. I object to any new agreements.

Mr. BURROWS. I will say to the Senator from New Hampshire that I am advised other Senators wish to speak; indeed, I have a list of some ten or twelve Senators who have indicated to me a desire to speak on this question, and I presume that some of them will be able to go on to-morrow.

Mr. STEWART. You gave consent that this resolution should be disposed of, and that agreement will not be violated.

Mr. CHANDLER. If the Senator from Michigan will allow me, I agree that this resolution may go over until to-morrow, to come up at the conclusion of the routine morning business, without any further action being taken upon it to-day. So far as I am concerned, I wish kindly to notify Senators who are upon the list of the Senator from Michigan that it is desirable that they should be ready to speak at the earliest possible moment.

Mr. DANIEL. May I ask the chairman of the Committee on Privileges and Elections a question while he is up? Can not some day be agreed upon for taking a vote on this case? It is four months since the case came here; two and a half months since it was reported. All the cases have been cited over and over again, and every possible view of this case has been presented. It is a question of high constitutional privilege, and yet it seems to be perpetually postponed. The State is without representation; the seat in the Senate is empty; the Government has not its complement of public officials; yet we here, day after day and week after week and month after month, wait until another week or some other time for some one to get ready to speak.

Can we not fix upon a day and let gentlemen be notified that if they wish to speak they must do so without any further and unreasonable delay? There is some courtesy due to the whole body of the Senate; there is some courtesy due to a State; there is some courtesy due to an applicant for a seat in this body, and that courtesy ought not to be extended over and over again simply for the convenience of members who have had abundance of opportunity to prepare themselves and to deliver their views, and who can deliver no views that have not been in recent years and at this session over and over again repeated to the Senate.

Mr. WOLCOTT. Mr. President, I am personally greatly obliged to the Senator from Virginia for what he has just said. I have just a word or two to add respecting the consideration of this case. Before I do it, however, I should like to clear away, if I can, something of the atmospheric conditions of yesterday afternoon.

What was said at the close of yesterday came after a heated and busy day, in which we had taken some important votes upon a measure of great national moment, and it came at a time when we were all tired and some of us possibly irritable; and it was a little like heat lightning, that comes at the end of a sultry day, somewhat lurid, but doing no harm. In what I said I had no intention in the world of being in the slightest degree offensive to anybody. I can imagine no personal subject upon which I could have a difference with the Senator from Massachusetts, and if men in the Senate can not differ good naturedly upon matters of public moment they are not fit to discuss them. I desire to disclaim any sort of personal allusion in what was said on yesterday afternoon.

Now, Mr. President, something over two months ago the Quay case, so called, was reported from the Committee on Privileges and Elections—a case of the highest possible privilege. When it first came here everybody assumed that it would take its due course and would soon be considered by the Senate. There was a natural reason for its delay, because there was another case before the Committee on Privileges and Elections which was consuming a great deal of time, and which from that day to this has been almost constantly before that committee. The Quay case would naturally and properly, when it came before the Senate, be under the charge and direction and control of some member of the Committee on Privileges and Elections, all of whom have been almost constantly engaged in committee work, and for myself I desire and intend in the future consideration of this case to be guided loyally and wholly by such action as the Senator from New Hampshire [Mr. CHANDLER] in charge of the resolution shall see fit to take.

But, Mr. President, we have waited along day after day very patiently, and we have heard intimations and statements of speeches to be made respecting the case again and again and yet again. On one day a Senator has had to go to New Hampshire; then on another day another Senator was not quite ready; and these have been invariably Senators who are opposed to the seating of Mr. Quay. We have waited and postponed very good naturedly from time to time the consideration of the case for the convenience of those Senators until there has come to be a general feeling in the air, an intimation in the press of the country, and a conviction in the minds of thousands of people that this case of the highest privilege is intended to be buried in this Senate without consideration.

Mr. President, when you consider that here is a State with 7,000,000 people, with almost as many intelligent American citizens in it as there are Tagals and other savages in the Philippines, it does seem as if some sense of justice should prompt members of the American Senate to vote upon the question as to whether this great Commonwealth of Pennsylvania is or is not entitled to two Senators in this body; so that if we vote against her contention she may take such legislative action as she sees fit. It is not a question of seating Mr. Quay, it is not a case of voting that he shall be entitled to a seat, but it is a question of giving a great State fair consideration.

There are Senators in this Chamber, Mr. President, who, upon high constitutional grounds, believe that Mr. Quay should not be seated, because they believe that the governor of a State has no right to appoint in the interim if the legislature fails to elect. For Senators holding that view all of us cherish, of course, the greatest respect. There are other Senators in this body who believe that upon constitutional grounds Mr. Quay ought to be seated; and they take that view, not because of partisan politics, but upon the highest possible grounds—those of the proper construction of the Constitution of the United States. For those Senators also, everybody in the country must cherish great respect. But, Mr. President, it is to me utterly inconceivable that Senators in this Chamber should day after day postpone, without reason and for purposes of delay, the consideration of this great question of the highest privilege.

We talk of the courtesy of the Senate! What Senator is there here who, if he had been in a similar way named by the governor of his State, having served in this body for twelve years, and who found his fellow-Senators day after day postponing the consideration of his case and refusing him a hearing, would not feel himself outraged?

Here we have, Mr. President, the case of an honorable Senator, useful and strong, endeared to the people of his Commonwealth, overwhelmingly supported by them in election after election, with whom some of us have served for many years, and to whom we have become attached by ties of affection and respect; and we find that week after week and month after month excuses that seem paltry to some of us stand in the way of a fair consideration of his case.

Mr. President, it is not difficult to understand why this great opposition comes. There is an opposition to him, not alone upon constitutional grounds, but upon party and political and personal grounds. He has been subjected to more overwhelming and disgraceful attacks than any man who has been in public life for a generation, and he has survived them all; and it will be cruel and wicked if this Senate—in which he served honorably for twelve years—shall add the final stab to his reputation and to his character.

Mr. President, he is attacked principally because, first, he has been chairman of a great political party in its national elections. There never yet has been a chairman of a great party, who has had the disbursing of the necessary funds for the management of a political campaign, who has not come out of it as the center and the target of all the opprobrium and ill will of political opponents and the discontented people in his own party.

I know of no national chairman of a great political party in the last twenty years, since I have known anything of public life, who has not suffered by just that sort of attack. I think the Senator from Arkansas [Mr. JONES] has come out of it freer from suspicion that anybody else; but he has had probably fewer funds to handle [laughter], and the chances are, Mr. President, if he is continued in that position, and his party adheres to the course it seems to have adopted, he will come out of the next election absolutely unsmirched. [Laughter.] But the moment a man accepts the chairmanship of a national committee he becomes the center of attack upon his character.

It is said—with how much justice I do not know—that some attitude of Mr. Quay at some former period respecting what is known as the force bill has led to certain hostility, unexpressed, by certain members on this side of the Chamber to the consideration of his case. He took his political life in his hands in whatever action he may have committed himself to respecting that bill. There was no vote, no bargain, and no agreement; but some of us who have served here for many years have learned that kindnesses and benefits are soon forgotten. Whatever may have been his attitude respecting that measure or any other, there is no sort of obligation resting upon anybody that in consideration of it he should be voted a seat in this Senate; but I submit to Senators on the other side of the Chamber who are interested respecting that and other measures that if there is one drop of red blood in their veins, they ought to stand as one man to see that this fellow-Senator has a vote as to whether he is entitled to a seat here or whether he shall remain out of the Senate.

It is also true, Mr. President, that the public press of certain of

the cities of this country find that the receipts of a great annual income for the publication of long advertisements concerning "Heart to Heart Talks on Ginghams" and the like [laughter] are coupled with the condition that they shall oppose by fair means and foul the seating of Mr. Quay. That consideration, I regret to say, has been sufficient to overcome in certain instances the ordinary courtesies of life. But, Mr. President, if there is any fairness left to us, we ought to permit his case to come to a vote.

We talk of the courtesy of the Senate! We are polite with each other; but sometimes it becomes a thin veneer, and sometimes, if you look under it, you will find it is all because we serve on different committees; that each of us have measures we desire to have passed, and find it more convenient to treat in a spirit of mutual concession than otherwise all our brother Senators. But it is a pity, Mr. President, if the courtesies of the Senate die with the official life of a brother Senator. It would almost seem as if politics and the struggle for power resembled rather a pack of wolves, which, in pursuit of the chase, stop only when a fellow-member of the pack is wounded or injured, long enough to consume him and eat him up, and then follow the quarry.

For my part, Mr. President, I do appeal to members of the Senate that we at least be men and vote upon the question, and by no paltry spirit of delay, by no subterfuge, and by the intrusion of no unreasonable request that we come to some fair understanding as to whether or not Matthew S. Quay is entitled to a seat in the Senate.

The Senator from New Hampshire [Mr. CHANDLER] has given notice that he will let the question go over until Monday; but in a spirit of fairness I do trust that the Senate will at least acquit itself like an honorable body and vote fairly upon the merits of the question.

Mr. GALLINGER. Mr. President, it seems to me that when the lurid heat lightning disappeared from view a veritable Colorado thunderstorm followed it. [Laughter.]

I simply rise, Mr. President, for the purpose of repudiating as one Senator every imputation which the Senator from Colorado [Mr. WOLCOTT] has cast upon those of us who are opposed to the seating of Mr. Quay. The Senator from Colorado transgresses the proprieties of the occasion in calling attention to the fact that in the discharge of what I conceive to be a duty I took three or four days from the public service to go to my home a little time ago; but it will be remembered that before doing so I stated to the Senate that it was a matter of utter indifference to me when this matter was taken up, when it was completed, and whether I was present or absent when the vote was taken, announcing, as I did, that if the vote should be taken in my absence I would be paired against the proposition to seat Mr. Quay.

Mr. President, on more than one occasion this Senate has waited upon the distinguished Senator from Colorado when he has been absent from the Senate and interested in matters before this body; hence the Senator ought not to criticise other Senators for asking the same courtesy.

I simply wish to say now that, so far as I know, there has been no disposition whatever to unduly delay the consideration of this resolution. A few days ago I called attention to the fact that all measures that had been before the Senate for the past six or eight weeks were in charge of Senators who are in favor of seating Mr. Quay. Not a single measure has been projected before this body which has taken an hour's time that was in charge of a Senator who is opposed to the seating of Mr. Quay. It should also be remembered that there has been no opportunity for those of us who have wished to debate this subject to do so, and there has been no disposition on the part of those of us who are opposed to seating Mr. Quay unduly to delay the consideration of this resolution.

Personally, Mr. President, I am in favor of proceeding to the consideration of this matter at the earliest possible day; and, so far as I am individually concerned, I will state to the Senate, while it is a matter of very little concern to this body or to the country, that on to-morrow, if it shall be determined that this matter shall be then proceeded with, I shall occupy a few moments in presenting my reasons for voting against the proposition to seat Mr. Quay as a member of the Senate. I trust, in view of the circumstances, that this matter may go over until to-morrow; that then it may be taken up in good earnest, and considered from day to day, and that the vote may be reached as speedily as it is possible to reach it, giving every Senator an opportunity to discuss this question who chooses to do so. Certainly I shall do nothing to delay the consideration of the matter; on the contrary, I will do everything in my power to facilitate its consideration, because I quite agree with the Senator from Colorado that we owe a duty to ourselves, to this body, and to the country to vote upon this proposition.

Mr. BURROWS obtained the floor.

Mr. WOLCOTT. Will the Senator yield to me on a matter of personal privilege?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. BURROWS. Yes, sir.

Mr. WOLCOTT. Mr. President, I am very sorry if I have ruffled the Senator from New Hampshire [Mr. GALLINGER]. I did not mean to do so. I am apologizing this morning to anybody who will let me. [Laughter.] I did not mean to say anything personal to the Senator. I only cited the Senator's absence as an illustration of the reasons for delay and one of the causes for delay, but without the slightest intimation that there was any ulterior purpose or any possible opening for criticism in it. I hope the Senator will accept this in the spirit in which it is tendered.

Mr. BURROWS. Mr. President, in view of the calm and dispassionate argument of the Senator from Colorado [Mr. WOLCOTT], I think it is due to the Senate that I should make a statement of the facts in the progress of this case to show how unfounded the statements of the Senator from Colorado are.

When the credentials of Mr. Quay were presented, it was moved that they be referred to the Committee on Privileges and Elections; where they went without opposition. On the 16th day of December the case was taken up promptly by the committee for consideration; counsel were heard upon each side; and the discussion of the matter and the argument by counsel closed on the 5th day of January. On the 23d day of January, as soon as the minority of the committee were ready, a report was made to the Senate. So that the report of the committee and the views of the minority were presented to the Senate on the 23d day of January.

At that time, as every Senator knows, the Senate was pressed with the consideration of matters of great moment; so that not only was there no disposition, but scarcely an opportunity to take up the Quay case at once; but it was taken up on the 26th day of February. On that day the member of the committee who made the report, the Senator from Tennessee [Mr. TURLEY], took the floor and occupied two days in the discussion of the case. On the 2d day of March the Senator from Massachusetts [Mr. HOAR] spoke. The Senator from Vermont [Mr. ROSS] addressed the Senate on the case March 3, the very next day. On March 5 the Senator from Montana [Mr. CARTER] addressed the Senate upon the case; on the 6th, the next day, the Senator from Oregon [Mr. SIMON] spoke; and on the 14th the Senator from Pennsylvania [Mr. PENROSE] called the case up and asked for its consideration. Then the Senator from Massachusetts [Mr. HOAR] asked for an agreement as to time when the case might be taken up and proceeded with; and on the 15th, by unanimous consent, it was agreed that the case should be taken up on the 3d day of April. That is the simple history of the case. So that, since the case was taken up at the request of the gentleman who reported it to the Senate, it has been considered from day to day whenever opportunity afforded.

Mr. PENROSE. Mr. President——

Mr. STEWART. I should like to inquire of the Senator from Michigan, when there is a unanimous-consent agreement to consider a case until its final termination, if it is not a violation of that agreement to ask to postpone it? I never have heard of it being done before, and I never have heard of it being tolerated before.

Mr. BURROWS. I say it is not a violation of the agreement; but if the Senator will kindly allow me to complete my statement, I shall be obliged to him.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. The Chair understands the Senator from Michigan declines to yield.

Mr. BURROWS. I decline to yield for the present.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. BURROWS] is entitled to the floor.

Mr. BURROWS. On the 15th of last month it was agreed by the Senate, at the request of the Senator from Massachusetts [Mr. HOAR], that this case should be set down for the 3d day of April. By unanimous consent that was agreed to. At that time, I will say to the Senator from Virginia [Mr. DANIEL], who has asked that a day be fixed for a vote, request was made to fix a day for a vote, but the Senator from Massachusetts declined to comply with the request, for the reason that at that time many Senators had not been heard who desired to speak and that the debate had not proceeded far enough to make such a request proper. This is the history of the case.

On the 15th of March, when an agreement was made to take the case up on the 3d of April, the Clark case was to be heard on the following Tuesday, a week ago yesterday, but unforeseen circumstances made it necessary to postpone the arguments on that case until yesterday. As I said before, we are now in the midst of the hearing of that case. We shall be ready to proceed with this case next week, and the Senator from New Hampshire [Mr. GALLINGER] will probably be prepared to speak to-morrow.

I reaffirm and reassert, intimations to the contrary notwithstanding, that there is no disposition whatever to delay the hearing of this case or a vote upon its disposition under the unanimous-consent agreement.

Mr. BERRY. Will the Senator from Michigan yield to me for a moment?

Mr. BURROWS. Certainly.

Mr. STEWART. I desire to call attention——

Mr. BERRY. The Senator from Michigan has yielded to me.

Mr. STEWART. But I want to call attention to the violation of a unanimous-consent agreement.

Mr. BERRY. The Senator may do that when I get through.

Mr. STEWART. Very well.

Mr. BERRY. Mr. President, the Senator from Colorado [Mr. WOLCOTT] is laboring under a wrong impression. As I understood his intimation, it was that certain Senators on the other side of the Chamber would probably oppose Mr. Quay because he had voted against what is known as the force bill. The Senator then used some language to the effect that if we had any gratitude on this side of the Chamber we would remember that circumstance. I think, Mr. President, a number of us have shown on various occasions that we did have gratitude to those on the Republican side of the Chamber who voted to defeat the force bill. We did certainly feel very grateful to the Senator from Colorado, who has just spoken, who made the motion which set aside that bill and brought up another for consideration, thereby defeating the force bill. That bill itself was never voted upon. It was pending here, and the Senator from Colorado made a motion to proceed to the consideration of the apportionment bill.

It was universally recognized that that was a test vote, and that if the motion of the Senator from Colorado carried it would kill the force bill. A vote was taken, and the Senator's motion was carried by a majority of one. The Senators on the other side of the Chamber who voted with us were the junior Senator from Colorado [Mr. WOLCOTT], the senior Senator from Colorado [Mr. TELLER], the Senators from Nevada [Mr. STEWART and Mr. JONES], the then Senator from Minnesota, Mr. Washburn, and the then Senator from Pennsylvania, Mr. Cameron. The then Senator from Kansas, Mr. Ingalls, was paired with the Senator from Iowa [Mr. ALLISON] on the same side of the question. Mr. Quay voted against the motion of the Senator from Colorado to set aside the force bill and to take up the apportionment bill.

I thought it was due that this statement should be made to the Senate, so that we on this side might not be accused of ingratitude in the matter.

Mr. STEWART. I wish to call attention to the unanimous-consent agreement of the Senate. It seems to me that this is an open violation of it, which ought not to be continued. I read the unanimous-consent agreement, which is as follows:

That on Tuesday, April 3, after the routine morning business, the Senate will proceed to the consideration of S. R. 107, declaring "that the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania," and continue its consideration from day to day until the final disposition of the same, subject to the consideration of appropriation bills, conference reports, the present unfinished business, and S. 2355, "In relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of September, 1898." (March 16, 1900.) Notice given by Mr. CHANDLER that he would not call up the foregoing resolution until Wednesday, April 4, at the same hour. (March 31, 1900.)

Now, we are here under this agreement, and a motion to postpone is in violation of the agreement.

Mr. GALLINGER. It has already been postponed for one day.

Mr. STEWART. It has not been.

Mr. GALLINGER. Certainly it has; from Tuesday.

Mr. STEWART. There was no vote at all to take it up, because the understanding was that it should not interfere with the Porto Rican bill, which had precedence over it. There was no postponement by any motion, but by force of the language of the agreement the unfinished business had precedence over it; but, subject to that precedence, it had the right of way day by day by the consent agreement, and such an agreement was never before openly violated in this body.

Mr. GALLINGER. Will the Senator permit me?

Mr. STEWART. Yes.

Mr. GALLINGER. Does the Senator seriously insist that a unanimous-consent agreement can not again be modified by unanimous consent?

Mr. STEWART. It may be by unanimous consent.

Mr. GALLINGER. That is all the Senator from Michigan [Mr. BURROWS] has asked. He has asked unanimous consent. He has made no motion.

Mr. BURROWS. I have made no motion.

Mr. STEWART. I object to any unanimous consent or any motion to put the Quay case out of the way. I insist on adhering to the unanimous-consent agreement already had.

Mr. PENROSE. Mr. President, I should like to interrogate the Senator from Michigan [Mr. BURROWS], if he will permit me. I should like to ask him whether, when he read the history of the progress made in the Quay case, he mentioned the resolution which I was compelled to offer in this Senate several weeks ago, in order to bring the matter up? I do not recall whether or not he mentioned that.

Mr. BURROWS. I do not know whether that occurred on one of the days I have mentioned. I have not the memoranda now at hand; but I referred to the Senator from Pennsylvania as making an effort to get up the Quay case; and I presume that was the occasion.

Mr. PENROSE. I remember the occasion. It was during the morning hour when, according to my recollection, there was no other business of any kind which could be interfered with by bringing the Pennsylvania Quay case up, in order that the Senator from Virginia [Mr. DANIEL] might have an opportunity to make a speech. I do not recall how the Senator from Michigan voted; but doubtless he exercised his privilege to advance the Quay case in every way in his power.

The PRESIDENT pro tempore. The resolution is before the Senate.

Mr. CHANDLER. Unless some Senator wishes to speak, I shall ask that the resolution go over until after the routine morning business to-morrow. I shall not now ask that a time may be fixed for voting upon the resolution, but will do so at a later stage. I give notice that I shall press this case for consideration as a question of the highest privilege until it is speedily disposed of.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution go over until after the routine business to-morrow morning is completed. Is there objection?

Mr. STEWART. I object. I object to any postponement whatever, unless there can be unanimous consent to vote on some day. If there can be that consent, if we can fix on any day, however remote, when the vote can be taken, I shall not object.

Mr. CHANDLER. Mr. President, I shall never make any motion in reference to the consideration of a question of as high privilege as is this. I ask that it may go over, and I shall be very glad to turn over the management of the case so far as I am concerned to the Senator from Nevada [Mr. STEWART] if he thinks that he can get it voted on any quicker than I can.

Mr. STEWART. Will the Senator listen to me?

Mr. CHANDLER. Certainly.

Mr. STEWART. I desire to make a suggestion. I ask unanimous consent that the final vote may be taken on this case one week from next Tuesday, at 4 o'clock.

Mr. GALLINGER. That is objected to, Mr. President.

Mr. CHANDLER. I have no objection to it.

Mr. GALLINGER. I move that the further consideration of the resolution be postponed until to-morrow after the routine morning business.

Mr. STEWART. I object. That is in violation of the agreement.

Mr. CHANDLER. It is in violation of the unanimous-consent agreement, if that agreement is in existence; but I have no objection to terminating the unanimous-consent agreement, though I think the day far distant when the Senate of the United States will destroy the privilege that attaches to a question as to the right of a person to fill a vacant seat in this Senate. That agreement is not in force if a motion is made to postpone the Quay case without unanimous consent of the Senate.

Mr. STEWART. If it can be understood that this unanimous-consent agreement shall be restated, and that it shall commence to-morrow morning after the routine morning business, and shall not thereafter be further violated——

Mr. CHANDLER. I shall object to any new unanimous-consent agreement.

Mr. STEWART. Then I object to this entire proceeding.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GALLINGER] moves that the further consideration of the resolution be postponed until to-morrow morning after the routine morning business is completed. The question is on that motion.

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

The yeas and nays were ordered.

Mr. CHANDLER. Mr. President, having asked that the resolution shall go over until to-morrow, and the motion is that it shall go over until to-morrow, I will withdraw the call for the yeas and nays.

I hope the senior Senator from Massachusetts [Mr. HOAR] will return within a day or two, when we can have a discussion of what the meaning of this unanimous-consent agreement is. We had a discussion yesterday afternoon which was not particularly beneficial, according to my observation, and I have no desire to renew it now; but I protest, as chairman of the Committee on Privileges and Elections, against any idea that the unanimous-consent agreement, if it exists, shall be broken in this way against the objection of any Senator; and I also protest against any attempt to deprive the question of filling a vacant seat in this Senate

of the high privilege which belongs to it at all times, unless it is disposed of by direct vote of the Senate.

Mr. JONES of Arkansas. Before the Senator takes his seat, I should like to call his attention to a part of the debate which occurred at the time the unanimous consent was granted. I hope the Senate will, in perfect good faith, carry out the unanimous-consent agreement as it was understood, and distinctly understood, at the time it was made. I ask the President of the Senate to have read the question addressed to the Chair by the Senator from Maine [Mr. HALE] and the answer of the President of the Senate, which was clearly a part of the unanimous-consent agreement at the time it was made, and which clearly shows that the motion of the Senator from New Hampshire [Mr. GALLINGER] is not in any sense a violation of the unanimous-consent agreement. I ask the Chair to have that paragraph read.

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. GALLINGER. Mr. President, under that agreement it would be quite in order that any Senator should make a motion to indefinitely postpone this resolution, to postpone it for one month, for three months, or for six months. Every subsidiary motion known to parliamentary law was explicitly reserved.

Mr. JONES of Arkansas. There is no question about that.

Mr. BURROWS. Let it be read.

Mr. CHANDLER. Then what becomes of the continuous consideration?

Mr. GALLINGER. It ends.

Mr. CHANDLER. If you can have the continuous consideration of a subject and postpone it by just as many motions as any Senator chooses to make, your agreement is destroyed.

Mr. STEWART. Mr. President——

Mr. JONES of Arkansas. Mr. President, I will not yield further. I have the floor.

Mr. STEWART. In view of the circumstances I will withdraw my objection and let the matter go over until to-morrow morning.

Mr. PENROSE. I understand the Senator from New Hampshire [Mr. GALLINGER] will be prepared to speak to-morrow, and I think it would be better for the resolution to go over by unanimous consent.

Mr. STEWART. I consent.

The PRESIDENT pro tempore. Is there objection to the resolution going over until to-morrow? Does the Senator from New Hampshire withdraw his motion?

Mr. GALLINGER. I think I will, under the circumstances; and I shall exercise my right to speak to-morrow as I would have done if this discussion had not taken place. I will not speak because somebody has suggested that I ought to speak.

The PRESIDENT pro tempore. Without objection, the resolution will go over until to-morrow after the routine morning business.

Mr. ALLEN. I ask unanimous consent to call up Senate bill 2053.

Mr. LODGE. Before the bill is taken up, will the Senator from Nebraska yield to me for one moment?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. ALLEN. I yield.

Mr. LODGE. I will give way in one moment to the Senator from Nebraska.

Mr. President, the Pennsylvania case having been put over until to-morrow I desire simply to say that at 2 o'clock——

Mr. BURROWS. To-day.

Mr. LODGE. Two o'clock to-day I shall move to take up Senate bill 2355 and make it the unfinished business. What the correct interpretation of the unanimous-consent agreement is I do not pretend to say, but I think it must be plain to everyone that Senate bill 2355 is excepted, and that I am not breaking the unanimous-consent agreement if I move to take it up and make it the unfinished business, which is all I desire to do. I have not the remotest intention of using that bill, when it becomes the unfinished business, to interfere with the continuous consideration of the Quay case, which I understand was the primary point of that agreement, by which I hope to abide strictly.

Moreover, Mr. President, if nobody is ready to proceed upon the Philippine bill, I shall be very glad to yield to the Senator from Montana [Mr. CARTER] to go on with the Alaska bill, the consideration of which I think ought to be completed at the earliest possible moment. I have no intention, and I had no intention, of using this bill in any way to obstruct. I desired simply that it should have the position which I understood it was entitled to under the unanimous-consent agreement.

I should like to add, Mr. President, before I take my seat that no explanation so far as I am personally concerned was needed from the Senator from Colorado [Mr. WOLCOTT]. I never should have suspected that he would make any personal reflection upon me; and I desire to say on my own part that whatever in the heat of the moment I may have said last night which may have seemed to imply that the unanimous-consent agreement was broken, or that any Senator intended or thought of breaking it, was said perfectly unintentionally and without meaning in any way to make such an implication against any Senator. Some of us interpret its meaning differently, but I believe there is but one desire in the Senate, and that is to live up strictly to a unanimous-consent agreement once entered into as this one was.

JOSEPH M'GRAW.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 2053) to remove the charge of desertion from the name of Joseph McGraw.

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 Military Affairs with an amendment, in line 8, after the word "rebellion," to insert:

Provided, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the name of Joseph McGraw, late a member of Company I, Eighty-second New York Infantry Volunteers, and grant the said Joseph McGraw an honorable discharge, to date from the close of the war of the rebellion: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

The amendment was agreed to.

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

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

CIVIL GOVERNMENT FOR ALASKA.

Mr. CARTER. I move that the Senate proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The motion was agreed to.

THE NICARAGUA CANAL.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Alabama?

Mr. CARTER. I yield to the Senator from Alabama.

Mr. MORGAN. I desire, inasmuch as I am chairman of the Committee on Interoceanic Canals, to call up that bill which has been reported for some time past and is on the Calendar, with a view of asking the Senate to fix a day for its consideration. I do not expect to press the canal bill if it is taken up this morning, but I desire to call it up for the purpose of having a day fixed for its consideration. My reason is that I expect to be absent from Washington for perhaps ten or fifteen days on business that is personally important to myself, and I do not feel at all disposed to leave this body under any circumstances or for any reason in the world while that great measure is upon the Calendar and not disposed of. I will, therefore, ask the Senate to take up the bill with a view of allowing me to ask that a day be fixed for its consideration as the regular order of business.

The PRESIDENT pro tempore. Does the Senator from Montana yield for that purpose?

Mr. CARTER. For the purpose of enabling the Senator from Alabama to address the Senate?

Mr. MORGAN. I do not wish to address the Senate. I merely wish to get the bill up and to ask the Senate to fix a day for its consideration as the regular order.

Mr. CARTER. I yield to that request, provided it does not lead to extended debate.

Mr. MORGAN. There will not be any debate about it.

Mr. CARTER. I will then ask that the Alaska bill be temporarily laid aside for the purpose of the request of the Senator from Alabama. I do not wish, however, to be understood as yielding the floor or the place of this bill, but simply that it be set aside for a statement.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the bill known as the Nicaragua Canal bill be laid before the Senate. Is there objection?

Mr. MASON. I object. I rise for a matter of inquiry. I desire to do all I can to assist in the passage of the Nicaragua Canal bill, but before it is taken up and disposed of I should be glad to be informed whether any action is to be taken on the treaty. I desire to know whether it is to be a bill to be passed under this treaty or whether the Senator expects to get a vote before the adoption or rejection of the treaty.

Mr. MORGAN. The day which I propose to suggest for the consideration of the canal bill will give ample time for the consideration of the treaty, if the Senate thinks it is best to consider and dispose of the treaty first. I will say, however, that the frame of the canal bill is not in the way of the provisions of that treaty. The canal bill was reported some time before the treaty was negotiated and concluded, and the two measures are not in the slightest degree in conflict, in my opinion; but I desire to have

a day fixed for the consideration of the canal bill that will give ample time for the Senate to consider the treaty in advance, if they propose or prefer to do so. I do not care myself to undertake to give a preference to either measure over the other.

Mr. MASON. I beg the Senator's pardon. I can not hear him. Therefore I can not tell when he gets through. I do not want to interrupt him.

Mr. MORGAN. I have stated, and I will repeat it to the Senator from Illinois, that personally I have no preference in respect of these measures—none whatever. I propose to ask the Senate to fix a day for the consideration of this bill which will give ample time for the consideration of the treaty, if the Senate is disposed to consider that measure in advance of action upon the canal bill. But I further stated that the bill, which the committee reported some time before the treaty was negotiated, contains such language as would make room for the treaty if the Senate chooses to ratify that instrument.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the bill known as the Nicaragua Canal bill be laid before the Senate, in order that he may make a request. Is there objection?

Mr. MASON. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. MASON. I could not understand from what I could hear of the statement of the Senator from Alabama whether he expects to press the matter to a hearing. I hope the Senator can hear me, whether I could hear him or not.

Mr. MORGAN. I can hear the Senator from Illinois with great distinctness.

The PRESIDENT pro tempore. The matter is not before the Senate.

Mr. MASON. I have the floor, I understand, and I wish to make a personal explanation. Does the Presiding Officer wish to take me off the floor?

The PRESIDENT pro tempore. The Senator from Illinois can proceed by unanimous consent, but not otherwise.

Mr. MASON. The Chair——

Mr. CARTER. Since the matter is leading to debate and an objection has been interposed by the Senator from Illinois, I call for the regular order.

Mr. MASON. I was making a personal explanation.

The PRESIDENT pro tempore. When an objection is made, that is the end of the matter where it requires unanimous consent.

Mr. MASON. Then I ask unanimous consent——

The PRESIDENT pro tempore. The matter is not before the Senate.

Mr. MASON. I ask unanimous consent for one minute to explain to the Senator from Alabama that I could not hear all of his request, and I do not wish him to understand that I shall oppose the Nicaragua Canal bill. I wish to be put right before my own people, who favor this bill. So far as I can learn, they are not in favor of a Nicaragua Canal under the treaty and under the terms of the treaty which has been negotiated by the State Department and sent to the Senate of the United States. Whether they will favor the treaty as proposed to be amended by the committee I am not advised. I simply object to taking it up in any way until I can have information whether it is to be an American canal or a canal to be controlled, as I think, by the greatest naval power in the world. I object for that reason.

Mr. MORGAN. Can I have the consent of the Senate to make myself understood to the Senator from Illinois?

Mr. MASON. The Senator can get unanimous consent, I have no doubt.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Alabama will proceed.

Mr. MORGAN. I propose to call up the bill this morning for the purpose of having a day fixed for its consideration.

Mr. JONES of Arkansas. The canal bill.

Mr. MORGAN. The canal bill, and not the treaty; and I propose to give no preference, so far as I am personally concerned, either to the treaty or to the bill, one over the other. What I want to do is to have action of this body taken, and I propose, with the consent of the Senate, to have a day fixed for the consideration of this bill so far distant that the Senate can either dispose of the treaty or not, at its pleasure, before that time arrives. But I stated at the same time that the provisions of this canal bill are not in conflict, in my judgment, with the provisions of that treaty. Now I hope the Senator from Illinois understands me.

Mr. MASON. I object to taking the bill up in any way.

Mr. CARTER. I call for the regular order.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole and open to amendment. No amendment is pending, the Chair understands.

Mr. CARTER. The pending amendment, as I understand, is the amendment presented by the Senator from North Dakota [Mr. HANSBROUGH], proposing to strike out and insert as indicated in the amendment.

Mr. STEWART. I should like to make a request of the Senator in charge of the bill. There are parties on their way from California who are very deeply interested in the amendment of the Senator from North Dakota, and also the amendment of the Senator from Montana, with regard to mining and the orders given by the Secretary of War. I myself think these matters had better be considered further, for fear of doing great injustice; and I ask that neither of these matters be acted upon to-day, so that we may have a little more time and so that the gentlemen I refer to can get here. They will be here to-morrow or the next day. It will take but a short time, because, I presume, when we understand it we will all arrive at an agreement without controversy. The other matters in the bill can be disposed of, and when the mining matter is called up we will have an understanding, probably, with regard to it.

Mr. CARTER. I have no disposition to debar anyone having an interest in the proposed legislation from the right of being heard. I do not know of any other amendment pending, save the one presented by the Senator from North Dakota, which is one of the amendments referred to by the Senator from Nevada. It is the desire of all Senators to promptly dispose of this bill. Its importance, independent of the subject-matter of the amendments referred to by the Senator from Nevada, warrants us in urging that the bill be passed at the earliest possible date. If other amendments are to be presented for consideration to-day I will have no objection to passing over until to-morrow the amendments referred to by the Senator from Nevada; and I therefore suggest that if other amendments are called for by the Chair they may be presented now.

Mr. HANSBROUGH. I desire to offer a modification of the amendment which I proposed to section 73. I propose to strike out the second word in the proposed amendment, the word "alien," and insert the following:

SEC. 73. That persons who are not citizens of the United States, or who prior to making location had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska; nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal.

This is the modification I propose. I also propose to add a proviso at the end of the proposed amendment. I ask that the amendment may be read at the desk.

Mr. STEWART. Does the Senator from North Dakota propose to press the amendment now or have it go over until to-morrow?

Mr. CARTER. I understand the Senator from North Dakota simply desires to perfect the amendment offered by him; and to that there is no objection. It will not come to final disposition to-day.

Mr. STEWART. Let it be read, so that we can understand it.

The SECRETARY. It is proposed to amend section 73, on page 469, so as to read as follows:

SEC. 73. That persons who are not citizens of the United States, or who prior to making location had not legally declared their intention to become such, shall not be permitted to locate, hold, or convey mining claims in said district of Alaska, nor shall any title to a mining claim acquired by location or purchase through any such person or persons be legal. In any civil action, suit, or proceeding to recover the possession of a mining claim, or for the appointment of a receiver, or for an injunction to restrain the working and operation of a mining claim, it shall be the duty of the court to inquire into and determine the question of the citizenship of the locator: *Provided*, That no location of a mining claim shall hereafter be made in the district of Alaska by any person or persons through an agent or attorney in fact, and all locations heretofore made by any person or persons through an agent or attorney in fact upon which $100 worth of labor or improvements had not been expended or made within ninety days first succeeding the date of such location are hereby declared to be null and void.

Mr. HANSBROUGH. I will state, for the information of the Senate, that the proviso just read was suggested to me by the Senator from Nevada.

Mr. STEWART. Not in that form. I suggested claims upon which a hundred dollars' worth of work shall not have been made for three months after the passage of this act, giving them an opportunity to do the work. That was my suggestion.

The PRESIDENT pro tempore. The amendment will be printed.

Mr. STEWART. I suggest that it be printed and lie on the table until to-morrow.

The PRESIDENT pro tempore. The amendment has already been ordered to be printed. It will lie on the table.

Mr. PLATT of Connecticut. Before this subject passes from the consideration of the Senate, I should like to ask a question of the Senator from North Dakota; and I premise that question by saying I suppose that some portion of the gold-bearing region of Alaska adjoins the gold-bearing region of British Columbia. I should like to inquire what regulations are made in British Co-

lumbia in relation to American miners who go there to take up claims?

Mr. HANSBROUGH. I have here a letter or a part of a letter which will explain and answer the question asked by the Senator from Connecticut, and with the indulgence of the Senate I will have it read at the desk, to show how American miners, when they get into foreign territory, are treated.

Mr. JONES of Arkansas. What is it?

Mr. HANSBROUGH. It is an extract from a letter which I received a few days ago from a gentleman who has had some experience in Canada in mining matters, and it covers the subject so thoroughly that I think it will completely answer the question asked by the Senator from Connecticut. I ask that it be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Your amendment as a substitute for section 73 will be enthusiastically indorsed by every American miner, and by ninety-nine hundredths of all Americans throughout the West. On behalf of several thousand American miners I called the attention of Secretary Hay to the infamous retroactive alien law passed by the British Columbian parliament a year ago last January. Early in August, previous to the passage of this act, several thousand American miners went into a wild and unexplored region of British Columbia, discovering and locating a large number of placer mines on creeks, benches, and hills. We took out "free miners' licenses" for the term of one year, and paid many thousands of dollars into their public treasury.

Under one frivolous pretext and then another they postponed, delayed, and refused to record a large proportion of the claims that were staked, but the recorder assured the miners that their rights would be protected until the open season (the following June). But when we got back next spring, after traveling thousands of miles and spending a large amount of money, we found that we had no rights that these Canadians felt bound to respect. Although the miners' licenses, for which we paid $5, gave us the right to "prospect, locate and mine anywhere in the province of British Columbia for the term of one year," they repudiated their contracts, and flatly refused to allow us to "locate, buy, or hold through a British subject as trustee or agent." They obtained our money under false pretenses and they have got it yet. I told Secretary Hay in my letter that it was highway robbery pure and simple; that it was the most infamous outrage ever perpetrated by a civilized nation upon the citizens of a neighboring country. And had a like number of British subjects received the same treatment from any other nation, there would have been a prompt settlement or an immediate declaration of war.

The mining district to which I refer is now called the Atlin district, and it was for the express purpose of driving out the American from this district that the infamous retroactive law was passed; and with the aid of heavy taxation and annoying litigation they have in a great measure succeeded.

For forty years they have mined on American soil without let or hindrance, and now own many of the richest gold and silver mines in America, and this is the way that greedy nation of land pirates shows its gratitude for our kindness in allowing them to carry off hundreds of millions of gold and silver from our own soil.

Would to God that every Senator and Member of Congress could fully understand all the facts, and fully realize all the burdens the poor American miners have to bear under British rule.

I have spent several years in Alaska, British Columbia, Northwest Territory, and I assure you that the feeling amongst Americans is intensely bitter against the two Governments on account of the oppressive laws under which they have to live. The English nation has no sense of right. Fear is the only power that will govern them. We should strike back, and strike hard.

Mr. PLATT of Connecticut. I hardly think the letter answers fully the inquiry which I made, and it seems to me that it is a very important matter which is touched upon in the proposed amendment. I know that it is not before the Senate, but, as I have understood, a great many American citizens have been digging gold on British soil for several years. I do not know to what difficulties they have been subjected, but in some way I think it is true that our citizens have been seeking gold on British soil and have been accumulating gold from British soil. Now, it becomes rather a delicate matter under those circumstances, as it seems to me, to prescribe that nobody but an American citizen shall be permitted to locate claims in Alaska. Of course if we do that, the British Government, in the way of retaliation, will say that no American citizen shall locate any claim upon British soil.

I have not investigated this matter at all, but I think we ought to be fully informed as to the action of the British or Canadian government when application is made by American citizens for the opportunity to mine gold on Canadian soil. I think we ought to be fully in possession of all the facts, and that was my only reason for asking the question at this time, that those who favor the amendment might, when it comes up for consideration, be able fully to inform the Senate on that subject.

Mr. CARTER. Mr. President, it seems quite as well, in view of the presentation of the Senator's question, to make an explanation at this time on the subject-matter of his inquiry.

The Canadian government allows American citizens to take out what they call a miner's license, the full designation being a free miner's license. I do not know that there is any variation in the respective districts as to the amount to be paid for this license, nor is it material. The amount usually collected for the license is the sum of $5 per annum. This license permits the miner who holds it to explore, locate, and hold mining claims within the dominion of the Northwest Territory and British Columbia.

The laws of the United States have never permitted an alien to locate a mining claim upon the public domain. The laws of the United States which have been in force in Alaska for many years with reference to mining claims do not permit the location of a mining claim by an alien in the district of Alaska. Having regard, however, for the conditions which exist in Alaska, particularly upon the vague and indefinite boundary line between British Columbia and Alaska, Congress at its last session passed a section of a law which provided that the Secretary of the Interior should be and was authorized to extend to native-born citizens of the Dominion of Canada equal rights and privileges with American citizens in the district of Alaska upon the same basis accorded to our citizens in British Columbia and the Northwest Territory. That authority is at present vested in the Secretary of the Interior. The purpose of that section of the law was to facilitate a reciprocal arrangement between miners passing back and forth over the ill-defined line of division between our own territory and the territory of British Columbia.

In addition to the amount of $5 per annum of an annual free miner's license tax, the parliament of British Columbia has likewise levied a 10 per cent royalty tax upon the gross output of all the mines held by our people in British Columbia. The Secretary of the Interior——

Mr. SPOONER. Will the Senator from Montana allow me to interrupt him?

Mr. CARTER. If the Senator will permit me to finish the sentence I will yield. The Secretary of the Interior would therefore at the outset be required, in order to reach something of a reciprocal relationship between the people of the Dominion and the people of this country, to secure a repeal by British Columbia of their law requiring this 10 per cent royalty; likewise the levying of the miner's license tax. The Secretary might probably under his authority require the payment by resident citizens of Canada of the $5 license tax, but it would scarcely comport with our general policy to undertake the collection of the royalty they provide.

Since the passage of the law in the last Congress no effort has been made by the authorities of the Canadian government or of British Columbia to attempt to relieve conditions by relaxing rules or laws requiring the payment of the license tax or the royalty to which I have referred.

I will now yield with pleasure to the Senator from Wisconsin.

Mr. SPOONER. I simply desire to ask the Senator from Montana if under the laws of the Dominion the American miner is treated differently from the Canadian miner. In other words, the American miner takes out a license to mine. Does not the Canadian do the same thing?

Mr. CARTER. I am not advised upon that point, nor am I prepared to state that the royalty is not required to be paid by the Canadian miner, just as the royalty is paid by the American miner.

Mr. SPOONER. That is the question I was about to put to the Senator.

Mr. TELLER. If the Senator will allow me, I will suggest that in some portions of British America the miner takes out his license. I think, as to the provision for royalty, there was a special provision put upon the American miner by a special act. I do not think it was in force in that section of British Columbia where I have been a couple of times amongst the miners. I never heard of any royalty being paid there, but every American and every Canadian who mined had to take out a license paying, as the Senator states, $5.

I want to suggest to the Senator that, while we have had a law that excluded foreigners, it has always been construed in mining laws, so far as I know, that whenever a man had made his application for first papers he came within the rule and could take title; and the courts have held also, in one or two instances I know, that nobody could raise the question about a man's right to take a claim except the Government of the United States; and that if he took a claim and somebody disputed his right to do it, he would not have a standing in court to do that; so that foreigners have actually mined, to my personal knowledge, to a very large extent in this country, sometimes going to the trouble to have the title put in some other name, but sometimes not.

Mr. STEWART. I ask the Senator from Montana if it is the understanding that these matters with regard to the mines shall lie over until to-morrow?

Mr. CARTER. I have no desire, as I previously stated, to press the amendment for final disposition to-day.

Mr. STEWART. I suggest, then, that the amendment of the Senator from North Dakota be printed, and that the matter with regard to mines shall lie over until to-morrow.

The PRESIDENT pro tempore. That order has been made some time ago. The bill is in the Senate as Committee of the Whole and open to amendment.

Mr. BERRY. Mr. President, I should like to call the attention of the Senator from Montana to the amendment that was adopted upon his motion a few days ago in regard to Cape Nome mining. There was no provision made in regard to the 60-foot road that was reserved by act of Congress in 1898. I think that the road is right at high tide along the coast. Congress by an act reserved that for a roadway. I am informed that the Interior Department holds that, under that reservation, no mining can be permitted

there while that reservation remains. It seems to me that that ought to be subject to the same regulation which is made in the Senator's amendment in regard to the land below high tide. I therefore would ask him to amend his amendment so as to include that, adding thereto "and the 60-foot reservation made by the act of Congress approved May 14, 1898," which will make that subject to exactly the same rules and regulations which are provided for the other.

Mr. CARTER. Mr. President, the act of Congress referred to by the Senator from Arkansas provided for a reservation of 60 feet parallel with the shore line for a roadway through lands entered under that act. I do not think that by any reasonable construction that reservation can be supposed to extend to lands not entered under the particular act to which the 60-foot reservation refers. The Department of the Interior, however, is said to take a different view and to contend that the 60-foot strip reserved for road purposes in that act extends around the entire shore line of Alaska. If that construction is to be adhered to, I suggest to the Senator from Arkansas that it would be far better to restrict the application of the 60-foot strip by providing that it should not apply to lands entered under the town-site law or to lands entered under the mining laws of the United States.

I have consulted with the Assistant Attorney-General for the Interior Department with reference to this matter, and he intimated that the Department would hold that the 60-foot reservation referred to would extend around the entire coast. For the purpose of preventing that extension, which was manifestly not intended, he suggested that the better plan would be to specifically limit the roadway referred to to the lands entered under the act of Congress in which this reservation is embodied.

There was a special reason for this reservation of a roadway in the act we then had under consideration. That act related to the entry of lands under the homestead law, and likewise for trade and commerce. We provided in the act that all lands entered along navigable streams or along the seashore should be confined to 80 rods in length along the line of the navigable water or seashore and that a space 80 rods in length should be reserved by the United States from sale for the use of the public.

Further still, it was provided that through these tracts of land entered for purposes of trade and commerce a 60-foot roadway should be reserved, the purpose of that reservation being to prevent the large canning and other establishments that were contemplating the entry of land under the act from constructing fences, buildings, or other obstructions from the shore of the sea to the cliff near by, and thus preventing passage from one point to another up and down the coast.

This reservation would not have been necessary had there existed in Alaska any legislative authority whereby roadways might be condemned or provided for. It was inserted as a precautionary measure to prevent persons with single holdings from obstructing travel along the coast. In a mining region where inclosures and structures form no part, or a very trifling part, of improvement incident to the development of the country, the reason for the reservation ceases to exist.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the Calendar under Rule IX.

Mr. LODGE. I move to take up Senate bill 2355.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of a bill which will be read by title.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole.

Mr. LODGE. I ask that the bill may be temporarily laid aside, so that the consideration of the Alaska bill may be continued.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the bill may be temporarily laid aside, and that the Alaska bill be permitted to occupy the time. Is there objection? The Chair hears none.

CIVIL GOVERNMENT FOR ALASKA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. Mr. President, the reason for the form of amendment suggested by the Assistant Attorney-General is further borne out by reference to the inconvenience and difficulty incident to the enforcement of this particular reservation in the case of town sites. It seems that a case is now pending before the Department wherein it is contended that owing to this reservation of a 60-foot strip of land parallel with the coast the town site can not be extended down to mean high-tide line; that this 60 feet of reserved land must intervene between mean high-tide line and the line of the town site.

The obvious disadvantage in such a reservation must appear to all. It would be quite impossible for persons desiring to extend the sewerage system of the town or city down to the sea to do so without coming to Congress for special permission to cross the 60 feet of reserved land intended for a roadway.

I think, in view of the suggestions made, that the amendment of the Senator may for the time being be passed over, to the end that he may examine the amendment presented by the Assistant Attorney-General.

Mr. BERRY. Mr. President, the House of Representatives passed a bill providing for the opening of this roadway for mining purposes the same, or practically the same, as the amendment offered by the Senator from Montana the other day, which was agreed to.

I have had a conference with the chairman of the House Committee on Public Lands, Mr. LACEY, and we think that it is especially important that that 60 feet reserved for a roadway should be opened up to the miners the same as the other gold-bearing lands in the amendment that has already been agreed to. I have been informed that certain parties who had adjoining land claimed that they were entitled to whatever gold might be found within this 60-foot roadway which had been reserved, but the Interior Department hold that this reservation takes it out from under the mineral laws, and that no one under the present reservation can get any right or engage in mining on that particular point.

I am also informed that probably it is the most valuable part of the whole land there for mining purposes. It seems to me that that ought to be opened up for purposes of mining, subject to the same rules, to be made by the miners, not inconsistent with the general laws of the United States. I can see no reason why these miners should be debarred from working that 60 feet for the purpose of obtaining gold that would not apply to the remainder of the gold-bearing lands there upon the seashore.

Now, as to what particular wording will do that, we had agreed on an amendment which simply inserted in the amendment heretofore agreed to by the Senate, after the word "United States," in line 3, "and the 60-foot reservation made in the act of Congress approved May 14, 1898," so that would put it precisely in the same situation as the other and the miners would have the same opportunity there. I think that is just.

The Senator from Colorado [Mr. TELLER], as I understand him, says that this roadway extends along the whole coast; but I think if the amendment was inserted where the Senator states it would only apply, as his amendment applied, to that part of it as described along the Bering Sea. I can see no objection to it. I can see no reason why they should not be permitted to work that roadway for mining, subject to the same rules as in the other case. That is all I have to say. I am willing that it shall be passed over.

Mr. CARTER. I suggest that the amendment be printed and lie on the table with other amendments until we shall reach that section for final disposition.

Mr. BERRY. Then I will ask the Secretary to insert after the words "United States," in the third line of the amendment which was agreed to by the Senate—to insert that which is written in red ink on the print which I send him, and that it be printed.

Mr. CARTER. As no other amendment seems to be pressed at this time——

Mr. SPOONER. I should like to ask a question relating to the amendment offered by the Senator from North Dakota [Mr. HANSBROUGH].

Mr. CARTER. Certainly.

Mr. SPOONER. I should like to ask the Senator if it is true that at the time the Laplander claims, as they are known, were located in Alaska an alien could not under the law there in force locate a mining claim in Alaska?

Mr. CARTER. The mining law of the United States, under which all locations are made, and no other law exists, provides that the public domain of the United States shall be open to exploration and location under the mining laws by citizens of the United States or persons who have declared their intention to become such.

Mr. SPOONER. Yes; I know that.

Mr. CARTER. Under that section of the law it is inconceivable that an alien can make a valid location. It has been held, however, I will state to the Senator, that the question of the right of the alien, or the question of his citizenship, can only be raised by the Government of the United States.

Mr. SPOONER. That is in the case in 152 United States Reports?

Mr. CARTER. In 152 United States, the case of Manuel against Wulff. In that case it was held, admitting that the locator was

an alien at the time the location was made, that he having, during the progress of the trial, offered to declare his intention and, the offer being accommodated by the court, did declare his intention, thereby relieved himself from the embarrassment of the alienage and validated the claim.

Mr. TELLER. To what case does the Senator refer?

Mr. CARTER. The case of Manuel against Wulff.

Mr. SPOONER. Manuel against Wulff, in 152 United States. I shall not probably be able to be here to-morrow, but I want to bring to the attention of the Senator this phase of the amendment for a moment. Of course the general policy which shall be adopted, or ought to be adopted, as to permitting aliens to locate mining claims in our domain is one thing, and that depends upon considerations apart from the matter to which I desire for a moment to speak. I have always supposed that as an imaginary line divides our domain from Canada we should permit the subjects of Great Britain in Canada or the Canadians to exercise as to the acquisition of mining rights at least the same privileges and rights which over the line our citizens were permitted, to acquire and exercise in the Dominion of Canada.

There is some dispute here as to the facts. I am informed by a very accurate and able lawyer, in whom I have the profoundest confidence, and who I know well, Judge Burke, of Seattle, to whom I put the question in the interest of some constituents of mine, that in the district of Yukon "free miner," it is regarded by law, shall mean a male or female over 18; that there is no limitation whatever as to citizenship, and that the royalty of 10 per cent levied on all miners applies to the Canadian who has obtained a mining license just as it applies to the American who has obtained a mining license.

But I do not care to discuss that point. This is the phase of this matter that I wish to bring to the attention of the Senate and of the Senator for a moment. The amendment provides:

That aliens shall not be permitted to locate, hold, or convey mining claims in said district of Alaska—

That is a matter of general policy—

nor shall any title to a mining claim acquired by location or purchase through an alien be legal.

I have constituents who in perfect good faith purchased for valuable consideration claims located by what are called the Laplanders, not many perhaps, but who have expended money in the improvement of the mines, and I do not see any reason why Congress should pass a law destroying those conveyances. I believe it can be demonstrated that the Laplanders were entitled under the laws that then existed to make the location. At any rate, they were entitled, it has been decided by the Supreme Court, if at the time they made the location they were disqualified by alienage, to remove it by declaring before the final adjudication of the claim their intention to become citizens of the United States.

I hardly think that it would be deemed a fair proposition to put into the statute a provision that claims acquired in perfect good faith by American citizens through conveyance from the Laplanders should be by act of Congress invalidated. I want to be heard on this proposition. Is it to come up to-morrow?

Mr. CARTER. It is coming up to-morrow, I understand.

Mr. SPOONER. Do you expect to get through with this bill to-morrow?

Mr. CARTER. It is hoped that we can finish it to-morrow. There are only two amendments likely to involve any discussion.

Mr. SPOONER. Then I shall have to be here to-morrow.

Mr. CARTER. Mr. President, I was about to state, at the time the Senator from Wisconsin took the floor, that certain Senators desire to present amendments, but are not now prepared to do so. The pending amendment Senators desire shall go over until to-morrow; and in view of this state of facts, I suggest that the bill be laid aside. I yield to the Senator from Indiana [Mr. FAIRBANKS].

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of executive business.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER (Mr. BURROWS in the chair). The question is on the motion of the Senator from Indiana.

Mr. WARREN. I rose to offer an amendment to the bill which I have been waiting patiently for some days to offer. Of course I do not mean to obstruct business, but I have amendments which have been printed, and have been pending before the body for some days, which I should like action upon at some time.

Mr. FAIRBANKS. In view of the wishes of the Senator, which I was not aware of before, I will withdraw the motion so that he may submit his amendments.

Mr. WARREN. I will permit the matter to go over until to-morrow morning and will not press it further, if the Senator in charge of the bill thinks we shall have an opportunity to consider the bill to-morrow.

Mr. CARTER. That is the understanding.

EXECUTIVE SESSION.

Mr. FAIRBANKS. I renew my motion 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 one hour and forty minutes spent in executive session the doors were reopened.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BLAND.

Mr. COCKRELL. I desire to announce that on next Tuesday memorial addresses will be delivered on the late Representative BLAND, of Missouri.

NOTICE OF EXECUTIVE SESSION.

Mr. DAVIS. I desire to announce that to-morrow, at the earliest time practicable, I shall move an executive session for the purpose of considering treaties.

INDIAN APPROPRIATION BILL.

Mr. THURSTON. I desire to announce that, on account of the absence of some Senators who are members of the Committee on Indian Affairs, the consideration of the Indian appropriation bill has been somewhat delayed; but I shall ask to-morrow at the first opportunity to proceed with its consideration.

CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. The Senator from Montana [Mr. CARTER] informs me that he does not care to continue the consideration of the Alaska bill this afternoon, and so I ask unanimous consent that for three-quarters of an hour unobjected pension cases on the Calendar may be considered.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that three-quarters of an hour may be devoted to the consideration of unobjected pension cases on the Calendar. Is there objection? The Chair hears none, and the first pension case on the Calendar will be stated.

MARY A. COLHOUN.

The bill (S. 3619) granting a pension to Mary A. Colhoun was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Navy," to insert "and pay her a pension;" in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Colhoun, widow of Edmund R. Colhoun, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Mary A. Colhoun."

JAMES S. JORDAN.

The bill (H. R. 4047) granting an increase of pension to James S. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Jordan, late of Company I, Ninetieth Regiment New York Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

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

JOHN LANDEGAN.

The bill (H. R. 6161) granting an increase of pension to John Landegan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Landegan, late of Company D, First Connecticut Volunteer Infantry, and Company C, Second New York Volunteer Cavalry, and also chief of scouts for Third Cavalry Division and for the Cavalry Corps, Army of the Potomac, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

HANNAH C. SMITH.

The bill (H. R. 7264) granting a pension to Hannah C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah C. Smith, stepmother of Edward C. Smith, late of Company G, Sixty-eighth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

Mr. GALLINGER. I move to amend, in line 6, before the word "stepmother," by inserting "dependent."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SAMUEL HANSON.

The bill (H. R. 5503) granting an increase of pension to Samuel Hanson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Hanson, late sergeant-major Twenty-ninth Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

CALISTA F. HALL.

The bill (H. R. 2681) granting an increase of pension to Calista F. Hall was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Calista F. Hall, widow of Joseph S. Hall, late first lieutenant in Company E, Fifteenth Regiment Vermont Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

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

LOUIS H. GEIN.

The bill (H. R. 2865) granting an increase of pension to Louis H. Gein was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis H. Gein, late second lieutenant in Company F, Fifty-fifth New York Volunteer Infantry, and to pay him a pension of $12 per month in lieu of that he is now receiving.

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

MARY J. CALVIN.

The bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Mary J. Calvin, widow of Joseph A. McIlvain, late of Company H, Eighty-second Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

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

LUCINDA D. DOW.

The bill (S. 3306) granting an increase of pension to Lucinda D. Dow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve;" and in line 9, after the word "receiving," to insert "with $2 per month additional on account of her minor child;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda D. Dow, widow of Simon B. Dow, late of Company C, Twenty-seventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, with $2 per month additional on account of her minor child.

The amendments were agreed to.

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

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

MOSES KING, JR.

The bill (S. 3206) granting an increase of pension to Moses King, jr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses King, jr., late of Company K, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

CLARA H. INCH.

The bill (S. 1593) granting an increase of pension to Clara H. Inch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Inch," to strike "deceased;" in the same line, after the word "late," to strike out "admiral" and insert "commodore;" in line 7, before the word "her," to strike out "grant" and insert "pay;" in line 8, before the word "month," to strike out "a" and insert "per;" and in line 9, before the word "she," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara H. Inch, widow of Philip Inch, late commodore, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

REBECCA PAULDING MEADE.

The bill (S. 1907) granting an increase of pension to Rebecca Paulding Meade was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "pay," to strike out "to;" in line 8, after the word "dollars," to strike out the article "a" and insert "per;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Paulding Meade, widow of Rear-Admiral Richard W. Meade, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

ISAAC M. SHUP.

The bill (S. 1822) granting an increase of pension to Isaac M. Shup was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "a sergeant in" and insert "of;" in line 7, before the word "Illinois," to insert "Regiment;" and in line 9, before the word "he," to strike out "the pension" and insert "that;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac M. Shup, late of Company K, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

GEORGE G. KEMP.

The bill (S. 1226) granting a pension to George G. Kemp was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Kemp, late of Company K, Forty-fourth Regiment Massachusetts Volunteer Militia Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to George G. Kemp."

CHARLES W. HOBART.

The bill (S. 2550) granting a pension to C. W. Hobart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the initial "W.," to strike out "C." and insert the name "Charles;" in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Hobart, late of Company C, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Charles W. Hobart."

EDWARD F. PHELPS.

The bill (S. 3508) granting an increase of pension to Edward F. Phelps was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward F. Phelps, late of Company G, Forty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

HELEN HARLOW.

The bill (S. 3293) granting a pension to Helen Harlow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "assistant," to insert "late;" in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-five;" and in the same line, after the word "month," to insert "in lieu of that she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen Harlow, widow of Alonzo Harlow, late assistant surgeon, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Helen Harlow."

MARTHA G. D. LYSTER.

The bill (S. 292) granting an increase of pension to Martha G. D. Lyster was announced as next in order.

Mr. FORAKER. I ask that that bill may be passed over for the present. An amendment is necessary, which I shall have prepared in a few moments.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

JACOB N. SMITH.

The bill (S. 3630) granting an increase of pension to J. N. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the initial "N.," to strike out "J." and insert the name "Jacob;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob N. Smith, late of Company C, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Jacob N. Smith."

THOMAS H. COOK.

The bill (H. R. 3167) granting an increase of pension to Thomas H. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas H. Cook, late a private in Company I, Seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ANGELINE EYESTONE.

The bill (H. R. 2170) granting a pension to Angeline Eyestone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Angeline Eyestone, mother of George M. Eyestone, late of Company H, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

Mr. GALLINGER. In line 6 let the word "dependent" be inserted before the word "mother;" so as to read "dependent mother."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELISABETH WHISLER.

The bill (S. 3502) granting a pension to Elisabeth Whisler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisabeth Whisler, widow of Solomon Whisler, late of Company H, Forty-ninth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

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

JOHN HOUK.

The bill (H. R. 1890) to increase the pension of John Houk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Houk, late a member of Company F, Third Regiment of Tennessee Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

FANNY F. ROBERTSON.

The bill (S. 2994) granting a pension to Fanny F. Robertson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny F. Robertson, widow of James M. Robertson, late major, Third Regiment United States Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Fanny F. Robertson."

WARREN L. EATON.

The bill (S. 306) granting an increase of pension to Warren L. Eaton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren L. Eaton, late of Company F, Hatch's Battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The Committee on Pensions reported an amendment to strike out the preamble; which was agreed to.

MARY V. WILMARTH.

The bill (S. 3049) granting an increase of pension to Mary U. Wilmarth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary V. Wilmarth, widow of Roswell S. Wilmarth, late second lieutenant Company D, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Mary V. Wilmarth."

JESSE SMITH.

The bill (H. R. 434) granting an increase of pension to Jesse Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Smith, late private in Company K, Ninety-sixth Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

HELEN M. HULL.

The bill (H. R. 1754) granting a pension to Helen M. Hull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen M. Hull, as the former widow of George Moore, late first lieutenant Company A, Forty-fifth Illinois Volunteer Infantry, and to pay her a pension of $17 per month.

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

JAMES BOTTOMS.

The bill (H. R. 3694) granting an increase of pension to James Bottoms was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Bottoms, late a private in Company E, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ELIZABETH C. RICE.

The bill (H. R. 4655) granting a pension to Elizabeth C. Rice was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth C. Rice, widow of Edward C. Rice, late captain, and aid-de-camp on General Humphrey's staff, and pay her a pension at the rate of $20 per month.

Mr. GALLINGER. The amendment was reported by the committee under a misapprehension. I trust it will not be agreed to.

The amendment was rejected.

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

MARTHA G. D. LYSTER.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 292) granting an increase of pension to Martha G. D. Lyster, which was passed over a moment ago.

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

Mr. FORAKER. I move to amend the bill by striking out "Twenty-first" and inserting "Ninth." He was colonel of the Ninth Regiment instead of the Twenty-first.

The amendment was agreed to.

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

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

WILHELMINA HIPPLER.

The bill (S. 682) granting a pension to Wilhelmina Hippler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Hippler," to strike out "and pay her at the rate of $20 a month from and after the passage of this act" and insert:

widow of Benedict Hippler, late captain Company A, Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving—

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wilhelmina Hippler, widow of Benedict Hippler, late captain Company A, Second Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill granting an increase of pension to Wilhelmina Hippler."

WILLIAM OLIVER.

The bill (S. 3079) granting an increase of pension to William Oliver was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Illinois," to insert "Regiment;" in line 7, before the word "Volunteer," to strike out "Cavalry Regiment;" in the same line, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Oliver, late of Company G, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

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

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

WILLIAM M. FERRY.

The bill (S. 92) granting a pension to William M. Ferry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Ferry, late of the Fourteenth Michigan Infantry, at the rate of $20 per month.

The amendment was agreed to.

Mr. GALLINGER. After the word "late," in line 6, I move to insert "First lieutenant and regimental quartermaster."

The amendment was agreed to.

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

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

JASPER PITTS.

The bill (S. 1463) granting an increase of pension to Jasper Pitts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jasper Pitts, late a private in Company K, of the Twelfth Regiment of Volunteer Infantry, at $30 per month in lieu of the pension now received by him.

Mr. ALLEN. What regiment is that?

Mr. GALLINGER. It does not say what State.

Mr. ALLEN. It does not say what State.

Mr. GALLINGER. It should be Kansas Volunteer Infantry.

Mr. ALLEN. There was no United States volunteer infantry during the war.

Mr. GALLINGER. No. I suggest that the word "Kansas" be inserted. In line 6 let the words "of the" be stricken out, and also the word "of," in line 7; so as to read:

Company K, Twelfth Kansas Volunteer Infantry.

The amendment was agreed to.

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

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

JOHN E. WHINNERY.

The bill (H. R. 1458) granting an increase of pension to John E. Whinnery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Whinnery, late of Company A, Fourteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

WILLIAM H. LA COUNT.

The bill (H. R. 1507) granting an increase of pension to William H. La Count was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. La Count, late first sergeant in Company K, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 a month in lieu of that he is now receiving.

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

KATE CADWELL.

The bill (S. 3154) granting an increase of pension to Kate Cadwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "heavy," to insert "Volunteer;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Cadwell, widow of Eugene Cadwell, late of Company E, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

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

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

JULIET GREGORY.

The bill (S. 480) granting an increase of pension to Juliet Gregory was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Juliet Gregory, widow of Felix G. Gregory, late of Company I, Third Regiment Missouri Mounted Volunteers, in the Mexican War, and to pay her a pension of $20 per month in lieu of the pension she is now receiving.

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

MARY S. BELDING.

The bill (S. 1734) granting a pension to Mary S. Belding was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to insert "former;" in the same line, before the name "Hartsough," to strike out "Davis" and insert "David;" in line 7, after the word "Thirty-first," to insert "Regiment;" and in the same line, after the word "Iowa," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Belding, former widow of David Hartsough, late of Company B, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

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

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

WASHINGTON BAKER.

The bill (S. 3748) granting an increase of pension to Washington Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Washington Baker, late of Company H, Eighty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

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

JAMES M'NUTT.

The bill (H. R. 1201) granting a pension to James McNutt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars." to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James McNutt, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE MYERS.

The bill (H. R. 5527) granting an increase of pension to George Myers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Myers, late color sergeant Company E, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MOSES F. WOODS.

The bill (H. R. 2809) granting an increase of pension to Moses F. Woods was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses F. Woods, late of Company E, Phelps County Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

FREDERICK E. VANCE.

The bill (H. R. 7322) granting an increase of pension to Frederick E. Vance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick E. Vance, late of Company A, First Minnesota Cavalry, and to pay him a pension of $50 a month in lieu of that he is now receiving.

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

ELIZABETH B. NORRIS.

The bill (H. R. 5346) granting a pension to Elizabeth B. Norris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth B. Norris, widow of John Bradley, late private, Company H, Eighty-ninth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month.

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

LEVI CHANDLER.

The bill (S. 1207) granting a pension to Levi Chandler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi Chandler, late of Company I, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to Levi Chandler."

GEORGE B. HAYDEN.

The bill (S. 1627) granting a pension to George B. Hayden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Hayden, late of Company E, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill granting an increase of pension to George B. Hayden."

JOHN R. M'COY.

The bill (S. 2110) to restore John R. McCoy to the pension roll was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "McCoy," to strike out "of Ottumwa, Iowa, late a private in Company H, Seventeenth Iowa Volunteer Infantry, at the rate of $8 per month" and insert "late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. McCoy, late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill restoring the pension of John R. McCoy."

JAMES WILLIAMS.

The bill (S. 3788) granting an increase of pension to James Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Williams, late of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

MARY POLLOCK.

The bill (H. R. 3640) granting a pension to Mary Pollock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Pollock, late a nurse in the One hundredth Pennsylvania Regiment Volunteer Infantry, and to pay her a pension of $12 per month.

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

GEORGE C. SNYDER.

The bill (H. R. 205) granting an increase of pension to George C. Snyder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Snyder, late first lieutenant of Company I, One hundred and

ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $35 per month in lieu of that he is now receiving.

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

AMELIA TAYLOR.

The bill (H. R. 7594) granting a pension to Amelia Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amelia Taylor, widow of Reuben Hendrickson, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month:

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

JAMES W. KESSLER.

The bill (H. R. 3268) granting an increase of pension to James W. Kessler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Kessler, late of Company C, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

FANNY M. HAYS.

The bill (H. R. 493) granting a pension to Fanny M. Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fanny M. Hays, widow of John B. Hays, late captain and brevet major, Nineteenth Regiment United States Infantry, and to pay her a pension of $30 per month.

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

SAMUEL A. GREELEY.

The bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel A. Greeley, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

JAMES J. LYONS.

The bill (H. R. 6304) granting an increase of pension to James J. Lyons, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Lyons, late of Company C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ELIZA S. REDFIELD.

The bill (H. R. 2397) granting a pension to Eliza S. Redfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza S. Redfield, widow of Freeman R. Gardner, late private, First Regiment New Hampshire Volunteer Cavalry, and to pay her a pension of $12 per month.

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

TIMOTHY B. EASTMAN.

The bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Timothy B. Eastman, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

WILLIAM SHEPPARD.

The bill (H. R. 3085) granting an increase of pension to William Sheppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sheppard, late private of Company A, Sixteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

GEORGE M. BROWN.

The bill (H. R. 2999) granting an increase of pension to George M. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Brown, late major, First Maine Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

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

EDWARD T. KENNEDY.

The bill (H. R. 5110) granting an increase of pension to Edward T. Kennedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward T. Kennedy, late of Company C, Eleventh Regiment New Jersey Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

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

SUSIE E. JOHNSON.

The bill (H. R. 4828) granting a pension to Susie E. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susie E. Johnson, widow of William H. Johnson, late of Companies D and E, Seventh Regiment Rhode Island Volunteer Infantry, and to pay her a pension of $8 per month.

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

GEORGE W. WAKEFIELD.

The bill (H. R. 240) granting an increase of pension to George W. Wakefield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Wakefield, late of Company I, Twenty-seventh Regiment Maine Volunteer Infantry, and Company L, Second Regiment Maine Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

LIZZIE M. DIXON.

The bill (H. R. 5211) granting a pension to Lizzie M. Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie M. Dixon, widow of Eugene Baker, late of Company I, Eighth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month.

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

ELIZA H. GETCHEL.

The bill (H. R. 3021) granting a pension to Eliza H. Getchel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza H. Getchel, widow of Samuel F. Getchel, late of Company F, Second Regiment United States Volunteer Sharpshooters, and to pay her a pension of $12 per month.

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

DAVID L. WENTWORTH.

The bill (H. R. 8120) granting an increase of pension to David L. Wentworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David L. Wentworth, late ordnance sergeant, Forty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

CARRIE P. DALE.

The bill (H. R. 6952) granting a pension to Carrie P. Dale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie P. Dale, widow of Nicholas H. Dale, late lieutenant-colonel Second Regiment Wisconsin Volunteer Cavalry, and to pay her a pension of $30 per month.

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

CLARA L. HARRIMAN.

The bill (H. R. 457) granting a pension to Clara L. Harriman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara L. Harriman, widow of Stephen F. Harriman, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and to pay her a pension of $8 per month.

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

HENRY JOHNS.

The bill (H. R. 8395) granting an increase of pension to Henry Johns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Johns, late corporal of Company C, Twelfth Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

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

JOHN M. GARRETT.

The bill (H. R. 2203) granting an increase of pension to John M. Garrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Garrett, of

Company E, Eleventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

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

EMMA B. REED.

The bill (H. R. 7445) granting a pension to Emma B. Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma B. Reed, the permanently helpless daughter of Edgar C. Reed, late of Company I, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month, such pension to be paid to the duly constituted guardian or trustee of such child.

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

CHARLES WEED.

The bill (H. R. 5169) granting an increase of pension to Charles Weed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Weed, late of Company E, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

ROBERT BOSTON.

The bill (H. R. 3775) granting an increase of pension to Robert Boston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Boston, late captain of Company F, First Battalion, Pennsylvania Volunteer Cavalry, and Company A, Twenty-fourth United States Colored Volunteer Infantry, and to pay him a pension of $50 a month in lieu of that he is now receiving.

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

HORACE B. DURANT.

The bill (H. R. 6885) granting an increase of pension to Horace B. Durant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace B. Durant, late assistant surgeon, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

LUTHERIA H. MAYNARD.

The bill (H. R. 1800) granting a pension to Lutheria H. Maynard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lutheria H. Maynard, widow of John Tye, late a private of Company A, Second Regiment Minnesota Volunteer Infantry, and to pay her a pension of $12 a month.

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

ABNER S. CRAWFORD.

The bill (H. R. 8610) granting an increase of pension to Abner S. Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abner S. Crawford, late musician of Company D, Fourteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

ALFRED DYER.

The bill (H. R. 3863) granting an increase of pension to Alfred Dyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred Dyer, late of Company B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JAMES CRAWLEY.

The bill (H. R. 6284) granting an increase of pension to James Crawley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Crawley, late of Company I, Seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

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

JOHN B. FAIRCHILD.

The bill (H. R. 5882) granting an increase of pension to John B. Fairchild was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Fairchild, late of Company C, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

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

JOHN C. RAY.

The bill (H. R. 7488) granting a pension to John C. Ray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Ray, late pilot of the U. S. steamers *Champion* and *Springfield*, and to pay him a pension of $24 per month.

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

ELIZABETH KEIFF.

The bill (H. R. 4681) granting an increase of pension to Elizabeth Keiff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Keiff, widow of Patrick Keiff, late corporal, Company A, Sixth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

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

EMMA G. SARGENT.

The bill (S. 36) granting an increase of pension to Emma G. Sargent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "Infantry," to insert "and Company A, Seventeenth Regiment New Hampshire Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma G. Sargent, widow of Josiah H. Sargent, late of Company B, Second Regiment New Hampshire Volunteer Infantry, and Company A, Seventeenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

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

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

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 5, 1900, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate April 4, 1900.

UNITED STATES DISTRICT JUDGE.

Smith McPherson, of Iowa, to be United States district judge for the southern district of Iowa, vice John S. Woolson, deceased.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 4, 1900.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. GREENE, of Massachusetts, for five days, on account of sickness in family.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

On motion of Mr. KNOX, the House resolved itself into Committee of the Whole House on the state of the Union, and resumed consideration of the bill (S. 222) to provide a government in the Territory of Hawaii, with Mr. MOODY in the chair.

Mr. MCALEER. I yield thirty minutes to the gentleman from Ohio [Mr. MCDOWELL].

Mr. MCDOWELL. Mr. Chairman, two years ago, when the proposition of annexing the Hawaiian Islands to the United States was before Congress, I was opposed to annexation for what, in my judgment, seemed very good reasons.

First, annexation was desired by a very small proportion of the inhabitants of these islands, and these few desired it for selfish and mercenary purposes. It was the "Dole oligarchy" or "family compact" that had usurped all power to itself and now desired to be perpetuated in power under the protection of the United States.

Second. I believed, as I now believe, that by making these islands a part of the United States we bring the cheap Asiatic

laborer into direct competition with the American laborer. To bring under our own flag 40,000 Japanese contract laborers and 25,000 Chinese contract laborers means to limit to a considerable extent the opportunities of our own American laborers.

Later developments and conditions confirm very strongly my first views on this subject.

But annexation is an accomplished fact, and we are now confronted with the problem to provide a good Territorial form of government for the islands. I am gratified to say that it seemed to be the unanimous idea of the Committee on Territories, of which committee I have the honor to be a member, to give the Hawaiian Islands a government similar to that given to other acquired Territories of the United States. To my knowledge no member of the committee even suggested any discrimination in the commercial intercourse between the United States and the islands, or "taxation without representation." However, it has been intimated that some imperialistic amendments may be proposed to the bill while it is under consideration in the House.

BAD FEATURES OF THE BILL REPORTED BY THE COMMISSION.

The annexation resolution was approved July 7, 1898. As provided by the joint resolution annexing the islands, the President appointed five commissioners to recommend to Congress such legislation concerning the Hawaiian Islands as they might deem necessary and proper. The Hawaiian commission consisted of Senators JOHN T. MORGAN and SHELBY M. CULLOM and Representative ROBERT R. HITT, of the United States, and Sanford B. Dole and W. F. Frear, the two latter being residents of the Hawaiian Islands. The commissioners met at Honolulu August 18, 1898, and at the beginning of the last session of the Fifty-fifth Congress the President of the United States transmitted their report to Congress.

Among things recommended in this report was "A bill to provide a government for the Territory of Hawaii." A reading of the bill recommended by the commission would lead any patriotic American to declare that it was not the product of the brain of any American statesman or legislator. My first impression was that the Hawaiian members of the commission had hypnotized our own distinguished members of the commission. The more I studied the bill the more confirmed was my conclusion in the matter. I had heard that the members of the "Dole family compact" were skilled in the arts of diplomacy and strategy; that they easily controlled, for their own selfish purposes, the kindly, friendly, liberal, affectionate, and confiding native Hawaiians. Yet I had confidence that our own able members of the Hawaiian commission would be able to withstand their wiles and cunning.

I do not believe that there was ever a bill to provide a government for a Territory presented to the American Congress more un-Democratic, un-American, and unprecedented than House bill 2972 in its original form. I doubt if the distinguished chairman of the Ways and Means Committee, without a very painful (Payne-full) effort, could produce a bill more "un-Republican, un-American, unwarranted, unprecedented, and unconstitutional" than this bill. [Applause.]

I invite your attention to a few of its most pernicious provisions:

The governor and the secretary of the Territory were to be appointed by the President. The governor should appoint the judges of the supreme court, judges of the circuit courts, and all other officers of the Territory except the members of the legislature. The supreme judges were to be appointed for life, or during good behavior.

The supreme court was to be the judge of the qualifications and elections of the members of the legislature. No one was to be eligible to election as a senator, nor could anyone vote for a senator, who did not have property to the value of $2,000, or an income of not less than $1,000. This meant the continuance of an oligarchical form of government in the Hawaiian Islands. The governor could make and control the courts. The supreme court could make and control the legislature. The governor and his favorites would have a corner on the public offices. The commission framed a bill under which it might not have been possible for anyone outside of the "Dole family compact" to hold a public office in the Territory. It is reported that every officer under the Dole régime is grandfather, or father, or father-in-law, or uncle, or brother, or brother-in-law, or son, or son-in-law, or nephew, or cousin, of some other public officer. The persons who have been in control of affairs in the Hawaiian Islands of late years are called "missionaries"—improperly so. There is evident need of the instrumentality of the genuine missionaries to remove the selfishness from the hearts of these people and make them more Christian-like. [Applause.]

Who ever heard of the judges of any Territory of the United States being appointed for life? The bill framed by the commission provided that the present incumbents of the supreme court should continue in office until their respective offices became vacant, which would be by death or impeachment, and then their successors should be appointed for life or during good behavior. It may be proper to remark that one of the supreme court justices was a member of the Hawaiian commission and a member of the committee to consider and report on the judiciary. He evidently believes that "self-preservation is the first law of life."

The Committee on Territories has amended the bill, with the view of eliminating the objectionable features already pointed out. The chief justice and the associate justices of the supreme court are to be appointed by the President, and for a term of six years, instead of for life or during good behavior. The judges are not to have jurisdiction over elections and qualifications of members of the legislature. The property qualification provision has been stricken out. We believe that all these changes are in the interests of a good government and a popular government in the Territory of Hawaii.

The commission's bill provides that the public lands of Hawaii shall be under the control of a land commissioner appointed by the governor. This might afford an opportunity for land grabbing and favoritism in the sales, grants, and leases of lands. After the annexation, the Dole administration proceeded to dispose of large tracts of the public lands, and it became necessary for the President to put a check to this wrongful procedure by an Executive order. An amendment to the bill very properly refers the administration of the sales, grants, and leases of the public lands of Hawaii to the Commissioner of Public Lands here in Washington.

LABOR CONDITIONS IN HAWAII.

The labor conditions in Hawaii are disastrous to the best interests of the American laborer. The sugar planters, the rice growers, the mill owners, and others have been for years importing the cheap oriental labor. The contract-labor system is in vogue. Since the date of annexation it is estimated that the wealthy syndicates have brought to the islands from 25,000 to 30,000 Japanese contract laborers, under contracts of three to five years. More than one-half of the population of the islands is made up of Chinese and Japanese. There is no opportunity for the American laborer in the Territory of Hawaii. He would be brought to starvation in competition with the cheap Asiatic laborer. The American laborer at home must also feel the harmful effect of the competition of this oriental labor. The acquisition of the Hawaiian Islands has not enlarged the opportunities of the American laborers, but it will make it harder for many of them to gain a livelihood.

Asiatic laborers are paid $15 per month and European laborers $18 per month. What will the American laborer, brought into competition with this cheap labor from the East, say of the party responsible for this condition of things?

The commissioners in their report to the President, on page 139, say:

> That as a commercial or business proposition the matter of the employment of cheap labor, imported from various islands and countries, became the important subject of Hawaiian consideration. The large profits resulting from the cultivation and manufacture of sugar where inexpensive Asiatic labor was to be obtained produced the legitimate result of aggregating capital in large amounts for the purchase or leasing of sugar lands, where this class of labor could be employed most profitably.
>
> The facilities which existed under the Hawaiian monarchy for obtaining grants, concessions, and leases of government lands were availed of by speculative favorites and others, and large plantations by wealthy planters instead of small holdings by industrious heads of families became the rule upon the islands.

Notwithstanding the fact that the President and Congress were apprised of the contract-labor system in the islands and the system of farming by corporations, for almost two years the Hawaiian Islands have been under the American flag and not a thing has been done to check the progress of these un-American systems. The number of contract laborers has been greatly augmented. During the last year more than 25,000 Japanese contract laborers have been imported into the island. Several hundred acres of land have been leased to the sugar syndicates.

Will some one of our Republican friends explain why these things have been permitted to be done? Why this delay in legislating for the Territory of Hawaii? We had the report of the Hawaiian commission sixteen months ago. If it was ever of any value as an index as to what should be done it was as useful in the last session of Congress as in this. It certainly has not improved with age.

Perhaps there was method in this long delay. Up to the outbreak of the war with Spain the annexation of the Hawaiian Islands was considered hopeless. It had failed to be done by treaty ratification in the Senate. The Speaker of the House, and certainly a majority of the members, were strongly opposed to the proposition of annexation. But the leaders of the Administration took advantage of the situation in war times, when enthusiasm and not judgment controlled the action of many, and urged the annexation of the islands as a war measure. A majority of the members yielded to the deception. Now, annexation came rather unexpectedly. The large corporations of the islands were taken by surprise, notwithstanding they desired annexation. They needed time to import many thousands of contract laborers before Congress would legislate for the islands. It would seem that the

former Republican Congress and this Republican Congress have been very considerate of the interests of the sugar syndicates of the islands.

What have we secured by this acquisition of territory? Let me enumerate some of the most tangible things: Forty-five thousand Japanese contract laborers; 25,000 Chinese; 15,000 Portuguese; 1,000 South Sea Islanders; 1,200 lepers; the bubonic plague; a class of political speculators who were planning to have an oligarchy under the protection of Uncle Sam.

Your committee has endeavored, so far as possible, to frame a bill that would rectify many evils existing in these islands. But there are very many bad conditions which can not be changed by legislation. Only time itself will make many desired changes possible. It will be a long time before the conditions of the islands will afford any remunerative employment to any considerable number of American laborers.

I can not support this bill unless it is further amended relative to the labor system and the land system. We should legislate now to prevent the enforcement of contracts under the contract-labor system, no matter whether the contracts were made heretofore or shall be made hereafter. We want no semislavery or serfdom anywhere under the American flag. Give the sugar planters, rice growers, and mill owners of Hawaii to understand that they are under the Constitution of the United States and that they must respect our laws. I shall favor the following amendment to section 10:

Provided, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except a civil suit or proceedings instituted solely to recover damages for such breach.

There should also be specific legislation to put in force the laws of the United States prohibiting the creation or continuance of long leases of valuable lands and directing the survey and subdivision of all the public lands as a part of the heritage of the people. The commissioners in their report, in speaking of this subject, say:

The large holdings [of land] have become larger, and the small ones have been driven out or absorbed. Thus the prime object of American citizenship, the making of homes and the complete development of the family as the unit of our social system, seems in a degree to have been lost sight of in the Hawaiian Islands.

HAWAII AND PUERTO RICO.

It seems that Hawaii is to fare far better at the hands of the American Congress than poor, starving Puerto Rico. It would perhaps take a ponderous statesman from New York, or a profound expounder of the Constitution from Pennsylvania, or an Athenian lawyer from Ohio to tell why this should be. The Committee on Territories has tried to do its "plain duty" in this matter, guided by the injunctions of the Constitution and the promptings of the sense of justice, honor, and right. No tariff customs are to be imposed on products coming from Hawaii into this country or on products going from this country into Hawaii. There will be free trade. It is unfortunate for the Puerto Ricans that the matter of legislating for them was not referred to the Committee on Territories. It is personally gratifying to me to say to the members of this House that I can safely count a majority of our committee in favor of free trade with Puerto Rico, and the others, I believe, are open to conviction without any sugar-coated, tobacco-steeped, or rum-soaked influence. [Applause.]

Had the legislation for Puerto Rico been intrusted to the Committee on Territories, no doubt the Republican party would have been saved from the sorry predicament that it is now in. The President's recommendations as to "our plain duty" would have been carried out. He would have been saved from the humiliating position in which he is now placed. How distressing it must be to him to be misrepresented by his friends! How harassing it must be to him to note the contradictions of those who profess to speak for him!

The Washington Star of March 27, a consistent and ardent Administration paper, speaks thus editorially:

The President has, in his annual message, made recommendation to Congress, and that calls for legislation. The people expect and demand legislation. If, therefore, Congress shows itself incapable of action, what is more likely, what would be more justified in the circumstances, than the election of a House next fall instructed to do what the country manifestly wants done about this business? If a Republican House disappoints the people and embarrasses the situation in the Senate, the alternative naturally is a Democratic House. Are the Republicans maneuvering to lose the next House?

Suppose the question, by the cowardice of Congress, is left to the President. The President is committed to free trade with Puerto Rico. His message to Congress on the subject is so far his only quotable deliverance. This man and that, after a visit to the White House, has said this thing and that, going to show that the President has changed his mind, but the message is official and still stands. The President will be his party's standard bearer in the campaign. He will want to succeed himself in the White House. The people will be demanding free trade with Puerto Rico. If he is left with a free hand, will he not act in conformity with his views and his own and his party's interests?

But while that might save him, it would not be likely to save the next House. Let the free traders stand to their guns; and let the tariff men take notice. The storm is not going to blow over. The man who imagines that imagines a vain thing. If a tariff bill is passed, every line written against it in the Republican press will be so much ammunition for the Democrats when the national campaign begins.

But the distinguished Speaker of this House, who assisted to bring Republican members into line for tariff on Puerto Rican products, in a letter recently given to the public press, has this to say:

What the Senate is going to do is problematical. It has its share of cowards. The Senate is always the body upon which the great interests concentrate their efforts to defeat proper legislation. But this fact remains, that I have the knowledge that I have done my simple duty, and have done it in consultation and in cooperation with the President of the United States, whose heart is quick to feel the afflictions of this little island; I have done it in conference with such men as ALLISON, FORAKER, and the earnest patriots of the Senate.

Now, who is the real mouthpiece of the President? It is "confusion confounded" to have such state of affairs existing. Has the President changed his mind?

Did not members on this floor say that they had changed their minds because the President had changed his mind? Had they all been to see "Dr. HANNA," the wonderful mind changer?

Hawaii is to have free trade with this country; representation in Congress; all the privileges and rights that any other of our organized Territories enjoys. Yet, her population is the most heterogeneous mass of humanity to be found on any equal area on the globe. More than half of the inhabitants are Asiatics. They are not citizens, and they do not intend to become citizens. Only about a third of the people will be given the right of franchise.

No one will deny that the inhabitants of Puerto Rico, in the aggregate, are superior to those of Hawaii. They are better material out of which to make a good American Territory. The population is more homogeneous than that of Hawaii.

The Puerto Rican labor system is not cursed by any species of slavery or serfdom. The land is quite generally in small tracts.

The following pertinent editorial on this subject appeared in the Philadelphia North American (Republican) March 9:

THE TERRITORY OF HAWAII.

Whatever may happen to Puerto Rico, Hawaii, at least, is fairly on the way to American government. The Senate has passed the bill creating it a Territory, with a governor, legislature, courts, and a full outfit of civil officials. The internal revenue, customs, and navigation laws of the United States are extended to the islands, and the new Territory is to be represented by a Delegate in Congress.

Every argument in favor of extending these favors to Hawaii applies with double force to Puerto Rico. Hawaii is over 2,000 miles from our western coast. Puerto Rico is within half that distance of the shore line of our original thirteen States. Hawaii has a little over a hundred thousand people, of whom the great majority are Kanakas, Japanese, and Chinese. Puerto Rico has nearly a million people, among whom those of European race predominate. In Hawaii any government that takes account of fitness as we understand it must necessarily be a pure oligarchy. In Puerto Rico the materials of democracy are present; all that is necessary are schooling and experience.

The Puerto Ricans are the same sort of people that have been governing themselves for over half a century under our flag in Arizona, New Mexico, and parts of Colorado and California, except that they are of purer white stock. Of the same race in the United States we have made governors, Congressmen, and ministers to foreign capitals. If we establish public schools in which every Puerto Rican child can gain an education, there is no reason why a home-rule government may not be maintained there with credit both to us and to the islanders.

But Hawaii makes a good beginning. The extension of the American system to that group assures us that expansion is not to be entirely divorced from republicanism. The American who reclines under the flag at Honolulu may feel that he is truly at home.

In honor, in justice, and in right we are bound to treat Puerto Rico as favorably as we do Hawaii. I congratulate Hawaii that she has fallen into the hands of friends. I pity Puerto Rico that she has seemingly fallen into the clutches of despoilers. [Applause.]

Mr. MCALEER. I yield thirty minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, there are a few features of this bill to which I desire to call the attention of the House. One is the concluding section with relation to the Chinese now in Hawaii. It provides:

That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, as amended by an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates.

Everyone is aware, I suppose, that the Hawaiian Islands are filled with Chinese; that a large number of people of that race were there when those islands came under the dominion of the United States, and that great hordes of Asiatics have been imported since.

All here are also aware, I suppose, that but a few short years since a tremendous agitation shook this country, and especially the Pacific slope, over the menace of Chinese cheap labor, and that it was thought necessary that legislation, extremely drastic and denounced by some as uncivilized and cruel, should be resorted to in order to deal with the Chinese problem and exclude the competition that threatened our white domestic labor.

Now, according to this bill, as I understand it, we are providing that great numbers of Chinese, resident in the Hawaiian Islands, not only those who were there when we acquired those islands, but the many thousands brought there under contract since, shall obtain certificates and possess the right to go anywhere in the United States and, in any line of business which they may see proper to enter upon, to compete with our own laborers. This is one of the fruits of reaching out and gathering in islands here and there, without reference to what the islands are, without reference to the people who inhabit them, and without proper care to prevent those islands from being overrun, while under our own control, with the most undesirable class of Asiatics.

We have in the Hawaiian Islands not only many who are entirely undesirable, but many others who are a serious menace to our own institutions, and provision is here made for domesticating them.

I find in this bill another provision not novel, but worthy, I think, of a word of comment. That is section 5, which provides—

That except as herein otherwise provided, the Constitution and all the laws of the United States locally applicable shall have the same force and effect within the said Territory as elsewhere in the United States.

In this is not only a formal enactment but a philosophy comparatively new in the United States and, I suppose, tolerably new to philosophers in general. This section is to be made an exemplification of the doctrine that the Congress of the United States possesses power to extend the Constitution, to limit the force and scope of the Constitution, to determine when and where the Constitution shall have effect and when and where it shall have none. Now, the old doctrine was, and the correct doctrine to-day, I think, is, that Congress is absolutely without any power to float the Constitution anywhere, to anchor it at any place, or to deprive any inch of the territory of the United States legislated for as a continuing possession or any of its inhabitants from coming and being under the influence and effect and domination of the Constitution.

I do not know exactly what the draftsman of this bill meant; whether he meant to extend the laws so far as locally applicable or whether he meant also to extend the Constitution so far as locally applicable. The phraseology would bear either construction.

The Constitution as extended "shall have the same force and effect within the said Territory as elsewhere in the United States!"

That is, perhaps, the Constitution, wheresoever locally applicable, shall have the same force and effect within the Territory of Hawaii as elsewhere in the United States!

Now, to me it is a strange thought, although it is a very popular one, I admit, with a certain element (and in that sense it has lost its strangeness), that the Constitution, the supreme law of the land—that by which the Congress itself is created; that which is made to govern everything that belongs to the American Republic and to control every agency under the Republic—is itself so trivial and insignificant a thing that the Congress can extend it to any Territory or any part of any Territory where "locally applicable," or restrain its operations and prevent its having effect in any Territory or in any part of any Territory.

It may seem singular that this new doctrine should have been evolved as it has been in the last year or two. The exigencies which called it forth certainly must be extraordinary. It is not a natural deduction; it is not a natural development. I submit that it is not a natural inspiration. There must be particular occasion for it; there must be particular use for it. There must be necessity for the existence and the application of such a doctrine, or certainly it would not have been invented, and certainly so many would not be repeating and preaching it. What has called forth this doctrine? What has suggested its promulgation? What has caused so many gentlemen to insist upon it, so often and so loudly, and, apparently, with so much sincerity? I say apparently because I wish to cast no reflection upon the sincerity of anyone, and yet to me it is strange how a man who permits himself to think upon the subject can, in sincerity, believe in the soundness of the doctrine.

Of course we have not far to go and not much investigation to make to determine why this doctrine has been promulgated or why some men cling to it with such desperate energy. If the Constitution takes care of itself, if the Constitution is the one masterful law in this country, superior to all other laws, the supreme law by which all other laws are tested, then what may be done in any particular quarter, at any particular time, by any particular agency, must be determined by the Constitution itself. And in ascertaining what the Constitution means and what it is, after studying its own words and recurring to the history of the convention which framed it, and the concurrent facts surrounding it, appeal and reference must be made to the expositions of it by the Supreme Court of the United States. And neither in that great instrument itself nor in anything connected with the history of its formation, neither in the declarations of those who framed it nor in the decisions of the Supreme Court, can be found any foundation or pretext for this new and strange doctrine, which makes the Constitution subject to the whim, wish, or will of Congress or any incident or accident of Congressional legislation.

Ought not our friends who invoke this doctrine to pause before they push it as far as it seems now their determination that it shall go? Ought they not to realize that it is far better to be upon sound constitutional ground, and to do the things which they desire to do only so far as the Constitution will permit, and to stop the doing of them at the point where their action would become unconstitutional? Would not that be far safer and better than to proceed as they have begun, to continue in the way they are going? If the Constitution can be annulled by Congress, what is the Constitution worth? Who can draw the line, who can mark the point, to which Congressional interference with the Constitution, or Congressional annulment of the Constitution, may go, and the point or the line beyond which Congress can not annul, limit, check, or interfere with that instrument, regarded by many as sacred, and by many more as the supreme law of the land, the test for all other laws?

Gentlemen would say that only with respect to the territory of the United States has Congress this ample power. That as to the States, of course the Congress can not dispense with the Constitution or interfere with it, can not carry it to a State and can not withhold it from a State; but as to the Territories of the United States, there Congress is supreme, and there the Constitution has no place unless Congress shall see fit to give it place.

How does it happen, or how can it happen, that Congress is supreme in the Territories, independent of the Constitution? What is the foundation for that contention? What is the support for it, if it has any?

If one holds to that doctrine, he must maintain either that the Constitution gives this power to Congress, this ample and supreme power of legislation over the Territories and their inhabitants, or that from some other source, independent of the Constitution, Congress has acquired it. Does the Constitution give it to Congress? If the Constitution gives the power to Congress, whatever it is, then the Constitution goes to the Territory and is in the Territory and over the Territory, and Congress legislates under the Constitution, exercising the powers given by the Constitution. If the Constitution conveys to Congress ample and unrestrained power of legislation in the Territories, then how can you dispense with the Constitution when Congress would exercise that power?

Why talk about there being no Constitution in or over the Territory unless Congress carries it there, if by virtue of the Constitution itself and by exercise of the power given by the Constitution Congress legislates for the Territory and the people who dwell in it?

Now, if it be true that the power to legislate respecting the Territories is derived from the Constitution, then the Constitution must determine the power. Then every time the power is exercised—whenever the question of exercising it arises—the Constitution must be appealed to, and the decision of the Constitution must be final and conclusive.

Some gentlemen deal with this Congressional power to legislate with strange inconsistency. At one time, in one breath, they say that the Constitution does not extend to a Territory except by Congressional action, by Congressional extension, and quote from the Constitution a clause from which they deduce the power to legislate free from constitutional restraint. They find in the Constitution a clause giving Congress power to deal with the Territories, and at the same time find that the Constitution has nothing to do with the Territories, but that the Congress has complete control not only over them but also over the Constitution itself beyond the State lines. And this is the paragraph of the Constitution which not only makes the Congress omnipotent, but which at the same time makes the Constitution itself impotent indeed—provided always, however, that the new school of philosophers are not in error:

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

Some insist that the power of Congress is absolute, not only over the Territories but over the Constitution also, outside the States, because the Constitution confers such unlimited power in and by the paragraph just quoted; that absolute power is absolutely granted by the Constitution over the Constitution.

I deny that in creating Congress through and under and by the Constitution, the Constitution in any particular was made subordinate to Congress. The Constitution did not perish in the throes of maternity in giving birth to Congress.

Moreover, this paragraph refers to the territory belonging to the United States at the time of the adoption of the Constitution, and there is no convincing reason for believing that the framers of the Constitution had any other territory in mind.

This Congressional power, however great, however far it may

extend, however many things it may reach, however extraordinary it may be, must be a ceded power, and therefore not superior to the higher power which grants it. Is there any trouble with that proposition? What gentleman dare assert that the warrant for Congressional action is found in the Constitution and yet deny, when the extent of the Congressional power is questioned, when the question is as to what Congress can do and what Congress can not do with a Territory, that the Constitution itself must be appealed to for answer?

When a dispute arises as to whether Congress has or has not any particular power, or extent of power, logically, naturally, constitutionally, the controversy must be settled by appealing to the Constitution, by getting the correct decision from the words of the Constitution, or, if necessary, from the proceedings of those who founded it, by the aid of the light of concurrent history, or from the decisions of the Supreme Court of the United States interpreting the Constitution. The Constitution is the fountain head, the Congress one of the streams flowing from it. Can the stream rise higher than its source? Hardly, I think, even under the pressure of "expansion." I care not to dwell longer upon that proposition. I know how easily one may be wrong while most confident that he is right; and although I am confident of the correctness of my proposition, I may be entirely in error; but I would be very much obliged to any gentleman on the other side if he would be kind enough to show me wherein I err, if that be error.

If you quote the Constitution for the power, you are bound by the Constitution; your power must be derived from it. Whether you have it or have it not in any particular instance must be determined by the Constitution and the exposition of the Constitution by the only authority appointed by itself to give us an exposition of it, the Supreme Court of the United States. Now, if that be not true, tell me wherein lies the fallacy. If it be true, tell me what goes with your doctrine that the Constitution must be extended to a Territory; "that the Constitution, so far as locally applicable, shall have the same force and effect within the said Territory (or any Territory) as elsewhere in the United States" only when Congress is pleased to say so. How can Congress determine what the power and the effect of the Constitution is or shall be? How can Congress determine that the Constitution shall have a certain effect in one place and a different effect in another place? How is that possible, as a matter of law or as a matter of reason? Can a director of a corporation cast aside the charter which created the corporation which made him?

But perhaps the Congressional power is derived from some other source than the Constitution. The difficulties are no less great in the way of the man or party who would maintain that doctrine. Do you choose to take the position that the Constitution does not give to Congress the unrestrained power to legislate for the Territories, but that Congress has it independent of the Constitution? Who takes that position? Who is here to maintain that doctrine? I will be under great obligations to the proponent of that doctrine if he will explain it and give us the philosophy upon which it rests. Then we would have the Constitution, not the supreme law of the land; then we would have the Constitution, made to govern the affairs of the American people, not governing in all particulars; then we would have Congress, which can not exist independent of the Constitution, to which it is subject with everything it does and can do, completely independent of the Constitution, by reason of some power derived elsewhere. Now, who dares to state that proposition and endeaver to maintain it?

Upon what ground other than one of these two can the contention be made that the Constitution has to be carried by an act of Congress to a Territory to get there at all; that the Constitution for its vitality anywhere, respecting any subject, depends upon Congressional legislation? Where can such a proposition have started? I submit—I do it confidently—I submit that nowhere in authority, nowhere in the Constitution, nowhere in the decisions of the Supreme Court, nowhere in reason and logic, can the warrant for the contention or the support for it be found. And yet our friends are put into such sore straits; they put themselves into such an awkward position; they so recklessly and defiantly entered upon the work of doing this, that, and the other thing, without reference to the Constitution; of legislating in ways new and strange to our people and contrary to the genius of our Government; that, relying to-day upon this and the next day upon that, proclaiming to-day free trade and to-morrow protection, in grasping for straws, hoping by their aid to float, they fastened upon this new and strange doctrine that we have the Constitution outside of the State just where, and only where, the Congress chooses to put it.

Now, then, let us look at this question in another light. What is the Constitution in the Territory when Congress carries it there? Is it there as a Constitution or is it there as statute law? When Congress, by a provision like this section 5, extends to Hawaii the laws of the United States locally applicable, Congress does no more and no less than Congress would do if it were to write out word for word the entire body of those laws, embrace them in a bill, or in any number of bills, pass them, let them be approved by the President, and written anew in the statute book. That is just exactly what extending laws to the Territory amounts to—just that; no more and no less. This is the short way of enacting for the Territory the existing laws locally applicable to it. Now, then, is there anything more done with respect to the Constitution? Does the Congress of the United States make a constitution, as we understand the term—make a constitution (as the Constitution of the United States is for the States) the constitution also for a Territory by embodying it in an act of the Congress of the United States? Can that be done? Is that the way constitutions are made? Can constitutions be made in that way?

Then in extending the Constitution so far as "locally applicable" to Hawaii, the Congress of the United States is doing no more, and can do no more, than the Congress would do if we were to embody in a bill the Constitution of the United States word for word: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled," and then follow with the words of the Constitution. Let the President, after both bodies have passed the bill containing the Constitution and nothing else, affix his signature in approval, and then you have the Constitution "extended" to Hawaii just as completely, and no more completely, than it is extended by this act.

When the legislation is completed, what have you done? You have put the Constitution into the statute law of Hawaii, if you have done anything. That precisely and nothing more. Now, then, is that what gentlemen wish to accomplish by this measure? Did the gentleman who drew the bill wish to enact the words of the Constitution of the United States into statute law for Hawaii? Is that the purpose? I venture to say that it is not.

Assume, if you please, that the Constitution is not in force in Hawaii—those islands so very desirable for us, as so many people have said; those islands where the plague prevails, where contract labor is the rule, and slavery the result; where slavery, in fact, has been fostered and built up since the islands came under the control of the United States; the islands overrun with the cheapest labor of the Orient—if the Constitution is not over Hawaii, if the Constitution has not force and effect there, what force and effect will this legislation give it? Can you make a constitution for Hawaii by legislation of Congress? Why, sir, heretofore when our States have required constitutions they have made them themselves; they have been made by the people of the State. Then can you make the Constitution of the United States the constitution of Hawaii by Congressional enactment? It seems to me it is ridiculous to make such a contention.

Then how does this enactment carry the Constitution there? How can it carry the Constitution to Hawaii? How can a legislative act make over Hawaii a law supreme, as the Constitution of the United States is supreme over every sovereign State of this Union? How can it be done? And then when it is done, if it can be done, what about this vast Congressional power of which we have heard? The Congress which has the power to extend the Constitution to Hawaii—the Congress which, if it is right in now maintaining that Hawaii has not the Constitution of the United States and that it can put Hawaii under the shadow and protection of that Constitution—if it possesses that ample power—if it possesses that power which can not be derived from the Constitution, does it possess also the power to unmake, to undo? If it be true that the Constitution of the United States does not throw its protection over Hawaii and the people who dwell there to-day—if it be further true that after the passage of this act, if this section remains in it (but not otherwise), the Constitution of the United States will be over Hawaii—then I ask whether it is not also true that the same power which gives Hawaii the Constitution of the United States could take from Hawaii that Constitution? Who denies that proposition? If it is denied, why is it denied? [Applause on the Democratic side.]

Now, can it be that Congress possesses this ample power—power so vast, so transcendent, that the Constitution does not restrain it, either because the Constitution has granted the power beyond recovery or because the power is derived from some other source—can it be true that the Congress of the United States possesses the vast and ample power to determine that a particular Territory of the United States or all of the territory outside of the States shall or shall not have the Constitution of the United States as the supreme governing law? Can that be true? And can it be true also that having once exercised this power, having once spread the Constitution over the Territory, Congress is powerless to withdraw it?

I suppose these gentlemen who contend for this ample power on the part of Congress will hardly assume or hardly assert that Congressional legislation, from the time of the extending of the Constitution to a Territory, and during the time the Constitution is permitted to have an abiding place there, can be independent of the Constitution. I think that can not be true. When the Constitution is there or gets there, when the ægis of the Constitution is over Hawaii, then, for the time being, Congress, in legislating

for the Territory, it would seem, must legislate under the Constitution.

[Here the hammer fell.]

Mr. MCALEER. I yield five minutes more to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. If it be true that no part of the territory of the United States outside of the States is or can be under constitutional protection until Congress has put the territory and the people under the Constitution, then Congress must have the power and right to withdraw the Constitution from that territory and that people whenever it pleases. Now, who will dispute that proposition? Who finds fault or who can find fault with that reasoning?

It seems to me that those who would have Congress so mighty and the Constitution so weak are driven then to this absurdity—that the Constitution being carried by Congress to a Territory, the people of the Territory once being under the Constitution, Congress for the time being must legislate in subordination to the Constitution; but whenever Congress concludes to reassert its vast power, all it has to do is, by another act, to lift the Constitution, to gather the Constitution in and fold its wings of protection, and then to resume its own absolute sway, independent of the Constitution.

Gentlemen, what do you think of that doctrine as you follow it out? What respect, my friends, do you really have for your own judgment and your own logic, your own premises and your own treatment of them, when you proclaim or subscribe to the doctrine that the Constitution is nowhere outside of the States except where Congress carries it—that in legislating for the Territories the Constitution does not interfere with Congress?

I understand, and you understand, that this proposition lies at the very foundation of the Philippine question and the Puerto Rican question and the Hawaiian question, and the other questions that have arisen and will arise in this career which some gentlemen call progress, which others might properly call adventure—gathering in all that is loose around about, and then in providing a government, throwing away our constitutional safeguards in order to deal with our acquisitions, "our newly acquired possessions," in the way that necessity or cupidity may suggest. [Applause.]

I believe that no department or agency of the Government can escape from constitutional control otherwise than by violating the Constitution. I believe that the Constitution is in and over every act and action of Congress to sanction and sustain because in harmony with it, or to condemn and annul because in conflict with it. I believe the Constitution floats in the current of all Congressional legislation and directs the course of the stream. It is to Congressional life and action what the air we breathe is to human life and achievement. No legislation can escape from its supervising control, and wherever a law of Congressional enactment is in a Territory as well as in a State there is the Constitution also, having traveled in its own way, by its own conveyance, commanding Congress always and never commanded by Congress.

I did not intend to go into this question at length. It is worthy of some discussion. I may be wrong about it, but I think the time is coming and is not far distant when this proposition upon which so many gentlemen rest so much will receive more consideration than as yet has been given to it.

I believe the time is not far off—and I am warranted in that belief by reference to the decisions of the Supreme Court, by everything that we have upon that subject that deserves the name of authority, and, I am almost tempted to say, by everything which deserves the name of reason—I am led to the belief, and am confident in it, that the time is not far off when the doctrine in this country will be reestablished, to the satisfaction of many and the confusion of some others, that the Constitution is not merely a convenient little thing like a garment, to be taken off and put on; that the Constitution is not to be handled by the Congress of the United States as an overcoat might be handled by a servant in waiting—put on, pulled off, hung up or laid down, or even folded and stored away with spices and anti-moth preparations until a more convenient season for taking it out. [Laughter.]

I believe the doctrine soon will be reestablished in this country, to the satisfaction of many and to the confusion of some others, that the one thing that abides here, the one thing to which all of us must bow, the one thing to which all of us owe allegiance, the one thing which determines and measures the powers of Congress and of the President, whether the greatest or the smallest, that protects the feeblest and the mightiest, is the Constitution of the United States [applause on the Democratic side]; that it lives without Congressional action, and that the highest duty of Congress is to legislate under it and not against it. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. KNOX. I yield forty-five minutes to the gentleman from Kentucky [Mr. BOREING].

Mr. BOREING. Mr. Chairman, our Government was created without a pattern, and its founders commenced business without a dollar and without a foot of territory. Guided by the flag and not by the Constitution, they fought England seven years for our first possessions. To-day the American Republic stands in the forefront of the world's powers, without a peer in existence or a parallel in history. We have spanned this continent, compassed the seas, and planted our outposts at the threshold of the Asiatic countries, where we can command the trade and commerce of the world and protect our missionaries in all lands, and are now engaged in enacting a constitution for the islands of the Pacific Ocean.

We have the praise and admiration of the great civilized powers of the earth and no enemy in our front to stop our onward march around the globe. Yet there is a voice that calls us to halt and retreat. That voice comes from the rear. It is not the voice of Grant. It is not the voice of Stonewall Jackson. The men who wore the blue and the men who wore the gray are at the front upholding the flag, with a united people and a prosperous country behind them. The voice that calls us back is the voice of the Tory in the Revolutionary days; the voice of Vallandigham and the Copperheads in the days of the civil war. It is the voice of the demagogue, the pessimist, and a few constitutional lawyers. Shall we obey that voice, or shall we state the philosophy of our politics and the religion of our Government in a broader patriotism, looking to a wider and higher national destiny?

I am well aware, Mr. Chairman, that our able statesmen are not all agreed about these matters. This comes of our free institutions and is the result of free thought, free speech, and a free press. But, Mr. Chairman, the people of this country may be divided into two classes. The time has never been when they might not have been divided into two classes. One class live for themselves alone, and the other class live for others as well as themselves. To the latter class we are indebted for American independence. To this class we are indebted for the preservation of the Federal Union and for the absolute freedom of all American citizens.

This class have built our churches, endowed our colleges, and inaugurated our systems of public instruction, and to them alone I am willing to intrust the destiny of our people and the fate of this nation.

Mr. Chairman, the idea of self-government was not born upon this continent. It came to us from across the seas, and after a trial and approval of a century and a quarter, may we not send it back with our greetings? The idea is modern, but it is not new. It is modern because it is imperishable. It is too pure to decay. Forms decay, words become obsolete, and languages die, but great ideas, truths, and principles live forever. The great Nazarene teacher, who taught as man never taught, and who spake as never man spake, suggested the idea of self-government to the human race and taught the doctrine of civil liberty two thousand years ago. When he appeared upon the scene as a teacher human slavery existed in every civilized nation in the world; but these wicked and degrading institutions have melted down before the sunlight of the gospel.

Our German ancestry, the Angles and the Saxons, carried the spirit of self-government from Germany into England in the fifth century. It struggled there for more than ten centuries against monarchical forms of government before it was driven to this country in search of a more congenial soil where it might develop and mature. It found lodgment in the patriotic heart of Washington and the brilliant intellect of Franklin; it found expression in the language of Jefferson; it found interpretation in the conscience of Lincoln, and it is finding dissemination in the patriotic judgment of William McKinley, to the credit of his brilliant Administration and the honor and glory of this nation. [Applause on the Republican side.]

When Mr. Jefferson wrote the Declaration of Independence, he stated a powerful governmental fact—all men are created equal—the full meaning of which I do not believe he comprehended. It remained for Abraham Lincoln, the great emancipationist of the nineteenth century, the type of the American Republic, who was endowed by nature and, as Mr. Watterson claims, was inspired by the Almighty, to so interpret this fact as to make it speak the whole truth. Jefferson, Washington, and Franklin saw only the white man in that declaration, because they all indorsed the Constitution of the United States, which provided for the enslavement of the black man. But Mr. Lincoln, who possessed that invisible power of the human mind that could detect the invisible power that lurked in the great fact, saw as clearly as a sunbeam that it included the black man, and it is now dawning upon Mr. McKinley that the interpretation of Lincoln, that emancipated not only the bodies but the minds and consciences of men and gave this country a new civilization founded upon enlightened civil liberty, includes every shade of color between the white and the black man.

But how have we acquired our territory in this country? How has our Government grown up like its great type, Mr. Lincoln, from nothing to become everything?

In 1783 Great Britain ceded to us the 13 original colonies, embracing 815,000 square miles of territory. We obtained this under

the flag and not under the Constitution. Mr. Chairman, we acquired our first possessions without having to run the gantlet of the constitutional lawyers, which every annexation has had to encounter.

I am always pleased to hear the speeches of the distinguished gentleman from Missouri [Mr. DE ARMOND] on account of his learning. I remember not long ago he took occasion to contrast the Constitution with the flag, claiming that the Constitution was the residuum of the Revolutionary war, that it was the guide and charter of the American people. I would remind him that the flag was the inspiration of the Revolutionary war. It expresses the patriotism of our people and the spirit of self-government.

I have as great respect for the Constitution as any man upon this floor. I would not speak disparagingly of that instrument, but I would also remind the gentleman that wherever there has been a conflict between the teaching of the Constitution and the teaching of the flag the Constitution has been in error and the flag has been correct.

I remember when I was a boy the Constitution taught me that the black man was property. The flag taught me that he was a man. The teaching of the flag prevailed and the Constitution was amended. The flag has never been amended, but the Constitution has been amended fifteen times to conform to the growth and development of the country and new conditions that have arisen, and to keep it in harmony with the teaching of the flag. You had as well think of amending the heavens that declare the glory of God or the firmament that showeth His handiwork, which day unto day uttereth speech and night unto night showeth knowledge, as to think of amending the American flag.

Mr. Chairman, I have no doubt that our fathers thought when they obtained this grant from England that they had all the territory they would ever need, for they made no express provisions in the Constitution by which we might acquire more. I have no doubt they had the idea then that they were forming a government within and for themselves and their posterity. But within twenty years from that date the great Louisiana purchase was made by Thomas Jefferson. He was censured and condemned for his reckless disregard of the Constitution and extravagant expenditure of the people's money—$15,000,000—for the purchase of territory for which the country had no use.

How is it to-day? That territory is worth $3,000,000,000. Why, its intelligent, cultured, and prosperous citizens propose to expend $15,000,000 in 1903 to celebrate the Louisiana purchase.

There is not money enough in this country, gold, silver, and paper, to buy the Louisiana purchase. Mr. Jefferson admitted that he stretched the Constitution until it cracked in order to make that purchase. He asked that the act ratifying the purchase be made in silence and without debate; and, in point of fact, there was more silence and secrecy about the passage of that act than there was about the act of 1873, by which some of our people think we lost our silver money. Here was the beginning of the American policy which was broader than the Constitution.

From that day to this the American policy has been broader than the Constitution. We have had seven great annexations of territory, by which we have increased our possessions to nearly 4,000,000 square miles of territory. Every great question that agitated the people of this country in the nineteenth century grew out of annexation. The public-land question, the tariff question, and the slavery question all grew out of annexation. If there had been no public domain added, there would have been no public-land question to be fought over between Henry Clay and Andrew Jackson. By reason of these annexations, farming lands became very cheap and farming very profitable. The statesmen saw that in order to encourage our people to manufacture their own goods, wares, and merchandise they must make manufacturing as profitable as farming, so they inaugurated a tariff system that has built up this country; and from that day we have had the tariff agitation until recent times. It commenced between Henry Clay, of Kentucky, and John C. Calhoun, of South Carolina.

I can not fix the day of the death of "tariff for revenue only," but I can come within four years of it. I believe that it appeared for the last time in the national Democratic platform of 1892. It failed to appear in the national Democratic platform of 1896. Somewhere between these two dates it winked out. Both the country and the Democratic party had an experience about that time that neither will soon forget. The slavery question likewise grew out of annexation, because the doctrine of slavery was firmly planted in the Constitution. It required a contempt of law and a revolution to free the original thirteen colonies from slavery. Whenever a new State was made the question arose as to whether it should be free or whether it should be slave. This controversy culminated in the irrepressible conflict that the eminent statesmanship of Henry Clay deferred for a third of a century, but could not prevent.

Mr. Chairman, the country we have acquired is the richest and most fertile and its people are the most cultured, intelligent, and happy of any race of people on the earth. Our country is, indeed, a chosen land. When you consider it from an agricultural standpoint, we could feed, clothe, and shelter twenty times our present population by agricultural pursuits alone. If you consider it from a manufacturing aspect, with our great producing capacity, that has been built up by our protective system and with the constantly increasing foreign demand for our manufactured articles, we could dispense with farming and support our population by manufacturing alone.

When you come to consider the wealth that is imbedded in the earth—our gold, silver, and copper mines, our coal fields, our oil, gases, and other minerals, our granite and marble of every hue and shade of color—this wealth is like the stars of heaven; it declares the glory of God. We are also a chosen people. In 1792 it was estimated that 85 per cent of our people were of the Anglo-Saxon race. It was very fortunate that we fell under the Anglo-Saxon civilization in the beginning, and it is exceedingly fortunate for us that every annexation made displaced Latin civilization, which has been succeeded by our Americanized Anglo-Saxon civilization.

We also have a chosen Government. It is conceded that the American Republic has been the most successful experiment of self-government the world has ever known. Now, with our brilliant history behind us and the enlightening power of our schools and churches, with our books and newspapers as numerous as the leaves of the forest, shall we not, in the faith of Caleb and Joshua, "go up and possess the land" that has come to us by the fortunes of war and by the act of purchase, not to deprive the inhabitants that come with these islands of their rights or possessions, but by our superior civilization teach them the arts of industry and inspire them to the pursuits of peace, cultivating among them the knowledge of a more enlightened civil liberty, and, if possible, secure to them and their posterity the blessings of that method of self-government that came to us as a heritage from our fathers.

Mr. Chairman, if by the pursuit of this beneficent policy we find a market for the surplus products of our farms and factories, who shall impugn, or have the right to impugn, our motive, question our patriotism, or criticise our policy? Certainly not they of our own household. I have been much pleased with what I have seen in this House with regard to our action in providing the pending bill. The Hawaiian Islands were converted to Christianity by American missionaries early in the twenties. In 1825 they incorporated into their code of laws the Ten Commandments. In 1829 they were recognized by the United States as a treaty-making power. In 1844 they were recognized by us as an independent government.

In 1900 they are knocking at our doors for admission and asking us to enact for them a constitution and code of laws. In doing so the Committee on Territories undertook as much as possible to make them conform to American ideas and American customs. I was pleased to see that the committee unanimously voted against a property qualification for the right of suffrage. I was pleased to know that we unanimously agreed to give them a fair election law and leave them as much as possible to control their own local affairs. I have been pleased at the spirit that has been shown here in regard to Puerto Rico on both sides of this House, notwithstanding we differ very widely as to what is the best method of relieving their distress.

But, Mr. Chairman, while we are providing for the islands of the sea, extending our civilization, holding up American national life before the world, are we going to allow the torchlight of liberty to be extinguished at the birthplace of Abraham Lincoln and the home of Henry Clay?

It is in no spirit of partisan acrimony that I refer to the situation in Kentucky. So far as the election law is concerned, we would be glad to exchange places with either the Hawaiian Islands or Puerto Rico. If you would rid us of the Goebel election law, you might put a tariff for two years on our products and tax to the full extent, if you please, of the Dingley law. We have two great trusts in Kentucky that would bear the burden of taxation; and if they were both taxed to death, the youth of the land would be safer and the country all the better off. Our Democratic friends get the benefit of both of them—the whisky trust and the tobacco trust. [Laughter.]

Mr. TALBERT. Democrats do not drink. [Laughter.]

Mr. BOREING. No; they make and sell the liquor. Kentuckians do not drink as much as you think they do. My town is a local-option town and has not had an open saloon in it for twenty-five years, and we have not had a homicide there for twenty-five years; and yet we have been held up by the press of the country as a lawless people. I am glad to refer to this fact for the purpose of vindicating the people of my district. I do not know a more law-abiding, peaceable, and industrious citizenship anywhere in the United States than there is in Laurel County. Likewise the people of the Eleventh district are peaceable, industrious, intelligent, law-abiding people, and have been misrepresented and slandered in the public press in reporting the situation in Kentucky. Yes, if you will give us civil liberty in Kentucky, you may tax our

products by a tariff. If you will be as kind to us as you are to Puerto Rico, and pay the money all back to us, and allow us all we collect ourselves on articles coming into Kentucky to build schoolhouses and make roads and lock and dam the Cumberland and Kentucky rivers, so we can put into market our coal and timber and oil and other products, then we will be as wealthy and prosperous as the great State of Pennsylvania or any other State in this Union.

But, Mr. Chairman, while the Goebel election law is the immediate cause of our troubles in Kentucky, there has been a series of wrongs perpetrated against the Republican party and the Republican counties in Kentucky. A system of unfair dealing and discrimination has been practiced against us which have led up to and made possible the passage of that law. In laying out the legislative and the senatorial and the Congressional districts the legislature of Kentucky has totally disregarded the plain provisions of their own constitution. I wish some of these constitutional lawyers would go down there and preach our State constitution to our State legislators. The thirty-third section of that instrument reads as follows:

The first general assembly after the adoption of the constitution—

That is our new constitution, that was adopted in 1891—

shall divide the State into 38 senatorial districts and 100 representative districts, as nearly equal in population as may be without dividing any county, except where the county may include more than one district, which shall constitute the senatorial and legislative districts for ten years.

Mr. TALBERT. If it will not interrupt the gentleman, I would like to ask him a question.

Mr. BOREING. Certainly.

Mr. TALBERT. You say if they will give you civil liberty in Kentucky—I suppose you allude to the Federal Government?

Mr. BOREING. I do not care how we get it, so it comes back to us.

Mr. TALBERT. Does the gentleman think Kentucky can not take care of itself without Federal interference in these election laws?

Mr. BOREING. I am not raising the question of Federal interference. I am not asking that. I will say to the gentleman from South Carolina that I will explain more explicitly when I get further on.

Mr. TALBERT. I did not mean to interrupt the gentleman.

Mr. BOREING. I understand that, and I am glad to have the gentleman from South Carolina ask me a question.

We are not asking for Federal interference; we are asking for a fair election law—a law fair to all parties. I want it to be the product of the best minds of both parties. I want it to be such a law as we can die and leave it to our children, believing that we are handing down to them the blessings of civil liberty as they were given to us by our fathers.

I call special attention to this provision:

Not more than two counties shall be joined to form a representative district.

Now, Mr. Chairman——

Mr. BALL. Does the gentleman want Congress to change the constitution or the laws of Kentucky?

Mr. BOREING. We are not asking Congress to change the constitution of Kentucky.

Mr. BALL. What has Congress to do with the the representative districts in Kentucky—the senatorial and legislative districts? What have we to do with them?

Mr. BOREING. I have not asked Congress to regulate them.

Mr. BALL. You are making an appeal to Congress——

Mr. BOREING. I am simply stating a fact. I desire simply to put the facts before Congress and the country. And it has a bearing on the subject under discussion, because you gentlemen are reaching out in a humanitarian spirit and sympathizing with people who are oppressed. We want some of your sympathy.

Mr. BALL. How much majority did you give your governor in 1895 in your district?

Mr. BOREING. I do not remember. We gave him a pretty good majority.

Mr. BALL. How much majority did you give him in 1896, when President McKinley was running, and how long did you hold back the returns?

Mr. BOREING. We did not hold back the returns a day. And every vote that was given for Mr. McKinley was an honest vote. And we increased that majority in our last election under the Goebel law, when Democrats held and certified the election.

Mr. BALL. I do not doubt that every vote given was an honest vote. I am speaking of those votes which you counted in 1896, but which were not given.

Mr. BOREING. We did not count any that were not cast. We do not run the counting machine down there. The counting machine is run by the other side. The Goebel election law throws it open to them to run, if they have a mind to run it, and that is what I am now complaining of.

Now, Mr. Chairman, let me give the gentleman a few facts. The legislature did meet in 1892 and did lay out the State into 38 senatorial and 100 representative districts. But how did they do it? I will refer first to my own district, the Seventeenth senatorial district of Kentucky, composed of the counties of Laurel, Pulaski, Whitley, Bell, Knox, Jackson, and Rockcastle, all in the Eleventh district, except Rockcastle. Those were perhaps six of the strongest Republican counties that could be laid out within one contiguous boundary. They had a population of 99,244. The ratio for senator was 48,911; and they gave us one senator, while the Democratic counties of Harrison, Nicholas, and Robertson, with 30,326 population, were given one senator.

I appeal to the gentleman as to whether that is fair. I appeal to the gentleman himself to say whether that is not taxation without representation. I appeal to the gentleman or any other member of this House to say whether we have not the same ground and grievance for revolution that our fathers had against Great Britain.

Mr. BALL. Revolution does not include the right of assassination.

Mr. BOREING. What was the gentleman's remark?

Mr. BALL. Are you appealing to the right of revolution?

Mr. BOREING. Oh, no; I am talking about rights we have not exercised.

Mr. BALL. I do not doubt your right to revolutionize if you want to do so; I am simply asking what Congress has to do with the assassination of a governor and your other troubles out in Kentucky.

Mr. BOREING. I have not said a word about assassination.

Mr. LACEY. Allow me to ask whether the Goebel law is not justified under article 12 of the constitution, which provides that—

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness, and the protection of property. And for the advancement of these ends they have at all times an inalienable right to alter, reform, or abolish their governments in such manner as they may deem proper.

It will thus be seen that there is a special provision in the constitution of Kentucky authorizing revolution. Is not the Goebel law authorized by that provision?

Mr. BOREING. I do not know that I can answer the gentleman's question fully. I do not think the Goebel law could be authorized by anything else than revolution or usurpation. It does not, however, reform the State government, nor does it advance safety and happiness or protect property, but it does abolish government and subvert civil liberty.

But, Mr. Chairman, let me examine these figures a little further. This is not an isolated case. Take the county of Fayette, with 35,698 population. That county has one senator; but the Republican district composed of the counties of Perry, Letcher, Clay, Harlan, Floyd, Pike, Knott, Leslie, Martin, and Johnson, with a population of 85,166, has only one senator.

But this is not all. I will call your attention to the Republican county of Christian, with 34,113 population, which was given one representative, while the Democratic county of Davies, with 993 population less than Christian was given two representatives.

Christian is a strong Republican county. The Twenty-third and Twenty-fourth legislative districts, both Democratic, are in Warren County, with a population of 30,158, being 3,955 less than the Republican county of Christian. Thus, you see, Warren County has two representatives, while Christian has one.

Again, the Seventeenth district, composed of McLean County, with a population of 9,867—a Democratic county with a little over one-half the ratio for a member—was given one member. In open violation of the provisions of the constitution the counties of Clay, Jackson, and Owsley were all put into one district, with a population of 26,683, being 8,097 more than the constitutional ratio. These three are all strong Republican counties; likewise the four counties of Bell, Harlan, Perry, and Leslie, all Republican counties, and all put into one legislative district and given one member.

Mr. WHEELER of Kentucky. I should like to ask my colleague a question.

Mr. BOREING. Yes.

Mr. WHEELER of Kentucky. Is it not true that the court of appeals of Kentucky have upheld the reapportionment of the State and decided it to be constitutional?

Mr. BOREING. I really do not know. They have upheld the Goebel election law, which is worse, the judges dividing on partisan lines, 4 to 3.

Mr. WHEELER of Kentucky. I desire the gentleman to state whether or not the court of last resort of the State has held the present apportionment of the State to be constitutional?

Mr. BOREING. I really do not know, but if they have, it is not fair and right. If it is, it is hard for a Republican to see how, since it disfranchises him.

Mr. WHEELER of Kentucky. Well, I will try to answer that later. I think I will have something to say.

Mr. BOREING. Of course. My argument is that it is unfair and that it is unconstitutional. Here is the plain language of the constitution, that speaks for itself.

Again, there is the Ninety-third district, composed of the Republican counties of Boyd and Lawrence, with a population of 31,735, given one representative, while Larue County, with a population of 9,433, has a representative. The Sixty-ninth district, composed of the two Republican counties of Knox and Whitley, with a *territory* of 930 square miles and a total population of 31,352, has but one representative, while the Twenty-third district, composed of the little city of Bowling Green and one or two small county precincts in Warren, with a population of 7,803, has a representative.

Mr. Chairman, I might carry this comparison further, but I deem the facts presented sufficient to convince the Congress of the United States and the country at large that our grievances are not imaginary, but real, and that they show why the election machinery has been transferred from the people to the legislature by this system of discriminating, which has practically disfranchised half the voters in the counties discriminated against in the election of State senators and representatives. The Goebel election law can be operated more successfully through the legislature than it can through the people. The legislature elects State board of election commissioners; State board appoints county commissioners, who hold the elections and report back to their masters.

Mr. TALBERT. Mr. Chairman, just a point right there. The gentleman has stated to the House what he conceives to be the wrongs and abuses that have been brought about by one party in Kentucky.

Mr. BOREING. Yes.

Mr. TALBERT. Does he not think that Kentucky is entirely competent to deal with this question itself? If these wrongs have been committed, can they not be corrected by the people of Kentucky, and would not the proper place to air these things and to attempt these reforms be in the State of Kentucky instead of bringing them here to the Congress of the United States? I do not deny the gentleman's right to speak upon any question he pleases; but the point I want to get at is, is the State of Kentucky not *entirely competent* to deal with these questions herself as a sovereign State?

Mr. BOREING. As a sovereign State! That brings up a new question.

I want to say this: I submit the question as to whether we are mistaken about this being a nation and whether that provision of the Constitution of the United States that guarantees to every State a republican form of government is so much surplusage, and whether we are sovereign States? If we are sovereign States and the General Government has no right to interfere, then we must work out our own destiny.

Mr. TALBERT. I was speaking in regard to these particular conditions of things that the gentleman was referring to.

Mr. BOREING. I hope Kentucky will be able to work out her own destiny, but I give notice now to the gentleman from South Carolina and this House that, if we can not get rid of the Goebel election law in any other way, I will introduce a bill into this Congress asking for the passage of a Federal election law. I will not make this appeal in behalf of the colored race in the South; I will not make it in behalf of the Republican party in Kentucky. I will make it in behalf of the people of Kentucky, without regard to their politics or their racial origin. I will not ask for a force bill; I will not ask for a sectional election law, but I will ask for a fair election law for the whole United States that will enable the Federal court to reach out and take hold of these matters and pass upon the validity and constitutionality of the election laws in the States.

You talk about the Constitution extending itself. I will remind you, sir, that this deep-seated leprosy that is affecting the political franchise and spreading over the country must ultimately go to all the States. It may be that one party will smother out the rights of the minority in your State and mine and a different party will smother out the rights of the minority in other States.

Mr. Lincoln said this country could not stand part slave and part free; that it must ultimately be all slave or all free. So I declare to you that this Government can not stand with fair election laws in part of the States and unfair election laws in other States. We must have all fair, or ultimately they will all be unfair.

Now, if any gentleman here thinks that I am going beyond what I ought to say upon this subject as the Representative of the Eleventh district of Kentucky, I will say to him, come and stand where we are standing; come weep where we are weeping; come pray where we are praying; come feel what we are feeling, and then decide whether or not we will be justified in asking the Federal Congress to enact a law that will give every State in this Union a fair election and a republican form of government.

I will introduce into the RECORD, by permission, an editorial written by Mr. Watterson, at the time the Goebel election bill was pending. Mr. Watterson was once a member of Congress, but better known as the great editor of the Courier-Journal, the leading Democratic daily newspaper of the South, distinguished for his gifts and his high regard for the rights of man. His language needs no comment from me.

A COURIER-JOURNAL EDITORIAL.

The people may well stand aghast before the revolutionary election bill which has, like some dread monster, suddenly emerged from the fastnesses of passion and error through which the legislature has been threading its tortuous way. It is safe to say that the annals of free government will be sought in vain for anything approaching it in shameless effrontery and unconcealed deformity. The records of reconstruction furnish nothing to compare with it. The Brownlow despotism in Tennessee was considered tolerably reckless and tolerably thorough in its day. But the Brownlow despotism at its worst ventured upon nothing so boldly, wholly bad as this.

In all the force bills meditated by the radicals in Congress during the dark days of reconstruction there were discernible some pretense and pretext, some lingering memory of republican instincts and traditions. Even in the plebiscites of Louis Napoleon there was the outer display of a just electoral process and purpose. This force bill gives the voters of Kentucky not a ray of hope. It makes no claim or show of fairness. It places exclusively in the hands of three irresponsible persons to be named by the authors of the measure itself the entire electoral machinery of the State. That is the whole of it. In one word, and at one fell swoop, Kentucky is to become the subject of a triumvirate, which is to decide who shall hold office and who shall not. Nominally the people are to be permitted still to go through the form of elections. They are to be permitted still to vote. The ballot box is not actually abolished. But the triumvirate is in each and every case to cast up the returns and determine the result.

Naturally the question recurs, Why three commissioners, when one would serve the purpose quite as well? Thrift being the order of the day, why not an act naming a single commissioner to cast a single vote for the entire State, as is sometimes done in local board meetings? Why waste the hard-earned money of the taxpayer on a triumvirate, when a dictator would come so much cheaper.

Senator William Goebel is the reputed author of this bill. At least, it stands in his name, and in the legislature he is its foremost supporter. Among those who have latterly come into the foreground of Kentucky politics, this gentleman stands easily first as a master of political strategy. Self-possessed, able and tireless, and fearless, he seems to belong to the category of born leaders. Such men are capable of great public good or great public mischief. The Courier-Journal would not summarily nor willingly dismiss Senator Goebel to the latter classification. The measure with which he has linked his name and for the time being identified his fortunes is of sweeping viciousness and far-reaching evil.

The alien and sedition laws which engulfed and destroyed the old Federal party were not less oppressive and unrepublican in their character. But the coolest men are sometimes carried away by the passions that surround them, and this winter there has been nothing but passion at Frankfort. Indeed, of the present Democratic leaders in Kentucky, might one, without exaggeration or bathos, exclaim:

"O, judgment! thou art fled to brutish beasts,
And men have lost their reason."

Senator Goebel is no worse than the rest; and except in this atrocious measure has shown himself something better. But, like Cæsar that was ambitious, he wants to be governor of Kentucky, and he sees, or he thinks he sees, a ready chariot to bear him thither in the electoral bill that bears his name.

Woeful, though not irretrievable, mistake; for, granting that with the machinery of this bill in his hands, his ambition may be, probably will be, gratified, what should it profit him if he gain the rulership of the universe and lose his own soul and along with it his good name, as the slayer of civil liberty?

Mr. Goebel is a young man. He is an aspiring man. He is an able and a brave man. May we not, as a friend, and without prejudice or misconstruction, tell him that there is something better, higher, nobler even than the governorship of Kentucky, and that is the love, the respect, the homage of good men and women? Were it not wiser to wait until his time has come and to take his chances fairly among his rivals, than, armed like a bandit, to hold up the people and the State and after a brief, unhonored revel in office, to pass from the scene discredited forever? For nothing can be surer than that if this bill should become a law it is only a question of time, and of a very short time, when all concerned in its passage will be running to cover from the wrath of an outraged people, and when those responsible for its being will have to pay the forfeit of their folly and crime in everlasting ignominy and disgrace.

But the Goebel bill will never be enacted into law. The Democrats of Kentucky have not sunk so low as that. There is a limit even to the fury of factional passion. There are bounds set upon the prosperous rapacity of sectional leadership. The people can not have gone completely and incurably mad. There is yet some grace left in the manhood of Kentucky to rise in its might and to say to this wicked attempt to steal its birthright of freedom in open day and before its very eyes, "I forbid!"

The time is short, but everywhere throughout Kentucky there should be public meetings held to protest, and to send delegations to Frankfort to protest, against this monstrous usurpation of power by a few unscrupulous and designing men. If this be not done, and done quickly and decisively, then are free elections and free government at an end in Kentucky and the State given over into the keeping of a clique of self-appointed party managers, not to be recovered by the people short of a political revolution. With the machinery of this Goebel bill in his hands, Mr. Goebel becomes as completely master of the situation in Kentucky as Diaz in Mexico or Menelek in Abyssinia.

Like all measures gotten up to serve pretended party purpose, yet in reality aimed to promote private advantage, this election bill is opposed to every conceivable Democratic interest. The first election, or rather spurious election, to be held under its operations and restrictions will be for Congressmen next November. All the Republicans shall need to do will be to protest against the rulings of the triumvirate in each district, send a delegation to Washington, and rely upon the Republican Chief Clerk of the House of Representatives, who makes up the roll of the next Congress, to enter their names. The issue thus joined may determine the party complexion of the next Congress, and against the Democrats, since the Republicans will have first say. In case of a disputed State election it is a question whether the State courts would not throw out the law as unconstitutional. Assuredly the act itself, if passed, might be described as "an act to deprive the Commonwealth of Kentucky of a republican form of government," for, whereas most force bills have preserved the outward forms of Republicanism, this bill defiantly creates a three-man power, under a one-man rule, as odious to liberty as the directory in France under Barras, or the consulate, after Napoleon had captured the revolution, as Mr. Goebel seems to have captured the Democratic party machinery.

In point of fact, the Democratic party, as a party, has everything to lose and nothing to gain, for, even as to the immediate future, when such desperate expedients are resorted to, it is impossible to predict with certainty exactly how they will work, while as to their ultimate results there can be no manner of doubt. Such measures always react and rebound. The brood of evils they invoke always comes home to roost. The very suggestion of so reckless a resort is a confession of weakness. It is an open declaration that its authors dare not meet the people face to face and in the open. It is the

resurrection out of the depths of infamy and disgrace, where the people laid them, of worn-out and cast-off radical methods and policies, and their application to the supposed exigencies of a faction of Democratic politicians who proclaim themselves to be, except for this device, both impotent and bankrupt.

The Courier-Journal speaks warmly because it feels warmly. But it would arraign the motives, question the integrity, of no man. As it values its honor, it would assail the honor of none other; and surely it has no factional interest to support. Cast out by all factions, an outlaw in the house where it was once a master—and willing, yea, glorying in its subjection and its martyrdom for truth's sake and its country's sake, if good shall come to either—what boots it to us which aspirant is governor of Kentucky, or who sits in the high place of the land?

This monstrous usurpation of power needs no explaining. It is so simple a child may read and understand it. But no power can stop it unless the people of Kentucky, not yet wholly lost to liberty, manhood, and self-respect, arise in their majesty, and arise at once, to call off the maddened dogs of war whom passion and faction have let loose at Frankfort, and who, having had a taste of blood, would rend the very eagles that guard the Commonwealth limb from limb, leaving the people only the bare and worthless bones.

The long train of evils predicted by Mr. Watterson that would follow the enactment of the Goebel election law have already been visited, in part at least, upon the people of Kentucky. We already have two sets of State officers claiming to have been elected for the same term. One set elected by the people, and another set elected by the boards of contest. And the question to-day is whether the voice that comes from the booth or the voice that comes from the legislature shall prevail. As a man of peace I favor a peaceful solution of these troubles, and I therefore believe that if the Federal courts of the country have not power to pass upon and settle these disputed questions that we have reached a period in our country's history when such power should be conferred upon them by Congressional legislation, because under the political excitement that prevails the local courts are as partisan as the political parties. As further evidence of the fact that the Goebel election law throws wide open to fraud our elections whenever and wherever the election officers are corrupt enough to practice fraud, I desire also to insert as part of my remarks a letter from the Hon. South G. Trimble, speaker of the present legislature of Kentucky, to his friend, W. E. Thompson. It is as follows:

FRANKFORT, KY., *August 3, 1898*

MY DEAR MR. THOMPSON: I will preface the contents of this letter by saying that you have not a better friend in Franklin County than I am, and it is my friendship for you that I write this letter. You were indicated by the county committee as one of the election commissioners for this county.

No better man could have been appointed; but it is an unenviable position, and one that you should not accept. Our county is all right, safely Democratic; but city elections can not be won with a fair count, and you know that as well as I do. Incompetent, unreliable Republican judges will have to be appointed. The right of the Republicans to indicate who shall represent them as judges, etc., will have to be ignored, and the election commissioners will have to do this or receive the ill will of the city Democrats. I would not do it, for I could not conscientiously do so and know that you would not; therefore my advice to you is to refuse to act.

I had a talk with Judge Pryor on the subject, and he said if you would refuse to act he would appoint anyone that we might indicate, which would be Ben Marshall. You know Ben is so partisan that he thinks that anything is right that helps the Democrats. Think this matter over, and use your best judgment, and if you conclude not to accept, write to me immediately and I will have the change made. I will also see that your interests are represented in the appointment of officers on your side of the river. Let me hear from you at once.

Sincerely your friend,

SOUTH TRIMBLE.

Mr. W. E. THOMPSON, *Frankfort, Ky.*

Thompson's answer is as follows:

FLAGFORK, KY., *August 18, 1898.*

MY DEAR SIR: Yours of the 13th of August in regard to election commissioners for the county received, and in reply will say my confidence in your sincerity about this matter compels me to refuse to accept the appointment of election commissioner, for if I have to do a dishonorable act I will not accept. Show this letter to Judge Pryor, that he may act regardless of the county committee's recommendation.

Most respectfully, yours,

W. E. THOMPSON.

Mr. SOUTH TRIMBLE, *Frankfort, Ky.*

Mr. Trimble is a reputable gentleman and a supporter of Mr. Goebel and in harmony and accord with what is known as the Goebel Democracy in Kentucky, and his letter speaks for itself, and shows what he thought of the fairness and the soundness of the Goebel election law.

I also insert as a part of my remarks this item taken from what purports to be the correspondence between Mr. Watterson and Mr. Belmont, of New York:

The Democratic State ticket just nominated will certainly be elected, under the operation of the Goebel law. The result is not left to chance.

That is what Mr. Watterson is reported to have written to Mr. Belmont. Now, do any of you have any difficulty in construing that language? Does not that mean that the election will not necessarily depend upon the votes cast, but upon the votes counted?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOREING. I will ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman has that privilege under the order made by the House.

Mr. BOREING. The gentleman from Kentucky [Mr. WHEELER] asked me if the apportionment of Kentucky has not been upheld by a decision of the court of appeals. By this interrogatory he concedes the truth of what I have stated about the apportionment. He also admits that the Goebel election law is partisan.

If it be true, Mr. Chairman, that the court of appeals in Kentucky has upheld an unfair apportionment and partisan election law, then he sustains my contention and justifies me in my belief that the disputed questions growing out of our elections and the validity and constitutionality of our election law ought to be settled in a more impartial court.

My attack is upon the Goebel election law and not upon the officers who have administered that law; nor have I discussed nor do I propose to discuss Mr. Goebel. No eulogy upon his life and character answers objections to an iniquitous law that bears his name. I do not charge that all elections held under the Goebel election law have been fraudulent. I do not believe they have been. But I do assert and maintain that wherever we have had fair elections under that law it is due to the fact that the officers of the election were better than the law. We do not want an election law under which we may have a fair election, but we want an election law under which we must have a fair election. In this enlightened age of the world we must have election laws that command the respect and confidence of all our people. If we would guard the sacredness of the ballot, the law must be nonpartisan in spirit and in form.

It has been said that the State canvassing board under the old law in Kentucky was not nonpartisan; that the governor, secretary of state, auditor, treasurer, and attorney-general of state composed the board. That is true; but it must be borne in mind that this canvassing board was not a source of power to hold elections. They exercised no powers whatever, direct or remote, in the appointment of election officers and holding the elections. Under the old law the county judge of the county appointed the election officers and the county judge and county clerk and sheriff were the returning boards for the counties. They were elected by the people and responsible to the people, and required to execute bonds for the faithful performance of their duties.

But under the operations of the Goebel law the county commissioners, who appoint the election officers and receive the returns of the elections and certify them up to the State board, are not responsible to the people. They do not get their power to act from the people. They get their power from the State board, and the State board gets its power from the legislature. The legislative districts are so laid out as to give the Democratic party the advantage of electing members with half as many votes as are required to elect the Republican members. The State board of election commissioners have full power to remove the county commissioners at any time. They can appoint them all of one political party if they choose. The county commissioners have full power to remove the election officers at any time. The South Trimble letter in this RECORD illustrates the advantage that may be given one party over another in the matter of selecting election officers. It will be observed, too, that no bond is required of either the State or county commissioners for the faithful performance of their duties, and no penalties attached for the punishment of either State or county commissioners in case they ignore the law in appointing election officers in the voting precincts.

Now, Mr. Chairman, in my opposition to this law I am backed by the solid Republican party in Kentucky and am supported by my Republican colleagues in the Senate and in the House. My Democratic colleague, who assumes to defend the Goebel election law upon this floor, is not backed by anything like all of his party, and he does not have the united support of his Democratic colleagues in the Senate and the House.

I have been asked to point out the particular frauds in the elections held under the Goebel election law, but it is my purpose just now to point out the defects in the law itself, which has just commenced to bear fruit. It has been alleged and never denied that more than 100 of the election officers in Louisville were removed on the night before the election, and it is a notorious fact that in order to defeat Taylor and the Republican State ticket and elect Goebel and the Democratic State ticket the entire vote of the city of Louisville and four counties in the Tenth district were thrown out, not only by the legislature but also by the State board of election commissioners, sitting as a board of contest, and more than a quarter of a million people disfranchised.

Whatever may be the outcome of the situation in Kentucky and whoever may hold the offices, the fact that Gen. W. S. Taylor was nominated by acclamation at the Republican State convention and was elected by the legal voters of Kentucky under the operations of the Goebel law remains and will go down the ages wherever the truth of history is known. It is a matter of record that Governor Taylor and the Republican ticket elected along with him received their certificates of election from the State commissioners appointed under the operation of the Goebel law and have been properly inducted into their offices, and I give it as my candid judgment that if the courts of the country uphold the action of the legislature and the State board of election commissioners in

their decision as boards of contest that Mr. Beckham and the Democratic ticket have been elected, Governor Taylor and the other State officers will acquiesce in that decision, although it may be a "Dred Scott" decision. If an appeal or a writ of error from the Kentucky court of appeals to the Federal court lies, under the agreement between the attorneys for these parties, Governor Taylor will doubtless take that appeal. If not, it is my belief that he will submit to the decision of the court of last resort to him, and the matter will be carried back to the people and the fight for the restoration of civil liberty will be peacefully waged at the polls in November next.

In further answer to the question of the gentleman from Texas [Mr. BALL], in reference to the vote in the Eleventh district in 1896, I desire to remind him that the gain in the vote of 1896 over the vote of 1895 in the Eleventh district was 11 per cent less than the gain in the First district of Kentucky, represented by my colleague [Mr. WHEELER]. And I desire to further call his attention to the fact that the majority in the Eleventh district was larger in 1899 than in 1896, and notwithstanding the charge of tissue ballots was made and investigated by the legislature sitting as a board of contest, they failed utterly to find a single fraud or even an excuse for throwing out votes in the Eleventh Congressional district, but found their excuses for cutting down the Republican majority to a minority in counties outside of the Eleventh district. The Eleventh district, therefore, has a certificate of character from the Goebel contest boards in Kentucky, whatever that may be worth to them.

I may further remind the gentleman from Texas that the county of Whitley, with a Republican majority of from 2,000 to 2,500, was by this same system of unfair dealing and discrimination changed from one appellate district to another just preceding an election for judge of the court of appeals, so as to deprive the people of that county of a vote for appellate judge for a quarter of a century; also that the boundary of the Eleventh Congressional district, which is now 300 miles long and one county wide in places, has been the subject of constant changes by the legislature, in order to secure the election of Democratic Congressmen in the adjoining districts. All this has been done without regard to the rights of the minority or the geography of the country.

I might further remind him that the Democratic State legislature at the session at which the Goebel election law was enacted passed what was known as the prison bill, by which they turned the Republican officers and guards of the penitentiaries and the superintendents of the charitable institutions out of office in the middle of their term and distributed the places among the members of the legislature, as a remuneration, as was alleged, for their support of the Goebel election bill. So the gentleman's ill-advised insinuations against the Republicans in the Eleventh district betrays his want of knowledge about Kentucky affairs.

In conclusion, Mr. Chairman, I invite special attention to that feature of section 1 of the Goebel law that provides for the filling of vacancies in the State board. In case of two vacancies it authorizes the remaining member, when the legislature is not in session, to appoint two additional members to fill the vacancies. In this connection, I desire to state that the first board was composed of Judge W. S. Prior, Judge Ellis, and Mr. Poynts. These three gentlemen met as a canvassing board, tabulated the returns that came before them from the county boards, and found that, according to the face of the returns, W. S. Taylor and the Republican ticket were elected.

Accordingly, Judge Prior and Judge Ellis decided to give certificates to the Republican ticket, from which Mr. Poynts dissented. After signing the certificates and delivering same, Prior and Ellis resigned, and Mr. Poynts proceeds to fill the vacancies, as is alleged, by the appointment of persons whose views were known to be in harmony with his own. Why Prior and Ellis resigned at this critical juncture the public has not been advised, but the action taken in the matter illustrates the practical workings of the Goebel law and the self-perpetuating power of the State board of election commissioners, and how it is possible, both with the State board and the county boards, for a member whose conscience is not equal to the tasks assigned, to step aside and allow his place to be filled by another who possibly, as Mr. Trimble expresses it, is sufficiently partisan to justify any act that may give his party success.

Now, Mr. Chairman, the Goebel election law is monstrous, in that it makes the State board of commissioners a self-perpetuating machine, which is the source and end of power, places it above the law, and makes its decisions final. Now, in order that Congress may be advised and the public informed as to what the Goebel election law is, within itself, I will insert as part of my remarks the instrument in full, and respectfully and earnestly request every member of this House to carefully read and consider, then decide whether or not he believes, as an American patriot, that this law is wise or just in its provisions, and whether or not the American people, with their historic love of liberty, inspired by the most brilliant future that has ever opened up before an illustrious Republic, can afford to have such an election law fastened upon any portion of their free people?

[Extract from laws of Kentucky.]

CHAPTER 13.—An act to further regulate elections.

Be it enacted by the general assembly of the Commonwealth of Kentucky, The general assembly shall at its present session elect three commissioners who shall be styled "The State board of election commissioners." They shall hold office for a term of four years and until their successors are elected and qualified. They shall be citizens and electors of Kentucky and not less than 25 years old. In the year 1902 and every fourth year thereafter the general assembly shall elect such commissioners. Said commissioners shall qualify by taking before the clerk of the court of appeals an oath faithfully to perform their duties according to law. Of such qualifications said clerk shall make a certificate, which shall be noted upon the record of the proceedings of said board and preserved among the records. Said board shall elect one of its members chairman, who shall preside at its meetings. It shall appoint a secretary, who shall hold office during the pleasure of the board.

The board shall prescribe the duties of the secretary and fix his compensation, which shall not exceed $250 per annum. The board shall keep a record of its acts, orders, findings, judgments, and all of its proceedings. A majority of said board shall constitute a quorum for the transaction of all business of the board, and a majority of said board may make any order, finding, judgment, or do any act or thing that the board is authorized or empowered to make or do. If a vacancy occurs in said board whilst the general assembly is in session, said vacancy shall be filled by election by the general assembly. If a vacancy or vacancies occur in said board whilst the general assembly is in vacation, the same shall be filled by appointment by the remaining member or members of said board. Resignations from said board shall be in writing, directed to the board, and filed among the records thereof.

SEC. 2. Said State board of election commissioners shall annually, not later than the month of September, appoint three election commissioners for each county in this Commonwealth, who shall be styled the "county board of election commissioners;" such county election commissioners shall be citizens and electors of the county for which they are appointed, and shall be not less than 25 years old. Before entering upon the duties of their office they shall qualify by taking, before some officer authorized by law to administer oaths, an oath faithfully to discharge their duties as such commissioners according to law.

The officer administering such oath shall make a certificate thereof, which shall be filed in the office of the county court clerk of the county. Said board shall elect one of its members chairman, who shall preside at its meetings. A majority of such board shall constitute a quorum for the transaction of all business of the board, for the doing of any act or thing that the board may do, and the making of any order, finding, or judgment of the board. Any member of such county board may be at any time removed from office by the State board of election commissioners. All vacancies in such county boards shall be filled by said State board, but until such vacancy or vacancies be filled by appointment by said State board, any vacancy or vacancies in any such county board may be temporarily filled by appointment by the remaining members or member of such county board. Said county board shall keep a record of its proceedings, which shall be a public record, and be kept in the office of the county court clerk.

SEC. 3. Said county board shall annually, not later than the month of October, appoint for each election precinct in the county two judges, one clerk, and one sheriff of election, to act as such in their precinct, all of whom shall be discreet, qualified voters of the precinct for which they are appointed, and shall hold their offices until their successors are appointed and qualified; and so long as there are two distinct political parties in this Commonwealth the judges, clerk, and sheriff of election, in all elections by the people under the Constitution and laws of the United States and under the constitution and laws of this Commonwealth, shall be so selected and appointed as that one of the judges at each place of voting shall be of one political party and the other judge of a different political party; and there shall be the like difference at each voting place between the sheriff and clerk of election: *Provided*, That there be a sufficient number of qualified persons of each political party resident in the precinct with which to fill said offices.

No person shall be eligible as an officer of election who has not been a resident householder in the precinct for which he is appointed for not less than one year next preceding his appointment, or who has anything of value bet or wagered on the result of such election, or who is a candidate to be voted for at such election, or who is not capable of reading the constitution of the Commonwealth in English, and of writing a plain and legible hand. It shall be the duty of said county board of election commissioners to test all such election officers as to their qualifications before appointment. If at any time before an election it shall be made to appear to the county board of election commissioners by the affidavit of two or more qualified voters of the precinct, or other evidence, that any election officer is disqualified under the provisions of this act then said county board shall investigate said matter, and determine whether such officer is disqualified, and such a decision shall be final; and if he be found disqualified such officer shall be removed from office and a qualified person of the same political party as the officer removed shall thereupon be appointed in his stead.

Said county board of election commissioners may at any time remove from office any election officer and fill the vacancy thus occasioned. And said county board may at any time fill any vacancy in the office of election officer. The county board of election commissioners shall give due notice of said appointments of election officers to the sheriff of the county, who shall, at least ten days before the next ensuing election, give each judge, clerk, and sheriff written notice of his appointment.

SEC. 4. Should the county board of election commissioners fail to appoint such officers of election, or either of said officers fail to attend for thirty minutes after the time for commencing the election, or refuse to act, the officers in attendance shall appoint a suitable person or persons to act in his or their stead for that election. If none of said officers shall appear, as herein required, the qualified voters present shall elect the officers of election viva voce, as nearly as possible in conformity with the provisions of this act, who shall serve as such officers. Each officer of election shall before entering upon the duties of his office, take an oath faithfully to discharge his duties as such officer before some person authorized to administer an oath, or if no such officer be present, it may be administered by the clerk of the election, who in turn shall be sworn by one of the judges of election.

SEC. 5. Said county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county and awarding and issuing certificates of election. Any two of the members of said board may constitute the board, but if either be a candidate he shall have no voice in the decision of his own case. If from any cause two of the members of the board can not act, in whole or in part, in examining and canvassing the returns, their places shall be supplied as in case of vacancies in such board. Within two days next after an election the sheriff shall deposit with the clerk of the county court the returns from the different precincts. On the next day the said county board of election commissioners shall meet in the clerk's office, between 10 and 12 o'clock in the morning, open and canvass the returns

of such election and give triplicate or more written certificates of election, over their signatures, of those who have received the highest number of votes for any office exclusively within the gift of the voters of the county, one copy of the certificate to be retained in the clerk's office, another delivered to each of the persons elected, and the other forwarded by the county clerk to the secretary of state at the seat of government.

For offices not within such gift, they shall give duplicate or more written certificates, over their signatures, of the number of votes given in the county, city, town, district, or precinct, particularizing therein the precinct at which the votes were given, one copy to be retained in the clerk's office, one delivered to the sheriff, and one, in case of municipal or district election, to the common council of said municipality or governing authority of such district. The poll books shall thereafter remain in the clerk's office as parts of its records. So also shall the certificates of any precinct judges which may have been used in the absence of the poll book of that precinct.

SEC. 6. Where two or more counties vote together in the choice of a representative or senator, the canvassing boards of election of the respective counties shall make duplicate written certificates, over their signatures, of the number of votes given in the counties for such representative or senator, one copy to be retained in the clerk's office of such county and the other to be sent immediately by mail by said board to the canvassing board of the county in such district having the largest population, which last-named board shall, between 10 and 12 o'clock in the morning of the second Monday after the election, meet in the clerk's office of their county, compare the certificates of the canvassing boards of the several counties, and therefrom give triplicate certificates of election, in writing, over their signatures, of the persons who appear to have received the largest number of votes, one copy of the certificate to be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the secretary of the State at the seat of government.

SEC. 7. The certificate of election of a county officer shall be, in substance, in the following form: "Commonwealth of Kentucky, sct.: We, A, B, and C, duly authorized to canvass the returns of the county of ——, do certify that at an election held in said county on the —— day of —— E F was duly elected to fill the office of ——." The certificate of election of a justice of the peace or constable shall be altered to show that the election was held in a named district.

SEC. 8. When the election of a governor or lieutenant-governor is contested, a board for determining the contest shall be formed in the manner following:

First. On the third day after the organization of the general assembly which meets next after the election the Senate shall select by lot three of its members and the house of representatives shall select by lot eight of its members, and the eleven so selected shall constitute a board, seven of whom shall have power to act.

Second. In making the selection by lot the name of each member present shall be written on a separate piece of paper, every such piece being as nearly similar to the other as may be. Each piece shall be rolled up, so that the names thereon can not be seen nor any particular piece ascertained or selected by feeling. The whole so prepared shall be placed by the clerk in a box on his table, and after it has been well shaken and the papers therein well intermixed, the clerk shall draw out one paper, which shall be opened and read aloud by the presiding officer, and so on until the required number is obtained. The persons whose names are so drawn shall be members of the board.

Third. The members of the board so chosen by the two houses shall be sworn by the speaker of the house of representatives to try the contested election and give true judgment thereon, according to the evidence, unless dissolved before rendering judgment.

Fourth. The board shall, within twenty-four hours after its election, meet, appoint its chairman, and assign a day for hearing the contest, and adjourn from day to day as its business may require.

Fifth. If any person so selected shall swear that he can not, without great personal inconvenience, serve on the board, or that he feels an undue bias for or against either of the parties, he may be excused, by the house from which he was chosen, from serving on the board, and if it appears that a person so selected is related to either party, or is liable to any other proper objection on the score of its partiality, he shall be excused.

Sixth. Any deficiency in the proper number so created shall be supplied by another draw from the box.

Seventh. The board shall have the power to send for persons, papers, and records, to issue attachments therefor, signed by its chairman or clerk, and issue commissions for taking proof.

Eighth. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number, the right to the office shall be determined by lot, under the direction of the board. Where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered to fill the vacancy: *Provided*, The first two years of his term shall not have expired. Where another than the person returned shall be found to have received the highest number of legal votes given, such other shall be adjudged to be the person elected and entitled to the office.

Ninth. No decision shall be made but by the vote of six members. The decision of the board shall not be final nor conclusive. Such decision shall be reported to the two houses of the general assembly for the further action of the general assembly, and the general assembly shall then determine such contest.

Tenth. If a new election is required it shall be immediately ordered by proclamation of the speaker of the house of representatives, to take place within six weeks thereafter, and on a day not sooner than thirty days thereafter.

Eleventh. When a new election is ordered or the incumbent adjudged not to be entitled, his powers shall immediately cease, and, if the office is not adjudged to another, it shall be deemed to be vacant.

Twelfth. If any member of the board willfully fails to attend its session he shall be reported to the house to which he belongs, and thereupon such house shall, in its discretion, punish him by fine and imprisonment, or both.

Thirteenth. If no decision of the board is given during the then session of the general assembly, it shall be dissolved, unless by joint resolution of the two houses it is empowered to continue longer.

SEC. 9. After an election for governor, lieutenant-governor, or other office elective by the votes of the whole State, or more than one county, or for a judge of the court of appeals, clerk of that court, circuit judge, Commonwealth's attorney, Representatives in the Congress, or electors of President or Vice-President, or for or upon questions or constitutional amendments submitted to a vote of the people, it shall be the duty of the board of canvassers of returns for each county immediately after the examination of such returns, to make out two or more certificates in writing, over their signatures, of the number of votes given in the county for each of the candidates for any of said offices, and the number of votes for or against such questions or constitutional amendments. One of the certificates shall be retained in the clerk's office, another the clerk shall send by the next mail, under cover, to the secretary of state at the seat of government.

SEC. 10. Said State board of election commissioners, and in the absence of either, the other two, shall be a board for examining and canvassing the returns of election for any of the offices named in the last section of this act.

First. It shall be the duty of said board, when the returns are all in, or on the fourth Monday after the election, whether they are in or not, to make out in the office of the secretary of state, from the returns made, duplicate certificates, in writing, over their signatures, of the election of those having the highest number of votes, one certificate to be retained in the office and the other sent by mail to the person elected. If all the returns are not made, the right to contest an election shall not be impaired.

Second. In the case of the election of a Representative in the Congress there shall be three certificates, one to be retained in the office, another sent by mail to the Clerk of the House of Representatives at the seat of Federal government.

Third. It shall be the duty of the secretary of the State, immediately after the comparison of the returns, to cause a statement therefrom of the votes given in every county for each candidate to be published in two newspapers.

Fourth. If two or more persons shall be found to have received the highest and an equal number of votes for the same office so that the election can not be determined among the candidates by a plurality of the votes, it shall be determined by lot in such manner as the board may direct, and in the presence of not less than three other persons.

Fifth. If one or more of the persons voted for as electors of President is elected, then he or they, when convened to vote for President, shall determine which of the candidates having an equal number of votes shall be deemed to be elected without casting any lot therefor. But if none is elected, then the board shall determine the election by lot between those having the highest and equal number of votes, except that they shall be arranged and drawn for in classes, according to their known pledges to vote for the different candidates so that the whole vote of the State may be given to the same person.

SEC. 11. Where the canvassing board of two or more counties on comparison of the returns, or the board of canvassers for a county, find that two or more have received the highest and equal number of votes for the same office, they shall by lot determine which of the candidates is elected.

SEC. 12. Said State board of election commissioners, or any two of them, shall be a board for determining the contested election of any officer other than governor or lieutenant-governor, elected by the votes of the whole State, or of a judge or clerk of the court of appeals, circuit judge, or Commonwealth's attorney.

First. Each member of the board, before entering on his duties as such, shall be sworn by some judge or justice to try the contested election and give true judgment thereon according to the evidence.

Second. A majority of the board shall be necessary to a decision, which shall be in writing, and signed in duplicate by the members concurring therein, one copy to be retained in the office of the secretary of state, and the other delivered to the successful party or sent to him by mail.

Third. The board shall have power to send for persons, papers, and records, to issue attachments therefor, signed by its chairman, swear witnesses by its chairman or secretary, and issue commissions for taking proof.

Fourth. Where it shall appear that the candidates receiving the highest number of votes given have received an equal number the right to the office shall be determined by lot, under the direction of the board; where the person returned is found not to have been legally qualified to receive the office at the time of his election, a new election shall be ordered to fill the vacancy: *Provided*, The first two years of his term shall not have expired. Where another than the person returned shall be found to have received the highest number of legal votes cast, such other shall be adjudged to be the person elected and entitled to the office. The decision of the board shall be final and conclusive.

Fifth. The governor shall immediately after such decision issue the proper commission, or order a new election, as the case may require.

SEC. 13. The county board of election commissioners, or any two of them, shall be a board in each county, with like powers as those mentioned in the next preceding section, for determining the contested election of any officer elective by the voters of the county, or any district therein, excepting members of the general assembly, and also of any police judge, clerk, marshal, or other elective municipal officer, where there is no other provision of law for determining the contested election of such municipal officers. The board shall be governed by the rules mentioned in the next preceding section, where the same are applicable to its duties. The decision of the board shall be given in writing, and signed in triplicate, one copy to be entered on the minutes of the board, another delivered to the successful party, and the other, when necessary for obtaining a commission, sent by mail to the secretary of state. When the decision so requires, a writ for a new election shall immediately be issued.

SEC. 14. Said State board of election commissioners shall hold its sessions at the seat of government, at Frankfort, where a suitable room for them shall be provided in some of the State buildings. The members of the board shall be paid for all their services under this act $5 per day while so in session: *Provided*, That no member of said board shall be paid more than $100 for his services in any year. Said board shall provide itself with necessary books, papers, material, and postage to enable it to perform the duties with which it is charged by this act. The chairman of said board shall certify to the auditor of public accounts the money so expended by said board, and the sums that the members of said board and its secretary are entitled to be paid under this act, and thereupon the auditor shall draw his warrant upon the treasurer for the sum so certified, to the end that the same may be paid out of the treasury.

SEC. 15. The county board of election commissioners shall be paid for all services they may render under this act, $2 per day while actually in session; but no member of such board shall be paid more than $20 for his services during any year. Said board may provide itself with necessary books and stationery to enable it to perform its duties under this act; the amount of such expenditure and the number of days the members of said board were actually in session shall be certified by the chairman of the board to the fiscal court of the county and paid out of the county funds.

SEC. 16. All acts and parts of acts in conflict with this act are, to the extent of such conflict, repealed.

SEC. 17. Because of the frauds that are now perpetrated in elections in this Commonwealth there is an emergency that this act take immediate effect, and this act shall take effect upon its approval by the governor or its passage.

Vetoed by the governor March 10, 1898.

Passed the senate on the 11th day of March, 1898, the objections of the governor to the contrary notwithstanding.

Passed the house of representatives on the 11th day of March, 1898, the objections of the governor to the contrary notwithstanding.

Mr. McALEER. I yield thirty minutes to the gentleman from Kentucky [Mr. WHEELER].

Mr. WHEELER of Kentucky. Mr. Chairman, I had sincerely hoped that it would not be necessary for anyone again to recur to the Kentucky situation on this floor. I am constrained to admit that the position of the beloved old Commonwealth is one of

humiliation. No one feels more keenly than myself the great injustice that is being done Kentucky and her chivalrous people by the reports that are daily sent out from her capital. No one knows better than myself, unless it be the Representative from the Eleventh district [Mr. BOREING], what element of her citizenship has brought these misfortunes and afflictions upon our State.

Now, sir, without any temper, with a desire to be impartial and fair, with the determination to do absolute justice and to speak the plain truth, it matters not whom it may wound, I ask the patience of the House while I give some account of the situation in Kentucky and what led up to the present unfortunate state of affairs.

This is a local controversy. It is true it seems to be the practice in these latter days for some men to come to the House of Representatives to discuss party differences that occur in the States. They have no place here, I think; but I am not averse to give as best I can, although I recognize my inability to do justice to the subject, the Democratic side of this controversy in Kentucky. Before undertaking to give a statement of the existing conditions let me briefly reply to my colleague, for whom I entertain a lively regard personally, in regard to some statements that he made. He does not speak for Kentucky, he does not represent her manhood or sentiment, when he claims from his place in this House, "If you will give Kentucky the internal-revenue tax which she pays, you may impose all the tariff or the tax like the one sought to be imposed upon the people of Puerto Rico you like."

There are not, I venture to say, among your constituents 5 per cent who will echo or indorse any such sentiment. The people of Kentucky love the Constitution, and they abhor everything that tends to its violation or disgrace. And if you should give her ten times the revenue which she pays into the National Treasury, she would still protest against the imposition of one centime in violation of the organic law of our country.

Mr. BOREING. May I ask the gentleman a question?

Mr. WHEELER of Kentucky. Certainly, sir.

Mr. BOREING. You observed that I conditioned that on getting rid of the Goebel law. Do you mean to say that 5 per cent would not be in favor of doing that to get rid of the Goebel election law?

Mr. WHEELER of Kentucky. I do not believe any man who understands the election law of his country or faithfully represents the people of Kentucky would be willing to overturn the Federal Constitution to get rid of anything. [Applause on the Democratic side.]

Mr. BOREING. Liberty is better than the Constitution.

Mr. WHEELER of Kentucky. There is no liberty without the Constitution. [Loud applause on the Democratic side.] That is the trouble with the Republican party to-day.

Now, again, sir, I cite a quotation from my colleague's remarks as a fair sample of Republican thought in Kentucky. "I do not think the Goebel law can be authorized by anything but revolution," he said. How can you defend such a statement when the court of appeals have declared the law constitutional? How can you claim to be a law-abiding citizen when you disregard the mandates of the highest courts in your State? The court of appeals, composed alike of Republicans and Democrats, declared the Goebel election law constitutional.

Mr. BOREING. Will the gentleman allow me to ask him another question?

Mr. WHEELER of Kentucky. Yes.

Mr. BOREING. Will you state how many were for it—how many voted for it, and how many against it?

Mr. WHEELER of Kentucky. I am unable to say.

Mr. BOREING. I will ask you if they did not stand 3 to 4, being 3 Republicans against it and 4 Democrats for it?

Mr. WHEELER of Kentucky. I can not say. That may be true. The opinion of the court stands, nevertheless, as the construction of that tribunal, and every law-abiding citizen will submit to and obey this opinion of the court; and the man who speaks as a Representative upon the floor of Congress and assails the character of the court of last resort in his State misrepresents, in my opinion, the chivalry of his district, misrepresents the best elements of his people, and does not voice the sentiments of the best element of his State. If the Goebel election law can be justified only by revolution, then your court in that State is a revolutionary body; and to carry his argument to its last equation, the conclusion of the trouble is to be just what suits the Representative from the Eleventh Congressional district or what suits the will of the Republican party.

Now, he speaks of gerrymandering the legislative districts in Kentucky. Mr. Chairman, I shall not contend that the dominant party in my State has not taken some advantage of its power. I know of no State in the Union where the party in power has not taken advantage of its power so as to insure the greatest advantage to itself. The reapportionment of the State, perhaps, was not as absolutely fair as a judicial decision should be, but whether it was fair or unfair, how can the House give credence to the statement of a man who questions the fairness of the act of the legislature and in the same hot breath with which he condemns it calls in question the court of last resort of the State?

Sir, if the time has come when we must attack our courts; if the time has come when we must put behind us as untrustworthy every department of the Government, when we must believe that partisanship and corruption pervades every branch of our institutions, then, indeed, have we ceased to be a free people.

Perhaps the legislature that was Democratic, in reapportioning the State, gave what advantage it could to the Democrats of the State. I am not here to question that statement. I believe no intelligent man will deny that such a state of affairs exists in every State of the Union. Perhaps the administration did take that advantage. But whether they did rightly or wrongly, that same court, for whose opinions I have the greatest respect, and for whose opinions, thank God, there are many Kentuckians to-day who, if they do not respect them, tremble at its mandates, have decided that law also constitutional.

Now, Mr. Chairman, one other thing that the gentleman said, and I quote that also as a fair exponent of Republican thought in Kentucky, and appeal quite confidently to the judgment of the impartial Republicans, as well as Democrats, on this floor. He says: "If we can not get rid of the Goebel election law in any other way, I will introduce a bill asking for a Federal election law." Why that threat, Mr. Chairman? If the gentleman wants open-handed fairness, why make the threat that he will ask for a Federal election law? Is it expected that the American Congress will pass anything but a fair election law? If it is a fair one, why threaten us with it? If it is unfair, as the gentleman's argument proclaims that he expects it to be, what other explanation can he offer except that he intends to terrorize the Democrats in Kentucky by the majority that you have in the House?

Mr. BOREING. Will the gentleman allow me an interruption? It was not made as a threat at all. It was made as a statement of fact, that if you did not repeal the law, I would ask for a Federal law.

Mr. WHEELER of Kentucky. Well, I desire to serve notice on my friend now, that that law will never be repealed; and if you come to Congress again, you will come under that law; and as long as you hold a seat here, you will hold it under that law. We will never repeal it. It is there to stay. I will ask the privilege, Mr. Chairman, to incorporate a copy of that law in my remarks, so that the country may see that this law, so much maligned, slandered, and criticised, is practically a copy of the election laws of half a dozen States of this Union to-day.

Mr. BOREING. I have already asked that it go into my remarks.

Mr. WHEELER of Kentucky. Well, I want to put it into mine, and then I know it will be right.

I had in my desk, Mr. Chairman, until a few days ago, a copy of the election laws of the State of Ohio, similar in all respects and identical in many respects to the election laws in Kentucky. It is very similar to the election laws of Virginia. There are half a dozen States in the Union having election laws almost identical with the Kentucky election laws.

Now, Mr. Chairman, let me detail briefly the condition of affairs in Kentucky. But before I do that, I must call attention in connection with the gentleman's argument to what he said about the power of the Kentucky legislature. The gentleman is a lawyer, reputed to be a good one, and yet he knows that under the Goebel election law, and under the present constitution of Kentucky, the legislature possesses absolutely no more power than it has had since Kentucky was admitted to the Union as a State. There is not a particle of additional power given to the legislature by the Goebel election law.

Mr. BOREING. I will ask the gentleman a question. Is it not a fact that the legislature elects the election commissioners for the State and these commissioners control absolutely the elections?

Mr. WHEELER of Kentucky. That is absolutely true.

Mr. BOREING. And that they all belong to one party?

Mr. WHEELER of Kentucky. They do not, but they ought to.

Mr. BOREING. Are not the election commissioners all of one party?

Mr. WHEELER of Kentucky. The general commissioners.

Mr. BOREING. And have not they the right to appoint whom they please in the party?

Mr. WHEELER of Kentucky. I will explain all that when I reach it.

Mr. BOREING. That is what I meant by the power of the legislature.

Mr. WHEELER of Kentucky. Well, the gentleman was unfortunate in his language. The third constitution of the State gave it no more power than it had by the first or the second. There has been absolutely no change on the subject, and all this fuss and feathers in Kentucky, kicked up by fellows who hold offices to which they were not elected, grows out of the fact that they are unwilling to submit to the action of the legislature and the decrees of the courts of the State.

Now, let us take up this Kentucky situation and look at it a

little and the cause of it. The Republican party is not united in Kentucky. The best element of the Republican party is not in control of the party machinery there. There is discord and faction.

Mr. BOREING. How is it with the Democrats?

Mr. WHEELER of Kentucky. I will come to the Democrats. I am going to take care of your case before I come to mine.

The best element of the Republican party, I repeat, is not in control of the party machinery in that State; and the present exponents of Republicanism in that State do not represent the best thought of their party. Their last nominee for governor was a concession to the office-holding class of the State. That nomination did not reflect the sentiment of the rank and file of the party—a fact well-known to every Republican in Kentucky. Two most scholarly and accomplished gentlemen who were candidates against him were swept from his path by this office-holding class, and this man was thrust upon the Republicans as their nominee. That created some discord and some trouble.

At the time of his nomination there was no more hope or prospect of electing a Republican governor of Kentucky than there is for my translation. No one expected it. When the Democratic convention met, we had unfortunately our differences, which generated some friction and some discord, because of what? Not because there was any difference among the rank and file of the Democrats of the State, but simply because the great corporation of Kentucky, that had dominated and controlled then, and that dominates and controls now not only the Republican party in Kentucky but the Republican party throughout the United States, had arranged to write our platform and name our candidates. When it came knocking at the doors of the Democratic convention and demanding admission, it was confronted by a modern Goliath who stood in its pathway and said, "Thus far must thou go, and no farther."

And that master spirit of our State, by the force of his genius and indomitable will and persistence of purpose, wrote a platform for the Kentucky Democracy which bid defiance to every special privilege and to corporate greed, and proclaimed allegiance to the rights of the plain people of the State. When this was done the hirelings and clacqueurs and the partisans of this corporation sloughed off from the Democratic party of the State, and carried with them many honest but misguided men. Claiming to be Democrats, they struck hands with the Republicans and made a fight. There was but one battlecry. They dared not assault the platform of the Kentucky Democracy, which I will ask the privilege of incorporating in my remarks.

So, following the tactics of certain lawyers—seeing it was impossible to accomplish the overthrow of the Democracy, if they met us in fair and open battle—they sought to muddy the waters, and they began this assault upon the Goebel election law. They charged fraud in every corner of the State. They forewarned us that there was going to be rascality, trouble, and fraud. Their hired attorneys went up and down the State making this argument, while the Republican representatives could not be found with a searchlight.

Nowhere could you find a Republican speaker on the stand. Nowhere would the Republican leaders meet the Democrats in joint debate. Agents of corporations, all of them claiming to be Democrats, did the campaign work for the Republican party. Not a Republican could you hear of until about ten days before the election, when Governor Bradley, then governor of the State, took "a swing around the circle," as he called it, and spoke in the upper end of the State.

The election came off, and what was the result? In the gentleman's district they gave in 1896 a Republican majority of 15,000. Since that time some counties have been added to that district, giving about 2,000 Republican majority more; so that the Republican majority in 1899 was 17,500. The result was counted and certified, as it was claimed. My own Congressional district—confessedly the strongest Democratic district in the State—which in 1896 gave a Democratic majority of 15,000, gave in 1899 a Democratic majority of only 7,000 and had only 7,000 counted.

Now, if any fraud or rascality was practiced in the Eleventh or the First or any other district of Kentucky under the Goebel law by a single Democrat, and if the gentleman will rise in his place and, on his honor as a man, put his hand upon such a case, I will admit I do not know what I am speaking of. Let the gentleman tell this House, if he can, where there was a single instance of fraud or rascality under the Goebel law. He can not do it. I know he is an honest man and has too much respect for his own honor to say that there was an instance within his knowledge where there was fraud or rascality practiced under the Goebel election law.

Mr. BOREING. What about the trouble in the city of Louisville?

Mr. WHEELER of Kentucky. Did the Goebel election law do that?

Mr. BOREING. Was it not done under the Goebel election law?

Mr. WHEELER of Kentucky. Can anything be done now in Kentucky that is not done under the Goebel election law? Goebel was assassinated under the Goebel election law. But did the Goebel election law do that?

Mr. BOREING. Was not the board of contest created by the Goebel election law?

Mr. WHEELER of Kentucky. Was the man that shot Goebel acting under the Goebel election law?

Mr. WM. ALDEN SMITH. That was a violation of all law.

Mr. BOREING. Do you mean to ask if that violated the Goebel election law?

Mr. WHEELER of Kentucky. Can anything be done in Kentucky that is not done under the Goebel election law as long as it remains on the statute books?

Mr. BOREING. Then is not the Goebel election law responsible for the State commissioners that threw out the vote of Louisville?

Mr. WHEELER of Kentucky. How is it any more responsible for the commissioners that threw out the vote of Louisville than it is for the assassination of Governor Goebel?

Mr. BOREING. The assassination of Goebel was in violation of the law. Then do you admit that the throwing out of the vote of Louisville was also a violation of the law?

Mr. WHEELER of Kentucky. I do not, sir; I will come to that later. But I ask the gentleman to point out some act of fraud that took place under the Goebel election law of which you complain; where some man's vote was properly cast and not properly counted; where some precinct that properly voted was thrown out by reason of the Goebel election law.

Now let us come a little further down. Let us see how the Goebel election law, of which the gentleman complains, works in Kentucky. This is not the first election we have held under that law. We had an election under it in 1898. Under it my colleague [Mr. PUGH], the gentleman who sits by the side of the Representative from the Eleventh district, was a candidate for Congress. He was opposed by a Democrat. It was claimed by the Democrats that the Democrat defeated my friend PUGH by 9 votes. He carried that contest before the election commissioners of the State of Kentucky, three Democrats. The evidence was heard, the argument was made, and they awarded the certificate to Mr. PUGH, the Republican candidate, who now holds his seat on this floor. And that was under the Goebel election law, by three Democrats, where they had the power and where it was with them whether they would act fairly or unfairly. The gentleman forgets——

Mr. LANDIS. Were those the same commissioners that declared Taylor elected governor?

Mr. WHEELER of Kentucky. The same commissioners. The commissioners did not declare Taylor elected governor. The legislature alone can act on the gubernatorial question.

Mr. LANDIS. Did they not take that gubernatorial contest before the election commissioners?

Mr. WHEELER of Kentucky. They did not. The gubernatorial contest must be decided by the legislature.

Mr. PUGH. Surely my friend does not want to make that kind of a mistake.

Mr. WHEELER of Kentucky. I should be glad if the gentleman would correct me.

Mr. PUGH. Do you say that a gubernatorial contest goes primarily before the legislature and not before the State board of election commissioners?

Mr. WHEELER of Kentucky. No; I did not use any such language. You inadvertently put a word in there that I did not use—the word "primarily." I used no such expression as that. All the votes for every office in the State are canvassed by the board of election commissioners.

Mr. LANDIS. That is what I mean to ask.

Mr. WHEELER of Kentucky. But the legislature is, under the constitution, the board of contest, and the legislature alone has the right to pass upon the question of who is or who is not the governor of Kentucky.

Mr. LANDIS. What I meant to ask was this: Was it this same election board that canvassed the returns and declared Mr. Taylor elected governor of Kentucky?

Mr. WHEELER of Kentucky. That election commission did not declare Taylor governor of Kentucky. They said that on the face of the returns he had the majority, but that it bore such unmistakable evidence of fraud, that if they had the right they would go behind it and kick him out, as the legislature did.

Mr. PUGH. Did they not issue the certificate to him?

Mr. WHEELER of Kentucky. Yes; because they were compelled to.

Mr. PUGH. A certificate signed by Judge Pryor and Judge Ellis, two of the members of the board. Did they not issue to him such a certificate?

Mr. WHEELER of Kentucky. Why, certainly they did. But does not the gentleman know that in their opinion they said that it bore such unmistakable evidences of fraud that if they had the

power to go behind the returns they would refuse him the certificate?

Mr. PUGH. I do know that some of them tried to pave the way for the contest that was afterwards waged on partisan lines in the legislature, to the disgrace of our Commonwealth and to the disgrace of you as a citizen thereof. [Applause on the Republican side.]

Mr. WHEELER of Kentucky. That is the gentleman's opinion. I would rather be disgraced, Mr. Chairman, at any time by taking my lot with the Democrats of Kentucky than to be identified with the men who took the life of Governor Goebel, of that State. [Applause on the Democratic side.]

Mr. PUGH. Are you quite certain that the men who took the life of Mr. Goebel could not be carried to your own ranks rather than to the Republican party in Kentucky? [Derisive laughter on the Democratic side.]

A MEMBER (on the Democratic side). Nobody believes that.

Mr. PUGH. Do you say nobody believes that?

A MEMBER (on the Democratic side). No sane man.

Mr. PUGH. Was not a more bitter personal warfare waged against Mr. Goebel by members of his own party, in the State campaign, than was waged by the Republicans? Was he not denounced more from every stump in the State of Kentucky by Democrats than by Republicans?

Mr. WHEELER of Kentucky. That is true, Mr. Chairman. [Applause on the Republican side.] It has been the fate of every great man who is true to the interest of the people, to incur the implacable hostility of hirelings and corruptionists, it matters not where he has been. [Applause on the Democratic side.] And some elements of the Democratic party did assail him, but, thank God, he received——

Mr. PUGH. Mr. Chairman——

Mr. WHEELER of Kentucky. I will not be interrupted any more.

Mr. PUGH. No, I think not.

Mr. WHEELER of Kentucky. Oh, well, if the gentleman will get my time extended, I will be very glad to have him interrupt me all day; but I do not propose to have it taken away when I have not any more time. I say he received 192,000 votes, 30,000 more votes than were ever given to a Democratic candidate for governor in Kentucky before. That shows whether or not he was close to the people of the State of Kentucky.

Mr. PUGH. How many votes did Governor Taylor receive?

Mr. WHEELER of Kentucky. That is a question that nobody but the Republican leaders and God Almighty will ever know, in my opinion.

Mr. PUGH. As certified by a Democratic board, how many votes did he receive? With the entire election machinery under the control of those opposed to him, did not the findings of the adverse partisan boards, county and State, clearly establish his election by over 2,000 majority?

Mr. WHEELER of Kentucky. I have declined to be interrupted. I am not representing the Republican end of this fight. You can take it up after I get through.

Mr. PUGH. Later on I may have occasion to do so. The gentleman knows that I can not claim the time now, as it is already allotted to others. With due regard to the exceedingly unfortunate and perilous state of affairs in Kentucky, I regard this discussion of the situation as inopportune, to say the least, and I am sure that I did not precipitate it. If the gentleman will only state the whole truth——

Mr. WHEELER of Kentucky. The gentleman certainly does not mean to insinuate that I state anything else.

Mr. PUGH (continuing). Yes; I do state that when you say that the Kentucky election law is identical with the Ohio election law, that you misrepresent their provisions. The one is by no means identical with the other.

Mr. WHEELER of Kentucky. I did not say it was identical.

Mr. PUGH. You said it was similar in many respects and identical in some——

Mr. WHEELER of Kentucky. In many.

Mr. PUGH. In a number of respects. And I say any gentleman who will take that law and compare it with the Ohio election law will see that that is a misstatement.

Mr. WHEELER of Kentucky. That is your interpretation of the law.

Mr. PUGH. No; not my interpretation. Those laws speak for themselves. One is eminently fair and nonpartisan, and the other was so framed as to subject the expressed will of the people at the polls to party exigencies and partisan purposes. One provides an equal division of election officers, and the other practically gives none.

Mr. WHEELER of Kentucky. That may be the gentleman's opinion of the law, but I state my conclusion from reading it.

Mr. PUGH. Is not the Ohio election law nonpartisan in every particular?

Mr. WHEELER of Kentucky. It is.

Mr. PUGH. And yours is intensely partisan in every respect?

Mr. WHEELER of Kentucky. It is partisan.

Mr. PUGH. In the extreme, is it not?

Mr. WHEELER of Kentucky. I do not say so.

Mr. PUGH. How could you make it more so?

Mr. WHEELER of Kentucky. Let us get back to the original proposition. I want to understand the gentleman. I stated the proposition to be that the Kentucky election law and the Ohio election law were similar in all respects. I did not mean as to the partisanship——

Mr. PUGH. Why did you not so state.

Mr. WHEELER of Kentucky. Let me make my statement. I want to get you to answer me categorically. I say eliminating the partisan question from it, because I admit that the Kentucky election law provides only for Democrats in control, while the Ohio election law provides both parties to be represented.

Mr. BOREING. That is what we complain of.

Mr. WHEELER of Kentucky. Eliminating that, I say it is similar in all respects and identical in many. Now, do I understand the gentleman to say that my statement is false in that respect?

Mr. PUGH. If you mean that to be true, I say, speaking advisedly, I will use a milder term—that you grossly misunderstand the facts. I do not say that you intentionally make a misstatement, and I must attribute it to a lack of investigation of the Ohio law. Now I want to ask you a question. Does not the secretary of state of Ohio——

Mr. WHEELER of Kentucky. I do not want to go into that at all.

Mr. PUGH. You have gone into it.

Mr. WHEELER of Kentucky. I have a right to go into it.

Mr. PUGH. You ought to go into it more advisedly, then, and not make misrepresentation of these respective election laws.

Mr. WHEELER of Kentucky. I want the gentleman to be a little more careful in what he says about this matter. I do not care to have the gentleman offensive in his remarks. I hope it is not so intended.

Mr. PUGH. Surely you do not take it in that way. It is not so intended.

Mr. WHEELER of Kentucky. I did not think so. I want to understand the gentleman's attitude, and I am very free to say that I think I understand it. I did not think he meant what he said.

Mr. PUGH. The gentleman knows that it would be far from me——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. PUGH. I hope the gentleman may have unanimous consent to proceed.

Mr. WHEELER of Kentucky. I should like to have more time.

Mr. PUGH. I ask that his time be extended indefinitely.

Mr. MCALEER. I yield to the gentleman from Kentucky ten minutes.

The CHAIRMAN. The gentleman from Kentucky is recognized for ten minutes.

Mr. WHEELER of Kentucky. It will take me more than ten minutes——

Mr. PUGH. Before you go on I want to state this: That you know it would be far from me to misrepresent you or your purposes on this floor.

Mr. WHEELER of Kentucky. I am quite sure of that, Mr. Chairman.

Mr. BOREING. That is conceded.

The CHAIRMAN. If gentlemen will be good enough when interrupting to address the Chair, it will conduce to the orderly conduct of debate.

Mr. WHEELER of Kentucky. Mr. Chairman, I will proceed now, I trust without interruption, in my statement of the Kentucky situation from my standpoint.

When this campaign had closed in Kentucky, under the provisions of law, the vote in the various counties was certified to a commission composed of three gentlemen, elected by the legislature of the State, whose duty it was to canvass the returns. In the contested-election case of Pugh against Williams the election commissioners had determined that under the law their only authority was to take the certificates from the various county boards, add up the total as certified to them by the county boards, declare the result and issue the certificate in accordance therewith; that they had no revisory power; they had no right to go behind the returns; but in the case of governor and lieutenant-governor the legislature must hear the facts and determine for itself as the constitution provided; and that in the case of the minor officials that this same canvassing board, after issuing certificates, must, after giving due and definite time for preparation, resolve itself into a board of contest, and then, as a new tribunal, hear and determine the rights of the respective claimants to the offices.

The commission issued the certificate to one W. S. Taylor, who was a candidate for the office of governor of Kentucky, and one John Marshall, who was a candidate for the office of lieutenant-governor. Under the certificate which they issued, and in the opinion on which the certificate was based, they plainly said that the footprints of fraud were so apparent that if they had revisory powers they would go behind the returns and refuse to issue the certificates. They likewise issued the certificates to the minor officials.

The Democrats of Kentucky, conscious of the fact that they had won at the polls, resolved to abide by the law as it was written. They served notice at once that they would contest for the office of governor and lieutenant-governor before the legislature, and they would contest before this board of contest for the minor officers of the State. They continued taking their proof and preparing for trial. Matters progressed in accordance with law. There was no thought or idea of disorder or trouble so far as the Democrats were concerned.

This man Goebel, who was the Democratic nominee for governor, was there by his attorneys conducting his contest as best he could, when on a crisp winter morning, on his way to the senate chamber of the State, where he was compelled to go as a member of that body, from the ground floor of the building occupied by the acting governor of the State, and called the executive building, from behind screened and curtained windows, an assassin shot him down like a dog. Who fired that shot, who was responsible for the deed, we only know from the recent confessions of three Republicans who claim to have been active participants in the bloody work.

Immediately after he was assassinated the statehouse building was surrounded by troops. Armed men came from every direction, summoned by the governor of the State, and he held possession, as he holds to-day, of all the buildings of the State departments of Kentucky. The Democrats, though wrought to the highest state of frenzy, under the wise guidance of cool heads determined to keep their place behind the ever-safe ægis of the law.

The legislature, driven by bayonets from its hall of assembly, hustled about the streets of our little capital by the bloody threats of militiamen, refused the right to assemble peaceably for their deliberations, threatened with arrest and extermination, yet bravely persisted in their duty; and while the crimson lifeblood of this gallant young man was fast ebbing away in death, under this glittering sheen of State bayonets they declared that he had been rightfully elected governor of the State and should be inaugurated.

The Republican governor of the State refused to abide by that decision from the only tribunal recognized under our law. It is a matter of history known to us all that appeals were made here to the Executive to induce him to give Federal troops to interfere in Kentucky and that he peremptorily refused to do so. The Democrats remained at their posts inside of the law. They did nothing to incite riot; they did not do anything to incite bloodshed; they have done nothing to incite riot or bloodshed, but have abided the issue calmly and deliberately.

After so long a time an agreement was reached between the representatives of the Republican candidate and the representatives of the Democratic candidate to submit the whole controversy to the courts. The case was made up, the facts were embodied on both sides according to the record, and taken before a judge in Louisville, and that judge, after hearing the evidence and after hearing the arguments, decided that the legislature was supreme and had alone the right to determine who was the governor of the State of Kentucky.

From his decision an appeal was prayed, and the record was taken to the court of last resort. It was presented to them day before yesterday, and on yesterday that court heard the arguments upon both sides, and now they have the question under determination. How they will decide I can not say; but if they decide that Mr. Taylor is governor of Kentucky, no citizen of the State will support him more loyally than myself, as will every Democrat in the State. We stand ready to abide by the decision of that tribunal, whether it be adverse or whether it be favorable.

Now, lay aside the questions of party difference; for upon these questions myself and my friend will never agree. Let us come to the plain question affecting our old State—and he loves it, I have no doubt, as well as I. Is it right or proper that either you or I should stand on the floor of Congress and confess that the judges in Kentucky can be corrupted? It is possible, sir, that judges are endowed with the same frailties and weaknesses that other men possess, but if we are not to turn our eyes with reverence and respect to the courts of our State and our nation, I do not know where we will look for stability and perpetuity of our common country. I do not believe that the people of Kentucky, either Republicans or Democrats, would indorse an attack upon our courts.

Now, I want to say this, in justice to my colleagues on this floor, for whether they agree with me or not, I desire to be fair: I do not believe, Mr. Chairman, that the Republican party of Kentucky is responsible for the assassination of William Goebel. I would be willing to leave the State if I thought so. Some of the best friends I have on earth are Republicans. And, sir, my nearest neighbor in my town, my family physician, the godfather of my boy, is a bitter, uncompromising Republican. He and I could never agree on a question of politics, but I am not so gangrened with political prejudice that I am bound to see something bad in a man that does not agree with me on any question. [Applause.]

Some of Kentucky's most chivalrous and distinguished sons have been Republicans, and they would put behind them with scorn, as would the knightly Democrat in the State, the insinuation that they had stained their hands in the blood of this magnificent young man. I do not charge it on the Republican party. I say there are some Republicans who are responsible, and this same law that we have obeyed and intend to obey in the future, like the poisonous shirt of Nessus, will stick to them until it consumes their very bones or we prosecute them to their conviction.

Now, one word about this man Goebel personally, that the House may have some conception of the man, and I am through with this Kentucky situation. He was not a perfect man. He had many of the faults and weaknesses that most men have. He was not my loved and trusted friend. I fought him for the nomination, but when nominated I supported him loyally as I could. After he was nominated and after he was elected the splendid traits of the man commended themselves to me so strongly that I learned to love him.

Let me give you his death message to an excited and alarmed people, and I will let you say whether or not it was the utterance of a man who had an atom of malice or badness in his heart. When he had been stricken down by the assassin's bullet; when the coverlets of his bed were stained with his heart's best blood; when the clammy sweat of death was on his brow, and when his eyes were glazed for that last long sleep, his friends crowded around him with exclamations of indignation and sorrow, but with feeble voice he said: "Violate no law; be true to the interests f the plain people of the State."

Mr. Chairman, that legacy from that deathbed scene in Frankfort sends the name of William Goebel to posterity in a blaze of glory. No good man, no brave man, in my humble judgment, can question the fairness of a man who can die with such a sentence as that on his lips. Not one single expression during that long week of agony and suspense escaped his lips save of caution or warning, of protest or entreaty, to his loved followers to respect the fair name of our State and to abide the decision of our courts. That is the man. Revile him and slander him, denounce and criticise if you please; he had his faults in his life, but in his taking off he showed the master spirit, the highest touch of patriotism, such gallantry, and such love of country that I would love him, even if I were his political enemy, and forgive all he has done.

Now, sir, we have had conditions in Kentucky, and we have them now. Leave this question to us, gentlemen. We may become inflamed on this floor, but Kentucky, one of the most remarkable States in the Union—said by her historians to be the most conservative body of men the sun ever shone on—will work out her destiny to her own great credit, I am sure. [Applause.] There will be no bloodshed in Kentucky; there will be no partisan unfairness. The fears of my friend will prove groundless, and he will learn before another winter comes that the brave and incorruptible people of Kentucky will not tolerate for an instant anything that is unfair.

If I wished to destroy the Democratic party in Kentucky root and branch, now and forever, I would advocate, as the swiftest and surest mode to accomplish its destruction, for it to take a position such as the gentleman from the Eleventh Congressional district of our State seems to think it has taken.

We are trying to do right. We are going to do right. We believe the Democratic party is right. I believe it. Speaking for myself and, as I believe, voicing the sentiment of every Kentucky Democrat, believing it to be right, I am willing to do everything in my power that is honorable to accomplish its success and destroy its political opponents. To that extent I am willing to go, but not an iota further. I would quit my party without a moment's hesitation if I thought it would miscount a single vote or return it upon the side on which it was not rightfully cast.

I would not hold an office, nor do I believe any Kentucky Democrat would hold an office, that was tainted with suspicion of corruption or fraud. We do not steal elections in Kentucky. There is no occasion for the Democratic party to steal elections in Kentucky. We are the dominant party there, and everybody knows it. The usual Democratic majority in Kentucky is from 30,000 to 60,000. The Goebel election law is fair. We have had two elections under it.

No man has yet risen in his place to say that an unfair thing has been done under it. And, in conclusion, I repeat, it is there

to stay; and every man who holds a commission, either State or national, from the State of Kentucky must take it under the mandate of this Goebel election law. We leave it as a permanent and enduring monument to the memory of her knightly son who was so ruthlessly stricken down by a concealed assassin. [Applause on the Democratic side.]

Mr. KNOX. I yield ten minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, I did not rise to speak of the Kentucky situation, but we have had a remarkable statement made by the gentleman who has just taken his seat. He says they have a law in Kentucky under which only one political party controls the elections, and he proposes that that law shall stand as a monument over the grave of Mr. Goebel. If you have a law like that, under which only one political party controls, that law is a premium upon disorder and crime. No political party ever yet created was good enough to control the entire election machinery of a State. No political organization of men that ever banded together have the right to take to themselves the entire control of the counting machinery and the settlement of elections. It is subversive of republicanism; it is subversive of democracy; it is a violation of every principle upon which free government has been *founded*, and it is bearing its bloody fruit of assassination, crime, and subornation in the unhappy State in which that terrific crime has been committed.

Mr. GILBERT. May I interrupt the gentleman?

Mr. LACEY. Certainly.

Mr. GILBERT. The gentleman evidently labors under a slight misapprehension. There is not a single word in the Goebel election law about a political party controlling the election machinery.

Mr. LACEY. Oh, no; of course not.

Mr. GILBERT. It merely gives the selection of the State commissioners to the legislature——

Mr. LACEY. And does not provide that that board shall be divided between the different parties, as every fair election law in the United States does.

Mr. GILBERT. One moment more.

Mr. SMITH of Kentucky. We never had such a law as that in the history of our State.

Mr. LACEY. Then that was most unfortunate for the State. No wonder it has been a Democratic State so long.

Mr. SMITH of Kentucky. Under the former law the governor, the secretary of state, and the attorney-general were the men who counted the votes.

Mr. LACEY. Let me ask this question: Is it a fair or just arrangement to have an election board composed entirely of representatives of one political party?

Mr. GILBERT. I do not think it is.

Mr. LACEY. Would you be willing to trust three Republicans to run the election business in the State of Kentucky?

Mr. GILBERT. I would not.

Mr. LACEY. And I think I am justified in not being willing to trust the other side under similar circumstances.

Mr. GILBERT. The United States Constitution confers upon the legislature of a State the power to elect United States Senators.

Mr. LACEY. Certainly.

Mr. GILBERT. And the Constitution of the United States does not require that the Senators shall be members of different political parties. A Democratic legislature always elects Democratic Senators——

Mr. LACEY. Certainly.

Mr. GILBERT. And a Republican legislature always elects Republican Senators?

Mr. LACEY. Not always, but generally.

Mr. GILBERT. Now, we happen to have a Democratic legislature, and they selected three Democrats as election commissioners.

Mr. LACEY. Very well; that is what I object to. I think we understand each other fully.

Mr. GILBERT. One moment.

Mr. LACEY. The law ought not to tolerate such an infamy as that.

Mr. GILBERT. Wait a moment. If the Goebel election law were not in force in Kentucky, there would still be a partisan board.

Mr. LACEY. It should not be so. All parties should be represented on election boards.

Mr. GILBERT. The gentleman is denouncing a law that is an improvement on the preceding law. If the Goebel law were not in force in Kentucky, a Republican governor, a Republican secretary of state, and a Republican attorney-general would constitute the election board. In other words, we have never had in Kentucky a nonpartisan board to determine election contests.

Mr. LACEY. And that is why you have anarchy there. When you have only one side represented upon the election board, it is natural to go and ask the warden of the penitentiary which man was elected governor. You submitted the question in Kentucky to the warden of the penitentiary to know whether Taylor or Goebel had been elected, and the warden decided in favor of Goebel.

Mr. NEVILLE. Will the gentleman yield for a question right there?

Mr. LACEY. I do not know what Nebraska has to do with this; but I will yield.

Mr. NEVILLE. What has Iowa to do with it? [Laughter.]

Mr. LACEY. I will tell you how much Iowa has to do with it.

Mr. NEVILLE. I simply want to ask the gentleman a question. Is it not true that the final resort for settling an election is the supreme court of the State or the nation?

Mr. LACEY. They say not in Kentucky. They tell me that the legislature settles it.

Mr. NEVILLE. I asked for your opinion.

Mr. LACEY. I am not a Kentucky lawyer.

Mr. NEVILLE. Is not that true in your State and mine?

Mr. LACEY. Certainly.

Mr. NEVILLE. Why do not you insist that the Supreme Court shall be constituted so as to be nonpartisan? [Applause on the Democratic side.]

Mr. LACEY. If the Supreme Court held the election, I would insist on its being so. Now, let me ask you, my friend, do you have in the State of Nebraska an election board composed of only one political party? Would you tolerate it in Nebraska?

Mr. NEVILLE. Why, we did for a good many years.

Mr. LACEY. You were opposed to it, were you not? Did you think it was a good thing?

Mr. NEVILLE. I think we have a good election law in Nebraska; but the supreme court of Nebraska finally settles it all, and we do not insist that that shall be nonpartisan.

Mr. LACEY. This question comes up here, being brought into this House by the members representing——

Mr. WILLIAMS of Mississippi. I just want to disabuse the mind of the gentleman from Iowa of a misimpression that I think he has. I think he has an idea that the men who hold the elections in Kentucky are all of one party.

Mr. LACEY. I have an understanding——

Mr. WILLIAMS of Mississippi. What these gentlemen are referring to is the commission of three who act as a canvassing board afterwards. The men holding the election in the counties are as they are elsewhere.

Mr. LACEY. As I understand, from the statement of these gentlemen, that commission of three appoints the various inferior election officers.

Mr. WILLIAMS of Mississippi. Yes; but they appoint them from the two parties.

Mr. LACEY. And that is not all. We have the remarkable fact stated here by these gentlemen that the election in Kentucky is being decided and the result changed by throwing out the vote of the great city of Louisville. That city is thrown out of the count altogether, and another man is seated than the one that would be seated if that city were counted. Now, I do not know, I am not attempting to discuss what is actually right in the State of Kentucky, so far as the results are concerned, but a law that permits that——

Mr. WHEELER of Kentucky. Will the gentleman permit me to ask him a question?

Mr. LACEY. A law that allows the election machinery to be in the hands of one political party puts a premium upon crime, and is an invitation to anarchy and bloodshed. Now, Mr. Chairman, I took the floor for entirely different purposes.

Mr. WHEELER of Kentucky. Just one question.

Mr. LACEY. Very well; I will yield to my friend from Kentucky.

Mr. WHEELER of Kentucky. I grant that on the gentleman's statement, as he puts it, it would be a terrible thing, but is it any worse for the State board of canvassers in Kentucky to throw out the city of Louisville and seat Beckham as governor than it is for a Republican majority in the House of Representatives to throw out the vote in the city of Norfolk in order to seat Mr. WISE and throw out Mr. Young? [Applause on the Democratic side.]

Mr. LACEY. The gentleman simply goes back to the old adage and says, "You're another."

Mr. WHEELER of Kentucky. Well, are you not? [Laughter.]

Mr. LACEY. So far as the Norfolk case is concerned, that is not the question we are discussing at this moment. It has been discussed. [Derisive laughter on the Democratic side.] The reason for throwing out the votes in the city of Norfolk in the contest was that the election officers returned that the people voted alphabetically. Adam voted first and Zachariah voted last.

Mr. WILLIAMS of Mississippi. No; they were recorded alphabetically. They did not vote alphabetically.

Mr. LACEY. Oh, yes; they voted alphabetically in Norfolk. They voted from the poll list, so the board returned.

Mr. WILLIAMS of Mississippi. And they are recorded alphabetically in Iowa.

Mr. LACEY. Not at all; they are recorded as they vote.

Mr. WILLIAMS of Mississippi. But the poll list is alphabetical?

Mr. LACEY. But it is incredible that voters should have gone up to the polls and voted in alphabetical order. Evidently the poll lists were merely copied and the votes fictitious. As I say, I did not rise for the purpose of discussing this question, but I could not help referring to the unfairness of a law that put the control of elections in the hands of a single party, a party that I have great confidence in, the Democratic party; it is a splendid old party; but I would a little rather risk the two parties watching each other in making the count. We always insist of having both sides represented out in Iowa, and I am inclined to think somebody would get hurt in Iowa if only one political party attempted to hold the election and do the counting.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LACEY. I should like five minutes more.

Mr. KNOX. I yield to the gentleman from Iowa five minutes.

Mr. LACEY. I rose to call attention to a matter connected with the public-land laws. [Laughter.] I know you all expected that when I rose.

I received a letter the other day from my old friend Mr. Grady, from North Carolina, saying that I was in error in my statement that when we removed General Wheeler's disabilities we removed the last of the political disabilities of the old Confederates. He stated that a Confederate soldier could not take public lands as a homestead to-day. It was a remarkable statement, and I wrote to him to find out where he got it, and he said he wrote to a Populist Congressman and asked him what the law was, and he based his assertion on the statement of the Populist Congressman.

Mr. NORTON of Ohio. Name him.

Mr. LACEY. Mr. Fowler of North Carolina, formerly a member of this House. That reminded me of the measurement between the Plaza and the Dolores Mission in San Francisco. President Lincoln says the surveyors measured it with a "go-it-ometer." The engineers measured it with a contrivance which had to be wound up, and when they got to the Plaza from the Dolores Mission they found that the machine had not been running. So they asked a drayman how far it was, and they put his statement in the field notes, and it is a matter of history to-day that the official distance between the Dolores Mission and the Plaza in San Francisco is based wholly on the word of a drayman. My friend exercised much the same care when he inquired of a North Carolina Populist what the homestead law was.

Mr. CLAYTON of Alabama. An ex-Congressman, and a fusionist at that.

Mr. LACEY. Not stopping at that, my friend has put it into a book, and the book is being sent north, east, south, and west. It is called The Case of the South against the North. In that book it is seriously stated that that proviso which was enacted in the homestead law in 1862, when the war was going on, is still in existence.

Mr. NEVILLE. I should like to ask the gentleman if it is not true that that Populist Congressman was from the South, where they have Republican sympathies?

Mr. LACEY. Why, they do not have any great Republican sympathies in the South.

Mr. NEVILLE. I mean that the Populists there have.

Mr. LACEY. This proviso which prevented Confederate soldiers from taking homesteads under the act of May 8, 1862, he says, has never been stricken from the law. I want simply to put into the RECORD the fact, that it may show officially, that that law was repealed less than eight months after the war closed. I will print in connection with my remarks section 2 of the act of June 21, 1866, by which the exception preventing Confederates from taking homesteads was repealed.

Since that time many good old Confederates then, who are good Union men to-day, have taken their homes in the West and in the South, and many of our best and most loyal citizens to-day are men who wore the gray, but who are living upon homes that they obtained under the homestead law of 1862, modified as it was by the act of 1866. When I find that the estimable author of that book has published it broadcast over the South, I think it proper to print in the RECORD the modification of the law, to show that this act does justice to the Confederates, and it was done but a very few months after the surrender of Lee. On the 21st of June, 1866, the prohibition against the taking of homesteads by the Confederates was entirely eliminated from the record. My friend from North Carolina, a genial and pleasant gentleman, with whom I have served in Congress in the past, has made this mistake, no doubt inadvertently, misled as he was by erroneous information, and it is just to him, as well as to Congress, that it should be corrected.

I give now the following extract from The South against the North, by Grady:

But even all these grants, together with others equally violative of the Constitution and the pledge made to the States and to the original grantors or purchasers, were pardonable in comparison with those provided for in the act of May 20, 1862. That donated a homestead free of cost, except a fee amounting to about 11 cents per acre, to any citizen who is the head of a family or who has arrived at the age of 21 years, and to any foreigner who has filed a declaration to become a citizen, provided that he proves his "loyalty."* That is to say, the people of the Southern States who, or whose ancestors, ceded or partly paid for these lands, were excluded from this "bounty of the nation," even the dregs of foreign countries being preferred to them.

The total number of homesteaders up to June 30, 1896 (according to the General Land Office Report for that year, page 91), was 508,936, and the total number of acres patented to them was 67,618,451, the figures for that year being 36,548 original entries and 4,830,915 acres. This was an average annual gratuity of nearly 1,800,000 acres for the whole period after the passage of the act and of nearly three times as much during the last year.

The drain of wealth from the Southern States—particularly those of the original thirteen—by the unwarranted diversion of the public lands from being a source of revenue to the common Treasury of the States, to the enrichment of States, corporations, and individuals in other sections, has resulted in a marked comparative deficiency of the appliances and conveniences of civilization in the original Southern States and to a considerable extent in all of them.

The learned publisher of The South *vs.* The North should correct his book by an errata slip, and omit so grave an error from all future editions of his book.

The laws to which I have referred are as follows:

CHAP. CXXVII.—An act for the disposal of the public lands for homestead actual settlement in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of according to the stipulations of the homestead law of 20th of May, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," and the act supplemental thereto, approved 21st of March, 1864, but with this restriction, that until the expiration of two years from and after the passage of this act, no entry shall be made for more than a half quarter section, or 80 acres; and in lieu of the sum of $10 required to be paid by the second section of said act, there shall be paid the sum of $5 at the time of the issue of each patent; and that the public lands in said States shall be disposed of in no other manner after the passage of this act: *Provided*, That no distinction or discrimination shall be made in the construction or execution of this act on account of race or color: *And provided further*, That no mineral lands shall be liable to entry and settlement under its provisions.

SEC. 2. *And be it further enacted*, That section 2 of the above-cited homestead law, entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, be so amended as to read as follows: That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is 21 years or more of age, or shall have performed service in the Army or Navy of the United States, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of $5, when the entry is of not more than 80 acres, he or she shall thereupon be permitted to enter the amount of land specified: *Provided, however*, That no certificate shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided by law: *And provided further*, That in case of the death of both father and mother, leaving an infant child or children under 21 years of age, the right and fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose, and the purchaser shall acquire the absolute title by the purchase and be entitled to a patent from the United States on the payment of the office fees and sum of money herein specified: *Provided*, That until the 1st day of January, 1867, any person applying for the benefit of this act shall, in addition to the oath hereinbefore required, also make oath that he has not borne arms against the United States or given aid and comfort to its enemies.

SEC. 3. *And be it further enacted*, That all the provisions of the said homestead law, and the act amendatory thereof, approved March 21, 1864, so far as the same may be applicable, except so far as the same are modified by the preceding sections of this act, are applied to and made part of this act as fully as if herein enacted and set forth.

Approved, June 21, 1866.

And the same was codified in section 2289, Revised Statutes, 1873:

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of 21 years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which such person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at $1.25 per acre; or 80 acres or less of such unappropriated lands, at $2.50 per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate 160 acres.

Mr. MCALEER. I now yield forty minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, during the past one hundred and

*This proviso has never been stricken out of the law. The only amendment bearing on the qualifications of the beneficiary, so far as the Southern people are concerned, is in the act of 1866, to this effect:

"No distinction or discrimination shall be made in the construction or execution of this act on account of race or color."

twenty-four years the United States has many times extended its boundaries or expanded its territory. First, the Louisiana purchase, in 1803, out of which has been carved the States of Arkansas, Kansas, Louisiana, a part of Minnesota, a part of Mississippi, Missouri, Nebraska, North Dakota, South Dakota, a part of Wyoming, Indian Territory, and Oklahoma Territory, and these Territories, together with Arizona and New Mexico, will at some time be admitted as States; next, the Florida purchase from Spain, by treaty, in 1819, first organized as a Territory, and then admitted as a State in 1845, and by the same treaty a large scope of territory, out of which has been carved the States of Oregon, Idaho, and Washington; and third, the annexation of Texas by act of Congress in 1845, followed soon after by other acquisitions from Mexico, under treaty, out of which has been carved the States of California, Colorado in part, Nevada, Utah, Wyoming in part, and the Territories of Arizona and New Mexico in part. All of these acquisitions were adjoining the territory of the United States, and were secured from a standpoint of national necessity, or in order that we might be rid of dangerous or troublesome neighbors, living in close proximity to us.

France, when in possession of the Louisiana Territory, including the western bank of the river, had control of the mouth of the river, and this was a serious annoyance to American citizens inhabiting the part of the United States on the east side of the Mississippi, and drained by it. This being before the days of railroads, the Mississippi River was the great commercial highway for all the people living within this boundary.

The mouth of the river being in possession of the French, and our right of exit and entrance being secured only by treaty, which could be annulled by France at any time, it was a matter of extreme national necessity that the Louisiana territory should be secured in order that the citizens of the United States living in the eastern part of the valley of the Mississippi might have an unrestricted outlet for their commerce, a dangerous neighbor removed, and our western border secured—a direct application, so to speak, enunciated years afterwards, in what is called the Monroe doctrine, that America should not be considered a field for exploitation and colonization purposes by the powers of Europe.

In the case of Florida, held as it was by impotent and bigoted Spain, its proximity to the southern part of the United States rendered it a fertile field for breeding troubles to our Government.

In the case of the annexation of Texas it was a matter of contract between two intelligent and sovereign nations, advantageous to both.

In the case of the other territory secured from Mexico by treaty, it was but the result of a theory long held by many of our wise and sagacious statesmen that, by the laws of nature and geographically speaking, the entire area from the Atlantic on the east to the Pacific on the west, from the Gulf of Mexico on the south to the Great Lakes on the north, was intended for one great country under one national government.

So, in this way, expansion of our territory was brought about by constitutional methods, and, except in the case of Texas, which was admitted as a sovereign State, always with a view to organizing the lands so secured into Territories with local self-government, and, eventually, to the admission of these Territories into the Union as sovereign States.

This wise and statesmanlike policy has been carried out to such an extent that to-day there are only four Territories, Arizona, New Mexico, Oklahoma, and Indian Territory, within the bounds of the above acquisitions.

In 1867 we purchased from Russia Alaska. This purchase, I believe, was not so much because the territory was valuable at the time, or that it was considered that it would ever be of any great use for purposes of emigration and settlement, or from a commercial standpoint, but because, the Russian Government being in the humor to sell, it was thought advisable for the United States to purchase, rather than at some time this territory should fall into the hands of Great Britain, it being held then, as it had long been held, that it would be unwise on our part, from a national standpoint, to permit England to secure any further acquisition of territory in North America.

Mr. Chairman, in all this those in charge of governing and shaping the national policies of the United States were wise and sagacious; the territory acquired being in all instances, practically speaking, an unsettled wilderness and needing only the hand of an intelligent, industrious, and liberty-loving American citizen to be applied in order that it might become an important and valuable part of our great Republic.

National security from external dangers, the perpetuation of our republican form of government, the welfare, prosperity, and happiness of the people of the United States, made it necessary that these acquisitions of territory should be made. This was expansion in its best and truest sense.

Prior to the war with Spain no territory was acquired by the United States outside of North America, nor was any of this acquired except in the furtherance of a policy based on the Monroe doctrine and political necessity.

The Democratic party has always been in favor of this kind of expansion, and except in the case of Alaska, practically speaking, is entitled to the credit for the acquisition of all territory to that time. In all the territories acquired, as I have stated, we have acted in the acquisition of and in governing them strictly in accordance with the provisions of the Constitution of the United States. I stand with my party on the question of expansion, and in opposition to the policy of imperialism and militarism advocated by the Republicans.

Mr. Chairman, the causes leading to the annexation of the Hawaiian Islands are not in all respects the same as those leading to all former acquisitions. Along this line it may not be out of place to mention some facts in connection with the acquisition of these islands and their history. They were discovered by Captain Cook in 1789, and at that time were populated by a warlike, vigorous, and hearty race. They were a higher type of what may be termed "barbarous Asiatics." The islands are situated in the Pacific Ocean, some 2,000 miles from the coast of North America and about 4,000 from the coast of Asia.

The people of the islands were almost entirely isolated from the outside world up to the time of their discovery by Cook. The population then numbered between four and five hundred thousand. The area of the islands being only in the neighborhood of 6,000 square miles, this would give a per capita population of upward of 75 to the square mile. Since 1789, when the islands were discovered, to 1819, the islands were greatly reduced in population by the ravages of war and disease. Since then the death rate of the Hawaiians has increased to such an extent that to-day there are only about 40,000 natives and Hapas, or half-castes.

Prior to 1819, idolatry was a part of the religious practice of the Hawaiians.

May 8, 1819, Kamehameha I (then King of all the islands) died. By his will he left to his son, Liholihe, the sovereignty of all the islands, with the title of King Kamehameha II, and appointed Kaahumanu (his widow) premier, to exercise equal authority with the young king. These two almost immediately abolished idolatry and destroyed the infamous Tabu system, so that when the pioneer missionaries arrived at the islands, October 23, 1819, they found these people self-redeemed from idolatry and casting aside the superstitions of their fathers.

When the Christian missionaries from New England landed in the island, they were most kindly received by the natives. The people of the islands having some knowledge of western civilization from the occasional visits of passing ships, willingly received the teachings of the missionaries, and in a short while the greater part of them were converted to Christianity; and the Christian religion being the foundation stone of all lasting and progressive civilization, the Hawaiians have from that day to this made rapid progress. Up to 1820 they had no written language other than crude hieroglyphics, amounting to very little in the way of education from a practical standpoint, being symbolic only.

Until January 17, 1893, the islands continued under a monarchy which had existed from time immemorial. During this period of time, from 1819, when idolatry was abolished, to 1893, when the monarchy was abolished, education became general throughout the islands and Christianity common among all the people.

In 1893 a part of the foreign population, dominated and led by Americans or people of American extraction, successfully rebelled and overthrew the existing government, deposed Queen Liliuokalani, abolished the monarchy, and set up a republican form of government, modeled for the most part after that of the United States; and, with the government securely in their own hands, they promulgated a constitution for the islands, containing, amongst other things, a provision looking forward to and providing for annexation to the United States whenever it could be effected. This government continued until the 7th of July, 1898, when the Hawaiian Islands, by a joint resolution passed by Congress, were annexed to the United States.

The causes leading up to annexation were, first, the islands being of prominence on account of their situation in the Pacific Ocean, on the usual route of travel between Asia and North and South America, and on account of agricultural and trade resources; and, second, its government being weak from a standpoint of force and ability to maintain itself against a strong and aggressive power. The governing power of Hawaii earnestly desired annexation by the United States as a security for their welfare for all time to come.

When war was declared by the United States against Spain, in 1898, and after Dewey had sunk the Spanish fleet in the harbor of Manila, the United States was under the necessity of transporting to the Philippine Islands ships, soldiers, and supplies. As a matter of convenience, and sometimes of necessity, our ships and vessels of war had occasion to stop at the ports of Hawaii for coal and other supplies.

The Hawaiian government treated the United States in all these matters with the utmost consideration and as if there were

existing between the two countries a treaty of alliance, amity, and friendship, offensive and defensive, demanding that the Hawaiian government should place at the disposal of the United States her ports to be used in time of war in the same manner that she would use her own, thus clearly violating the principle of international law requiring friendly nations to preserve strict neutrality between belligerents. This course of procedure on the part of the Hawaiian government had Spain been victorious in the war would undoubtedly have brought upon her serious consequences.

Not waiting for any of these contingencies and possible troubles, the Hawaiian government, being most anxious for annexation to the United States, in due form signified its consent, in the manner provided by its constitution, to cede absolutely and without reservation 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 absolute fee and ownership of all public property, etc.

The United States, on July 7, 1898, during the continuance of the war with Spain, passed a joint resolution for the annexation of the Hawaiian Islands to the United States, and amongst other things in the resolution of annexation, which is nothing more or less than a contract between the people of Hawaii and the United States, it is provided that—

Until legislation shall be enacted extending the United States custom laws and regulations, existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Leaving to the Congress of the United States final action in the premises.

The following statements in reference to the Hawaiian Islands in geographical, historical, and educational matters are taken from a handbook of information issued by the Hawaiian government in 1899:

GEOGRAPHICAL.

They are not in the "South Seas," the Hawaiian Islands are not, though often placed there erroneously. The group proper is situated between 18° 54′ and 22° 15′ north latitude and 154° 50′ and 160° 30′ west longitude. Therefore the islands must be in the North Pacific Ocean. If there be any further difficulty about finding the Hawaiian Islands, just steer due west from Mexico and stop when you see the Stars and Stripes flying over dry land. That will be they.

The islands of any account number eight, in order of size being Hawaii, Maui, Oahu, Kauai, Molokai, Lanai, Niihau, and Kahoolawe. Kauai is the most northern and Hawaii the most southern. Draw a line northwestwardly from the farthest south point of Hawaii to the farthest north point of Kauai and you leave all the other islands north of it excepting little Niihau, close westward of Kauai, and a vessel following the same course would hug Honolulu so closely that she might as well come in for water and news.

Beyond the boundaries given in the foregoing there are nine or ten uninhabited islets—mere rocks and reefs—extending in an irregular chain west and northwest, over which, severally, jurisdiction has been taken by different Hawaiian governments. Some of these specks are known for their guano deposits, others as shark-fishing grounds, but too many of them for their sad record of shipwreck. The five islands of the group proper, already named—Hawaii, Maui, Oahu, Kauai, and Molokai—are the only ones considerably populated.

Hawaii, the largest island, gives its name, in accepted parlance, to the whole country and its government. It is 90 miles long from north to south, and 74 miles broad from east to west. The area is 4,210 square miles. Topographically the island is bold and majestic in feature, being an aggregation of vast volcanic mountains. Three sublime domes are visible at once from various points of view, and their bases conjoining entitle them to the name they sometimes receive, "The Triplets."

Mauna Kea is 13,805 feet in height. It is the highest mountain in the group. Mauna Loa is distinguished for containing all the living volcanoes in the islands. Indeeed, the occasionally active crater of Mokuaweoweo forms its summit, the elevation of the loftiest point of its rim being 13,675 feet. The crater of Kilauea—never failing in strong manifestations of fire and often furiously active—is hollowed into the side of the mountain at an elevation of 4,000 feet.

Hualalai, third of the trio, is 8,275 feet high. Hail and snow are frequent at and above 9,000 feet elevation, and the summits of Mauna Kea and Mauna Loa glisten like diamonds with caps of snow a great portion of the year. In the extreme north of the island rise the Kohala Mountains, the highest peak being 5,505 feet. The coast line is regular, bays are few, and natural harbors entirely wanting. Hilo Bay, on the east, contains an eligible site for harbor works, which it is confidently expected the United States Government will not long delay supplying. As it is, the port is constantly frequented by shipping, having tolerably safe anchorage and a small wharf newly constructed.

Other bays are Kealakekua and Kailua, on the west, and Kawaihae, on the northwest. Landings are established at more than a score of places for the coasting traffic. Hawaii leads the other islands in production. It has many large sugar plantations, by far the greater portion of the coffee-raising industry, and a number of extensive stock ranches. With the regular steam communication, at this moment having good promise of being permanently established with the Pacific coast, the island of Hawaii will figure proportionately large in fruit cultivation. There is good soil at such a variety of altitude that the products of temperate climates can be successfully cultivated within the very sight of tropical vegetation.

Maui, the second island in size, has an area of 760 square miles, the greatest length being 48 miles and breadth 30 miles. It is composed of two mountainous formations of unequal size. The smaller part is a cluster of serrated ridges, the loftiest peak having a height of 5,800 feet. Deep and fertile valleys between these spurs produce a variety of tropical fruits without cultivation. Steep precipices overlook the ocean on the north, while on the southwest and northeast coasts there are sugar plantations and pasture lands. Iao Valley, extending westward from the town of Wailuku, is one of the most beautiful valleys in the islands.

The larger portion of the island, having the appearance of a body supporting the portion just described as a head, contains the vast dome of Haleakala. This is 10,030 feet high and has the distinction of being the largest extinct volcano in the world. Its base is surrounded with sugar plantations, and upon its slopes temperate and tropical agriculture blend into each other. Maalaea Bay, in the south of a low neck of land joining the two sections of the island already mentioned, contains landing places, but is too exposed to the sea for a shipping resort. Kahului Bay, in the north of the same neck, has good anchorage in its inner part, and has direct trade, by sailing vessels, with the Pacific coast. Hana is a small harbor.

Oahu, although third in size, holds the highest rank from its containing the capital city, Honolulu, and having much more than one-third of the population of the group. According to its size it is also the greatest producer, while it is far and away the leader in manufactures, leaving out sugar milling. Oahu has an area of about 600 square miles. It has a length of 46 miles and a breadth of 25 miles, but, being irregular in shape, the average breadth of its eastern half is probably less than half of the latter figure. Oahu is as mountainous as any of the islands.

The Koolau Range extends from the extreme eastern point to the northwestern coast, a distance of about 35 miles, and for half that length its transverse ridges run nearly from sea to sea. The Waianae Range, in the southwest, runs about 20 miles and has on that side lofty spurs extending to the coast. These are the principal elevations: Lanihuli Peak, in the Koolau Range, 2,780 feet; Konahuanui, same, 3,105 feet; Palikea Peak, Waianae Range, 3,110 feet; Kaala, same, 4,030 feet; Pali, 1,207 feet; Tantalus, 2,013 feet; Koko Head, 1,205 feet.

Honolulu Harbor is the only properly improved harbor in the islands. It admits to dock the largest steamships that ply the North Pacific. Pearl and Koolau harbors, on the south and north, respectively, are capable of being made, at moderate expense, among the finest havens for deep-sea shipping in the world. Kalihi Harbor is available to be connected by an inexpensive channel, inside the line of breakers, with and made an annex of Honolulu Harbor. There are several other lagoons on the island which admit small coasting vessels, although their entrances are more or less dangerous.

Kauai has an area of 590 square miles. Its length is 25 miles and breadth 22 miles. It is the oldest, in geological formation, of the group. Waialeale is a large mountain mass in its center, the lower parts of which slope easily toward the sea. Kauai is better supplied with streams than any of the other islands. It is called the "Garden Isle," from its very general fertility. Sugar plantations are upon every side, besides which the cultivation of rice is extensive. The northwestern part of the island is very precipitous, forming a line of lofty cliffs for 7 miles. There are several bays and inlets, but no secure haven.

Niihau is a very interesting little island. Its entire land, comprising 70,000 acres, or 97 square miles, belongs to one firm and is almost wholly devoted to sheep raising. It has a mountain range attaining an elevation of 800 feet, and much cut into by ravines. Feathered game abounds on Niihau. The whole island would make a magnificent health and pleasure resort.

Civilization was introduced to the Hawaiian Islands by Captain Cook's discovery in 1778. It is believed that the group was inhabited as early as A. D. 500. The aboriginal people are supposed to belong to the same race as the tribes of Samoa, Fiji, and Tahiti. Their language is much like the languages of those groups, and it is certain that there was much intercourse, in canoes navigated by the aid of the stars, between the southern archipelagoes named and Hawaii during the twelfth and thirteenth centuries. The ancient Hawaiians were barbarians rather than savages. They never were cannibals. Up to the time of Kamehameha's subjugation of all the islands, at the dawn of the nineteenth century, feudal government prevailed and wars, not only between islands, but between districts, were almost constantly being waged.

The islands were discovered by foreigners several times. A Japanese junk drifted into Kahului Bay in the thirteenth century, and its crew stayed and intermarried with the natives. In the first quarter of the sixteenth century, a Spanish vessel, belonging to an expedition sent out by Cortez from Mexico, for a farther destination, was wrecked on Hawaii and the captain and his sister, the only survivors, were received as welcome acquisitions to Hawaiian society. They intermarried with natives and their descendants were high chiefs. The islands were discovered again by the Spanish navigator, Juan Gætano, but nothing came of the event, except getting the group placed 10° too far east on charts.

Soon after Cook, the benevolent Vancouver paid three visits to Hawaii. This was just as Kamehameha was beginning the game of conqueror. Vancouver, besides presenting the ruling chiefs with useful plants, cattle, and sheep, had a vessel built for Kamehameha and gave him excellent advice. He also told him that the heathen tabus were all wrong, and that there was but one living and true God. There were persons of high rank about the king who laid the bluff commander's words up in their hearts.

Kamehameha died in 1819 without having renounced his gods, but immediately the two queens, Keopuolani and Kaahumanu, deliberately broke the tabus—which had always been enforced with the penalty of death—and priests and people made bonfires of the idols. When, early the following year, the first band of American missionaries arrived, they found the fences of idolatry leveled to the ground.

The Kamehameha dynasty ended with the death of Kamehameha V in 1872. As he died without appointing a successor, the legislature elected Prince William C. Lunalilo king. The government had for some time been a constitutional monarchy. Lunalilo died after a reign of a little more than a year, and, he also failing to name a successor, the legislature elected David Kalakaua. The reign of Kalakaua was marked by two notable events, the making of a treaty of reciprocity with the United States and the coercion of the king, by an armed demonstration of foreign residents, to promulgate a new constitution, materially limiting the prerogatives of the sovereign.

Kalakaua named his sister, Princess Liliuokalani, as his successor. He reigned nearly seventeen years, and died at San Francisco on January 20, 1891. In his absence Liliuokalani was regent, and at his death she became queen. Upon attempting to promulgate a new constitution of her own authority on January 14, 1893, she was confronted by a revolution that culminated three days later in the abrogation of the monarchy. A provisional government was placed in control of affairs until annexation to the United States could be obtained; but as that comsummation seemed to be long in coming, a constitutional convention prepared the way for the proclamation of the republic of Hawaii on July 4, 1894.

By a joint resolution of the Congress of the United States passed on July 7, 1898, the Hawaiian Islands came under the sovereignty of the United States of America. The formal transfer of sovereignty took place on August 12, 1898, and a commission, appointed by President McKinley, has, doubtlessly, before this book has been issued, recommended to the Congress a form of government for Hawaii under the Star and Stripes.

By the census of 1896, the population of the Hawaiian Islands was 109,020, subdivided by nationalities as follows:

Nationality.	Male.	Female.	Total.
Hawaiian	16,399	14,620	31,019
Part Hawaiian	4,249	4,236	8,485
Born of foreign parents	7,058	6,675	13,733
Foreign born, all kinds	44,811	10,972	55,783
Grand total	72,517	36,503	109,020

Below is an analysis of nationalities, counting all of Hawaiian blood together, also adding into one lot the foreigners of each nationality born in and out of the islands:

Race.	Male.	Female.	Total.
Native Hawaiian	20,648	18,856	39,504
American	1,975	1,111	3,086
British	1,406	844	2,250
German	866	566	1,432
French	56	45	101
Norwegian	216	162	378
Portuguese	8,202	6,989	15,191
Japanese	19,212	5,195	24,407
Chinese	19,167	2,449	21,616
South Sea Islanders	321	134	455
Other nationalities	448	152	600
Grand total	72,517	36,503	109,020

The population, by the census of 1890, was 89,990. By islands, the population in 1896 was as follows:

Island.	Male.	Female.	Total.
Oahu	26,164	14,041	40,205
Hawaii	22,632	10,653	33,285
Maui	11,435	6,291	17,726
Kauai	10,824	4,404	15,228
Molokai	1,335	972	2,307
Lanai	51	54	105

The preponderance of males over females in the population of the Hawaiian Islands, by nearly two to one, is accounted for by the large immigration of male laborers for work on the sugar and rice plantations.

EDUCATIONAL.

Hawaii has a thoroughly organized school system. By an act of the legislature of 1896 its administration was elevated in rank from that of a bureau, without representation in the executive, to that of a department of the government, with a cabinet minister as its official head. By that enactment the minister of foreign affairs became also minister of public instruction and president ex-officio of a board of six commissioners of education. It is provided that two of the commissioners may be ladies, and two ladies are, at present, members of the board.

Schools were first established in the Hawaiian Islands by the American pioneer missionaries. Though dead, they have left records that speak. E. W. Clark was one of the instructors of the Lahainaluna Seminary, and he wrote an article upon that institution in the Hawaiian Spectator of October, 1838. This was a quarterly magazine "conducted by an association of gentlemen," as appears from its title page, and printed for the proprietors by Edwin O. Hall, the mission printer at Honolulu. Mr. Clark wrote:

"When the Sandwich Islands Mission commenced its operations in 1820 nothing like education was known at the islands. The vernacular tongue had not even been reduced to a written language."

Compare the condition thus stated with that described by a writer in the North American Review for July 1897—seventy-seven years later—of the status at that time: "For many years in the past it was rare to find a native Hawaiian who could not read and write his native language. There is a change now, but without retrogression. It consists of a rapid advance toward an equally universal command of English by the native people."

Mr. Clark, in his writing of sixty years ago, went on to tell of the course pursued by the missionaries to remedy the condition of gross darkness covering this people:

"To reduce the language, as they found it in the mouths of the people, to a written form was their first object. A few elementary school books were then prepared, and the business of education commenced. * * * Soon multitudes were able to read and write (imperfectly, it is true) their own language. Schools were established throughout the islands, and supplied with such teachers as could be obtained." The instructor of Lahainaluna tells of the difficulties obstructing progress in the educational work, such as "the pressing engagements of the members of the mission in preaching, translating, and other labors," and goes on to tell of the birth of Lahainaluna Seminary, thus:

"In this state of things, it was unanimously resolved, at a general meeting of the mission in June, 1831, to form a high school for raising up school-teachers and other helpers in the missionary work." The design of the high school, later called the Mission Seminary, was quoted from its printed laws by Mr. Clark. It was in part "to disseminate sound knowledge throughout the islands, embracing general literature and the sciences and whatever may tend to elevate the whole mass of the people from their present ignorance and degradation, and cause them to become a thinking, enlightened, and virtuous people."

In September, 1831, the school went into operation at Lahainaluna, island of Maui, under the care of Lorrin Andrews as principal. Mr. Andrews was the maternal grandfather and patronymic of Hon. Lorrin Andrews Thurston, lately Hawaiian minister to Washington. Lahainaluna is now an institution of the public school system of Hawaii. It occupies a commanding situation, overlooking the village of Lahaina and the Pacific. Industrial training is one of its strong features.

Mr. Clark, telling of its earliest days, mentions that "a printing press was established in connection with the school, and placed under the charge of Mr. E. H. Rogers as printer." It is interesting, therefore, to note that to-day an educational monthly paper, The Progressive Educator, is printed and published at Lahainaluna—the pupils doing the mechanical work—under the auspices of the department of public instruction, which has recently provided a modern printing plant for the institution.

So much space is given to Lahainaluna, not only because it is the oldest superior school in the system as it now stands, but because it is one of several high schools in the islands where industrial education is made prominent. With this statement, the others of the class need not be separately mentioned. The discovery of the old missionary quarterly quoted in the foregoing, which happened in turning over a heap of musty tomes in the foreign office, enables another remarkable comparison to be made between the schools of those days and of the present. Edwin O. Hall has an article in the same number of The Spectator on "Common Schools of the Sandwich Islands," in which he gives the number then, the year 1838, under instruction as at least 15,000 children.

He remarks that some of the reports did not give numbers, and that probably 18,000 would come nearer the truth. The figures he gives, by islands, total up 15,313, which is singular as being about 800 more than the number of pupils officially reported in all schools of the islands for 1897, viz, 14,522, but "probably 18,000 would come nearer the truth" for the latter part of 1898, judging from the fact of a constantly increasing condition of schoolhouse overcrowding. Here is a comparison of school attendance in 1838 and 1897, by islands:

Islands.	1838.	1898.
Hawaii	7,194	3,828
Maui, 2,743, and Lanai, 149	2,892	3,488
Molokai	1,061	157
Oahu	2,233	6,423
Kauai and Niihau	1,933	1,621
Total	15,313	14,522

In 1838 Maui and Lanai are given separately, whereas they are coupled in 1897, and Niihau is not mentioned in 1838. This comparative statement shows a great falling off since two generations in the number of children attending school on the islands other than Oahu, with a proportionate increase on that island, owing to its containing the capital city, Honolulu. In another country such a condition might be taken, offhandedly, as an illustration of the process of the country losing to the town.

It is something more than that here. They were, virtually, all native Hawaiian children, those attending school in 1838. The total number of Hawaiian and part Hawaiian children enrolled as pupils in 1897, for the whole group, was 7,899, or but a few hundred more than the school attendance on the island of Hawaii alone in 1838. So the situation simply reveals one phase of the diminution of the Hawaiian race, a fact that has been much deplored but which is not for discussion in this connection.

The comparison just instituted naturally leads to an inquiry as to the composition of our schools by nationalities. What a conglomerate and polyglot mass of young humanity the teachers of Hawaii are expected to ground in the elements of intelligence and good citizenship is exhibited in this official table of school attendance in 1897:

Nationality.	Number of pupils.	Nationality.	Number of pupils.
Hawaiian	5,330	Scandinavian	106
Part Hawaiian	2,479	French	2
American	484	Japanese	560
British	280	Chinese	1,078
German	302	South Sea Islanders	10
Portuguese	3,815	Other foreigners	76

Attendance was divided between public and private schools thus:

	Male.	Female.	Total.
Public schools	5,925	4,643	10,568
Private schools	2,092	1,862	3,954
Grand total	8,017	6,505	14,522

There were 132 public and 60 private schools in 1897. One of the public schools on the little island of Niihau was the last survivor of schools taught in the Hawaiian language. The number of pupils under 6 years of age, in all schools, was 805; between 6 and 15, 12,466, and over 15, 1,161. Sexes were fairly well balanced in numbers, excepting in the case of Chinese, who had 773 boys to 305 girls in school. Deducting their excess of boys from the total excess, there will be only an excess of 44 boys to be divided among all other nationalities.

The teaching force in all Hawaiian schools for 1897 was composed of nationalities as follows: Hawaiian, 57; part Hawaiian, 62; American, 253; British, 69; German, 12; French, 6; Scandinavian, 6; Portuguese, 20; Japanese, 3; Chinese, 13; other foreigners, 6. There were 123 male and 175 female teachers in the public, and 82 male and 127 female teachers in the private schools, a grand total of 507, or an average of 28.64 pupils for each teacher. In this connection, especially in view of the object of this book, a circular letter prepared by Mr. H. S. Townsend, inspector-general of schools, for replying to many inquiries from abroad is here quoted:

"There is but one system of public schools in Hawaii. One board employs all teachers. Permanency being an important consideration, candidates are favored who are, or who are expected to become, permanent residents of Hawaii. All schools are in session ten months of each year, and all teachers are engaged by the year. In consequence there are few vacancies in the teaching force to be filled after the 1st of September.

There is no great educational reorganization in progress in the islands, though there is educational progress and development. Our public-school system is older than those of most of the States, and the teaching force is more permanent. There is no scarcity of teachers, though there is difficulty in finding suitable teachers for some of the less desirable positions in the country districts, owing to the lack of suitable boarding places.

Cottages are sometimes furnished teachers so that they may be able to board themselves. There are 208 teachers in the public schools, 134 of these being classified as Americans; but the majority of those so classified are of island birth. The average annual salaries of men are $745.50; of women, $551.80; of all teachers, $631.80. Qualifications required here are similar to those required in those States having school systems of the better sort, though not quite so high as the requirements in California. The standard is, however, gradually rising.

"It is a waste of time and patience to send in applications from abroad. With these facts in view, those desiring to join the teaching force here should decide for themselves whether the prospects will justify the risks of the journey and the venture."

Education is compulsory as to schools in general, and, with an exception herein noted, free as to the public schools. The law requires that every child from 5 to 15 years of age, inclusive, shall attend either a public or private school taught in English.

Special police, called "truant officers," are appointed in every district, to enforce the compulsory-attendance clause. English education in Hawaii gradually grew upon the Hawaiian stalk first planted by the missionaries, as already seen. When schools were first started as state institutions, they were taught in the Hawaiian language. English was introduced as the foreign population increased. When, in the course of time, the better classes of

Hawaiians manifested a desire for English instruction, English schools were instituted in localities upon the request of a certain number of residents.

Thus the large school in Honolulu, still called the "Royal School" and flourishing as part of the public system, was established and given its name to become the place where the scions of royalty and chiefly rank were to be educated. King Kalakaua and Queen Liliuokalani attended this school. English was early taught as a classic in the large mission schools. It was recognized as the vernacular in 1876 at Lahainaluna Seminary, afterwards becoming there the dominant medium of instruction.

Gradually the transformation went on until 1896, when teaching in this language became obligatory in all schools. American text-books are employed almost exclusively in the public schools, those for the higher grades including the cream of English classics. The only exceptions to the rule are Hawaiian geography and history.

Select schools, where tuition fees are charged, are permitted in the state system, and, as a matter of fact, exist in a group centering in the Honolulu High School. This is under a section of the law which provides "that the department may, in its discretion, establish, maintain, and discontinue select schools, taught in the English language, at a charge of such tuition fees for attendance as it may deem proper: *Provided, however*, That such select schools shall be established only in places where free schools of the same grade for pupils within the compulsory age are readily accessible to the children of such district."

The Honolulu High School is organized in three departments of English, mathematics, and natural science. Good work is also done in foreign languages.

Under the constitution of the republic of Hawaii, aid from the public treasury to sectarian schools was prohibited. Formerly it was the regular practice of successive legislatures to pass grants of money to schools under the control of different denominations. Instead of becoming weaker from the withdrawal of public aid, the independent schools in 1896 exhibited an increase of attendance proportionate to that of the public schools.

There are several noble institutions, under both Protestant and Catholic auspices, established in the islands. Oahu College, at Honolulu, a foundation of the American mission, has a handsome group of public buildings. It has chairs in the ancient and modern languages and natural philosophy, besides the usual academic branches. St. Louis College, also at Honolulu, is conducted by Roman Catholic brothers, giving instruction from primary to classical grades, with music and drawing as specialties. It is exclusively for boys and has the longest roll of all the schools in the islands. Iolani College, owned and directed by the Anglican bishop of Honolulu, with an able staff of instructors, does substantial work.

There are schools for girls, giving industrial as well as scholastic instruction, conducted by the successors of the American mission, the Anglican, and the Catholic sisters, respectively, not only in Honolulu but in country towns. The Kamehameha schools, for native boys and girls, were founded by the will of the late Mrs. Charles R. Bishop, a Hawaiian princess eligible for the crown, but refusing nomination therefor. These, besides giving tuition from primary to high school grades, inclusive, afford the benefits of manual training in various branches of mechanical and domestic industry.

For many years past the greater part of the trade of the islands has been with the United States. In 1897 the exports to the United States amounted to $15,311,685; in 1898, $16,587,311, and in 1899, $22,188,206. During these and many previous years the balance of trade has been largely in favor of the Hawaiian Islands.

In 1897 we exported to the Hawaiian Islands $5,478,224; in 1898, $6,827,848, and in 1899, $11,305,587. The trade of the islands during these years with nations other than the United States has been very small, and it is a remarkable showing of the fertility and capabilities of the islands from an agricultural standpoint. The average in their favor for each of the three years amounting to nearly $10,000,000. The trade of the islands, amounting now to more than $33,000,000 annually, will probably within the next decade amount to $60,000,000 or $70,000,000; and I do not know of any reason why, when the agricultural resources of the island are fully developed, we may not count on a trade of $100,000,000 annually.

It must not be concluded, however, that the Hawaiian people reap all the advantages of this enormous and greatly increasing trade. As a matter of fact, the bulk of the valuable sugar, coffee, and rice lands in cultivation are owned and controlled by great corporations, and very few Hawaiians are interested in these corporations. Some of the great sugar plantations make enormous profits. One of them, it is said, on a capital of more than $2,000,000, in one year made a profit of about 80 per cent. Nor is it true that all of the stockholders in these great and money-making corporations are residents of the islands. Numbers of them reside elsewhere; consequently the blighting effects of absentee landlordism, so much complained of in Ireland, are in evidence to some extent in the Hawaiian Islands. In other words, the islands have been developed largely through the efforts of speculators and capitalists, and one result of this has been to place the bulk of the rich sugar, coffee, and rice producing lands in cultivation in the hands of persons other than the native Hawaiians.

The statement has been made that the average native Hawaiian owns between 2 and 3 acres of land and the corporations and persons other than Chinese and Japanese own, on an average, 400 acres each. These figures, if true, show to some extent how the lands have passed into the hands of persons other than the natives.

The citizens of Hawaii are, as a rule, educated. My information is that of male citizens, 21 years of age and upward, more than 95 per cent can read and write the English or Hawaiian languages. This high degree of intelligence in educational attainments has been brought about by eighty years of persistent effort by the government in educational matters.

It must not be supposed, however, that in Hawaii where among the citizens education and intelligence is and for many years past has been the rule, and where illiteracy is the exception, that since the overthrow of the monarchy any considerable number of citizens have participated in the elections, as the following statement, taken from the official records, shows:

In the last election under the monarchy, in February, 1892, the total vote was 14,217; of these 9,931 were Hawaiians. This is about the usual proportion of one voter in five of population. After the overthrow of the monarchy in 1893, the first election was for a constitutional convention under the Republic, May, 1894.

The total vote cast was 3,852; of these, 939 were Hawaiians; and in the next general election, held September, 1897, the total vote cast was 2,693; of these, 1,126 were Hawaiians, and this, too, with a population of 110,000. I wish to call the attention of my Republican friends to the fact that in the Hawaiian Islands, as in the South, the government is in the hands of the Anglo-Saxon race.

Wherever this race has gone they have demonstrated that they are the superior race, and when it comes to matters of government they are stronger and more vigorous than other races, and rule accordingly.

The bill before the House provides a strictly republican form of government for the Territory of Hawaii under the letter as well as the spirit of the Constitution of the United States. We give to them local self-government in unequivocal terms, and to the general assembly of the Territory power is given to enact all local legislation necessary not inconsistent with the Constitution and laws of the United States.

We place in the hands of the citizens of the Territory, by this bill, the means of redressing any local grievances that may now or hereafter exist. The Committee on Territories, having in charge the bill, have endeavored to follow and improve upon all bills heretofore passed by the Congress of the United States for the government of Territories, and to give to the Hawaiian Islands most liberal form of government, strictly in accordance with the letter and under the limitations of the Constitution of the United States.

Whatever criticism may be made upon the action of the committee in other respects, it can not be charged that the members were wanting in liberality in providing for the future government of the Hawaiian Islands; nor can it be said that by the provisions of the bill the Hawaiians are denied any rights, privileges, or immunities guaranteed by the Constitution to any citizen of the United States.

The people of the Hawaiian Islands understand that annexation means that the islands shall become a part of our territory and be governed under our Constitution as all other Territories of the United States have in the past been governed; and along the line of carrying out this contract between the people of Hawaii and the United States, the President, in his message to Congress in December last, states that "the people of these islands are entitled to the benefits and privileges of our Constitution."

The bill declares all persons who were citizens of the republic of Hawaii on August 12, 1898, to be citizens of the United States, and that the Constitution and the laws of the United States, locally applicable, shall have the same force and effect there as elsewhere in the United States. The right to vote is extended to all male citizens residing in the Territory for one year and in the district in which they register not less than three months, who shall register, pay a poll tax of $1, and be able to read and write the English or Hawaiian language. These provisions as to suffrage are largely modeled after the constitution and laws of many of the most progressive States of the Union, among others those of Massachusetts and South Carolina.

The committee deemed it wise to strike out the provisions in the original bill requiring voters for certain offices to be possessed of property of the value of $1,000 or have an annual income of not less than $600, because it is not believed that the same are necessary to secure good government in the Territory, and because such provisions are contrary to the spirit of a republican form of government, and, if permitted and practiced, would inevitably place the government of the Territory in the hands of a moneyed oligarchy, and in effect would amount to placing dangerous power in the hands of men who happen to be possessed of wealth, and, politically speaking, would tend to make a serf of a man possessed of the highest mental and moral attainments, should he happen not to be the owner of $1,000 worth of property or have an income of $600 a year.

To my mind it is not conceivable that the Hawaiian people could be secure in their rights under the Constitution of the United States and continue prosperous, happy, and be good citizens, with the right to vote and have a voice in the government of the Territory restricted in this way.

By the passage of this bill Congress admits that what some of the States have done in the way of denying the right to vote to the ignorant and vicious is not only necessary, but right and proper, and therefore commendable.

Mr. Chairman, since the beginning of the war with Spain many serious and vexed questions have come before Congress for settlement. While that war was in progress, as a matter of necessity

growing out of the war, we annexed the Hawaiian Islands. At the conclusion of that war we had obtained by treaty with Spain the cession of Porto Rico and, so far as Spain could give to us by treaty, the Philippine Islands.

The Hawaiian Islands are a part of the United States to-day, as much so as is the Territory of Oklahoma, or the State of Pennsylvania. Not only is this true of the Hawaiian Islands, but it is also true as to the island of Porto Rico. The Hawaiian Islands annexed by joint resolution of Congress, carrying into effect the offer and agreement of the government of those islands, and Porto Rico ceded to us by treaty with Spain, the inhabitants of the island being most willing, both stand on the same footing as Territories of the United States, and each of them is entitled to the same consideration, for over both Territories the Constitution of the United States extends equally and to the same extent that it extends over any Territory or State under the jurisdiction of the United States.

In the bill before the House no attempt is made to legislate for the Hawaiian Islands except under the provisions and strictly within the limitations of the Constitution of the United States. Particularly is this true in the matter of taxation. In the bill before the House the trade of the Hawaiian Islands with other Territories and States of the Union stands upon the same footing in that there is no discrimination whatever. In dealing with Porto Rico the majority in this House have attempted to treat her in a very different manner. For Porto Rico, the effort is made to treat the island as if the same was not a part of the United States and to impose a tariff upon certain of her products coming into our ports.

Why this discrimination? Why treat the island of Porto Rico differently to the way we treat and deal with the Hawaiian Islands? If one is a part of the United States and under its jurisdiction the other is. We treat the Hawaiians as citizens of the United States, why not treat the Porto Ricans in the same way? Both are entitled to all the benefits, privileges, and immunities conferred by the Constitution of the United States upon any citizen. In the matter of impost duties or taxation the products of these territories must be treated the same in all respects as we treat the products of Pennsylvania or California.

Mr. Chairman, in a few words I will give my opinion as to why the Hawaiian Islands have been treated as a part of the United States and why Porto Rico has been treated as a foreign territory. It has been said by those advocating the imposition of a duty on the products of Porto Rico shipped into the United States that, first, Congress has a right to do so under the Constitution; second, that in order to raise money to relieve the sufferings of the people of the island it must be done, and third, that to do so is to strike a severe blow at the sugar and tobacco trusts; therefore it is necessary.

In answer to the first proposition, Mr. Chairman, I will say that Congress has no right or authority under the Constitution of the United States to levy a tariff on the products of Porto Rico coming into our ports, because Porto Rico is a part of our territory.

As to the second proposition, in my opinion no good, but only harm, can result to the Porto Ricans from the imposition of this tax.

As to the third proposition, I think it amounts to jesting with a serious question.

If this is true, would it not be equally a blow at the trusts to impose a tax upon the products of the Hawaiian Islands coming into the United States? Why, if it is necessary in dealing with Porto Rico to impose a tariff upon her products in order to strike a blow at the trusts, is the necessity and the argument not equally as strong in the case of Hawaii? If it is necessary to strike a blow at the trusts in one case, it is in the other.

No, Mr. Chairman, these are not the reasons for the imposition of a tariff upon the products of Porto Rico.

In my judgment, Mr. Chairman, the reason is that in the Hawaiian Islands the greater part of all that is valuable and productive to any great or considerable extent, including the land and franchises, is owned by capitalists, speculators, and trusts. On the other hand, in Porto Rico this state of facts does not exist. Since we acquired Porto Rico from Spain there has not been time for the capitalists, the speculators, and the trusts to manipulate and obtain possession of the valuable lands and franchises.

Mr. Chairman, if like conditions existed in Porto Rico that exist in the Hawaiian Islands in the ownership of lands, franchises, and other valuable property, I submit that no fight would have been made by the sugar and tobacco trusts, or anyone else, to impose a tax upon the products of Porto Rico. Mr. Oxnard and Mr. Myrick would never have been heard of in connection with Porto Rican legislation.

Mr. STOKES. Will it disturb the gentleman to interpose a question?

Mr. FINLEY. Not at all.

Mr. STOKES. Do I understand you to imply that that probably is the reason why the tariff was imposed upon the products of Porto Rico?

Mr. FINLEY. I think that is why the sugar and tobacco trusts are in favor of the Porto Rican bill. I take it that the trusts reasonably suppose that by proper effort on their part during the continuance of the tariff that the trade of Porto Rico will be hampered by the iniquitous and unlawful burden imposed upon her trade. The value of property in the island, now very low, will continue so, and they will be enabled to obtain possession of the greater part, and then they will be most anxious for Congress to treat Porto Rico as we propose to treat the Hawaiian Islands in the bill under consideration.

Mr. STOKES. A pretty good deduction.

Mr. FINLEY. Mr. Chairman, I think that we are treating the Hawaiian Islands as we should treat them in this bill, as I understand the Constitution of the United States and as I believe its provisions imperatively demand. We give to them the rights of citizenship. We deny to them nothing that is given to other citizens of the United States as such, whether they reside in a Territory or in a State.

I believe that this is the correct construction of the Constitution of the United States. Something has been said in the debate to the effect that the bill before the House extends the Constitution of the United States over the Hawaiian Islands. Mr. Chairman, I do not agree with this argument. In my judgment, the Constitution of the United States can not be extended over territory belonging to the United States by an act of Congress, for the reason that over all territory of the United States the Constitution extends by its own force, and any act of Congress for this purpose is a nullity.

Mr. Chairman, in admitting the products of Hawaii to our ports, without taxation or any discrimination whatever, we but obey the Constitution of the United States and carry out the practice of our Government in the past, and act in accordance with an unbroken line of judicial decisions by our Supreme Court construing the Constitution. In denying to Porto Rico the same rights the majority go contrary to all precedent in the history of our Government, and in the teeth of both the Constitution of the United States and the decisions of the Supreme Court of the United States.

When the Porto Rican bill was under consideration in this House, the Republican position was that the Constitution of the United States did not follow the flag, and its provisions were not coextensive with the jurisdiction of the United States over territory, and that territory within our jurisdiction, over which Congress had not extended its provisions, did not fall within the provisions of the Federal Constitution. It was argued strenuously by the majority that the Constitution could only be extended to newly acquired territory by an act of Congress.

It seems from an examination of the arguments made in support of the position of the Republicans in this matter that the reasons for their position are: to avoid its provisions in some of our new possessions or territories, first, as to citizenship, and, second, its limitations as to taxation. In a republic, such as ours, there can only be citizens and uniformity of taxation; and free intercourse between all citizens of the republic is absolutely necessary. These two propositions are the groundwork and underlying principles without which there can be no republic.

Section 2 of Article VI of the Constitution provides that—

> This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The language of this section is not that the Constitution shall be the supreme law of the various States in the Union, or the supreme law of the States and Territories, but that the Constitution shall be the supreme law of the land. It is immaterial whether that land is within the boundaries of a sovereign State or whether it is comprised within the boundaries of a Territory not yet admitted into the Union as a sovereign State. Over all land, including States and Territories, where the jurisdiction of the United States extends, the supreme law of the land is the Constitution of the United States. The only question, then, as to where the Constitution extends, is one of jurisdiction. If the jurisdiction exists, the flag and the Constitution go along with it.

I think, Mr. Chairman, that the Republicans, having recognized in a practical way this principle, in the case of Hawaii, will find some difficulty in explaining to the American people their course in ignoring the principle in the case of Porto Rico. The action of the Democrats and Republicans in the House, in the case of Hawaii, is an unanswerable argument that the Republican majority is wrong in the proposed legislation for Porto Rico.

Section 1 of Article XIII is a further expression in the Constitution of the United States that the provisions of the Constitution extend to all territory over which our flag floats, and that it is coextensive with jurisdiction. Section 1 of Article XIII reads:

> Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

This article expressly provides that the provisions of the Constitution shall extend to all territory over which the United States

has jurisdiction. We have not in the past one hundred and twenty-four years governed any territory except under the provisions of the Constitution of the United States, and I believe that the Hawaiians and Porto Ricans can be governed better under its provisions than by any other form of government. We can govern them in no other way.

The United States can not long exist with a part of the Territory within its jurisdiction under a constitutional government and the balance under a nonconstitutional government. In the case of the Territory of Hawaii we give full force and effect to the provisions of subsections 5 and 6 and section 1 of the Constitution, which provides as follows:

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

In the case of Porto Rico the majority deny this, and attempt to justify their course upon the ground that Congress has supreme authority over the property and territory of the United States. No one denies that Congress has jurisdiction over property and territory of the United States; but that jurisdiction is limited. It only is jurisdiction to do what is authorized by the Constitution. It has no jurisdiction in a State, Territory, or elsewhere to do those things prohibited by that instrument.

That the Constitution and jurisdiction of the United States are coextensive is evident from a consideration of section 4 of Article IV of the Constitution, which provides:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

The word "State" is used in this clause of the Constitution, yet this is the only provision in the Constitution making it a duty of Congress to protect from invasion. The word "State" as used here is synonymous with the word "Territory." Therefore it is the duty of Congress to protect each and every part of the domain subject to its jurisdiction from invasion; that is, each of the various 45 States and all of its Territories, including Hawaii and Porto Rico. It is also our duty to guarantee to each of them a republican form of government.

To my mind it can not be contended successfully that it is the duty of Congress, under the provisions of the Constitution, to protect Porto Rico from invasion without admitting under the same authority that it is equally our duty to give to her a republican form of government. In the case of Porto Rico, in considering the legislation proposed by the Republican party, in determining whether or not the Constitution is being violated, the question naturally arises, What is a republican form of government? The answer can only be, as it has been, "A government of the people, by the people, and for the people."

The right of local self-government and that all government shall be under the restrictions and limitations of a written constitution is absolutely essential to a republican form of government. We recognize this principle, and give a republican form of government to Hawaii. The majority deny the application of this principle in the case of Porto Rico, and refuse to her a republican form of government. The framers of the Constitution were jealous of giving to Congress unlimited power, and did not do so.

The Constitution of the United States is the sole grant of power to Congress, and this power is limited in the grant. This is necessarily the case, as I have stated, in a republican form of government; under an imperial form of government, a written constitution defining the rights of the citizen and protecting him from oppression by the government, is not usual, as in the case of England, having no written constitution other than Magna Charta. Her Parliament, in all matters outside of the provisions of that instrument, has unlimited power, and there is no such thing as an unconstitutional act of Parliament. And, because of oppression by the British Parliament in the exercise of this unlimited power, our revolutionary fathers rebelled, achieved their independence, and gave to us a system of government with a written Constitution, and forever guaranteed to the American citizen exemption from the oppressions they had suffered.

In the bill before the House, Hawaii is placed under our customs and revenue laws, as required by the Constitution of the United States. The majority here refuse this to Porto Rico. In the Hawaiian bill the principle that all taxation by Congress must be uniform and for a national purpose is recognized and carried out. In the Porto Rican bill taxes are imposed upon the products of that island coming into the United States, thus violating the rule of uniformity in taxation required by the Constitution, and the proceeds of this tax are appropriated for local purposes in the island.

Congress derives its sole power to levy taxes under the Constitution. It can only levy taxes upon the subjects and in the manner prescribed by that grant of power. If the Constitution does not extend to Porto Rico, and its people are not citizens of the United States, I am at a loss to know where Congress obtains its grant of power to levy taxes at all, as the grant of power can not extend beyond the jurisdiction and operation of the instrument giving the power. Porto Rico is unquestionably a part of the territory of the United States, subject to its jurisdiction, and therefore within the operation of the Constitution and all of its provisions and limitations; taxes can only be levied in strict accord with the rules therein provided.

The language of the Constitution is unmistakable that no preference shall be given, that the taxes shall be uniform and levied only for national purposes, and the following authorities settle beyond question the soundness of this contention:

Story on the Constitution, edition 1859, sections 154 to 159.

It was decided in Cross *vs.* Harrison (16 Howard, 197), that—

By the ratification of the treaty (with Mexico) California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became *instantly bound and privileged by the laws which Congress had passed* to raise a revenue from imports and tonnage.

On page 198 the court said:

Having been shown that the ratifications of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States, after those had ceased which had been instituted for its regulation as a belligerent right (i. e., strictly a war tariff under military occupation).

In Longborough *vs.* Blake (5 Wheaton, 317), the Supreme Court held:

The power then to lay and collect duties, imports, and excises may be exercised and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imports, duties, and excises should be observed in the one than in the other.

Cooley on Constitutional Limitations, 129 and 499, states the rule to be:

Taxes should only be levied for those purposes which properly constitute a public burden.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MORRIS having taken the chair as Speaker pro tempore, a message from the Senate by Mr. BENNETT, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes, in which the concurrence of the House of Representatives was requested.

GOVERNMENT FOR THE TERRITORY OF HAWAII.

The committee resumed its session.

Mr. KNOX. Mr. Chairman, before yielding the rest of my time, I desire to state that, as has probably been observed by the committee, this bill simply strikes out all after the enacting clause of the Senate bill and substitutes the House bill. It is the House bill we have been considering and shall consider to-morrow for amendment.

I simply desire to avoid reading both bills, as we otherwise might have to do, and I therefore ask unanimous consent that in reading the bill we simply read the House bill. I have seen gentlemen upon both sides, and I understand there is no objection.

Mr. TALBERT. In the absence of the gentleman from Pennsylvania [Mr. MAHON] and in the absence of the gentleman from Illinois [Mr. CANNON], I suggest that the House is rather thin. There is no quorum here.

Mr. KNOX. I hope the gentleman will not raise that question.

Mr. TALBERT. I withdraw the point.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KNOX] requests unanimous consent that when the reading of the bill under the five-minute rule is begun, the House bill proposed as a substitute for the Senate bill be alone read. Is there objection?

Mr. HILL. Mr. Chairman, I do not wish to object to this, because I wish to hasten the reading of the bill; but the bill is a long one, and will undoubtedly provoke a good deal of discussion, and it is a good deal of a question whether the end of the bill will be reached before 4 o'clock. While not objecting to the request of the gentleman from Massachusetts, I also request that two small amendments may be considered as pending.

Mr. KNOX. I will say that I will not object to that, but I would like to have this consent obtained first, so there will be no question about it. I ask the Chair to put my request.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. KNOX]?

There was no objection.

Mr. HILL. Now I renew my request that the amendments which I send to the Clerk's desk may be considered as pending, to come up at the proper time, in case the reading of the bill is not finished in committee.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the amendments which the Clerk will now report be considered as pending.

The Clerk read as follows:

Strike out, on page 89, from and including line 20 to and including line 9, on page 90, and insert the following:

"TERRITORIAL COMMISSIONER.

"The governor may nominate and, by and with the advice and consent of the senate of the said Territory of Hawaii, appoint a commissioner of said Territory, to reside at the capital of the United States, and to represent the interests of said Territory of Hawaii in its relations with the United States. Said commissioner shall, when appointed, be a citizen and bona fide resident of said Territory; his term of office shall be two years; his salary shall be $5,000 per annum, which, with his actual, necessary traveling expenses in coming from said Territory and returning thereto, shall be paid by the United States."

Insert on page 97, at the end of section 102, the following:

"SEC. 103. Nothing in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will at any future time be admitted as a State or attached to any State."

Renumber section 103 of the bill as section 104.

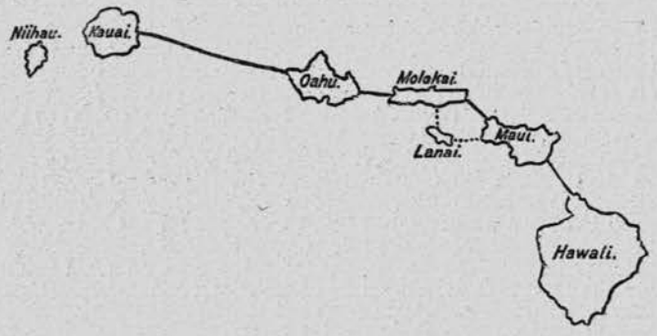
The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. RICHARDSON. Mr. Chairman, I can not understand what would be the effect, in a parliamentary way, of consenting now that amendments which the gentleman says he will offer to a section may be considered as pending. Suppose the section is never read. Would the gentleman insist that these amendments should be pending? I make the point of order against them, and shall not consent to their being admitted; but I want to state why I do it, because I can not see how they could be considered as pending in the House by any agreement made in the committee. It seems to me that such an agreement as this ought not to be made. I have no objection to their being read for information, but I shall object to any consent being given for any agreement that they shall be considered as pending.

The CHAIRMAN. Objection is made.

Mr. KNOX. Mr. Chairman, I yield the remainder of my time, or the remainder of the time allotted to this side, to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, the islands of Hawaii are of volcanic origin and lie 2,100 miles out in the Pacific southwest from San Francisco. From Honolulu to Yokohama is 3,445 miles, and from Honolulu to Hongkong is 4,961 miles. From Unalaska, the nearest port on the north, to Tahiti, the nearest port to the south, is 4,400 miles.



By reason of the vast waste of water that surrounds them and by reason of the limited coaling and steaming capacity of even the strongest vessels, these islands command the North Pacific as Gibraltar commands the Mediterranean, and strategically they have no rival in the world.

In annexing them we have annexed the only insular vantage ground from which a hostile fleet might have made descent upon our western coast and to which it could have returned. By annexation, therefore, we have posted these islands like sentinels in the midst of the Pacific to guard our western coast.

Commercially they lie at the crossroads of the sea. The lines of ocean traffic intersect there, and in the future a tremendous and increasing commerce will enter and leave Pearl Harbor when it shall have become the meeting place and transfer depot of the ships of Russia, China, Japan, Australia, New Zealand, and the American ships of the Atlantic and the Pacific, joined by the Nicaragua Canal in the carrying trade of a nation whose never-resting physical and mental energy must have constant and increasing market for its output.

The commercial and strategic importance of these islands is far out of proportion to their size. They number seven inhabited islands and a dozen rocky or sandy shoals and reefs, with a total area of about 6,740 square miles and a population of 110,000 souls.

From Hawaii, the largest of the group, they trend northwesterly. Hawaii has 2,500,000 acres, and its principal town is Hilo.

Maui is next in size and location to Hawaii.

Oahu is third in size, but largest in population. On the southern side of Oahu is Honolulu, the capital city of the Hawaiian Islands, with a population of 30,000. A little to the east of Honolulu city and harbor is Pearl Harbor, with a water surface of about 10 square miles and a depth ranging from 20 to 90 feet.

Kaui is fourth in size and population.

On the north side of the island of Molokai is the leper settlement, where about 1,200 lepers are fed, clothed, and cared for at governmental expense. Attended by a few monks and nuns of the Order of St. Francis, they live out their days there, cut off from the rest of the world by impassable mountains and by the sea.

Sugar growing is the principal industry of the Hawaiian Islands and is carried on principally by corporations with capital stock ranging from $200,000 to $4,000,000, although sugar growing by small farmers on the cooperative plan, with a central mill for a group of farms, has been commenced.

Sugar can only be grown profitably by artesian irrigation, requiring heavy outlay for outfit and machinery. A large part of the volcanic soil is adapted to coffee, but coffee, although a common product, is not as yet an important commercial industry. Rice growing is exclusively in the hands of Chinese. The islands are rich in farming and grazing lands. The general conformation of the islands, they being of volcanic origin, is a general downward slope from an elevated central part to the sea. Climate, temperature, and products vary on the mountain sides according to altitude, cattle being raised on the highlands, coffee lower down, then sugar, then taro, and rice down by the sea.

HISTORICAL.

It is believed that the islands began to be inhabited about fourteen hundred years ago. Civilization was introduced by Captain Cook's discovery in 1778. The islands were brought under the sway of Kamehameha about the beginning of this century. He died in 1819, but the islands continued under the Kamehameha dynasty down to the death of Kamehameha V in 1872. He was followed by David Lunalilo for about a year; he by David Kalakaua for about seventeen years, and he by his sister, Liliuokalani. The monarchy was overthrown January 17, 1893. The constitution of the republic was promulgated July 4, 1894. A joint resolution of the Congress of the United States for annexation was approved July 7, 1898.

The transfer of sovereignty was formally made at Honolulu August 12, 1898, and kings' crowns, kings' councils, and feudalism went out of business in Hawaii forever, and the islands which American missionaries had redeemed, which were already American in institutions, laws, and sympathies, were merged into the great body of the American Republic for all time.

TERRITORIAL GOVERNMENT.

By this bill we provide that the Hawaiian Islands shall hereafter be known as "The Territory of Hawaii," and that a Territorial government, with its capital at Honolulu, is hereby established.

At the outset we are met by the question of citizenship, and we have declared in section 4 of this bill "that all persons who were citizens of the republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States."

By the constitution of the republic of Hawaii "all persons born or naturalized in the Hawaiian Islands and subject to the jurisdiction of the republic are citizens thereof."

The government which we have framed for the republic of Hawaii may be easily divided into the three coordinate branches—the executive, the legislative, and the judicial.

THE EXECUTIVE.

Under the head of the executive we provide for a governor to be appointed by the President for a term of four years or until his successor shall be appointed and qualified; that he shall be 35 years old and a citizen of Hawaii; that he shall have a salary of $5,000 per annum, $500 for incidentals, and $2,000 for a private secretary.

Among his powers and duties it is provided that he shall be commander in chief of militia; that he may grant pardons or reprieves for offenses against the Territory and against the United States, pending decision by the President.

When necessary he may call upon military or naval forces of the United States in Hawaii or summon the posse comitatus or call out the militia. He may suspend the writ of habeas corpus or place the Territory under martial law. He is given the veto power and the power of removal when not otherwise provided.

Under the the head of the "appointing power" he has power to appoint—

1. Judges circuit courts.
2. Attorney-general.
3. Treasurer.
4. Commissioner of public lands.
5. Commissioner of agriculture.
6. Superintendent of public works.
7. Superintendent of public instruction.
8. Auditor.
9. Deputy auditor.
10. Surveyor.
11. High sheriff.
12. Members board of health.
13. Commissioners of public instruction.
14. Boards of registration and inspectors of elections.
15. All other public boards.

There is also a secretary appointed for a term of four years by the President, and an attorney-general appointed for four years by the President.

THE LEGISLATIVE.

Now, as to the legislative branch, we provide for a Delegate from Hawaii to the United States House of Representatives. That provision was inserted by the unanimous desire of the members of the committee regardless of party. He is to be elected by voters qualified to vote for members of the house of representatives of the Territory of Hawaii. He must possess the qualifications of members of the house of representatives of Hawaii, and the time and place and manner of holding elections for Delegate are to be as fixed by law.

We provide for a Territorial legislature composed of two houses, the upper house to be known as the senate and the lower house to be known as the house.

I will append to my remarks a diagram which I have prepared, showing in outline the whole scheme of Territorial government. [For diagram see next page.]

Mr. HILL. Will it interrupt the gentleman if I ask him a question there?

Mr. HAMILTON. I think not.

Mr. HILL. I would like to ask you to state to the House how that Territorial Delegate is to be elected, on the division of nationalities. In the voting how many Kanakas, how many Portuguese, and how many Americans will vote for that Delegate?

Mr. HAMILTON. Before I finish I will undertake to make that part of the situation clear. We have stricken out the property qualification which the bill originally provided. We only retain an educational qualification for the people of Hawaii; and I think I come within the bounds of absolute truth when I state to the gentleman that there is not a man, woman, or child above 12 years of age who was born in Hawaii, capable of acquiring learning, who can not read and write in English or Hawaiian. And, sir, I believe that these people are well qualified to understand and comprehend the meaning of the elective franchise. Now I come to the inquiry of the gentleman.

Mr. HILL. I do not question that matter, but the point I want to make is this: That the moment this provision for suffrage is made you then and there inaugurate a race war, which will drive these islands into a state of confusion for the next twenty-five years.

Mr. HAMILTON. I will endeavor to answer the gentleman along that line. This is a most interesting question. I can see how gentlemen may mistrust the capacity of these people, and I will discuss that question, and will pass as rapidly as possible from this branch of the discussion to that. I have shown how the bill provides that there shall be a Delegate to the United States House of Representatives, to be elected by voters qualified to vote for members of the house of representatives of Hawaii, who shall possess the qualifications of members of the house of representatives of Hawaii. Now, what are the qualifications of the members of the senate and house in the Territory of Hawaii, and what are the qualifications of voters for members and senators?

First, the Senate is composed of fifteen members, who hold for a term of four years, elected from four districts, and vacancies are filled at general and special elections; they must be male citizens of the United States, 25 years old, must have resided in Hawaii three years, and be qualified to vote for senators. Each voter may cast one vote for each senator, and the required number of candidates receiving the highest number of votes shall be senator from that district. Voters must have the qualification of voters for representatives—that is, they must be male citizens of the United States, must have resided one year in Hawaii, three months in the district, must be 21 years old, and must be registered, must have paid a poll tax, and must be able to speak, read, and write the English or Hawaiian language.

Now, the house of the Territory of Hawaii is composed of 30 members, elected from six districts every second year; vacancies may be filled at general or special elections; they must be male citizens of the United States, 25 years old, resident of Hawaii for three years, and be qualified to vote for representatives. Each voter may cast a vote for as many representatives as are to be elected from the district, and the required number of candidates receiving the highest number of votes are to be representatives. Voters must be male citizens 21 years old, residents of Hawaii one year and the district three months, must be registered, must pay a poll tax, and be able to speak, read, and write the English or the Hawaiian language.

Mr. HILL. What of the voting population under the law as you have it?

Mr. HAMILTON. The last registration of voters, under the monarchy, was: Hawaiians, 9,554; Portuguese, 2,091; foreigners, 1,770, and that includes Americans; total, 13,415. These are as near the figures as I can get them.

Mr. HILL. Now, with the property qualification taken off, have you any estimate?

Mr. HAMILTON. With the property qualification taken off, it is no more than an estimate. The estimated number of voters without the property qualification would be: Hawaiian, about 10,000; Portuguese, about 2,300; Americans and Europeans, about 3,000.

Mr. HILL. Then that would be about 4 to 1.

Mr. HAMILTON. That is true. I am anxious to get to that because it has interested me, and I think it will be interesting to the gentlemen on this floor.

THE JUDICIARY.

I want to touch on the judiciary, however, because I started out to divide the government into the executive, legislative, and judicial. We provide for a supreme court, with one chief justice and not less than two associate justices. The judicial power of the Territory is vested in one supreme court and such inferior courts as the legislature may from time to time establish.

Besides the supreme court and the circuit courts, five in number, there are district courts which correspond practically to our justice courts in this country. No person can sit as a judge or juror in any case who is related by affinity or consanguinity within the third degree to parties in interest, or who shall be interested pecuniarily personally or through relatives who are parties. The Territory is divided into five circuits, and the judges are appointed by the governor, and they hold office for six years.

A Federal court is established for the Territory, which shall be a judicial district, called the "district of Hawaii," and be included in the Ninth judicial circuit of the United States, and shall have jurisdiction of cases commonly cognizable by both circuit and district courts. The district attorney has a salary of $2,000 and the marshal a salary of $2,000. They are appointed by the President, by and with the advice and consent of the Senate.

At this point I want to call attention to some statements made by the gentleman from Indiana, from the Fort Wayne district [Mr. ROBINSON], not unkindly, but because the nature of his remarks makes it proper that there should be some allusion to them. He made the statement that the bill as presented was an un-American bill—I mean the bill presented by the commissioners—and he said that the bill presented finally by this committee was that bill with very little change.

Now, Mr. Chairman, the gentleman evidently prepared his speech with reference to a state of facts which does not exist. I presume he prepared it with reference to the bill as found in the report of the commissioners that did provide for a property qualification. The gentleman made some reference to the alien contract labor law, and because there has been delay in connection with that he said there had been an opportunity for many Japanese to get into Hawaii after the transfer of sovereignty.

Now, I simply want to call attention to this fact in answer to that: That a bill to extend our alien contract labor law in this country to Hawaii was presented in this House and passed this House February 6, 1899. It went to the United States Senate, where its consideration was objected to by Senator MORGAN. Let the responsibility for this matter rest where it properly should. The Republicans did not then control the Senate of the United States.

THE PROPERTY QUALIFICATION.

Strong argument was presented, and I come to the question which interests many gentlemen here and which has been of great interest to me; and if I lay undue strength upon this, you will lay it to that interest. Strong argument was presented for the property qualification as the bill was presented by the commissioners who visited the island and who framed the original bill.

This feature was embodied in the bill as reported by the commission who visited the islands, but has not been retained by the committee. Now, the argument presented in favor of a property qualification—and this will be interesting to my friend from Connecticut—was that the native vote will largely outnumber the white or Anglo-Saxon vote, as will also the Portuguese vote. It is said that unless there be some means of control, the legislature must inevitably pass quickly into the hands of the natives, who would only be checked by the veto of the governor, which might be overborne by a two-thirds vote.

That if the natives combine, it is reasonable to suppose that no white person could be elected to a seat in the legislature.

That under the monarchy the upper house was composed of nobles appointed for life.

OUTLINE

OF

PROPOSED GOVERNMENT OF HAWAII.

H. R. No. 2972.

THE TERRITORY OF HAWAII.

THE EXECUTIVE.

Governor — Sec. 66.

Appointed by President for 4 years or until successor is appointed and qualified. Shall be 35 years old and citizen of Hawaii. Salary, $5,000 (93); $500 incidentals, traveling, and $2,000 for private secretary.

Powers and duties (66, 67).

Shall be commander in chief of militia; may grant pardons or reprieves for offenses against Territory and against United States, pending decision by President. When necessary may call upon military or naval forces of the United States in Hawaii, or summon posse comitatus, or call out militia; may suspend writ of habeas corpus or place Territory under martial law; has veto power; power of removal when not otherwise provided (80).

Other executive officers.

Secretary (69), 4 yrs.; appointed by President; salary, $3,000 (93).

Attorney-general (71); appointed by governor for 4 years (80).

Appointive power (80).

1. Judges circuit courts.
2. Attorney-general.
3. Treasurer.
4. Commissioner of public lands.
5. Commissioner of agriculture.
6. Superintendent of public works.
7. Superintendent of public instruction.
8. Auditor
9. Deputy auditor.
10. Surveyor.
11. High sheriff.
12. Members board of health.
13. Commissioners of public instruction.
14. Boards of registration and inspectors of elections.
15. All other public boards.

Treasurer (72), appointed by governor for 4 years (80).
Commissioner of public lands (73), appointed by governor for 4 years.
Commissioner of agriculture and forestry (74), appointed by governor for 4 years (80).
Superintendent of public works (75), appointed by governor for 4 years (80).
Superintendent of public instruction (76), appointed by governor for 4 years (80).
Auditor and deputy auditor (77), appointed by governor for 4 years.
Surveyor (78), appointed by governor for 4 years.
High sheriff (79), appointed by governor for 4 years.

LEGISLATIVE.

There shall be a delegate to the United States House of Representatives, to be elected by voters qualified to vote for members of the house of representatives of Hawaii, who shall possess qualifications of members of house of representatives of Hawaii; time, place, and manner of holding elections as fixed by law (86).

"The legislature of the Territory of Hawaii" SHALL CONSIST OF TWO HOUSES (12).

First session, third Wednesday February, 1901, and biennially thereafter (41).

Special session may be convened (43).
Sessions 60 days long, except that governor may extend 30 days (43).
All proceedings in English language (44).
Bills must pass three readings on separate days (46), and final passage must be on majority vote of all members by ayes and noes.
Governor may veto appropriation bills in whole or in part (49).
Bill may be passed over veto by two-thirds vote (50).

SENATE

Composed of 15 members; 4 years; elected from 4 districts, alternating 7 and 8 biennially (30, 32).
Vacancies filled at general and special elections (31). Must be male citizens of the United States, 25 years old, resided in Hawaii 3 years, and be qualified to vote for senators (34).

HOUSE

Composed of 30 members, elected from 6 districts every second year (35). Term until next general election (36, 38). Vacancies filled at general or special elections (37); must be male citizens of United States, 25 years old, resided in Hawaii 3 years, and qualified to vote for representatives (40).

PROVISIONS COMMON TO BOTH HOUSES.

General elections, first Tuesday after first Monday in November, 1900, and biennially thereafter (14). Each house judge of election, returns, and qualifications of own members (15). Can not hold other office (16-17). Oath of office (19). Each determines its own rules. One-fifth can demand ayes and noes. Majority constitutes quorum for business, except on final passage; then majority of all members required (22). Less than quorum may adjourn and compel attendance (23). Each house punishes members (25). Members exempt from liability elsewhere for words (28). Arrest (29). Salary, $400 each session and 10 cents a mile each way; $200 extra session.

Voting for senators.

Each voter may cast one vote for each senator from district (61), and required number of candidates receiving highest number of votes shall be senators in district (61). Voters must have qualifications of voters for representatives, i. e., male citizen of the United States, residence 1 year in Hawaii, 3 months in district, 21 years old (60-62); must have registered, paid poll tax, and be able to speak, read, and write English or Hawaiian (60).

Voting for representatives.

Each voter may cast a vote for as many representatives as are to be elected from district (59), and required number of candidates receiving highest number of votes shall be representatives from that district (59). Voters must be male citizens of the United States, 21 years old, have resided in Hawaii 1 year, and in district 3 months; have registered, paid poll tax, and be able to speak, read, and write English or Hawaiian.

THE JUDICIARY.

The judicial power of the Territory shall be vested in one supreme court and such inferior courts as legislature may from time to time establish (82).
No person can sit as judge or juror who is related by affinity or consanguinity to parties within third degree or who shall be interested pecuniarily, personally, or through relatives who are parties (84).
Judges liable to impeachment for causes specified (85), and senate shall be court to try impeachments, with chief justice presiding.
Judges supreme court appointed by President of the United States by and with advice and consent of the Senate (82). Hold 9 years (80).

Supreme court: One chief justice, two associate.

Laws relative to, continued in force, except as modified by this act; subject to modification by Congress or legislature (83).

Circuit court

Territory divided into five circuits. Judges appointed by governor. Hold 6 years (80).

Federal court

Territory of Hawaii shall be a judicial district, called "District of Hawaii," and be included in the Ninth judicial circuit of the United States (87), and shall have jurisdiction of cases commonly cognizable by both circuit and district courts (87).

President of the United States, by and with advice and consent of the Senate, shall appoint district judge (87).

District attorney, salary $2,000, and marshal, salary $2,000 (93), appointed by the President, by and with the advice and consent of the Senate (87).

Internal-revenue district

The Territory shall constitute an internal-revenue district (88).

Customs district

The Territory shall constitute a customs district, with ports of entry and delivery at Honolulu, Hilo, Mahukona, and Kahului (89).

Wharves

Wharves and landings shall remain under control of Hawaii, and revenues derived therefrom shall belong to Hawaii, provided same are applied to their maintenance and repair (90).

Quarantine (98).

Crown lands (100).

Naturalization (101).

Chinese certificates of residence (102).

That after the overthrow of the monarchy a property qualification was imposed upon electors for senators.

That this created a distinct class of conservative men who held in check the lower house and gave representation to those who by their thrift and energy and capital and intelligence have built up the country.

That the natives can cast 4 votes to the Anglo-Saxons' 1.

That the native has not acquired the habit of self-government, and that to suppose he has would be to suppose the most remarkable example in history of the rapid rise of a people from barbarism to advanced civilization.

That the natives have few wants, which are supplied by little labor; that they are naturally shiftless, improvident, and unacquisitive.

That in 1840 every native was given a homestead in fee simple, but that the majority of the natives have since parted with their homesteads and have spent the proceeds.

That a few retain their homesteads, but rent them out to Chinese and other tenants.

That they are herdsmen, excellent sailors, and drivers of horses in cities and on plantations, but that very few take to merchandise, and those who do take to a primitive kind of merchandising, involving no capital, such as small retail fruit and fish stores.

That, being by the very necessity of the case "hewers of wood and drawers of water," without hereditary or acquired commercial tendencies, they entertain more or less political jealousy toward the more prosperous white man, although personally and privately friendly and dependent upon him, and that this jealousy is stimulated by irresponsible white "beach comers" for purposes of their own.

That under mere manhood suffrage, with educational qualification superadded, the native population might exclude white representatives from the legislature or return white demagogues.

That the native is kind, affectionate, generous, well-meaning, quick to learn, and personally loyal, but is a child of the Tropics, and believes the last story he hears.

That he has not yet learned to regard the ballot as a moral force, and that, being irresponsible financially, his domination of the legislature would probably lead to a period of political corruption in which the thrifty, educated, and progressive classes would be obliged to purchase immunity from legislative oppression, and legislation would by reason thereof become a matter of bargain and sale.

That the "republic" and the proposed Territorial government have been evolved out of a condition which was indeed supported by the native vote, but was abolished because the native race had proved itself incapable of self-government according to the Anglo-Saxon standard.

I have endeavored to present that argument just as strongly as it has ever been presented to the committee or could have been presented to the commissioners, who are honorable, conscientious men, and who visited the island.

Now, two points must be taken into consideration in dealing with this question: First, the senate is composed of 15 members, elected from four districts, spread all over the islands, and the house is composed of 30 members, elected from six districts. It will be observed that the natives have abandoned their homesteads and have assembled in cities, and principally in Honolulu. This being true, it seems to me that it would be difficult for the natives so to spread themselves evenly over the districts as to be able to control the legislature in that way. That is one safeguard which presents itself to my mind. The next is this: It is conceded that the natives are many of them intelligent people, who are able to comprehend and appreciate the meaning of the electoral privilege and are capable of legislation.

Now, gentlemen—and I put this to my friend from Connecticut—this problem spreads itself beyond these islands and reaches a great, fundamental, underlying principle of our nationality.

Mr. HILL. Did not the bill which the committee reported last year include a property qualification?

Mr. HAMILTON. I was not on that committee——

Mr. HILL. Did not the commissioners who went to Hawaii report when they came back in favor of a property qualification?

Mr. HAMILTON. I have so stated.

Mr. HILL. Now, let me ask one more question. But for the acquisition of Puerto Rico, Cuba, and the Philippines, would any change have been made in this matter of self-government for Hawaii?

Mr. HAMILTON. Oh, I do not think that had anything to do with it. I should like very much, if I had the time, to discuss the subject of Cuba and Puerto Rico and the Philippines, though those subjects have been pretty well discussed. I want to say to the gentleman from Connecticut that the Committee on Territories have reported this bill unanimously, both Republicans and Democrats supporting it. They have tried to consider these questions with absolute fairness. The question of Puerto Rico and the Philippines has not entered into the consideration of this bill at all. It has been our theory—and I think I voice the sentiments of the members of that committee—that each territory should come into the fraternity of this Union under our governmental control—under our Congressional control, if you please—on its own basis, and that the Government of the United States will be able to take care of each territory as it presents itself.

Now, I say that that problem spreads beyond these islands and reaches the underlying and fundamental principle of our nationality. All that the advocates for a property qualification have said in behalf of such a provision in Hawaii—all that my friend from Connecticut could probably say——

Mr. HILL. The gentleman must not make any mistake. I am not in favor of a property qualification—not at all—not under any circumstances anywhere. But I am opposed to starting a Territorial government in Hawaii with four Kanaka votes to every single vote of an intelligent white man.

Mr. HAMILTON. Does not the gentleman want to establish a government there?

Mr. HILL. I do, but not the kind of a government that this committee recommends.

Mr. HAMILTON. My time is too limited, and I presume the gentleman would not have an opportunity to present his views fully on this subject, or I should be interested in knowing what his scheme of government for that Territory might be. He is a very able man who is able to present, full fledged, a scheme of government offhand.

Mr. HILL. There is no hurry about it anyway.

Mr. HAMILTON. There is a good deal of hurry. Time enough has elapsed. They are afflicted with the bubonic plague, they are in suspense, and there should be some sort of government there.

Mr. HILL. Do you propose to annex that?

Mr. HAMILTON. We propose to annex Hawaii, certainly, and we propose to give those people some method of managing the conditions which exist there.

Now, let me proceed. I said that all that had been said here in favor of a property qualification for Hawaii has been said in favor of a property qualification generally. For instance, Mr. Paley, in speaking of the English constitution of the eighteenth century, in his work on Moral Philosophy, says:

> Before we ask to obtain anything more, consider duly what we have. We have a House of Commons, composed of 548 members, in which number are the most considerable landholders and merchants in the Kingdom; the heads of the army, the navy, and the law; the occupiers of great offices in the State, together with many private individuals, eminent by their knowledge, eloquence, and activity. If the country be not safe in such hands, in whom may it confide its interests? If such a number of such men be liable to the influence of corrupt motives, what assembly of men will be secure from the same danger? Does any scheme of representation promise to collect together more wisdom or to produce firmer integrity?

And yet what political party nowadays would dare to advocate a form of government as best because composed exclusively of rich men, officeholders, landholders, bondholders, railroad magnates, shipowners, trust promoters, and Army and Navy officers? Our form of government gives representation to all classes and professions, from the frontier homestead to the brownstone front, from the merchant prince to the laborer in the ditch, and between the two great extremes of abject poverty and superfluous wealth is the great body of the plain people, in whose hands our nationality is still safe, thank God. [Applause on the Republican side.] People, with a few more furbelows, perhaps, than in Lincoln's day. We have passed from the era of jeans to creased trousers, and the style of parting the hair differs according to age and the amount of hair; but we are still plain people. And, gentlemen, when the plain people of this great Government can not be trusted, then indeed our country is in danger.

Commenting upon the English reform bills of 1832 and 1837, and the exercise of the franchise generally, in advocating its limitation to those having educational and property qualifications, Mr. Lecky, in his work on Democracy and Liberty, says:

> Different methods will be employed. Sometimes the voter will be directly bribed or directly intimidated. He will vote for money or for drink, or in order to win the favor or avert the displeasure of some one who is more powerful than himself. The tenant will think of his landlord, the debtor of his creditor, the shopkeeper of his customer.
>
> A poor, struggling man called on to vote upon a question about which he cares nothing and knows nothing is surely not to be greatly blamed if he is governed by such considerations.
>
> A still larger number of votes will be won by persistent appeals to class cupidities.
>
> The demagogue will try to persuade the voter that by following a certain line of policy every member of society will obtain some advantage.
>
> He will encourage all their Utopias. He will hold out hopes that by breaking contracts or shifting taxation and the power of taxing or enlarging the paternal functions of government something of the property of one class may be transferred to another.
>
> He will also appeal persistently, and often successfully, to class jealousies and antipathies. All the divisions which naturally grow out of class lines and the relations between employer and employed will be studiously inflamed.
>
> Envy, covetousness, prejudice, will become great forces in political propagandism. Every real grievance will be aggravated. Every redressed grievance will be revived. Every imaginary grievance will be encouraged.

If the poorest, most numerous, most ignorant class can be persuaded to hate the smaller class and to vote solely for the purpose of injuring them, the party manager will have achieved his end.

* * * * * * *

A bad harvest or some disaster over which the Government can have no more influence than over the march of the planets will produce a discontent that will often govern dubious votes and may, perhaps, turn the scale in a nearly balanced election. * * *

There is another and very different class who are chiefly found in towns. They are the kind of men who may be seen loitering listlessly around the doors of every gin shop—men who, through drunkenness and idleness or dishonesty, have failed in the race of life; who either never possessed or have wholly lost the taste for honest, continuous work; who hang loosely on the verge of the criminal class and from whom the criminal classes are chiefly recruited. These men are not the real laborers, but their presence constitutes one of the chief difficulties and dangers of all labor questions, and in every period of revolution and anarchy they are galvanized into a sudden activity. With a very low suffrage they become an important element in many constituencies.

Without knowledge and without character, their instinct will be to use the power which is given them for predatory and anarchic purposes.

To break up society and to obtain a new deal in the goods of life will naturally be their object.

We recognize this picture. It delineates some campaigns in this country as if made to order.

Business depression, a dry time in summer, an unseasonable frost, are the demagogue's opportunity, and always have been and always will be.

The whittling statesman loitering at the gin-house door while his wife supports the family is not an unfamiliar figure in our civilization, and the candidate who goes about the country scattering firebrands of discontent from the rear ends of special cars has reappeared from time to time in our history and will soon again reappear in our history.

But I believe there is great truth, Mr. Chairman, in the theory that the right of free expression at the polls is in the nature of a safety valve, and as to the controlling influence which Mr. Lecky thinks the creditor may exercise over the debtor, we have controlled that somewhat by the Australian ballot system, and of late, in some recent campaigns, the man with a dollar ahead has been made to feel that he actually ought to conceal the fact or apologize.

To yield to the pessimistic theory that a man is not able to govern himself because of abuses here and there, would be to yield the consummation and flower of the evolution of political freedom which is typified and illustrated in our nationality, and if we can not yield it as a whole, we can not yield it in spots.

Sir, there is an underlying principle at stake here, dear to the hearts of all American citizens, more important than property, more important than the Hawaiian Islands, namely, the right of every American citizen to participate in the government to which he owes allegiance.

We doff our hats to no king. We make our own laws, and we rule our own political destinies. Here, between the Atlantic and the Pacific, between the lakes and the Gulf, there are thousands of people, white and black, who do not possess even the educational qualification which we exact here in this bill, and yet they are entitled to vote.

Macaulay somewhere satirically remarks in his history that none of those Virginia patriots who vindicated their separation from the mother country by proclaiming it to be a self-evident truth that all men were endowed by their Creator with an inalienable right to liberty would have had the slightest scruple about shooting any negro slave who had laid claim to that same inalienable right.

But by the arbitrament of war since that time we have determined on many battlefields in this country that a man's a man, tho' e'er so black, that a man's a man for a' that and a' that, and although it was once, as late as 1790, held among the States of this country that the right to vote and the right to hold office were dependent, not on manhood qualifications, but on religious opinions, on acres of land, and pounds, shillings, and pence.

Although it was held in Maryland, North Carolina, and South Carolina that a man must have 50 acres of land or personal property of the value of £30;

In New York that a man must be worth £20 York money or pay house rent of 40s. a year, pay his taxes, and carry his tax receipt in his pocket;

In Massachusetts that he must have a freehold estate yielding £3 a year or possess an estate worth £60;

In Connecticut an annual income of $7 from real estate rated on the tax list at $134;

In New Jersey, that a man must reside there, be of age, and have property, and in one other State the sole requirement was that the voter should have a white skin and property of the value of £10—

Although such were the laws of the earlier days of our Republic, since that time we have written with a firm hand the amendments to our Constitution which lift us now above the just reproach of history, and property qualification is an obsolete antiquity.

Property is not the only interest of men in the social compact. Man is something more than a mere taxpayer. He is above all a man, and the laws touch not only his field but they touch also the man. And it is one of the boasts as it is one of the bulwarks of our free American civilization that—

A mon's a mon though e'er sae puir—
A mon's a mon for a' that.

We are called upon here Congress after Congress to vote in contested-election cases where the colored man is defrauded of his right to vote, and where the proof is ample we unseat the man who is shown to have obtained his seat by defrauding the colored man of his right to vote. How would a gentleman's speech urging the right of the colored men in the South to exercise the right to vote read in parallel columns with his speech defending the property qualification for the Hawaiians?

Sir, there is force in the contention for a property qualification. It is ably defended by such men as Lecky in his Democracy and Liberty; but I do not see how we can make local exception to a great underlying rule of our Republic. We have not heretofore required a property qualification in any of our Territories, although riotous and ignorant legislation might in some instances have been apprehended.

Then, sir, put the proposition to yourself. Let any man put the proposition to himself. If a man must first get an education, and then must get real estate of the value of $1,000 and carry his tax receipt in his pocket, or have obtained a position drawing $600 a year salary, how many absent-minded literary beggars would have been excluded from "Fame's eternal camping ground" and had to wander down below, while some gentlemen with the money-getting instinct would have been sitting in the forum or swaggering in the public glare?

It is said of the late Emory A. Storrs that some rich men were once chaffing him about the fact that he had not acquired much property. Mr. Storrs stood it for a while and then said: "Gentlemen, the money-making instinct is a mere animal trait. It is the instinct of accumulation. The chipmunk possesses it; the beaver possesses it in an eminent degree. Doubtless the rich men of Athens sat around with their thumbs in the armholes of their vests and talked about the splendid work they were doing on the Parthenon; but, gentlemen, where are the rich men of Athens to-day, and where is Phidias?"

To my mind there is no true aristocracy except the aristocracy of brain. And it is true now, as it was true always, that—

Kind hearts are more than coronets,
And simple faith than Norman blood.

And I would not be willing to put myself on record as the advocate of any government that would exclude a man from participating therein simply because he had not laid up dollars and cents. I can not give my support to a proposition which makes impecunious youth to stand longer and longer at the outer door of corporate opportunity waiting to be invited in and given a job and which makes his future subservient to some other man's money-making instinct. I do not denounce wealth. Far from it. I recognize that wealthy men are realizing their responsibilities to society now as they never have before. Some of the work of wealth now-a-days is magnificent, superb.

I know of their charities, I read of their magnanimity, and I realize that immunity from hard manual toil gives greater opportunity for reading and thought, and in some instances leads to brain expansion—in fewer instances to heart expansion.

But the men who have appeared on earth heretofore apparently charged with a message from God to the whole of mankind, who have been raised up as leaders in great crises, have come up from tow-paths, tanyards, from lonely frontier cabins, and from mangers, and I will not vote to put the property O. K. mark on any man's struggle upward. Let me supplement the subserviency of Mr. Paley and the pessimisms of Mr. Lecky with the splendid words of Lamartine:

When there is no election every man is a slave or a serf. When the election is limited to a small number of citizens, some are sovereigns and others are subjects; when the election pertains to all, no one is subject, no one is serf, no one is slave. All are free and more than free; all are citizens and more than citizens; all are kings.

That is the ideal republic; and in my humble opinion, gentlemen, if we fall away from that ideal of the Republic, the Republic is in danger. [Applause.]

CHINESE EXCLUSION AND CONTRACT LABOR.

The Hawaiian Islands are now occupied by the following races and nationalities:

Hawaiians and mixed blood	39,000
Japanese	25,000
Chinese	21,000
Portuguese	15,000
Americans	4,000
British	2,250
Germans and other Europeans	2,000
Polynesians and miscellaneous	1,250
Total	109,500

About 700 Chinese have been naturalized into the Hawaiian republic, and many Chinese and Japanese are there under government permits and labor contracts, under which they are bound to work for a term of years and to return to their own countries at the end of their term of service.

This bill provides (section 5) "that except as herein otherwise provided the Constitution and all laws of the United States locally applicable shall have the same force and effect within the said Territory as elsewhere in the United States," and thereby simply reenacts section 1891 of existing law, with the specified exceptions of sections 1850 and 1890. This puts the Chinese-exclusion law and alien contract-labor law immediately in force in the Territory of Hawaii whenever this bill becomes a law. At present, and pending the passage of this bill, the joint resolution of annexation provides that there shall be no further immigration of Chinese into Hawaii except as allowed by the laws of the United States, and that no Chinese, by virtue of anything contained in the joint resolution of annexation, shall come to the United States from Hawaii.

Americans, although in a small minority, practically dominate the governmental, financial, and commercial affairs of the islands. The Chinese and Japanese possess no political power.

The Portuguese are largely immigrants or descendants from immigrants from the islands and colonies of Portugal in the Atlantic and are not closely allied in sentiment to their native country.

The public-school system makes the study of the English language compulsory. There are 132 public and 60 private schools. and education is compulsory and free as to all public schools, American text-books are used in the schools. The language of business in English and the decisions of American courts prevail as precedents.

LEGISLATIVE POWER.

1. The legislative power of the Territory of Hawaii is carefully guarded by this bill. The Territorial legislature is given power to legislate on "all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, locally applicable." The scope of the power of the Hawaiian legislature is limited, so that special and exclusive privileges, immunities, or franchises may not be granted to any corporation, association, or individual without approval of Congress.

2. Nor shall the Hawaiian legislature grant private charters, but it may pass general acts permitting incorporation for certain specific purposes.

3. Nor may it appropriate money for sectarian, denominational, or private schools, nor for any schools except schools exclusively under governmental control.

4. Nor may the government, or any political or municipal subdivision thereof, take stock in or lend its credit to any incorporated company.

5. Nor may the legislature contract any debt on behalf of the Territory or any political or municipal subdivision thereof, except to pay interest on existing indebtedness, suppress insurrection or provide for the common defense, and except that the legislature may authorize loans by the Territory or any such subdivision thereof for the creation of penal, charitable, and educational institutions, and for public buildings, wharves, harbors, and other public improvements.

The total indebtedness, however, that may be incurred in any one year by the Territory, or any such subdivision thereof, is limited to 1 per cent of the taxable property of the Territory or any such subdivision as shown by the last general assessment; and the total indebtedness of the Territory at any one time shall not exceed 7 per cent of assessed valuation; nor shall the total indebtedness of any such subdivision of the Territory at any one time exceed 3 per cent of any such assessed valuation. However, the Government is not prevented from refunding existing indebtedness at any time.

6. No loans are to be made upon the public domain, and no bonds or other instruments of indebtedness are to be issued unless redeemable in five years and payable in fifteen years.

7. No retrospective laws are to be passed.

8. No legislative divorces can be granted.

The legislature is expressly given power to create county, town, and city municipalities and to provide for the government thereof.

PUBLIC LANDS.

Of the various offices, officers, and boards which this bill provides for, that of commissioner of public lands has attracted most attention.

This bill provides that—

The laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this act, shall continue in force until Congress shall otherwise provide.

The public-land system of the Hawaiian Islands has been evolved out of local conditions and is peculiar to them. After careful consideration it has not been thought advisable to attempt to extend our public-land system as it exists here, so as to include Hawaii. In some respects such extension would be absolutely impossible. Under the constitutional provision in that behalf Congress has from time to time made laws "respecting the territory or other property belonging to the United States."

At the outset the original thirteen States contained 218,721,280 acres; by the definitive treaty of peace with Great Britain in 1783 our territorial extent was increased to 531,200,000 acres; in 1803, by the Louisiana purchase, we obtained 756,961,280 acres; by the Florida cession in 1819 we obtained a further tract of 37,931,520 acres; by the annexation of Texas in 1845 we obtained 175,587,840 acres; in 1850 we purchased of Mexico 334,443,520 acres; in 1850 the Federal Government bought of Texas 65,130,880 acres; in 1853 we bought of Mexico 29,142,400 acres; in 1867 we bought of Russia Alaska, containing 369,529,600 acres, and by the joint resolution of 1898 we annexed Hawaii, containing in all 4,313,600 acres, of which 1,720,055 acres are public domain.

The greater portion of lands which we have so acquired were unoccupied except by Indian tribes, whose Indian titles have been extinguished. In many cases, also, we acquired these lands subject to previous grants, which were protected by treaty stipulations in the treaty of acquisition.

Up to 1812 the Secretary of the Treasury had supervision of the sale of public lands; then the Land Office was established as a separate Bureau of the Treasury Department, and in 1846 the Interior Department was organized and the Land Office was transferred to that Department. The Land Office is charged with the survey and disposal of the public lands.

The system of survey is the rectangular system established in 1785 by a Congressional committee, of which Jefferson was chairman, by which base lines and meridian lines are first determined and townships 6 miles square are laid out and numbered north and south from base lines and ranges are laid out and numbered east and west from meridian lines.

Obviously, our laws as to public lands are not applicable to Hawaii. Our lines of survey have generally been run over new country, like lines upon clean paper. Then settlers have filled up the lines. The exceptions to this have not been difficult to deal with.

HAWAIIAN LANDS.

In Hawaii, however, the lands are already occupied, and, from the very nature of the soil and the character of the inhabitants, are cut up into holdings of all shapes and sizes, the shape being generally that of an irregular triangle, with its base on the coast line and its apex toward the center of the island.

There has already been established there a system of survey adapted to the natural formation and contour of the islands. For illustration, all the islands rise from the sea level, in some parts abruptly and in some parts gradually, to a central elevation, and for purposes of cultivation the land is naturally divided into lowland, fitted for the growth of taro and rice; next above this is sugar land, next coffee land, and then comes grazing and timber land.

It is obvious that it would be impossible to overlay this system which has been long in practice and under which the land is occupied with an arbitrary rectangular system.

As to the history and manner of disposal of public lands in Hawaii:

1. Up to 1846 all the lands of the Hawaiian Islands belonged in legal contemplation to the king.

The chiefs and the people, under a feudel system closely resembling the old English feudel system, held their respective parcels by rendering service or payment of rent.

2. In 1846 King Kamehameha III granted: (1) To his chiefs and people certain portions; (2) for government purposes certain portions, (3) and reserved the remainder.

3. By an act, June 7, 1848, the legislature accepted the king's grant and confirmed to the king, his heirs and successors, certain described lands which were thenceforth known as crown lands.

Under an act organizing executive departments, a land commission was provided whose duty it was to receive and pass upon the claims of occupants and lands to their respective holdings in that portion of the land set apart for the chiefs and people. This commission heard the testimony of claimants, caused surveys to be made, and issued to the occupants entitled thereto certificates called "Land commission awards." These awards established the right of the grantee to the possession of the land and entitled him upon payment of one-fourth of the value of the bare land to receive a royal patent. These awards and patents issued pursuant thereto are the source of all title to all lands not public lands or crown lands.

By an act of July 9, 1850, one-twentieth of all public lands are

set apart for the support of schools. These lands are patented to a board of education, which was empowered to sell and lease. Part of these lands is used for sites for school buildings, part is leased, and part has been sold.

In 1884 a homestead law on a small scale was provided for but was little used, only 256 patents having been issued.

The republic came in in 1894, and the legislature of that year passed "the land act of 1895." By this act the crown lands were treated as having vested in the republic and are now embraced as public lands. The public lands were placed under the control of a board of commissioners, composed of the secretary of the interior and two persons appointed by the governor, and by this bill they pass under the control of a commissioner of public lands.

The islands are divided into six land districts, with a subagent of public lands and ranges for each.

The public lands are divided as follows:

- Hawaiian public lands.
  - 1. Agricultural lands.
    - First class... — Land suitable for fruit, coffee, sugar, and other perennial crops, with or without irrigation.
    - Second class. — Land suitable for cultivation of annual crops only.
    - Third class... — Wet lands, such as taro and rice lands.
  - 2. Pastoral lands.
    - First class... — Land not in description of agricultural lands, but capable of supporting live stock the year through.
    - Second class. — Land capable of supporting live stock only part of the year, or otherwise inferior to first-class.
  - 3. Pastoral agricultural lands. — Part pasturage and part agricultural.
  - 4. Forest lands. — Producing forest trees, but unsuitable for cultivation.
  - 5. Waste lands.

The commissioners are authorized to dispose of these lands in the following manner:

1. At public auction for cash in parcels not exceeding 1,000 acres.
2. At public auction, part credit, in parcels not exceeding 600 acres.
3. Without auction sale, in exchange for private lands or by way of compromise.
4. By lease at public auction for not more than twenty-one years.
5. Homestead leases.
6. Right of purchase leases.
7. Cash freeholds.

By this bill the "commissioner of public lands" takes the place of the board of commissioners, but the laws relating to public lands, the settlement of boundaries, and the issuance of patents on land commission awards continue in force until Congress shall provide otherwise.

This bill provides for an internal-revenue district comprising the whole Territory, a customs district comprising the whole Territory, with four ports of entry, and for a Delegate to Congress.

To the proposition that the government proposed by this bill will be taken as a precedent and example for that of Puerto Rico and the Philippines, I answer that each territory—using the word territory now as meaning only land and the people thereon—each territory must be treated according to its own needs and conditions.

Hawaii has shown isself capable of establishing and maintaining a stable government. Its laws are copied from our laws; its jurisprudence runs back to the same source from which we derive ours, and is enriched and illuminated by the decisions of American courts. Its people are familiar with our institutions and our language.

On the island of Hawaii there stands a monument where Captain Cook, the discoverer of these islands, was killed by the natives in 1778. He was followed by Vancouver. Then came the missionaries and civilization.

Philosophers have philosophized and theorists have theorized as to whether man may not be happier in a state of nature than under the restrictions as well as liberties of civilization. But in practice no weak or undeveloped race has ever appeared to have any rights of inertia or retrogression which stronger nations were bound to respect.

The world moves on toward "the parliament of man and the federation of the world," sometimes by compulsion, sometimes by spontaneous advances.

As to Hawaii, she comes to us without purchase and without price; without bloodshed, and even without solicitation, and has voluntarily merged herself into the onward march of the nation which is the standard bearer of the noblest ideals which ever animated any nation since time began.

Mr. McALEER. Mr. Chairman, I yield the balance of my time to the gentleman from New York.

Mr. SULZER. Mr. Chairman, this bill is intended to give a stable civil government to the Hawaiian Islands, and is entitled "An act to provide a government for the Territory of Hawaii." Owing to the fact that nearly all my time for the past few weeks has been taken up by the investigation of the Idaho mining troubles now pending before the Military Affairs Committee, of which I am a member, I frankly confess that I have not had an opportunity to give this bill the study and the attention the importance of the subject under consideration deserves. From a superficial reading of the report submitted by the committee, and from a hasty analysis of the provisions of the bill, I believe, however, I can safely say that the bill now before the House is far from perfect and can be, and ought to be, materially improved by amendment.

I am informed that a number of amendments will be offered, and I indulge the hope that before the bill becomes a law the objectionable features it now contains will be eliminated and that the bill will be as nearly perfect as we can make it at the present time. These amendments should be adopted; and if they are, I trust this bill will pass.

Ever since the annexation of the Hawaiian Islands to the United States I have favored granting to our fellow-citizens there the very best form of Territorial government it is possible for Congress to devise. They deserve it; they are entitled to it; and Congress should have vouchsafed them this important right long ere this. I favored and voted for the annexation of the Hawaiian Islands, and I gave my reasons for doing so at that time. I am now, and always have been, anxious to give the people there the best and the most liberal kind of Territorial government.

There is imperative need of early enactment of an organic act for the government of the Territory of Hawaii.

The joint resolution of July 7, 1898, providing for the annexation of the Hawaiian Islands, declares that the Hawaiian municipal laws not contrary to the United States Constitution or inconsistent with the terms of that resolution remain in force until Congress enact laws. It was undoubtedly expected then that a Territorial act would soon be passed, and a bill was introduced in each House of the Fifty-fifth Congress. But other matters of great national importance so occupied the time and attention of Congress that the bill was not passed.

Meanwhile it has become apparent that there is much doubt of the extent of the power granted to the local government of Hawaii by the provisions of the joint resolution, and in many important respects it has created something like an interregnum.

Many doubtful questions of admiralty and maritime jurisdiction have arisen, as well as of criminal procedure, rendering it uncertain whether there is now any tribunal for the decision of important questions affecting property and any existing method by which criminals may be indicted or legal juries impaneled for their trial.

In anticipation of Congressional action, the election to fill vacancies in the Hawaiian senate was not held last year, and there is, therefore, no legislative power for appropriating money for public purposes.

There is also grave doubt concerning the power of the Hawaiian government to grant franchises for industrial and commercial enterprises, or for railways which have been projected, and the Attorney-General of the United States has decided that the Hawaiian government has no power to grant or lease any of the public lands for homesteads or for any purpose, notwithstanding the fact that the treaty of annexation declared that the proceeds and revenues of such lands should be devoted to the benefit of the inhabitants of Hawaii.

In many respects the business affairs of the Territory are brought to a standstill. Many Americans have bought government land since annexation, on which they have built residences and planted crops, but their land titles are now in dispute and can not be settled until the passage of this bill.

Meanwhile Americans can not settle in Hawaii on homesteads or land bought from the government, and a very desirable class of citizens is thereby shut out of this new Territory. The local government is unable even to make public roads over any part of the public domain of Hawaii, or carry out plans based on legislation prior to annexation for widening and straightening the streets of Honolulu.

The presence in that city of the bubonic plague is calling for drastic measures by the Hawaiian authorities, involving the expenditure of hundreds of thousands of dollars. In order to provide for these expenditures, and to compensate the owners of buildings which have been burned in the effort to suppress the pestilence, it is proper and just that a Territorial legislature be provided by Congress with no unnecessary delay.

Since the adoption of the resolution of annexation large numbers of Japanese contract laborers have been brought into the

islands, and delay in extending the laws of the United States to them will be taken advantage of to increase the number.

This bill proposes a Territorial government for the Hawaiian Islands similar to that of the later Territories of the United States—a governor, a secretary, both appointed by the President; a treasurer, attorney-general, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor and deputy auditor, surveyor, and high sheriff, appointed by the governor.

A legislature is provided, consisting of a senate and house of representatives, elected by the people. The Territory is to be represented by a Delegate in Congress. The Territory is made a judicial district of the United States, with a district court having, in addition, the jurisdiction of circuit courts, with a district judge, district attorney, and a marshal of the United States, appointed by the President, by and with the consent of the Senate of the United States.

The judicial power of the Territory is vested in a supreme court and in inferior courts to be established by the legislature. The laws of the United States locally applicable are extended over the new Territory, and the laws of Hawaii not inconsistent with the Constitution or laws of the United States are continued in force. The Territory is made a customs and revenue district and becomes subject to the tariff laws of the United States.

It needs no argument, it seems to me, to convince that if it be possible to give to the Hawaiian Islands a government like that of the United States Territories—a government which has met the approval of Congress and the American people since the Constitution was adopted and has proved itself adapted to the needs of a free and progressive people—it is desirable to do so.

Mr. Chairman, I am aware that there are many difficult problems to be solved regarding this legislation and that it will necessarily contain many errors and omissions; but, sir, I feel confident the citizens of the Hawaiian Islands will be able ultimately to solve the problems, and whatever defects this bill contains will soon be discovered when the law goes into operation, and time and experience and subsequent legislation will correct and remedy them. The all-important thing for us to do now, and do promptly, is to give the people of the Hawaiian Islands Territorial government, and the best, the freest, and the most liberal Territorial government the combined wisdom and judgment of Congress can devise. I am in favor of home rule and absolute local self-government for our Territories.

And, sir, I desire to say in this connection that what we do for the people of the Territory of Hawaii we should also do for the people of the Territory of Puerto Rico. There should be no selfish distinction—no sordid discrimination. A citizen of Hawaii is a citizen of the United States and a citizen of Puerto Rico is a citizen of the United States just as much as a citizen of the District of Columbia or a citizen of the State of New York; they are all citizens of the great Republic, free and independent, and under the dome of the Union sky, protected by the flag of our country, they are entitled to all the rights, to all the benefits, to all the privileges, and to all the immunities of the Federal Constitution. This is our plain duty, the imperative mandate of the hour, and for anyone or any party to seriously contend to the contrary is preposterous and in the end will be as unwise as it is unjust, as inhuman as it is indefensible, and as un-American as it is unconstitutional.

Any departure, in my judgment, by Congress from the well-settled, the successful, the time-honored, and the constitutional policy of the Republic regarding the government of our territorial possessions will be fraught with much danger to our free institutions and will be a step forward in the contemplated programme of imperialism. I am opposed to any plan or any policy repugnant to or in any way antagonistic to the fundamental principles of our national existence. The Constitution is my guide, and the Declaration of Independence the lamp that illumines my path. I am opposed to injustice, to militarism, to imperialism, and to industrial slavery here or anywhere else, at home or in our islands of the sea; and wherever our flag floats, in the Pacific or in the Atlantic, in the States or in the Territories, I want the Constitution to be there, guaranteeing to every human being liberty, equality, justice, and every right of an American citizen. [Applause on the Democratic side.]

Mr. Chairman, this is all I desire to say at this time regarding the provisions of this bill. I shall vote for the amendments, and if they be adopted, I shall vote for this bill. But in connection with my remarks on this matter and some remarks I made a short time ago I wish to print in the RECORD some data in relation thereto that may be of interest to some of the thinking people of this country.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] asks unanimous consent to print in the RECORD some data in connection with his remarks. Is there objection? [After a pause.] The Chair hears none.

HON. W. J. BRYAN ON IMPERIALISM—JEFFERSON VS. IMPERIALISM.

The advocates of imperialism have sought to support their position by appealing to the authority of Jefferson. Of all the statesmen who have ever lived Jefferson was the one most hostile to the doctrines embodied in the demand for a European colonial policy.

Imperialism as it now presents itself embraces four distinct propositions:

1. That the acquisition of territory by conquest is right.
2. That the acquisition of remote territory is desirable.
3. That the doctrine that governments derive their just powers from the consent of the governed is unsound.
4. That people can be wisely governed by aliens.

To all these propositions Jefferson was emphatically opposed. In a letter to William Short, written in 1791, he said:

"If there be one principle more deeply written than any other in the mind of every American, it is that we should have nothing to do with conquest."

Could he be more explicit? Here we have a clear and strong denunciation of the doctrine that territory should be acquired by force. If it is said that we have outgrown the ideas of the fathers, it may be observed that the doctrine laid down by Jefferson was reiterated only a few years ago by no less a Republican than James G. Blaine. All remember the enthusiasm with which he entered into the work of bringing the republics of North and South America into close and cordial relations. Some, however, may have forgotten the resolutions introduced by him at the conference held in 1890, and approved by the commissioners present. They are as follows:

"First. That the principle of conquest shall not during the continuance of the treaty of arbitration be recognized as admissible under American public law.

"Second. That all cessions of territory made during the continuance of the treaty of arbitration shall be void if made under threats of war or in the presence of an armed force.

"Third. Any nation from which such cessions shall be exacted may demand that the validity of the cessions so made shall be submitted to arbitration.

"Fourth. Any renunciation of the right to arbitration made under the conditions named in the second section shall be null and void."

If the principle of conquest is right, why should it be denied a place in American public law? So objectionable is the theory of acquisition of territory by conquest that the nation which suffers such injustice can, according to the resolutions, recover by arbitration the land ceded in the presence of an armed force. So abhorrent is it that a waiver of arbitration made under such circumstances is null and void. While the resolutions were only for the consideration of the American republics, the principle therein stated can not be limited by latitude or longitude.

But this is a time of great and rapid changes, and some may even look upon Blaine's official acts as ancient history.

If so, let it be remembered that President McKinley only a year ago (December 6, 1897), in a message to Congress discussing the Cuban situation, said:

"I speak not of forcible annexation, for that is not to be thought of. That, by our code of morality, would be criminal aggression."

And yet some are now thinking of that which was then "not to be thought of." Policy may change, but does a "code of morality" change. In his recent speech at Savannah Secretary Gage, in defending the new policy of the Administration, suggested that "philanthropy and 5 per cent" may go hand in hand. Surely we know not what a day may bring forth, if in so short a time "criminal aggression" can be transformed into "philanthropy and 5 per cent." What beauty, what riches, the isles of the Pacific must possess if they can tempt our people to abandon not only the traditions of a century, but our standard of national morality! What visions of national greatness the Philippines must arouse if the very sight of them can lead our country to vie with the monarchies of the Old World in the extension of sovereignty by force.

Jefferson has been called an expansionist, but our opponents will search in vain for a single instance where he advocated the acquisition of remote territory. On the contrary, he expressly disclaimed any desire for land outside of the North American continent. That he looked forward to the annexation of Cuba is well known, but in a letter to President Monroe, dated June 23, 1823, he suggested that we should be in readiness to receive Cuba "when solicited by herself." To him Cuba was desirable only because of the island's close proximity to the United States. Thinking that some one might use the annexation of Cuba as a precedent for indefinite expansion, he said, in a letter to President Madison, dated April 27, 1809:

"It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions," but, he added, "Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it."

In the same letter, speaking of the possible acquisition of that island, he said:

"I would immediately erect a column on the southernmost limit of Cuba and inscribe on it a ne plus ultra as to us in that direction."

It may be argued that Jefferson was wrong in asserting that we should confine our possessions to the North American continent, but certainly no one can truthfully quote him as an authority for excursions into the Eastern Hemisphere. If he was unwilling to go farther south than Cuba, even in the Western Hemisphere, would he be likely to look with favor upon colonies in the Orient?

If the authority of Jefferson can not be invoked to support the acquisition of remote territory, much less can his great name be used to excuse a colonial policy which denies to the people the right to govern themselves. When he suggested an inscription for his monument, he did not enumerate the honors which he had received, though no American had been more highly honored; he only asked to be remembered for what he had done, and he named the writing of the Declaration of Independence as the greatest of his deeds. In that memorable document he declared it a self-evident truth that governments derive their just powers from the consent of the governed. The defense and development of that doctrine was his special care. His writings abound with expressions showing his devotion to that doctrine and his solicitude for it.

He preached it in the enthusiasm of his youth; he reiterated it when he reached the age of maturity; he crowned it with benedictions in his old age. Who will say that, if living, he would jeopardize it to-day by engrafting upon it the doctrine of government by external force.

Upon the fourth proposition Jefferson is no less explicit. Now, when some are suggesting the wisdom of a military government for the Philippines, or a colonial system such as England administers in India, it will not be out of place to refer to the manner in which Jefferson viewed the inability of aliens to prescribe laws and administer government. In 1817 a French society was formed for the purpose of settling upon a tract of land near the Tombigbee River. Jefferson was invited to formulate laws and regulations for the society. On the 16th of January of that year he wrote from Monticello expressing his high appreciation of the confidence expressed in him, but

declining to undertake the task. The reasons he gave are well worth considering at this time. After wishing them great happiness in their undertaking, he said:

"The laws, however, which must effect this must flow from their own habits, their own feelings, and the resources of their own minds. No stranger to these could possibly propose regulations adapted to them. Every people have their own particular habits, ways of thinking, manners, etc., which have grown up with them from their infancy, are become a part of their nature, and to which the regulations which are to make them happy must be accommodated. No member of a foreign country can have a sufficient sympathy with these. The institutions of Lycurgus, for example, would not have suited Athens, nor those of Solon, Lacedæmon. The organizations of Locke were impracticable for Carolina, and those of Rosseau for Poland. Turning inwardly on myself from these eminent illustrations of the truth of my observation, I feel all the presumption it would manifest should I undertake to do what this respectable society is alone qualified to do suitably for itself."

The alien may possess greater intelligence and greater strength, but he lacks the sympathy for, and the identification with, the people. We have only to recall the grievances enumerated in the Declaration of Independence to learn how an ocean may dilute justice and how the cry of the oppressed can be silenced by distance. And yet the inhabitants of the colonies were the descendants of Englishmen—blood of their blood and bone of their bone. Shall we be more considerate of subjects farther away from us, and differing from us in color, race, and tongue, than the English were of their own offspring?

Modest Jefferson! He had been governor, ambassador to France, Vice-President, and President; he was ripe in experience and crowned with honors; but this modern lawgiver, this immortal genius, hesitated to suggest laws for a people with whose habits, customs, and methods of thought he was unfamiliar. And yet the imperialists of to-day, intoxicated by a taste of blood, are rash enough to enter upon the government of the Filipinos, confident of the nation's ability to compel obedience, even if it can not earn gratitude or win affection. Plutarch said that men entertained three sentiments concerning the ancient gods: They feared them for their strength, admired them for their wisdom, and loved them for their justice. Jefferson taught the doctrine that governments should win the love of men. What shall be the ambition of our nation; to be loved because it is just or to be feared because it is strong?

[From Buffalo Times, March 27, 1900.]

THE UNPROTECTED NORTHERN FRONTIER.

The Times's editorial on the Sulzer resolution of inquiry was timely and important. It touched a subject that can not be much longer ignored. Our Canadian border has not received the attention that its importance demands. It is defended by one little insignificant steamer, the *Michigan*, which is the only guardian of our vast and varied commerce. Along the shores of these lakes are located the largest cities of the country outside the great metropolis. In these cities are located vast industries, palatial private residences, magnificent public buildings, and untold wealth.

The rapid growth of the lake commerce and its present stupendous proportions constitute one of the wonders of American commercial history. Some idea of the lake traffic may be formed from the statement that the aggregate entrances and clearances in 1898 for Buffalo alone numbered 11,265. For the entire Great Lakes the figures are far in excess of those for New York and of the entire seaboard of the United States. The tonnage has more than doubled itself in the last ten years. Some 75,000 miles of railway terminate on these lakes, and millions of tons of freight are moved annually. The tonnage passing Detroit River during the two hundred and thirty-four days of navigation is more than the entrances and clearances of all the seaports of the United States. It is more than the combined foreign and coastwise shipping of Liverpool and London. More business is done on this body of water than passes through the great Suez Canal. In our Great Lakes is one-half of the fresh water of the world.

Comparisons give a clearer idea of the enormous traffic than mere figures can. The damage that might be inflicted by a single *Alabama* or *Shenandoah* is incalculable.

And to protect this vast commerce there is only the *Michigan*, which has been aptly characterized the "Noah's Ark of the Navy." She is a side-wheeler and is classed as a fourth-rate cruiser. Her speed is about 11 knots an hour, less than half that of some of our salt-water cruisers. She is rated at 582 tons and has a length of 163 feet and a draft of 9 feet. She has been on the lakes since 1843, and is about as up to-date as the frigate *Constitution*. She has a main battery of four 30-pound breech-loading rifles, a secondary battery of three 3-inch Hotchkiss rapid-fire guns, and a couple of Gatlings. Her regular crew consists of about 100 officers and seamen, and a few marines. She is almost as medieval and about as effective as the old stone fort on Mackinac Island would be in a sparring match with modern harbor fortifications.

The treaty of 1817 between the United States and Great Britain is responsible for this state of affairs. It provides that but a single armed vessel shall be maintained by either Government upon the Great Lakes.

The United States Government has rigidly adhered not only to the letter but to the spirit of this treaty. Great Britain, however, has not been so scrupulous in this respect.

Attention has frequently been called to the revenue cutters built by the Canadian Government. They are denominated "revenue cutters," but compared with the old-fashioned armed vessels upon the lakes they are to all intents and purposes armed cruisers. The *Constance* and others of a like character, ostensibly designed for the purpose of preventing smuggling on the Lower St. Lawrence and to protect the fisheries of Georgian Bay and Nova Scotia, are said to be quite within the limits of the treaty. But they would, nevertheless, prove formidable foes to unarmed merchant vessels. There is nothing like them in the service of the United States Government. Should hostilities break out between this country and England these innocent-looking "revenue cutters" would soon become formidable instruments of destruction, and the commerce of the lakes would be at their mercy long before our Government could construct anything that would stand a ghost of a chance against them.

The land defenses are in equally as bad a condition. Beyond a little patching done at Fort Niagara, no attempt has been made to make them better. They consist of five antiquated forts. They were built many years ago for the protection of certain important strategic and commercial points on Lakes Ontario and Erie, at the mouth of the Detroit River, and by the outlet of Lake Champlain. Never completed, they are to-day useless.

Fort Ontario, which was commenced in 1839, stands on the south side of the lake, from which it takes its name, and is at the mouth of the Oswego River. It is a bastioned work, pentagonal in shape, with one front facing the lake, one the river, and three sides facing the land. It has no armament and no preparations for any except in the flank casemates. It can secure Oswego against bombardment neither from the lake nor land.

Fort Niagara was also begun in 1839 and is built at the mouth of the Niagara River, on the south side of Lake Ontario, and at a distance of 40 miles east of its western extremity. It is an irregular work, having one strong land front running nearly north and south from Lake Ontario at its northern extremity nearly to Niagara River at its southern. It contains two masonry blockhouses, built by the French about the year 1757, and other buildings commenced by the French and finished by the English after it was captured during the French and Indian war. The work has no armament nor gun platforms and is garrisoned by companies living in quarters outside the fort.

Fort Porter, as all Buffalonians know, is a picturesque pile, which is more useful to artists than for purposes of defense. It has been officially pronounced useless for defense, and the authorities of this city were authorized by act of Congress to improve and beautify the grounds in connection with the public park laid out on lands adjoining. Fort Porter was begun in 1842. It consists of a square stone tower, which was nearly destroyed by fire many years ago. It is also watched by a company living outside the fort.

Fort Wayne is situated on the west bank of the Detroit River, which it commands. It is on a high, sandy bluff. It was commenced in 1841 and is a square bastioned work with a detached parapet on the curtains and faces an unfinished demilune on the water, and unfinished water batteries upon the up and down stream sides. Its only armament consists of guns of antiquated patterns, many of which are dismounted. It also has eight 12-pound brass guns, which are principally used at reveille, retreat, and on the Fourth of July. An attempt was begun in 1863 to reconstruct the fort, but after dragging its slow length along for seven years the work was discontinued.

About 450 miles from Detroit and commanding the entrance to Lake Superior stands Fort Mackinac, on the island of that name, which is a strong position, but consists only of old palisades and wooden houses of Indian days.

Fort Montgomery, at Rouse Point, is a casemated work which was begun in 1841. It occupies a point of great importance and theoretically commands the entrance to Lake Champlain from the Richelieu or St. John River. If armed with suitable guns, it might bar the passage of a hostile squadron up the Lakes, but its main use would be as a fortified base and storehouse for an invading army moving on the Champlain line of operations across the Canadian border.

Now, how is Canada situated? For many miles from the mouth of the St. Lawrence both banks are Canadian soil. England possesses an enormous fleet of gunboats and torpedo boats that could easily get into the lakes and attack the defenseless points; for, of course, in case of war the treaty of 1817 would be torn into thousands of pieces. The Welland Canal, through which any vessel not drawing more than 14 feet can pass, was constructed around the falls as much from a strategic as a commercial point of view, for English statesmen saw that by means of it they would at one blow sweep American commerce off the lakes.

We have no canal going around the falls. The Welland Canal practically opens the whole chain of lakes to English seagoing ships.

Such is the condition of affairs existing to-day on our northeastern border. We are as dilatory and negligent respecting our northwestern border. While the Government of the United States has been asleep, England has been wide awake to the future possibilities and contingencies, and in time of peace has been getting in shape for war.

EVERETT SPRING.

THE ALLEGED EUROPEAN COALITION AGAINST THE UNITED STATES DURING THE SPANISH-AMERICAN WAR.

[By T. St. John Gaffney.]

During the late war and since its close dispatches regarding England's attitude toward the United States have been constantly appearing in a large number of British and American newspapers. These dispatches were sent out with the view of creating the impression that France, Germany, and Russia were ready to intervene in the interest of Spain, and were held in check only by the knowledge that England would array herself on our side in the event of such a contingency.

Acting on the theory that a lie, if told often enough, will in the end do duty for the truth, a small but noisy group of Americans are constantly referring to these statements in support of their contention that out of pure gratitude we should support England's position in South Africa, become her ally, and relieve the tension of her present isolated situation in Europe.

A great deal of maudlin sentimentality has been uttered since the beginning of this pro-British campaign in the United States, which has been anything but flattering to our national pride.

What has been the object, I ask, of this subserviency to a European power which has been always our consistent and untiring enemy? Why should American citizens be so anxious to credit England with a part in our victories during the late war and attribute to her moral support the achievements of our Army and Navy? How insufferably truckling in spirit appear citizens who make use of a statement, branded time and again by the highest authorities as a falsehood, which has the effect of exhibiting their country before the world as a protected weakling.

It is my intention in this article to show that this so called coalition was not of continental but of English manufacture; that it found its origin in papers notoriously under the control of the British foreign office, for the purpose of working an unscrupulous imposture upon the credulity of the American people.

This fact I will prove by the unanimous voice of the ambassadors of the powers directly concerned, by the statement of our Secretary of State, John Hay, and also by the reiterated statements of our own ambassadors accredited at Paris, Berlin, and St. Petersburg. I will show that at no time during the war with Spain did England decline to join the other powers in a move for intervention. I will show that no such action on the part of Great Britain ever took place, and that the impeachment of the continued friendliness of the other powers is due to a carefully planned conspiracy of the pro-English news agencies. At no time was there a purpose on the part of the great powers to interpose against the United States, so that there was never an occasion for such a demonstration of English friendship as has been so assiduously presented. The story, although very widely circulated and generally accepted as a fact, is nothing less than a pure fabrication, and for the truth of history, as well as for the removal of the groundless reflection upon the attitude of the European powers, it should no longer be accepted as a part of the records of the war.

The ambassadors and the other high authorities I quote do not give merely their personal opinions, but the facts learned during their visits to Paris, Berlin, and St. Petersburg.

I feel that it is but simple justice to these powers that the consistent friendship they maintained to the United States throughout every period of the war, and continue to maintain toward this Government, should not be obscured by the fiction as to the exceptional friendship of the Government of Her Britannic Majesty.

Upon the outbreak of the late war England set to work the springs of her journalistic machinery in the European capitals to prejudice continental opinion against the United States. At the same time, in order to fan the flame of whatever disaffection existed toward America, she insidiously spread rumors of an understanding between Washington and London.

The leading correspondents at the European capitals are Englishmen, and most of the news passes through London to America. The correspondents were instructed to carefully select for transmission here the utterances of

the most rabid anti-American newspapers, papers which have always had the reputation of being suspiciously close to the English foreign office. This journalistic campaign is an old trick of John Bull, and has been frequently worked before, but in no case so flagrantly or so successfully as during the Hispano-American war.

Every ridiculous canard cabled from London purporting to represent continental opinion was published here with startling headlines, while the views of reputable newspapers were hidden away in the most obscure corner. Our papers seem to have fallen into the trap so cleverly laid, and joined with eagerness in the British campaign of palaver, buncombe, and hypocrisy.

The Literary Digest, an impartial review of the newspapers of the world, said, upon this point, during the early stages of the war:

"Owing to the want of a direct cable, the news from America to Germany, and vice versa, passes through English hands, and the Germans accuse the British of making unfair use of this advantage."

This fraud and cheat upon the public mind early showed its fruit, because continental criticisms of the United States increased in direct ratio to the wave of manufactured English emotion in our behalf.

Responsible papers in Germany and France were not inimical to the United States. During the second month of the war cable dispatches appeared in the New York Herald which seemed to indicate that England's game was being seen through. I quote from an editorial in that paper, which was forced to admit that the origin of continental hostility to America was mainly attributed to the British agencies. The Herald says:

"The fact is noted that England is accused of having incited the present unpleasant feeling between France and the United States, and it is curiously significant that the German press—as noted in a special cable dispatch from Berlin to the Herald this morning—similarly charges the correspondent of the English newspapers with inciting antipathy between Germany and the United States."

The special Berlin correspondent of the New York Journal says:

"Diplomats here emphatically express their irritation over the persistent reports, emanating from English sources, of strained German-American relations."

Mme. MacGahan, the well-known Russian correspondent, says:

"In this present instance the Vienna agencies are obviously working in concert with similar agencies in London with a view to convincing the United States that they have not a friend on earth save England. But what use has the United States of anybody's friendship in the present emergency?"

Finally, let me say that the correspondents of London papers here continually cabled to the Continent every article hostile to Russia, France, and Germany for the purpose of arousing irritation against us in those countries. When we recall the insulting and abusive attitude of a large element of the American press against these powers during the Spanish war we should not wonder that there is a bitter feeling in some parts of Europe against us. The marvel is that it is not stronger.

THE ATTITUDE OF FRANCE.

France, it was said, assumed the initiative looking for a concerted action of the powers, and because Spain placed her interests and subjects under the protection of the diplomatic and consular agents of that Government, additional color seemed to be lent to the fiction.

But what was the attitude of the late lamented President, of M. Cambon, the Franch ambassador to this country, and M. Hanotaux, the then minister of foreign affairs, during the period of these alleged continental negotiations? We have the authority of our ambassador, Gen. Horace Porter, in interviews, public addresses, and communications to this Government, that France adhered to the strict line of neutrality and that reports to the contrary were malicious fabrications. In regard to the alleged coalition, M. Cambon and M. Hanotaux, as well as General Porter, denied in the most unqualified terms any knowledge of such a proceeding. President McKinley has been outspoken in his commendation of M. Cambon for the tact, delicacy, and wisdom with which he handled the difficult negotiations during the war, and leading up to the signing of the protocol.

Upon his return from the preliminary meeting of the Venezuelan arbitration committee in Paris, Mr. Justice Brewer was interviewed.

"From the public men I have met in France," he said, "and from others, I have heard nothing but the most cordial feeling expressed toward the United States. So far as I have been able to judge from my visit the French are quite as friendly toward the United States as the English."

Le Clair, one of the chief journals in Paris, discussing England's relations with American affairs, and the unfriendly attitude of the United States toward Germany, throws the responsibility on the English press saying:

"We know the experience of the London papers and postmasters in this kind of work and can not forget that in the beginning of the Hispano-American war we also were the victims of the misleading information of these sheets, whose lies and calumnies almost succeeded in deceiving the American public opinion. At the present moment Germany is the victim of British journalism, which ably seconds the foreign office's efforts to embroil the United States with European powers for the purpose of associating more closely America and England."

The aftermath of this propaganda of slander and deception is seen by the views given in the Herald by a French diplomat. The New York Herald says, under date of January 16:

"A distinguished French diplomat, who has given careful study to the history and political economy of the United States, this morning gave his explanation of the French state of mind on the subject.

"If France were convinced," he said, "that the United States had an independent policy of its own, it would applaud; but the French see in America only a docile pupil of Great Britain. We should like to see the seas divided, not united, under the Anglo-Saxon flags against the world; and that is why thoughtful Frenchmen regret that the United States should quit its isolation of the days of Washington."

THE ATTITUDE OF GERMANY.

Germany was the victim of the news bureaus of England for a considerable time during the war, and for that reason I shall discuss her attitude toward us at greater length.

In the memorable debate which took place upon this subject in the Reichstag Herr von Bulow, the imperial secretary of state for foreign affairs, directed attention to the relations of amity which have existed for upward of a century between Prussia and this Government.

During our Revolution Frederick the Great refused to permit the passage of the Hessians hired by George III through his dominions, and he was one of the first European sovereigns to recognize the independence of the American colonies.

He was also one of the chief promoters of the League of Neutrals, formed by the northern powers to apply pressure upon the British Government to sign the peace of 1783. During the rebellion, when Louis Napoleon tried to bring about a joint intervention on behalf of the Confederacy, Prussia and the other German States made no secret of their friendship for the United States, and German capitalists subscribed for large quantities of our bonds at a time when the people of Great Britain were lending money to the seceding States. During the Commune of 1870-71 Germany placed the lives and property of her subjects located in France under the protection of our representatives.

In addition to such proofs of amity we have 20,000,000 people of German extraction in our Republic, a far larger number than belong to the mythical Anglo-Saxon race.

During the early weeks of the war, owing to the persistent attacks inspired by British influences, appearing in a section of the American press upon the German Government, Herr von Holleben, the German ambassador, called twice upon the President and protested against the systematic impeachment of the good faith of his Government. This unusual departure in diplomatic procedure was subsequently repeated on more than one occasion during the later developments of the war, and at each visit President McKinley warmly assured Dr. Von Holleben that he and his Cabinet were perfectly satisfied with the attitude of Germany, and were not at all influenced by the irresponsible utterances of the sensational and subsidized press upon both sides of the Atlantic.

The Hon. Andrew D. White, our ambassador to the court of Emperor William, had peculiar facilities for discovering the feeling of the Kaiser's Government, and in notable speeches delivered in Leipzig and Berlin he vigorously denounced the statements appearing in certain newspapers as absolutely baseless. He was equally emphatic in his declaration that no combination, organized or individual, had been attempted by any continental government for the purpose of interfering with or neutralizing the force of the United States' position in the Hispano American war.

So bitterly were the attacks upon Germany by American newspapers and public men resented by the American colony in Munich that they held a meeting on January 24, 1899, and denounced the anti-German expressions used in the press and House of Representatives. It was decided at this meeting to draw up a protest and send it to the Government at Washington, accompanied by a declaration that no animosity against America existed in Germany.

The Neuster Nachrichten, in commenting upon this protest, expressed a deep sense of its regret that the credulity of the American people should be exploited to such an extent by the sensational press and Anglomaniacs of the United States.

The Kolnische Zeitung, in its issue of January 30, 1899, commenting upon the assertion of General Woodford that Continental Europe was ready to interfere with the plans of the United States except for England, said: "The idea that there was any European anti-American coalition is a mere figment of the imagination. Certainly Germany, France, and Russia, from the very outset of complications, resolved to maintain the strictest neutrality."

Finally we have had the debate in the Reichstag, to which I have previously alluded, in which the members of all political parties vied with one another, and with the ministers of the Government, in expressing good will and friendliness toward our Government and our country.

There is no doubt that Admiral Von Diederichs in the Philippines displayed a want of tact and an officiousness that was altogether unnecessary, but the moment the Kaiser was made aware of the situation he relieved him of his command and substituted his own brother, Prince Henry. What further reparation could the German Emperor have made?

RUSSIA'S POSITION.

And now I shall discuss the attitude of Russia.

Not once, but several times has Count Cassini, the Russian ambassador, denounced the fiction of the so-called European concert. I quote from his latest interview, held at the Russian embassy, in Washington, on November 12, 1898. The ambassador, after a vigorous protest against the foreign-interference lie, which the English press and the Anglo-American alliance promoters had been using to further their scheme, continued:

"At no time was there a purpose on the part of the great powers to intervene against the United States. No appeal by Spain to limit the claims of the United States has been made to Russia or to other foreign governments.

"America needs not the friendship of England to become a great power. She is a great power. England needs the friendship of America—that is why she speaks as she does now. England wants America to help her to her schemes, and America will not let herself be used, I am sure. During your war with Spain, though the contrary has been urged, yet I know as a fact that at no time was there any purpose of the powers to check America's plans or advances upon the Philippines.

"England did not refuse to join for intervention, because I say that no one wished to intervene."

Count Cassini is corroborated by no less an authority than our ambassador at the court of the Czar during the Spanish war, the Hon. Ethan Allen Hitchcock, who at present holds a portfolio in the Cabinet of President McKinley.

In an interview had with him by a representative of the Associated Press, Mr. Hitchcock denounced emphatically the stories current since the beginning of the Hispano-American war, that Russia was a member of a coalition of continental powers which would have intervened in the dispute had not England refused to join them.

"These stories are utterly unfounded," said Mr. Hitchcock. "There has never been a single item of proof produced to substantiate them, and, on the contrary, Russia has been most friendly toward the United States and has manifested that friendship during the past years in many ways, of which my position forbids me to speak."

"In the North American Review for March there is an article from General Alger, in which the following appears: 'Two years ago, when under the not too friendly observation of some of the great powers we were discharging our duty as the guardian of liberty and humanity in the Western Hemisphere, Great Britain stood conspicuous among the nations as our friend. Nor was her cordial sympathy valueless. She remained strictly neutral, but her whole attitude toward us was so unmistakably friendly that its influence in preventing what might have occurred in the way of European intervention will never be capable of full measurement.'"

This statement from the late Secretary of War was immediately challenged by numerous members of the general public, and to correct misapprehension General Alger has been compelled to dictate a statement to the press, explaining what he meant.

"The British Government," he says, "so far as I know, never did anything actually to warrant my statement. We knew of their friendship to us by that which perhaps can not be expressed in words. It was a feeling that if any trouble should arise by reason of an appeal by Spain for the powers to aid her the British Government would not permit us to be embarrassed. I state distinctly that there was no evidence of any attitude of the sort on their part; that it was a belief. I would not say the matter was discussed in the Cabinet meetings. I am simply giving my own impressions and my firm belief. I have simply spoken for myself."

Is it any wonder that a well-known continental diplomatist should make the following observation: "Of all the goose food that has ever been distributed that of Great Britain's alleged protection of the United States against a European coalition is by far the most ridiculous."

The Hon. John W. Bookwalter, formerly governor of Ohio, a brilliant man

of affairs and ideas, was in Russia during the war and was allowed to go everywhere, to see everything, and to take any number of photographs.

"The United States will commit a woeful mistake," he said, "if they fail to retain the friendship of Russia, the great world power of the future. Everywhere I found the kindest, most friendly feeling toward America, and heard everywhere expressions of satisfaction over America's success in our war with Spain. Wherever I went everything was thrown open to me simply because I was an American. I distrust the friendship of England, and advise above all the cultivation of friendship with France, Germany, and Russia."

I have reserved until now what is possibly the highest corroborative testimony I have quoted upon this subject, the testimony of a man who above all others should have been acquainted with the sinister intentions of the powers and the friendly spirit of the Government of the octogenarian sovereign of England.

I refer to an interview with Col. John Hay, our ambassador to the Court of St. James during the Spanish war and our present Secretary of State. Upon his arrival in this country the following categorical question was asked Colonel Hay, and I give both question and answer verbatim from the New York World of September 22, 1898:

"Q. You mean to state positively that there was no combined or individual attempt on the part of Germany, France, or Russia to humiliate the United States by taking sides with Spain?

"A. I certainly do. Nothing of the kind occurred."

About the same time, in the leading newspapers of America, appeared an interview with William T. Stead, the well-known British journalist, whose opportunities for diplomatic information on the Continent are well recognized.

Speaking of the alleged combination of the powers, he said: "I am afraid I shall have to prick this bubble, much as I should desire England to have assumed the position so generally attributed to her. She did not have the chance to do so, as no attempt was made by any of the powers to interfere with the United States. This fact I have learned by inquiries at the foreign offices in Paris, London, and Berlin; and men of all parties disavow the whole story."

Henry Labouchere, M. P., the editor of London Truth, and other British journalists of distinction have frequently ridiculed the story.

Against this weight of testimony nothing has been advanced by the believers in this mythical coalition of the powers but an anonymous article which appeared in a second-rate London publication called the National Review. This magazine is edited by a Captain Maxse. It is generally believed in the United States that the article was inspired, if not written, by an Englishman named A. Maurice Low, who has had some connection in Washington with English and American newspapers for some time past. Mr. Low is an avowed and militant supporter of an Anglo-American alliance and is a firm believer in the new-fangled notion that the Anglo-Saxon race must rule the world.

The proof of the pudding lies in the eating, and the best index of English opinion, private and governmental, may be found in contemporary British newspapers and magazines. Let me append a few extracts from the representative English journals during the Spanish war.

Here is fraternity from the St. James Gazette:

"If American intervention goes farther now in an aggressive, insulting attack upon the mere existence of European sovereignty over the island, our sense of justice compels us to sympathize with Spain, and a straitwaistcoat would seem to be a useful article for outside powers to provide for a country which, like Greece in the Cretan question, wanted to bite off more than it could chew without any consideration for the disturbance of other people's interests."

Here is "Hands across the sea," from the amiable Saturday Review:

"We are told that America represents the cause of civilization, humanity, progress, while Spain represents mediæval barbarism and cruelty. We should like a little better evidence of the proposition. In Cuba itself there is anarchy and devastation, but we do not know that the invasion of the island by American filibusters and carpetbaggers will constitute an improvement. * * * Wipe out both countries and their achievements to-morrow, and which of them would be mourned by civilization? Should we miss most the oil and the corn and the iron and the pigs, or the poetry of Calderon, the art of Velasquez, the immortal fiction of Cervantes? All these would be regarded as 'back numbers' in New York or Chicago, but the world will remember them; and what will it care to remember about America?"

April 28, 1898, the New York Herald had this from London:

"The trend of English sentiment toward Spain is becoming so pronounced as to be a generally recognized fact. All resident Americans, even American diplomats, are compelled to admit it. Although the Government's friendly attitude is unchanged, it is questioned whether a majority in Parliament is not now Spanish in its sympathies, although a week ago practically unanimously partisan for the United States.

"A straw indicating the direction of the wind is shown at a popular music hall in London, where nightly pictures of the American and Spanish war ships are shown by the kinetoscope. The American war ships are only moderately applauded: the Spanish most enthusiastically."

During the first week of the war the Literary Digest analyzed the situation in the following language:

"The majority of British comment is adverse, though it is admitted the Britons can not well refuse to side with us as a people speaking the same language. The Home News, London, thinks 'it must be confessed that the general sense of England is that Spain in this particular crisis is entitled to considerable sympathy. If Spain sins in misgovernment, the United States offends in its absurd pretentions to control the fortunes of the whole American continent.'"

Then follows a quotation from the St. James Gazette:

"But there are ways of doing things; there are decencies to be observed; and our American friends must permit us to point out that they have, when it was possible, done everything in the wrong way and failed to observe the decencies. They have conducted their diplomacy as they conduct their party struggles—by loud talk, by threatening, by exaggeration, by 'bluff.'"

On April 30, the day before Dewey destroyed the Spanish fleet at Manila, the special correspondent of the New York World cabled his paper as follows:

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[Special cable dispatch to The World.]

"LONDON, *April 30.*

"There is no strong sympathy with the United States here beyond a certain limited circle of advanced radicals. The bulk of feeling is hostile to the extent of desiring that the United States may find the subjugation of Cuba a tougher job than she expects.

"Certain newspapers, like the Chronicle and Daily Mail, are endeavoring to evoke friendly sentiment for America, but the bulk of even the Liberal press is decidedly tepid in its sympathy, while the Tory press is either coldly critical or actually hostile.

"Although it would eminently suit the exigencies of the present government, in view of the threatening aspect of affairs in the Far East, to countenance the idea of a rapprochement between England and the United States, the ministers have found so overwhelming the mass of feeling among their own supporters in favor of an observance of the strictest neutrality that any friendly tendency on their part has been completely arrested.

"Any observer who mixes among Englishmen representative of the different classes can not fail to be struck by the almost total absence of any spontaneous manifestation of good will toward the United States in the present contest. Whether the progress of the war will produce any change remains to be seen, but that is the actual existing state of feeling."

The New York Tribune is one of the most offensive English papers published in the United States. Yet here is its view of English feeling three weeks after the Manila victory. I quote from an article by its special correspondent in London, who is an undisguised Anglomaniac. In the Tribune of May 22, 1898, he says:

"One hostile quarter is Oxford. I have learned from a trustworthy source that only two or three of the influential educators there are in sympathy with the United States. The dons and students by an immense majority are hostile critics of American institutions, and are outspoken in their hope that Spain will administer a large measure of discipline to inflated American pride.

"Another stronghold of anti-American feeling is the West End of London. Especially is this true of the exclusive and 'smart' sets, whose prejudices and sympathies are against everything American.

"There is also a disposition, especially among merchants and lawyers, to regard America as a spoiled child, who needs the restraints of persistent snubbing and a long-deferred whipping. There is more of this feeling in England than Americans can well imagine."

The special London correspondent of the New York Sun cables his paper on the same date:

"There is no longer any doubt that Spain has obtained at least temporary financial relief and is now spending money quite freely, a large part of this being disbursed by the Spanish commission which has its headquarters in London.

"Indeed, the chief source of Spanish supplies is English, and most of the arrangements for recoaling and revictualing Cervera's fleet were made in London. Agents here have made arrangements for getting coal aboard the Spanish fleets from several points in the West Indies, and especially from a Venezuelan port. Large quantities of explosives have been shipped recently from English ports to Cadiz via French ports."

A correspondent writing from London, in the Mail and Express, at the same time, says:

"It is impossible for anybody living in the heart of London, and moving in every direction as I do, not to be aware that there is a strong popular feeling for the cause of Spain. Personally I have no belief in any intense affection between this country and the United States. All the chatter about cousinhood and brotherhood and blood is the merest cant.

"I suppose there may be about 5 to 10 per cent of the American population of English descent, and as a nation they use the English language, which they speak and spell in a most unsavory fashion; but the masses who elect Congressmen and Presidents are all of foreign extraction. Though necessarily civil to us for the moment, they are not our friends; and should they succeed in their present enterprise, we shall soon be made aware of the fact in disputes over West Indian matters and nastiness about the Alaskan boundary."

On May 25 the Associated Press cabled the following to the United States:

"LONDON, *May 25.*

"In the newpapers to-day there are several striking instances of anti-American feeling. While the majority of the papers allude with pleasure to the references to the Queen in yesterday's celebrations at New York and Tampa, the Morning Post has allowed to appear in its columns a violent denunciation of the United States, from the Hon. Stuart Erskine, a brother of Baron Erskine, who alludes to America's 'present immoral warfare against Spain,' and asserts that the sentiment of the country which is worth having is for Spain.

"The fund being raised by the Countess Valencia, wife of the former Spanish ambassador here, for the relief of the Spanish wounded, has received several important aristocratic additions, including gifts from Lady Clanwilliam and the Duke of Wellington, who sent $500.

"The Saturday Review pursues its attacks upon America, and the following extract will indicate the tone of its comments: 'American action unfortunately suggests the attitude of a huge and boastful bully attacking an effete but gentlemanly old roué, with whom one can not help sympathizing, especially when the bully, not content with thrashing his feeble old opponent and stripping him of his valuables, bellows out with tears and protestations that he does it unwillingly and with the highest moral purpose.'"

So bitter was the feeling at this time against our country in England that even Joseph Cowen, the radical leader, denounced us in his paper, the Newcastle Chronicle, as "brutal."

"COMMON LANGUAGE AND SAME LITERATURE."

In another article the Saturday Review says:

"It is a question of manners. We are all disgusted with those raw, vulgar, blatant Americans, who scour Europe in search of their self-respect and can not conduct a mere legal case with decency."

Here is a Scottish view:

"UNION OF HEARTS."

The Edinburgh News says: "The Yankee is thirsting for blood. He will perhaps get more of it than he bargains for before he is done with the Cuban business."

The Newcastle Chronicle admits that Spain is fighting for her own, whether she was successful in managing Cuba or not.

OUR "KITH AND KIN" IN CANADA.

In Saturday Night, Toronto, several columns are filled with effusions like the following:

"We do not care to be made to feel that only their Christianity and humanitarianism prevent the Yankee mob from making a light lunch of us. In the squares before the New York newspaper offices, where thousands read with swelling pride news of the capture of a wood scow, one felt the strength of the terrible predatory instinct of a people who worship money, conquest, and an ability to crow as the owners of the earth. I admit that I was in a state of belligerency, and little as I care for Spain and her institutions I felt a prayer rising up from my heart to the great God of war, to the Lord of battles, to Him who supervises this universe, that in time, which sets all things even, the United States may be taught a lesson which it will never forget."

I quote the following interview which appeared in the New York Tribune last October:

"PICTURES OF PRESIDENT M'KINLEY AND AMERICAN WAR SHIPS HISSED IN LONDON MUSIC HALLS.

"J. W. Snell, of Toledo, Ohio, arrived from Europe yesterday, and is staying at the Gilsey House. When seen there he said: 'There is a marked contrast between the present manner in which the English treat Americans and that in which they treated them only a short time ago. I was in London in April, 1898, after war had been declared between this country and

Spain, and that England was not only unfriendly to us but also underestimated and was grossly ignorant of the strength and power of the United States was everywhere in evidence. The daily papers had, many of them, a distinctly hostile tone, and none of them a particularly friendly one. The yellow journals—for yellow journalism exists in England as well as in America—were publishing pictures representing the relative strength of the navies of the world. You know the sort, a huge ship representing Great Britain, then one considerably smaller representing France, etc. The United States came way down the list, with something that looked like a rowboat, while Spain was placed well above her. I went to a theater at this time, where they had a mutascope, or vitagraph or some other graph pictures, and there the hostility to America was marked. They showed a number of American and Spanish pictures, the first being received with chilly silence and the latter with applause; but the thing came to an end, in so far as I was concerned, when they hissed a picture of President McKinley, after wildly cheering one of the Queen Regent of Spain. That settled me and I left, but I heard afterwards that the American pictures had been withdrawn on account of their unpopularity.

"As soon as the English recovered their breath after our victories there was nothing too good for the Americans; they were blood kindred; they asked you to dinner and put you up at their clubs, and only to state in London at that time that you were an American was to insure yourself the best of good things without expense to yourself. For me, while I like the English, the contrast was too sudden, and I doubted the entire cordiality of the good-fellowship extended, when I remembered that only a short fortnight before I had sat in an English theater and heard an English audience hiss the portrait of the President of the United States of America."

While the President of the United States and our Navy were exposed to the insults and contempt of the English press and the London mob, the foremost journals of the fatherland upheld our policy; Germany's best newspapers showed scant sympathy with Spain.

To sustain the truth of this statement I refer to the files of the Frankfurter Zeitung; Weser Zeitung, Bremen; Neueste Nachrichten, Munich; Koelnische Zeitung; Berliner Tageblatt; Berliner Neueste Nachrichten, and many other newspapers of their class.

Blood is thicker than water, in the Saturday Review:

"The United States is socially sordid to the last degree; its courts and civil institutions are corrupt, and it has shown the world the depth of public depravity into which a civilization is capable of descending."

Our cousins in the country north of us spoke of us through the Hamilton Times in this appreciative spirit:

"While some Canadian papers show a disposition to play the lickspittle and try to curry favor with the organs of the bullies across the line, the war organs do not spare the feelings of Canadians in the least. Many of them openly boast that the war to capture Cuba and the Philippines is to be followed in due time by giving effect to the Monroe doctrine by seizing Canada, Jamaica, etc., a threat which quite naturally elicits notes of defiance."

The Literary Digest sums up British opinion as follows:

"Is England with us? That part of the British press which has proven itself most influential during the past few years certainly is not. Our sympathizers are the papers which promised to aid Armenia and backed Greece, The Daily Chronicle, Leader, Manchester Guardian, Advertiser, etc. Government organs like the Standard, sit on the fence. Confirmed Conservatives, such as the St. James Gazette, side openly with Spain. Journals which are compared by continental papers to our American 'Know-Nothing' press abuse us in the most unreserved manner, such, for instance, as the Saturday Review."

The Associated Press sent from London April 29, 1898, this:

"Individual opinion and the sympathies of a large majority of the British are undoubtedly anti-American. This is evident to everyone having any intercourse with the people."

These are samples only. The British papers even after Dewey's victory, as I have shown by quotations, teemed with sneers and abuse of America. It was only after the results of the war began to dawn on the brain of Britain and the colossus of the West began to loom up big and serene that the Government of England woke to the necessity of getting in out of the rain and of capturing America for an ally. Then began the propaganda of falsehood and imposture, the use of false telegrams, the fabrication of bogus conspiracies, the manufacture of a tender and effusive affection for the new, strong world power. Every British agency went to work with a will; banking and stock exchange agencies toiled nobly; the cables were heavy with taffy from London and laden with fabricated hatreds from Europe. Evidently England imagined that the ears of Americans were longer than their memories. She needs us now; she needs anybody she can get; let us be wise as strong and simply say, "John, your fraternity is beautiful and does you credit, but this is our busy day; we have troubles of our own; we are not in any alliance mood this week."

A brief time ago an article appeared in the New York Sun which intelligently and truthfully set forth our relations and those of Russia in the civilization and development of our respective hemispheres. If of late our foreign policy is viewed with suspicion in Russia, Germany, and France, it is the result of the belief prevailing in these countries that our international relations are now conducted under the direction and in the interest of England. I commend this extract from the Sun to those persons, whether in the Government or outside of it, to whose fulsome ebullitions and irresponsible speeches we may charge a large proportion of the distrust in which our Government is held upon the Continent to-day:

"The Russians and Americans have now behind them three generations of effort substantially identical in aim and in achievement; both have before them a manifest destiny, containing much that is in common and nothing that conflicts. Russia has been and is the great civilizer of the Old World, as the Americans have been of the New, reducing again to the uses of the human race vast territories that had been for centuries sacrificed to the savagery of a degenerated barbarism. In the eastern Mediterranean Russia, in obedience to the dictates of a human heart sensitive to pulsations other than those of a loom, has twice poured out her blood and treasure to rescue fellow-creatures from the knife of the butcher and the cord of the ravisher. Throughout the whole of this career, alike in that part of it which has dealt with the redemption of territorial areas and in that part dealing with the redemption of the human victims of fanaticism, cruelty, and lust, Russia has had one single, steady, consistent opponent. Splashed to the thighs with innocent blood, England has barred the way."

CONCLUSION.

The vainglorious chatter of Anglo-Saxonism against the world, indulged in by a group of silly persons, may result in arraigning the world against the English-speaking races, and the flattering delusion that the United States and Great Britain would be irresistible, even against a European combination, is the sheerest buncombe and nonsense. Those persons who have been thoughtlessly or maliciously attacking the continental powers and impugning the good faith of their governments have incurred a grave responsibility.

Something should be done to clear the atmosphere of this maudlin balderdash, and to place our country before the world in her true light. Too much mischief has been caused already by postprandial orators, sensational preachers, et hoc genus omne, on this side prating about alliances and our international relations. These utterances are eagerly seized upon by English ministers and politicians and dished up to the Continent as the practically unanimous sentiment of the American people. It is notorious that they have been utilized as a club to pound the doors of every chancellerie in Europe. Every observer of international affairs is aware that the position of England has been materially improved by the talk of an Anglo-American alliance, and that her backbone has been strengthened in South Africa, the Orient, and Egypt.

Our Anglo-maniacs have given her reasons to believe that she is no longer isolated. The lightning change in the foreign policy of Salisbury's cabinet in the last year has been the most remarkable event in the history of governmental polity within this generation, and it is solely to be attributed to the diplomatic leverage England has availed herself of as a result of the so-called entente of the "Anglo-Saxon" race.

I am convinced that the sooner some responsible American statesman makes a ringing address in the vein of the new diplomacy, repudiating the suggestion of an alliance with any power, the better it would be for our country. It would put a stop once for all to British intrigue and silence the vaporings in England and America. The responsive gushings have become nauseating, and the whole subject, to speak mildly, is a deuced bore. But above all, it would decrease the elements of uneasiness and distrust in regard to us which prevail on the Continent and restore the old ties of friendship which have undoubtedly been weakened by the sycophancy and foolishness of many of our own people.

Why at present any more than in the past should we interweave our destiny with that of any part of Europe and entangle our peace and prosperity in the toils of European rivalship and interest?

Under a beneficent Providence our country is free and self-sufficing, needing no foreign countenance, no exterior props, and no alien intervention.

The policy that has served it thus far and kept it free and untrammeled from foreign intrigues should be the policy in the future, as it has been in the past. Only persons hostile to the Republic, criminally blind, or sentimentally foolish advocate a change in that position. If, under the circumstances, we should wantonly, rashly, and gratuitously commit ourselves to a policy friendly to the power in Europe that is hated and distrusted by all the others, national disaster and disunion would be within measurable distance.

The persons who have publicly invited such a peril and endeavored to make sentiment in favor of such a fatuous policy are a disgrace to American manhood, American citizenship, and American patriotism. Even though ignorance be their plea, they are dangerous enemies of our Government at a moment when, in view of our new responsibilities, it needs the loyal support of every man who has sworn to maintain its high ideal, its cause, and its flag!

Mr. KNOX. Allow me to inquire whether there are any members on the other side who desire to speak this evening.

Mr. McALEER. No, sir.

Mr. KNOX. Then, as there are none on this side desiring to speak and as it now lacks only a few minutes of 5 o'clock, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY reported that the Committee of the Whole on the state of the Union had had under consideration Senate bill No. 222, and had come to no resolution thereon.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title was taken from the Speaker's table and with the Senate amendments referred to the Committee on Ways and Means.

H. R. 8245. An act temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1475. An act to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriation therefor.

WITHDRAWAL OF PAPERS.

Mr. CALDERHEAD, by unanimous consent, obtained leave to withdraw from the files of the House without leaving copies, papers in the case of John Willoughby, Fifty-fifth Congress, no adverse report having been made thereon.

And then, on motion of Mr. KNOX (at 4 o'clock and 55 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for an elevator in the Interior Department building—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting increase of estimate of appropriation for Geological Survey—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2683) to provide for the construction of a revenue cutter for use in St. Marys River, Michigan, reported the same without amendment, accompanied by a report (No. 928); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

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. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1191) granting an increase of pension to Orpha W. Reynolds, reported the same without amendment, accompanied by a report (No. 899); 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. 9701) granting a pension to Jonah Duncan, of Pickett County, Tenn., reported the same with amendment, accompanied by a report (No. 900); 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 Senate (S. 817) granting an increase of pension to Julia A. Taylor, reported the same without amendment, accompanied by a report (No. 901); 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 Senate (S. 1236) granting a pension to Jacob Saladin, reported the same without amendment, accompanied by a report (No. 902); 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. 8670) to increase the pension of Stephen J. Watts, reported the same with amendment, accompanied by a report (No. 903); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7852) granting an increase of pension to O. M. Brown, reported the same with amendment, accompanied by a report (No. 904); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4649) granting a pension to William Bates, reported the same with amendment, accompanied by a report (No. 905); 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 Senate (S. 2344) granting a pension to Alice V. Cook, reported the same without amendment, accompanied by a report (No. 906); 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. 2694) granting a pension to Maggie D. Chapman, reported the same with amendment, accompanied by a report (No. 907); 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. 1230) for the relief of Hannah Kennedy, reported the same with amendment, accompanied by a report (No. 908); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5673) to increase the pension of Ellen Spalding, reported the same with amendment, accompanied by a report (No. 909); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1999) granting an increase of pension to John E. Higgins, reported the same with amendment, accompanied by a report (No. 910); 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. 5720) granting a pension to David Smith, reported the same with amendment, accompanied by a report (No. 911); 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. 602) granting an increase of pension to Charles H. Adams, reported the same with amendment, accompanied by a report (No. 912); 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. 538) granting a pension to Charles F. Winch, reported the same with amendment, accompanied by a report (No. 913); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6425) granting an increase of pension to William H. Wendell, reported the same with amendment, accompanied by a report (No. 914); 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. 7202) granting a pension to Wiley Causey, reported the same with amendment, accompanied by a report (No. 915); 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. 5695) granting a pension to Matilda Reeves, reported the same with amendment, accompanied by a report (No. 916); 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. 9343) granting a pension to Ada E. Whaley, reported the same with amendment, accompanied by a report (No. 917); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4999) to increase the pension of Maj. William H. McLyman, reported the same with amendment, accompanied by a report (No. 918); 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. 9826) granting an increase of pension to Russell L. Moore, reported the same with amendment, accompanied by a report (No. 919); 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. 7186) for the relief of Sylvester Doss, alias Harry S. Doss, late pilot United States ram *Lancaster*, reported the same with amendment, accompanied by a report (No. 920); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8475) granting an increase of pension to Alice de Vecchj, reported the same with amendment, accompanied by a report (No. 921); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5439) granting a pension to Thomas B. Holland, reported the same with amendment, accompanied by a report (No. 922); 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 Senate (S. 1319) granting an increase of pension to Annie E. Joseph, reported the same without amendment, accompanied by a report (No. 923); 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 Senate (S. 299) granting a pension to Susanna Marion, reported the same without amendment, accompanied by a report (No. 924); 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. 4455) granting a pension to Louisa Weidner, otherwise called Louisa Milnor, reported the same with amendment, accompanied by a report (No. 925); 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 Senate (S. 139) granting a pension to Adelaide Sessions, reported the same without amendment, accompanied by a report (No. 926); 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 Senate (S. 2510) granting an increase of pension to Caroline C. Townsend, reported the same without amendment, accompanied by a report (No. 927); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 10269) for the relief of Charles W. Geddes, and the same was referred to the Committee on the Public Lands.

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. LACEY: A bill (H. R. 10405) to authorize and regulate the sale and use of timber on the unappropriated and unreserved public lands—to the Committee on the Public Lands.

By Mr. GRAHAM: A bill (H. R. 10406) permitting the building of a dam across the St. Joseph River, near the eastern boundary of St. Joseph County, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 10407) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898—to the Committee on the District of Columbia.

By Mr. NORTON of Ohio: A resolution (H. Res. 211) authorizing transfer of funds at Huron Harbor, Ohio—to the Committee on Rivers and Harbors.

Also, a resolution (H. Res. 212) providing for survey of Sandusky River and Sandusky Bay, Ohio—to the Committee on Rivers and Harbors.

By Mr. DRISCOLL: Resolution of the senate of the State of New York, relative to Fort Hamilton, N. Y.—to the Committee on Military Affairs.

By Mr. SULZER: Resolution of the senate of the State of New York, relative to Fort Hamilton, N. Y.—to the Committee on Military Affairs.

Also, memorial of the legislature of the State of New York, asking for legislation by Congress relative to the exchange of the rifles and carbines now in use by the New York State militia for the arms used by the United States Army—to the Committee on Militia.

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. CALDWELL: A bill (H. R. 10408) granting a pension to Thomas White—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 10409) for the relief of James C. Drake—to the Committee on Claims.

By Mr. DENNY: A bill (H. R. 10410) to increase the pension of George M. Sinclair, late sergeant, Troop F, Second United States Cavalry—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 10411) to correct the military record of Hiram R. Tripp—to the Committee on Military Affairs.

By Mr. FORDNEY: A bill (H. R. 10412) granting a pension to George B. Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10413) for the relief of William E. Cummin, captain Company I, Tenth Regiment Michigan Cavalry—to the Committee on Invalid Pensions.

By Mr. HENRY of Mississippi: A bill (H. R. 10414) for the relief of the estate of Wesley Crisler, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. HOFFECKER (by request): A bill (H. R. 10415) for the relief of the widow of Lemuel J. Draper, late assistant surgeon, United States Navy—to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 10416) for the relief of Elizabeth L. W. Bailey, administratrix, and so forth—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 10417) for the relief of the Mission of St. James, in the State of Washington—to the Committee on Private Land Claims.

By Mr. MAHON: A bill (H. R. 10418) for the relief of Alexander Everhart—to the Committee on Military Affairs.

By Mr. NORTON of Ohio: A bill (H. R. 10419) granting a pension to John Ash, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10420) granting a pension to Bachus S. Ruckman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10421) granting an increase of pension to Elizabeth Young—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 10422) authorizing the Solicitor of the Treasury to quitclaim and release the right, title, and interest of the United States to certain land in Texas—to the Committee on the Public Lands.

By Mr. PEARCE of Missouri: A bill (H. R. 10423) granting an honorable discharge to Charles E. Hofmann, late first lieutenant in Company H, Sixtieth Regiment of United States Colored Infantry—to the Committee on Military Affairs.

By Mr. RIDGELY: A bill (H. R. 10424) to remove the charge of desertion standing against Samuel L. Applegate—to the Committee on Military Affairs.

Also, a bill (H. R. 10425) to correct the military record of John D. Sparks—to the Committee on Military Affairs.

Also, a bill (H. R. 10426) to remove the charge of desertion against Henry C. Putty—to the Committee on Military Affairs.

Also, a bill (H. R. 10427) to remove the charge of desertion against David G. Cormack—to the Committee on Military Affairs.

Also, a bill (H. R. 10428) to remove the charge of desertion against T. F. Graham—to the Committee on Military Affairs.

Also, a bill (H. R. 10429) to remove charge of desertion against Edward J. Hoyt—to the Committee on Military Affairs.

Also, a bill (H. R. 10430) to remove the charge of desertion against Josiah Wilcox—to the Committee on Military Affairs.

Also, a bill (H. R. 10431) to remove the charge of desertion against Walter M. Macarty, alias Wallace M. Morton—to the Committee on Military Affairs.

Also, a bill (H. R. 10432) placing the name of J. J. Fugua on the roll of Company E, Thirty-third Kentucky Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 10433) for the relief of Emanuel Klauser—to the Committee on Military Affairs.

Also, a bill (H. R. 10434) to remove the charge of desertion from the military record of John McIntosh—to the Committee on Military Affairs.

Also, a bill (H. R. 10435) for the relief of William F. Andrews and correction of his record in the War Department—to the Committee on Military Affairs.

By Mr. RIXEY: A bill (H. R. 10436) for the relief of John H. Hams, of Loudoun County, Va.—to the Committee on War Claims.

By Mr. SHATTUC: A bill (H. R. 10437) granting a pension to Abbie A. Day, now Calvert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10438) granting relief to Hellen Robinson, late chambermaid and Army nurse steamer *City of Madison* when destroyed by explosion during the civil war—to the Committee on Claims.

Also, a bill (H. R. 10439) granting a pension to John K. Bell—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 10440) granting an increase of pension to William Mills—to the Committee on Invalid Pensions.

By Mr. WATERS: A bill (H. R. 10441) granting an increase of pension to John McCoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10442) granting a pension to Thomas A. Cord—to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 10443) granting a pension to Anna C. White, widow of Thornton F. White, late acting assistant surgeon, United States Army—to the Committee on Invalid Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 10444) granting an increase of pension to Oswald A. Ahlstedt—to the Committee on Invalid Pensions.

By Mr. TOMPKINS: A bill (H. R. 10445) to remove the charge of desertion from the military record of Melvin Green—to the Committee on Military Affairs.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 10446) to remove the charge of desertion from Hugh Ferrell—to the Committee on Military Affairs.

Also, a bill (H. R. 10447) to remove the charge of desertion from the record of Thomas Eubanks—to the Committee on Military Affairs.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10448) to correct the military record of James N. Davie—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. BARNEY: Petition of J. F. Webster and other citizens of Saukville, Wis., favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. BENTON: Petition of O. P. Morton Post, No. 14, and Curtis Post, No. 84, Department of Missouri, Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Friends Church of Carthage, Mo., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. BINGHAM: Petition of the Philadelphia Maritime Exchange, protesting against the passage of Senate bills No. 3382 and No. 3531, and House bill No. 9243, regulating the length of tows at sea or in the harbors of the seacoast—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOUTELLE of Maine: Petition of W. Norton and others of Corinth, Me., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

Also, petition of Mrs. C. H. Pierce and other citizens of Hudson, Me., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BREAZEALE: Resolutions of James A. Garfield Post, No. 19, Grand Army of the Republic, Department of Mississippi and Louisiana, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BRENNER: Petition of Ed. Craig and others of Heno, Ohio, in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

Also, petition of Port Roone Post, No. 747, Department of Ohio, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BROWNLOW: Resolutions of J. A. Garfield Post, No. 591, of Mentor, Ohio; W. F. Dawes Post, No. 245, of Necedah, Wis., and F. Turrell Post, No. 93, of Webberville, Mich., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BURKETT: Petition of J. R. Spivey and others of Stella, Nebr., and vicinity, urging the enactment of House bill 5475, known as the anti-canteen bill—to the Committee on Military Affairs.

Also, resolutions of the Commercial Travelers' Mutual Accident Association, in favor of a trade treaty between United States and Canada—to the Committee on Ways and Means.

By Mr. BURTON: Petitions of the First Congregational Church of Oberlin; also, petition of Lorain County Farmers' Institute Association, State of Ohio, for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, Soldiers' Homes, and educational institutions—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of A. C. Thomas and other citizens of Haverford, Pa., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. DENNY: Petition of William J. McCrea and other citizens of Baltimore, Md., and vicinity, urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. DRISCOLL: Petition of the Commercial Travelers' Mutual Accident Association, of Utica, for a trade treaty between the United States and Canada—to the Committee on Ways and Means.

Also, petition of Knowlton Post, No. 160, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union, No. 2, and Methodist Episcopal Church, of Syracuse, N. Y., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. ESCH: Resolutions of John W. Christian Post, No. 95, Grand Army of the Republic, Department of Wisconsin, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. FLETCHER: Resolutions of Levi Sutton Post, No. 73; Appomattox Post, No. 72, and Frank Halsted Post, No. 57, Department of Minnesota, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Stanley B. Roberts and others, of Minneapolis, Minn., to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

Also, resolutions of the Cosmopolitan Club and Shakespeare Club, of Minneapolis, Minn., urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, resolution of the Commercial Club, of St. Paul, Minn., in favor of the reclamation of the arid lands of the United States—to the Committee on the Public Lands.

By Mr. GASTON: Petition of O. G. Schaefer and others, of Erie, Pa., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of the Association of American Advertisers of New York, in support of House bill No. 9632, providing a safer and easier method of sending money by mail, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of graduate nurses, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

Also, protest of the legislative committee of the Pennsylvania State Grange, against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Republican Territorial convention at Socorro, N. Mex., indorsing national and Territorial administrations, approving the action of Congress and making a plea for statehood—to the Committee on the Territories.

By Mr. GRIFFITH: Resolutions of A. O. Bachman Post, No. 26, of Madison, and Ira G. Grover Post, No. 283, of New Point, Department of Indiana, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HEMENWAY: Petition of Cigar Makers' Union of Evansville, Ind., favoring the Puerto Rico tariff—to the Committee on Ways and Means.

Also, resolution of Carpenters and Joiners' Union No. 652, urging construction of irrigation works—to the Committee on Irrigation of Arid Lands.

By Mr. HENRY of Connecticut: Petition of Williams & Carlton Company, of Hartford, Conn., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. JENKINS: Petition of Alfred Pillsbury and 86 citizens of Menominie, Wis., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of Ketcham Post, No. 88, of Wappingers Falls, N. Y., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Society of Friends of Milton, N. Y., urging the passage of House bill No. 5475, prohibiting the sale of liquor in Army canteens, Soldiers' Homes, or reservations used by the Government—to the Committee on Military Affairs.

Also, petition of the Society of Friends of Milton, N. Y., for the suppression of gambling, including bookmaking on races in the District of Columbia and Territories—to the Committee on the Territories.

By Mr. LACY: Petition of Modern Woodmen Society of Westgrove, Iowa, asking amendment of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LANE: Resolution of Aug. Wentz Post, No. 1, of Davenport, Grand Army of the Republic, Department of Iowa, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McALEER: Petition of the Association of American Knit Goods Manufacturers, Philadelphia, Pa., against the ratification of the treaty with France—to the Committee on Ways and Means.

Also, a petition of The Edgell Company, of Philadelphia, Pa., for the improvement of Trinity River to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

Also, petition of the Pennsylvania Mycological Society, Academy of Natural Sciences, Philadelphia, Pa., in favor of a national park being made of the Calaveras grove of Sequoias, in the State of California—to the Committee on the Public Lands.

Also, petition of the legislative committee of the Pennsylvania State Grange, urging the passage of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of the executive committee of the Temperance Association of Friends of Philadelphia Yearly Meeting, favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

Also, resolution of the Keystone Association, Philadelphia, Pa., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

Also, petition of the New York State Commission of Prisons, favoring House bill No. 7519, prohibiting interstate commerce in prison-made goods—to the Committee on Interstate and Foreign Commerce.

Also, petition of the legislative committee of the Pennsylvania State Grange, against the passage of the ship subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pennsylvania Fish Protective Association, favoring House bill No. 7343, establishing a fish hatchery and fish station in Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Board of Trade and Transportation, in relation to the interests of Puerto Rico—to the Committee on Insular Affairs.

Also, petition of Thomas J. Stewart, adjutant-general of Pennsylvania, in favor of the passage of House bill No. 7936, increasing the appropriation for the State militia—to the Committee on Militia.

Also, petition of Association of American Advertisers, New York, and William Henry Maule, Philadelphia, Pa., in favor of postal checks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Commercial Travelers' Mutual Accident Association, for a trade treaty between the United States and Canada—to the Committee on the Judiciary.

By Mr. MERCER: Petition of citizens of Douglas County, Nebr., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. NEEDHAM: Resolution of Heintzelman Post, No. 33, and Riverside Post, No. 118, Department of California, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. POWERS: Petition of Christian Endeavor Society of Orange, Vt., protesting against the sale of liquor in our new possessions and in our Army—to the Committee on Insular Affairs.

Also, petition of C. S. Forsythe and other citizens of North Enosburg, Vt., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. PRINCE: Petition of John A. Parrott Post, No. 543, of Prophetstown, Ill., Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. RIDGELY: Petitions of New York Indians and their descendants, favoring the passage of House bill No. 10280, provid-

ing for the distribution of the judgment in favor of the New York Indians—to the Committee on Indian Affairs.

By Mr. ROBINSON of Indiana: Petitions of Edwards Camp, No. 3127; Ligonier Camp, No. 4824, and Columbia City Camp, No. 3657, Modern Woodmen societies, State of Indiana, for amendment of the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHATTUC: Paper to accompany House bill granting a pension to John K. Bell—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10029, granting a pension to Elizabeth Springer, widow of Charles Springer, late of Company G, Ninth Ohio Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: Petitions of A. G. Reed Post, No. 105, of Butler, Pa., and J. C. Kuhn Post, No. 539, of Hooker, Pa., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Central Presbyterian Church, of Newcastle; Methodist Episcopal Church of North Salem, Pa., and of the United Presbyterian Church of Butler, Pa., to prohibit the sale of liquor on premises owned or used by the Government—to the Committee on Military Affairs.

Also, petition of the United Presbyterian Church of Butler, Pa., for the suppression of the liquor traffic, and urging other reforms in our new possessions—to the Committee on Insular Affairs.

By Mr. TONGUE: Petition of Woman's Christian Temperance unions of Mehama and Maple Grove, Oreg., praying for more stringent legislation against the sale of liquors in the Army canteens, etc.—to the Committee on Military Affairs.

By Mr. WADSWORTH: Petition of Curtis Bates Post, No. 114, and Peter A. Porter Post, No. 126, Grand Army of the Republic, Department of New York, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Young People's Society of Christian Endeavor of Jeddo, N. Y., urging the passage of House bill prohibiting the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. WARNER: Petitions of First Methodist Episcopal Church, Park Methodist Episcopal Church, Universalist Church, First Baptist, and the Christian Church, of Urbana, Ill., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WEAVER: Papers to accompany House bill granting a pension to Anna C. White—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: Petition of citizens of Mount Carmel, Ill., urging the passage of House bill No. 5457, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. ZIEGLER: Petition of the legislative committee of Pennsylvania State Grange, against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the legislative committee of Pennsylvania State Grange, to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

SENATE.

THURSDAY, *April 5, 1900.*

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

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

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

SCHOONER BETSEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of law and of facts filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop schooner *Betsey*, Lemuel Moody, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 268) to amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. ALEXANDER, and Mr. LANHAM managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1475) to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriations therefor; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York. I present the following resolution, adopted by the legislature of the State of New York:

Resolved, That the attention of our Senators and Representatives in Congress from this State be called to the urgent necessity for the passage of an act of Congress directing the exchange, at the earliest possible date, of the Springfield rifles and carbines of caliber .45, now in use by the National Guard or organized militia of this and other States, for equal numbers of the arms used by the United States Army.

I move that the resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLATT of New York presented a petition of the United Hatters of North America of Brooklyn, N. Y., praying for an increase of the salaries of machinists employed at the Government Printing Office; which was referred to the Committee on Printing.

He also presented a memorial of Local Union No. 45, International Brotherhood of Electrical Workers, of Buffalo, N. Y., remonstrating against the enactment of legislation to regulate electrical wiring in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Commercial Travelers' Mutual Accident Association of Utica, N. Y., praying for the enactment of legislation to establish trade and trade treaties between the United States and Canada; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Association of American Advertisers of New York City, praying for the enactment of legislation to prevent the robbing of the mail, and also to provide a safer and easier method of sending money through the mail, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Pawling Grange, No. 831, Patrons of Husbandry; of the congregations of the Presbyterian, Methodist, and Baptist churches and the Woman's Christian Temperance Union, all of Angelica; of the Evangelic Association of Dunkirk; of the congregation of the First Presbyterian Church of Dunkirk, and of the Jeddo Young People's Society of Christian Endeavor, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and all Government buildings and premises, and in our new island possessions; which were referred to the Committee on Military Affairs.

He also presented the memorial of Alonzo Foster, manager of the Star Lyceum Bureau, of New York, remonstrating against the further continuance of the war tax; which was referred to the Committee on Finance.

He also presented a petition of the congregations of sundry churches of Wolcott, N. Y., and a petition of the Young People's Society of Christian Endeavor of Jerusalem, N. Y., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. ROSS presented a memorial of the Christian Endeavor Society of Orange, Vt., remonstrating against the sale of intoxicating liquors in Army canteens and in our new island possessions; which was referred to the Committee on Military Affairs.

Mr. KENNEY presented a memorial of the Woman's Christian Temperance Union of Wilmington, Del., remonstrating against the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which was ordered to lie on the table.

Mr. PENROSE presented a petition of the Ministerial Association of Johnstown, Pa., and of 400 citizens of Altoona, Pa., praying for the enactment of legislation to restrict American traders in the New Hebrides Islands from selling firearms and intoxicating liquors to the natives; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Philadelphia Maritime Exchange, of Philadelphia, Pa., praying for the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a memorial of Encampment No. 135, Union Veteran Legion, of Wilkesbarre, Pa., remonstrating against the correction of the military records of deserters from the armies of the United States during the civil war except in certain cases; which was referred to the Committee on Military Affairs.

He also presented a memorial of the United Presbyterian congregation of Butler, Pa., remonstrating against the importation, manufacture, and sale of intoxicating liquors in our new island possessions; which was ordered to lie on the table.