without amendment, accompanied by a report (No. 1892); which said bill and report were referred to the Private Calendar.

Mr. KETCHAM, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9271) to remove the charge of desertion against Charles Schaupp, alias Phillip Schaupp, and authorizing his honorable discharge, reported the same with amendment, accompanied by a report (No. 1894); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4020) for the relief of William Burke, reported the same with amendment, accompanied by a report (No. 1895); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2464) to remove the charge of desertion from the military record of Nicholas Swingle, reported the same with amendment, accompanied by a report (No. 1897); which said bill and report were referred to the Private Calendar.

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 792) for the relief of William H. Hugo, reported the same without amendment, accompanied by a report (No. 1898); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3148) to correct the military record of William Lapoint, reported the same without amendment, accompanied by a report (No. 1899); which said bill and report were referred to the Private Calendar.

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6492) to correct the military record of James Donahue, reported the same with amendment, accompanied by a report (No. 1900); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill of the House (H. R. 9856) for the relief of James I. Friend, reported the same adversely, accompanied by a report (No. 1888); which said bill and report were laid on the table.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 575) for the relief of Herbert Cushman, reported the same adversely, accompanied by a report (No. 1889); which said bill and report were laid on the table.

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. LEVY: A bill (H. R. 12048) transferring the appointive and disbursing power relative to the Paris Exposition of 1900 from the Commissioner-General for the United States to the Secretary of State, and for other purposes—to the Committee on Appropriations.

By Mr. LENTZ (by request): A bill (H. R. 12049) to establish a gold currency and a silver currency on a basis of interchangeable value throughout the world—to the Committee on Banking and Currency.

Also (by request), a bill (H. R. 12050) to fix the denominations of gold and silver coins to be issued by the United States, and to establish the free coinage thereof—to the Committee on Coinage, Weights, and Measures.

By Mr. SCUDDER: A joint resolution (H. J. Res. 265) directing the Secretary of War to submit plans and estimates for the improvement of Jacksons Creek, in the town of Hempstead and county of Nassau, N. Y.—to the Committee on Rivers and Harbors.

By Mr. MIERS of Indiana: A resolution (H. Res. 288) requesting from Secretary of Interior names of all widows dropped from pension rolls since June 1, 1898—to the Committee on Invalid Pensions.

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. BOUTELL of Illinois: A bill (H. R. 12051) for the relief of Homer B. Galpin, receiver, and so forth—to the Committee on Claims.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 12052) granting a pension to Annie Austin—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 12053) granting a pension to Jane Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12054) granting a pension to Dr. E. S. Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12055) granting an increase of pension to Arthur B. Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12056) for the relief of N. Weston, postmaster at Bridgeport, Mich.—to the Committee on Claims.

By Mr. GROUT: A bill (H. R. 12057) granting a pension to Julia Aldrich—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 12058) granting a pension to Anderson G. Pittman—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 12059) to authorize George William Hill to accept the appointment of officer of the Mérite Agricole of France—to the Committee on Foreign Affairs.

By Mr. LENTZ: A bill (H. R. 12060) to correct the military record of John Bowling—to the Committee on Military Affairs.

By Mr. RAY of New York: A bill (H. R. 12061) granting an increase of pension to Henry S. Topping—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 12062) for the relief of the heirs of Samuel T. Carrow, deceased—to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 12063) granting an increase of pension to Eugene M. Hawes—to the Committee on Invalid Pensions.

By Mr. RANSDELL: A bill (H. R. 12064) for the relief of Evelyn Clark—to the Committee on War Claims.

By Mr. SHAFROTH: A bill (H. R. 12065) granting an increase of pension to James A. Crilley—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 12066) for the relief of Capt. Henry L. Heckmann—to the Committee on War Claims.

Also, a bill (H. R. 12067) for the relief of the estate of the late B. F. Richardson—to the Committee on War Claims.

By Mr. PHILLIPS: A bill (H. R. 12068) granting an increase of pension to Oscar Brewster—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FINLEY: Petition of South Carolina Pharmaceutical Association, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Petitions of Woman's Christian Temperance Union and Meeting of Friends of Fall River, Mass., and the Methodist Episcopal Church of Sandwich, Mass., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. HALL: Papers to accompany House bill No. 7587, granting an increase of pension to George W. Gates, of Nittany, Pa.—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Petitions of the Woman's Christian Temperance Union, and Baptist Young People's Union, of Washington, Ind., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

By Mr. PUGH: Papers to accompany House bill No. 12016, granting a pension to Isaac Pack—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Paper to accompany House bill for the relief of Fritz Kloeppel—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Commercial Club of St. Paul, Minn., against the bill to abolish trading checks—to the Committee on the Judiciary.

Also, resolution of the Homeopathic Institute of Minnesota, urging the passage of a bill to establish a national park at the head waters of the Mississippi River, in Minnesota—to the Committee on the Public Lands.

By Mr. WRIGHT: Petition of Agnes C. Gill and others, of Montrose, Pa., favoring joint resolution for the submission of an anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

SENATE.

SATURDAY, *June 2, 1900.*

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

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

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

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

MILITARY STATISTICS RELATIVE TO THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response

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to a resolution of the 22d ultimo, a statement of the number of soldiers who have been killed, died from wounds, disease, and suicide, and the number wounded in action (or otherwise) among the regular and volunteer troops serving in the Philippine Islands from July 31, 1898, to May 24, 1900; also the number of officers and enlisted men, regular and volunteer, in active service in the Philippines, etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

REPORT OF DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of the Smithsonian Institution, transmitting the second annual report of the National Society of the Daughters of the American Revolution; which, with the accompanying papers, was referred to the Committee on Education and Labor, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 359) to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11212) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

The message further announced that the House insists upon its amendments to the bill (S. 3430) to increase the efficiency of the Subsistence Department of the United States Army, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. ESCH, and Mr. SULZER managers at the conference on the part of the House.

The message also announced that the bill (H. R. 9083) to authorize the Commissioner of the General Land Office to dispose of Choctaw orphan Indian lands in Mississippi, and to make appropriation for executing act of Congress approved June 28, 1898, for which the Senate asks the return by resolution of June 1, was signed by the Speaker on May 31, and was transmitted to the Senate, and is therefore no longer in the possession of the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I ask that the Chair lay before the Senate the action of the House on the sundry civil appropriation bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

Mr. ALLISON. The House usually asks for a conference on the disagreeing votes of the two Houses, but not having asked for a conference, I move that the Senate insist upon its amendments and request a conference with the House on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

Mr. MALLORY presented a petition of the Florida Christian Endeavor Union, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. SEWELL presented petitions of the congregations of the Union Methodist Episcopal Church, the First Baptist Church, and the Presbyterian Church, all of Burlington, in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. DANIEL presented a petition of the Central Labor Union of Newport News, Va., praying for the enactment of legislation limiting the hours of daily service of laborers and workmen employed on the public works of the United States, and also to prohibit interstate traffic in convict-made goods; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Centralia, Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. FORAKER presented a memorial of Encampment No. 78, Union Veteran Legion, of Columbus, Ohio, remonstrating against the enactment of legislation to change the military records of soldiers on ex parte evidence; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Logan County, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. PETTIGREW. I present a memorial of the Delaware Indians residing in the Cherokee Nation, Indian Territory, remonstrating against the leasing of lands in that nation for mining purposes by the Secretary of the Interior. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

EARLY CONGRESSIONAL DOCUMENTS.

Mr. BURROWS. I submit papers prepared by General Greely, Chief Signal Officer of the Army, relating to the early Congressional documents. I move that they be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 759) to quiet the title of certain lands in the State of Mississippi, and for the relief of Eli Ayres or his legal representatives, etc., reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 3599) for the relief of Lewis M. Millard, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 812) for the relief of Daniel W. Light, reported it with an amendment, and submitted a report thereon.

Mr. GALLINGER (for Mr. KENNEY), from the Committee on Pensions, to whom was referred the bill (S. 3758) granting an increase of pension to W. I. Miller, reported it with amendments, and submitted a report thereon.

Mr. RAWLINS, from the Committee on Claims, to whom was referred the bill (S. 1132) for the relief of John Conner, sr., reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 3819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased;

A bill (S. 4248) for the relief of Andrew H. Russell and William R. Livermore;

A bill (H. R. 4099) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased;

A bill (S. 4015) for the relief of Daniel M. Humer; and

A bill (H. R. 2619) for the relief of Agnes and Maria De Leon.

Mr. TALIAFERRO, from the Committee on Claims, to whom was referred the bill (H. R. 3044) for the relief of John M. Martin, of Ocala, Fla., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 986) for the relief of George T. Hamilton, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (H. R. 5969) for the relief of the devisees and legal representatives of D. L. Huskey, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1327) for relief of George Rushberger, reported it with an amendment, and submitted a report thereon.

Mr. WARREN. I am also directed by the Committee on Claims, to whom was referred the bill (S. 4018) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, to report it without amendment, and to submit a report thereon. I ask that this bill lie on the table, and that it be not sent to the Printer until after to-day.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill will lie on the table, as requested by the Senator.

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

A bill (S. 21) for the relief of Clara H. Fulford; and

A bill (H. R. 5355) for the relief of John D. Hale, of Tilford, Meade County, S. Dak.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4447) to regulate electrical wiring in the District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5501) to change the name of Four-and-a-half street, in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 4400) for the relief of Frank E. Kellogg,

collector of the Sixth internal-revenue district of Missouri, reported it without amendment.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 2260) to refer the claim of Joseph W. Parish to the Secretary of the Treasury for examination and payment of any balance found due, reported it without amendment, and submitted a report thereon.

Mr. PLATT of New York, from the Committee on Naval Affairs, to whom was referred the bill (S. 4787) to authorize the appointment of Thomas Lutz Stitt as an officer in the Navy, reported it without amendment.

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

A bill (H. R. 5208) granting a pension to Mary E. Dickey;

A bill (H. R. 11010) granting an increase of pension to James H. Eastman;

A bill (H. R. 10616) granting an increase of pension to Jonathan Mead;

A bill (H. R. 10618) granting an increase of pension to Martin O'Connor;

A bill (H. R. 2392) granting a pension to Daniel Davis;

A bill (H. R. 2398) granting a pension to Andrew Jackson;

A bill (H. R. 8689) granting an increase of pension to Isaac B. Hoyt;

A bill (H. R. 10856) granting an increase of pension to Sarah A. Robinson;

A bill (H. R. 5894) granting an increase of pension to Nathaniel Townsend;

A bill (H. R. 6854) granting an increase of pension to Frederick W. Kellogg;

A bill (H. R. 7158) granting an increase of pension to Levi S. Parrott;

A bill (H. R. 4650) granting a pension to Sarah Parrish;

A bill (H. R. 5444) granting an increase of pension to Albert W. Brush;

A bill (H. R. 9308) granting an increase of pension to Joseph M. Shaw;

A bill (H. R. 437) granting a pension to Mary E. Reynolds; and

A bill (H. R. 4879) granting an increase of pension to D. Cyrus Holdridge.

Mr. TURNER, 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. 9839) granting an increase of pension to Emily H. Wood; and

A bill (H. R. 9783) granting an increase of pension to Benjamin F. Dennis.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 4728) granting an increase of pension to Marvin V. Tufford, reported it with an amendment, and submitted a report thereon.

HEIRS OF JOHN BEAM AND OTHERS.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 4870) for the relief of the heirs of John Beam, Hanson W. Phillips, and Clark Haines, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4870) entitled "For the relief of the heirs of John Beam, Hanson W. Phillips, and Clark Haines," 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.

READJUSTED SALARIES OF POSTMASTERS.

Mr. ALLEN. I am instructed by the Committee on Claims, to whom was referred the resolution submitted by myself on the 25th ultimo, to report it with an amendment in the form of an additional resolution, and I submit a report thereon. I ask for its present consideration.

The resolution as proposed to be amended was read, as follows:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule or schedules to the Senate the readjusted salaries of all postmasters who served in the States below named between July 1, 1864, and June 30, 1874, where application for readjustment of salaries under chapter 119 of the laws of 1883 were made to the Postmaster-General prior to January 1, 1887, each such readjusted salary account to conform in all respects to the decision of the Court of Claims on April 2, 1900, of the claim of William T. Ewing against the United States, and to the public construction of said act of March 3, 1883, by the Postmaster-General, embodied and set forth in finding 6 of the Court of Claims in the case of William T. Ewing. Reports of such accounts are required of claims from the following States, namely: California, Colorado, Connecticut, the two Dakotas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Resolved, That the Postmaster-General be, and he hereby is, directed to return to the Senate certain schedules of salaries of postmasters in the States of Alabama, Arkansas, Kansas, and Kentucky, computed under the act of March 3, 1883, which schedules were before the Committee on Post-Offices and Post-Roads of the Senate, but which were temporarily recalled by the Postmaster-General on the 30th day of September, 1890.

Mr. ALLISON. Mr. President——

The PRESIDENT pro tempore. Is there objection——

Mr. CHANDLER. What is the proposition? To adopt the resolution?

The PRESIDENT pro tempore. That it be acted on at present.

Mr. CHANDLER. I object.

Mr. ALLEN. I ask that it be acted on at the present time. It is simply a resolution for information.

Mr. CHANDLER. I object. I will withdraw the objection later, after I have read it, if I do not continue to have objection.

The PRESIDENT pro tempore. The resolution will go to the Calendar.

HEIRS OF CATHARINE CRITTENDEN, DECEASED, ETC.

Mr. MARTIN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 2061) for the relief of the heirs of Catharine Crittenden, deceased; and

A bill (S. 2064) for the relief of Mrs. C. N. Graves—

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bills (S. 2061 and 2064) entitled "For the relief of the heirs of Catharine Crittenden, deceased," and "For the relief of Mrs. C. N. Graves," now pending in the Senate, together with all the accompanying papers, be, and the same are 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.

WASHINGTON TELEPHONE COMPANY.

Mr. GALLINGER. Mr. President, yesterday the Senator from Vermont [Mr. PROCTOR] reported from the Committee on the District of Columbia, without recommendation, the bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia. By a vote of the committee each member of the committee was privileged to submit his views on that bill, and I desire to avail myself of that privilege at the earliest opportunity.

COLLECTION OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, I report back from the Committee on the District of Columbia a House bill. It will take about two minutes to read it. It is of great importance to the District of Columbia, and as there is an amendment which will send it back to the House for concurrence, I shall venture to ask for its present consideration. If there is any debate or question concerning the bill, I will immediately withdraw it.

Mr. HALE. Mr. President——

Mr. GALLINGER. I hope the Senator will let it go through.

Mr. HALE. Well, if it takes no time and is a short bill. Under the understanding last night, we are to proceed with the deficiency appropriation bill.

The PRESIDENT pro tempore. The bill will be read in full for the information of the Senate.

The Secretary read the bill (H. R. 11336) to regulate the collection of taxes in the District of Columbia.

Mr. MORGAN. Is that a House bill?

The PRESIDENT pro tempore. It is a House bill.

Mr. GALLINGER. I will state to the Senator simply what it proposes to do. At the present time the taxes are collected twice a year. The card system has been adopted, and it is desirable that for one year the taxes shall be paid in bulk, after which there will be a return to payment twice a year.

Mr. MORGAN. But the bill provides, as I understand it, for a perpetual arrangement.

Mr. GALLINGER. No, sir; I think not.

Mr. MORGAN. I so understand it. I object to its consideration.

Mr. GALLINGER. Let it go to the Calendar.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. GALLINGER on the 25th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the document known as Messages and

Papers of the Presidents, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the Superintendent of Documents, subject to the future action of Congress; and

Resolved further, That an edition of 10,000 copies be printed, to be held by the Superintendent of Documents and by him sold at the actual cost of publication.

CŒUR D'ALENE MINING TROUBLES.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Nebraska [Mr. ALLEN] on the 26th ultimo, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the testimony and arguments of counsel of the investigation made by the Committee on Military Affairs of the House of Representatives as to the conduct of the United States Army in Idaho, under House resolution No. 31, Fifty-sixth Congress, first session, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House of Representatives.

The amendments of the Committee on Printing were, in line 2, to strike out "thirty" and insert "ten;" in line 7, to strike out "ten" and insert "four;" and in line 8, to strike out "twenty" and insert "six;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the testimony and arguments of counsel of the investigation made by the Committee on Military Affairs of the House of Representatives as to the conduct of the United States Army in Idaho under House resolution No. 31, Fifty-sixth Congress, first session, of which 4,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

HISTORY OF THE CENSUS.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth for the use of the Census Bureau 500 copies of Senate Document No. 194, first session Fifty-sixth Congress, entitled "The History and Growth of the United States Census."

ESTATE OF MAJ. GUY HOWARD, DECEASED.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 5264) for the relief of the estate of Maj. Guy Howard, deceased, to report it without amendment. As the bill involves the payment of only $57 for money advanced by the soldier, I ask for its present consideration.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to cause to be credited the accounts of Maj. Guy Howard, deceased, late quartermaster, United States Volunteers, with $57.80, being for 10 suits of clothing purchased by him in 1898 for issue to recruits whose clothing had become infected with vermin, there being no Army clothing available.

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

THE NICARAGUAN CANAL.

Mr. MORGAN. I am directed by the Committee on Interoceanic Canals, who realize the impossibility of having what is called the Hepburn bill considered at this session of Congress, to ask the unanimous consent of the Senate that the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans may be made the special order for 2 o'clock on Monday, the 10th day of December. I make that request.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the bill known as the Hepburn bill, for the construction of the Nicaraguan Canal, be made the special order for Monday, December 10, at 2 o'clock.

Mr. HALE. That is the second Monday of the session?

Mr. MORGAN. The second Monday.

The PRESIDENT pro tempore. Is there objection?

Mr. TELLER. At the next session?

Mr. HALE. At the next session.

Mr. TELLER. I supposed that the request was made for this session.

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and it is so ordered.

INCOME-TAX AMENDMENT TO THE CONSTITUTION.

Mr. BUTLER. With the approval of the chairman of the Committee on the Judiciary, I ask unanimous consent that the joint resolution (S. R. 49) to amend the Constitution of the United States, giving Congress the power to lay and collect income taxes, which was reported adversely from that committee a few days ago and indefinitely postponed, may be placed on the Calendar.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent——

Mr. COCKRELL. Before action is taken, on that I desire that the junior Senator from Alabama [Mr. PETTUS] shall be present.

Mr. HOAR. I reported the joint resolution adversely from the Committee on the Judiciary. The Senator from North Carolina stated to me in private that he had intended to say something upon the matter when it was reported, and therefore I see no objection under the circumstances to reconsidering the vote and putting it on the Calendar. I should like, however, to accompany it, which I understand will be agreeable to the Senator from North Carolina, with a request that it shall be postponed until the next session, because a long debate on the joint resolution now would evidently interfere with public business.

Mr. BUTLER. I will say that I had hoped to address the Senate at this session on the report when made, but on account of the lateness of the session I will postpone my remarks until early in the next session.

The PRESIDENT pro tempore. Without objection——

Mr. COCKRELL. One moment. The Senator from Alabama was present when a motion of this kind was made yesterday, and he objected to it, and it was decided that the time within which the motion to reconsider should be made had passed.

Mr. BUTLER. It had passed, and that is why I have asked unanimous consent.

Mr. COCKRELL. The Senator from Alabama is not present.

Mr. HOAR. I have no doubt that the Senator from Alabama objected, because I, who had the matter in charge, happened to be absent. The Senator from Alabama is now engaged in the Judiciary Committee on a subcommittee with an important hearing. I do not believe there will be the slightest objection on his part. I presume his objection was merely because of my absence at the time.

Mr. BUTLER. He called my attention to the fact that you were absent and I asked him to see you.

Mr. HOAR. The Senator from Alabama, I think, favors the joint resolution. I am not quite sure.

Mr. COCKRELL. I simply stated the fact. I have nothing further to say.

Mr. HOAR. I suggest to the Senator from Missouri to allow the arrangement to be made, so that the indefinite postponement shall be reconsidered and the joint resolution postponed until the next session, and if the Senator from Alabama objects when he comes in, I am sure the Senator from North Carolina will consent to have it reopened.

Mr. COCKRELL. That is all satisfactory.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina, that the vote indefinitely postponing the joint resolution be reconsidered, that its consideration be postponed until the next session, and that it be placed on the Calendar? The Chair hears none, and it is so ordered.

COLUMBIAN IRON WORKS AND DRY DOCK COMPANY OF MARYLAND.

Mr. McCOMAS, from the Committee on Claims, to whom was referred the bill (S. 3550) for the relief of the Columbian Iron Works and Dry Dock Company of Maryland, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3550) entitled "A bill for the relief of the Columbian Iron Works and Dry Dock Company of Maryland," 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.

CURTIS & TILDEN.

Mr. McCOMAS, from the Committee on Claims, to whom was referred the bill (S. 3985) for the relief of Curtis & Tilden, submitted a report thereon, accompanied by the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 3985) entitled "For the relief of Curtis & Tilden," 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. CULLOM introduced a bill (S. 4926) for the payment of additional bounty to Charles P. Brace; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHANDLER introduced a bill (S. 4927) to discourage the organization of employees in the civil service for the purpose of securing legislation by Congress; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. HALE introduced a bill (S. 4928) providing for certain employees in the preparation of plans and specifications for public works under the Bureau of Yards and Docks; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MARTIN introduced a bill (S. 4929) for the relief of the trustees of Abingdon Protestant Episcopal Church, of Gloucester County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BACON (by request) introduced a bill (S. 4930) for the relief of the estate of John Scanlon, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 4931) for the relief of the estate of Francois Barbier, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 4932) for the relief of Caleb Perkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. WELLINGTON introduced a bill (S. 4933) for the relief of Joseph Prather; which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 4934) to refer the war claim of the estate of Catharine Carberry, deceased, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 4935) for the relief of the estate of Edmund McGehee, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 4936) to provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, N. Dak.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL introduced a bill (S. 4937) for the relief of the personal representative of the estate of Henry H. Sibley, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 4938) granting an increase of pension to Esther Ann Grills; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4939) granting an increase of pension to Henry Strouse; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO CLAIMS BILL.

Mr. PLATT of Connecticut submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

GEORGE M'GUIRE.

Mr. GALLINGER. I ask for the adoption of the following order:

Ordered, That the papers accompanying the bill (S. 1014) granting a pension to George McGuire be withdrawn from the files of the Senate and returned to the claimant, after copies of the same shall have been left with the Secretary of the Senate.

Mr. COCKRELL. That order has already been made. It was made ten days ago, if I am not very much mistaken.

Mr. GALLINGER. All I know is that the committee received a communication from the claimant, and supposing——

Mr. COCKRELL. I received one from him, and introduced the bill and got the order made.

Mr. GALLINGER. I withdraw the order.

Mr. COCKRELL. The order is already on record.

Mr. GALLINGER. All right.

PURE-FOOD LEGISLATION.

On motion of Mr. FORAKER, it was

Ordered, That there be printed for the use of the Committee on Agriculture and Forestry such additional copies of Senate Document 303, Fifty-sixth Congress, first session, as may be desired within the limitation of $500 prescribed by the existing law.

REPORT ON BIG TREES OF CALIFORNIA.

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

Resolved, That there be printed and bound in cloth 1,000 additional copies of the Report on the Big Trees of California, prepared in the Division of Forestry, United States Department of Agriculture, for the use of the Senate.

SOLDIERS' ROLL OF THE SENATE.

Mr. HAWLEY submitted the following resolution; which was referred to the Committee on Rules:

Be it resolved by the Senate of the United States, That the Sergeant-at-Arms of the Senate is hereby directed to place on a special roll the names of all messengers now on his list of employees who are habitually employed about the doors or committee rooms of the Senate Chamber during the session of the Senate, whose Army records, wounds and disabilities, and service in the Senate justly entitle them to favorable consideration, to be known and designated as "The soldiers' roll of the Senate," and to continue such persons in such positions and employment until cause for their removal shall have been reported to and approved by the Senate and their removal directed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following acts:

An act (S. 517) granting a pension to Nancy E. Neely;

An act (S. 207) granting an increase of pension to Margaret E. Van Horn;

An act (S. 1619) granting an increase of pension to Ella Cotton Conrad; and

An act (S. 1781) granting an increase of pension to Julia MacN. Henry.

AMERICAN NATIONAL RED CROSS.

Mr. MONEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same.

H. D. MONEY,
H. C. LODGE,
Managers on the part of the Senate.

FREDERICK H. GILLETT,
JOHN S. WILLIAMS,
Managers on the part of the House.

The report was agreed to.

EXCLUSION FROM SUFFRAGE.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution yesterday reported by Mr. CHANDLER, from the Committee on Privileges and Elections, as follows:

Resolved, That the Committee on Privileges and Elections be instructed to inquire and report whether an enactment, by constitution or otherwise, by any State which confers the right to vote upon any of its citizens because of their descent from certain persons or classes of persons, and excludes other citizens because they are not descended from such persons or classes of persons, the persons so excluded having all other qualifications prescribed by law, is in violation of the Constitution of the United States and of the fundamental principle of our republican form of government; and also whether citizens so excluded can lawfully be reckoned in determining the number of Representatives from any State in the House of Representatives of the United States.

Mr. TURLEY. Mr. President, that resolution on yesterday was passed to the Calendar.

The PRESIDENT pro tempore. The Chair is informed that it was reported from a committee, and if so, it would not follow the usual course of resolutions offered, to lie on the table and be considered on the following day. Objection being made, the resolution will take its place on the Calendar.

Mr. TURLEY. That was done on yesterday.

Mr. CHANDLER. The Senator from Tennessee is right as to the understanding. That was the understanding.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

EXPENDITURES FOR PARIS EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and be printed:

To the Senate of the United States:

I transmit herewith, in further reply to the resolution of the Senate of April 10, 1900, having reference to Senate Document No. 338, Fifty-sixth Congress, first session, a further report from the Secretary of State, showing the places of residence of experts, clerks, officers, and employees of the Commission of the United States to the Paris Exposition of 1900, as well as the items of expenditures of the commission for the months of January, February, and March, 1900, amounting to $211,583.25.

WILLIAM McKINLEY.

EXECUTIVE MANSION,
Washington, June 2, 1900.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 11537, being the general deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11537) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

Mr. ALLEN. I offer the amendment which I send to the desk, to be inserted on page 76, after line 4.

The SECRETARY. On page 76, after line 4, it is proposed to insert:

To pay Dennis M. Kerr for extra services as assistant to the Committee on Pensions, and John H. Walker, clerk to the Committee on Pensions, for extra services, each $750.

The amendment was agreed to.

Mr. BUTLER. I offer the amendment which I send to the desk, to come in on page 76, after the amendment just adopted.

The SECRETARY. It is proposed to insert after the amendment just adopted the following:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, $200 for the first, second, and third sessions of the Fifty-fifth Congress and the first session of the Fifty-sixth Congress.

The amendment was agreed to.

Mr. HALE. I want to make a correction in the bill on page 5, line 20, to change the total there from $937.75 to $1,371.80. I move that amendment.

The amendment was agreed to.

Mr. RAWLINS. I offer two amendments, which I send to the desk, which are recommended by the Secretary of the Treasury.

The SECRETARY. After line 19, on page 48, it is proposed to insert:

For payment to J. T. Bracken for surveying in excess of contract, $367.10.

Mr. HALE. Has the Senator got the estimate of the Secretary for that?

Mr. RAWLINS. Yes, sir; I have the letter, which can be read if the Senator desires.

Mr. HALE. That is not necessary. The amendment is in order.

The amendment was agreed to.

Mr. RAWLINS. Now I ask for action on the other amendment which I have sent to the desk.

The SECRETARY. After line 10, on page 50, it is proposed to insert:

For expense and clerk hire in the office of the surveyor-general in the State of Utah for the fiscal year ending June 30, 1900, and the fiscal year ending June 30, 1901, in addition to appropriations previously made, $2,000.

Mr. HALE. Is that recommended by the Secretary?

Mr. RAWLINS. That is recommended, and the amendment is in the exact form of the recommendation.

Mr. HALE. Very well.

The amendment was agreed to.

Mr. MORGAN. I offer the amendment which I send to the desk, to come in on page 76, after line 4.

The SECRETARY. After the amendments already adopted, following line 4, on page 76, it is proposed to insert:

To reimburse the Maritimé Canal Company of Nicaragua for expenditures in aid of the commissions authorized by act of Congress known as the Ludlow commission for inspection and survey of the Nicaragua Canal, $13,568.27.

Mr. HALE. I have examined the papers in this case, and find that they are regularly certified to, and that the amount ought to be paid.

The amendment was agreed to.

Mr. MORGAN. I ask leave to insert in the RECORD certain papers which explain this matter.

The PRESIDENT pro tempore. Without objection, the papers submitted by the Senator from Alabama will be inserted in the RECORD.

The papers referred to are as follows:

THE NICARAGUA CANAL BOARD, *New York, July 31, 1895.*

DEAR SIR: The Nicaragua Canal Board is now in New York, prepared to enter at once upon the examination of the data requisite for the preparation of its final report to the President.

The time allotted us is but brief, and a very large amount of material must be examined. The board would be much indebted if you would give such instructions as may be necessary to place at our disposition any of the company's data that may be of record in New York or elsewhere; and I beg to suggest that, in order to facilitate our labor as much as possible, at the least inconvenience to the company's officers, you authorize the secretary of the company, Mr. Atkins, who evinces every disposition to accommodate us and to whom we are already indebted for courtesies, to permit us to make requisition upon him from time to time for such material as we may need and to retain it in our possession while the data in question are under consideration.

As chairman of the board, I will give memorandum receipts for such maps and other data as we need from time to time, and the board will be responsible for their safe return to the company's offices.

The temporary offices of the board are in the Army Building, in Whitehall street, which, as you are probably aware, is a fireproof structure; and whatever material we have in our possession will be securely kept under lock and key.

Very truly, yours,

WILLIAM LUDLOW, *Chairman.*

HIRAM HITCHCOCK, Esq.,
President, 56 Broad street, New York.

THE NICARAGUA CANAL BOARD,
ROOM R4, ARMY BUILDING,
New York, August 2, 1895.

DEAR SIR: I beg in behalf of the board to thank you for your very kind letter of yesterday, placing at our disposition any information in the possession of the company.

If at any time you are down town in the vicinity of the Army Building, it would give the members of the board much pleasure to meet you personally.

Very truly, yours,

WILLIAM LUDLOW, *Chairman.*

HIRAM HITCHCOCK, Esq.,
President, 56 Broad street, New York.

THE NICARAGUA CANAL BOARD,
New York, November 9, 1895.

DEAR SIR: The Nicaragua Canal Board has completed its task, and transmitted to the President its report on the Nicaragua Canal project. The board has taken occasion to express officially its obligation to the officers of the canal company for the fullest and freest cooperation and assistance in its investigation, both in the field, by opening routes and building and provisioning camps, and in New York, in placing at the disposal of the board all the records that possessed interest and value.

The board has not hesitated to say that without the aid so given its investigation would have been crippled at the outset for lack of sufficient time or funds to make it.

I desire, also, in behalf of my colleagues and myself, to indicate our appreciation of the personal courtesies shown, and to thank you for the promptness and readiness with which every request of ours for information has been met.

With much regard, very truly, yours,

WILLIAM LUDLOW,
Lieutenant-Colonel, Corps of Engineers, U. S. A., Chairman.

HIRAM HITCHCOCK, Esq.,
President Maritime Canal Company, 54 Broad Street, New York.

[Extract from the report, pages 8 and 9, of the board of engineers appointed to examine the Nicaragua Canal, according to the act of Congress of January 28, 1895, entitled "An act to amend an act entitled 'An act to incorporate the Maritime Canal Company of Nicaragua,'" approved February 20, 1889.]

The board desires to take occasion to express its sincere obligation to the officers of the canal company for their ready and unfailing disposition to aid in every way in the investigation. The records have been placed freely and fully at the board's disposal, and every facility given for their examination.

In its inspection of the canal route, the board had the advantage of being accompanied by the chief engineer and an assistant, and it was found that the company had not only opened up the entire canal line ready for inspection, but had provided camps in the eastern division, provisioned them, and engaged a number of native porters. Every need of the board for full inspection had been, as far as possible, anticipated, largely through the exertions of the official representative of the company at Nicaragua.

It should be said at once that had it not been for the trouble taken and the large expense assumed by the company in making the arrangements indicated, the board would have found itself, with the means furnished by the appropriation, crippled at the outset, as the clearing of the route and the construction and provisioning of camps would have drawn heavily upon both its time and its resources, and left little of either for the later investigations in New York and the preparation of the report.

DEPARTMENT OF STATE, *Washington, July 30, 1897.*

MY DEAR SIR: Your note of the 24th instant was received two or three days ago. The canal commission has not yet organized. We are waiting for our commissions and instructions from the Department of State.

As soon as we have organized and gotten into shape we shall ask your company to give us all the assistance in your power. I hope to be in New York the latter part of next week, perhaps Thursday evening, passing a day there on my way east. If you are in town, I shall try to see you.

Very truly, yours,

J. G. WALKER.

HIRAM HITCHCOCK, Esq.,
President of the Maritime Canal Company of Nicaragua,
54 Wall Street, New York, N. Y.

THE MARITIME CANAL COMPANY OF NICARAGUA,
NOS. 54 AND 56 BROAD STREET,
New York, April 21, 1899.

DEAR SIR: On the 28th day of January, 1895, the Congress of the United States passed an act amending the charter of the Maritime Canal Company of Nicaragua, and authorizing a commission, of which Col. William Ludlow was chairman, to examine the route, surveys, etc., of the company.

By further act of Congress in 1897 this work has been continued by the present commission, of which you are chairman.

In aid of the first commission, and also to some extent of the present commission, this company has expended money which should be refunded; and the company respectfully request your honorable commission to arrange so to do.

I inclose herewith a statement of those expenses duly certified, and I append copies of correspondence and extracts relating to the subject, which (with the exception of your letter) are printed in the report and supplemental report of the first commission.

With high appreciation of the able and honorable labors of yourself, General Hains, and Professor Haupt,

I remain, very respectfully,

HIRAM HITCHCOCK,
President The Maritime Canal Company of Nicaragua.

Rear-Admiral J. G. WALKER,
Chairman Nicaragua Canal Commission,
Department of State, Washington, D. C.

I, Thomas B. Atkins, secretary and treasurer of the Maritime Canal Company of Nicaragua, hereby certify that the expenses incurred by this company to date, in aid of the commissions, authorized by act of Congress, known as the Ludlow commission and the Walker commission for inspection of the Nicaragua Canal, amount to the sum of $15,850.35.

THOMAS B. ATKINS,
Secretary and Treasurer.

New York, February 1, 1899.

STATE OF NEW YORK,
City and County of New York, ss:

I, Thomas B. Atkins, treasurer of the Maritime Canal Company of Nicaragua, hereby certify that the foregoing is a true and correct statement of the payments made by the Maritime Canal Company of Nicaragua on account of and in aid of the canal commissions authorized by acts of the Congress of the United States.

Sworn to and subscribed before me this —— day of April, 1899.

——— ———.

Payments made by the Maritime Canal Company of Nicaragua on account of and in aid of the canal commissions authorized by acts of the Congress of the United States.

1895.			
Apr.	18.	To traveling expenses of engineers	$100.00
	18.	To salary, Mr. Very, engineer	25.00
	18.	To general expenses and supplies	103.95
	22.	Do	8.80
	22.	Do	1,141.58
May	2.	To petty expenses	9.00
	2.	Do	20.00
	2.	To travel, expense of engineers	50.00
	2.	To salary, Mr. Bennet, engineer	150.00

Payments made by the Maritime Canal Company, etc.—Continued.

1895.		
May 17.	To salary, Mr. Very, engineer	$50.00
23.	To salary, Mr. Hunt, engineer	100.00
31.	To general supplies	10.34
31.	Do	101.88
31.	To travel, expenses of engineers	100.46
31.	Do	76.38
31.	To general expenses and supplies	256.30
31.	To east division, clearing the route	638.62
31.	To west division, clearing the route	467.33
June 12.	To salary, Mr. Very, engineer	50.00
12.	To salary, Mr. Hunt, engineer	100.00
12.	To salary, Mr. Very, engineer	225.00
12.	To salary, Mr. Hunt, engineer	133.00
12.	To petty expenses	.16
19.	To salary, Mr. A. G. Menocal, engineer	370.85
30.	To petty expenses	12.96
30.	To east division, clearing route	264.55
30.	To west division, clearing route	219.79
July 16.	To petty expenses	2.40
31.	To general supplies	64.10
31.	To travel, expenses of engineers	32.17
Aug. 3.	To petty expenses	9.23
31.	To travel, expenses of engineers	400.20
31.	Do	21.16
31.	To general supplies	298.09
31.	To east division, clearing the route	550.00
31.	Do	997.65
31.	To west division, clearing the route	300.00
31.	To salary, Mr. Bennet, engineer	450.00
31.	To salary, Mr. Merwin, engineer	340.00
31.	To Mr. A. G. Menocal, traveling and sundry expenses	252.50
31.	To salary, Mr. Very, engineer	175.00
31.	To clearing and general expenses opening route	1,479.21
Sept. 12.	To petty expenses	17.52
18.	To salary, Mr. Bennet, engineer	150.00
Nov. 3.	Do	100.00
1897.		
Oct. 18.	To petty expenses	2.50
1889.		
Mar. 10.	To salary, Mr. Perez, engineer	28.00
Apr. 6.	Do	463.27
Aug. 5.	To salary, Mr. A. G. Menocal, engineer	223.26
Nov. 17.	To salary, Mr. Ehle, engineer	443.33
Dec. 4.	Do	200.00
30.	To services of clerks, April 18, 1895, to date	833.33
30.	To services of clerks, general agency in Nicaragua	780.00
1899.		
Jan. 21.	To petty expenses	5.35
	Total	13,568,27

THE MARITIME CANAL COMPANY OF NICARAGUA,
54 AND 56 BROAD STREET,
New York, July 5, 1899.

DEAR SENATOR MORGAN: I have your kind letter of the 28th June, in which you inform me that the State Department declines to recognize the claim of the Maritime Canal Company of Nicaragua for services rendered to the Ludlow and Walker canal commissions, presented through Admiral Walker. It appears from your letter that the obligation of the commissions and the Government to this company are acknowledged, but that payment can not be made because of the nonexistence of a formal contract between the commissions and the company. I am satisfied, by comparison, with the position of the company, which advanced money without which the Ludlow commission could not have proceeded, without waiting for a contract.

By reference to the copies of letters which were presented with the claim and which I inclose with this, and by further reference to the report of the Ludlow commission, printed by the House of Representatives, Fifty-fourth Congress, first session, Document 279, Part II (about 25 pages of correspondence near the beginning of the publication), you will note it was impossible for the Ludlow commission to make progress with their work for want of funds as well as want of time. The Ludlow commission used up all of its fund, and therefore nothing could have been obtained from it if we had demanded it.

Within a few weeks after the organization of the Walker commission in 1897, I laid this matter before Admiral Walker and requested him to reimburse us out of the apparently large appropriation for his work. He said he would endeavor to do so. As to the assistance rendered his commission, you notice he says, in his letter of July 30, 1897, addressed to me, "As soon as we have organized and gotten into shape we shall ask your company to give us all the assistance in your power." This was followed by other requests for assistance and for the use of our buildings in Nicaragua, etc.

I spoke to Admiral Walker about this matter several times, and he said he would advise me when to present the claim. His final conclusion was that it should not be presented until about the time he was ready to make his report to the President, and a short time before he did this I left the claim with him.

You will remember being in my company when I spoke to the President about this claim and explained it to him, and he said it appeared to him to be a proper claim, and he saw no reason why Admiral Walker should not pay it. You may also remember that I reported to Admiral Walker this conversation with the President when I presented the claim to him.

I hope the State Department will still see its way clear to pay the claim. If, however, they require a statement from General Ludlow, it would appear that pending the arrival of such statement the amount of the claim might be reserved from the appropriation for the Walker commission and not covered immediately into the Treasury.

Thanking you in advance for any kind service you may render the company in this matter, I am,

Most sincerely, yours,

HIRAM HITCHCOCK.

Hon. JOHN T. MORGAN,
United States Senate, Washington, D. C.

Mr. CHANDLER. I offer the amendment which I send to the desk, to come in on page 95, after line 2.

The SECRETARY. On page 95, after line 2, it is proposed to insert:

For payment of actual expense and compensation of civil commissioner appointed under act of August 5, 1882, on the Navy-Yard Commission, balance due, $2,062.06.

Mr. HALE. That is right.

The amendment was agreed to.

Mr. TURNER. I offer an amendment to come in after line 7, on page 48.

The SECRETARY. On page 48, after line 7, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Clinton F. Pulsifer, of the State of Washington, the sum of $276.52, for surveys and resurveys of public lands, section and township lines, in township No. 14 north, range No. 9 west, Willamette base and meridian, duly accepted by the United States but not heretofore paid for.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John O'Keane, of the State of Washington, the sum of $45, as balance of salary due him for services as a farmer in charge of Tulalip Indian Agency, Washington Territory, for the month of October, 1882, and not heretofore paid to him.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joshua T. Roberts, of the State of Washington, the sum of $884.82, as the balance due him from the United States for making survey No. 425, in the State of Washington, and not heretofore paid to him.

Mr. HALE. Matters like this for deficiencies in the regular employment of the Government, where the appropriations have failed, are not subject to a point of order if they are certified by the Secretary. Has the Senator got that certification?

Mr. TURNER. The Secretary and the Commissioner of the General Land Office have reported in favor of these claims.

Mr. HALE. That is sufficient.

The amendment was agreed to.

Mr. CULLOM. I offer an amendment, which I send to the desk, to come in on page 51, after line 10. I desire to say that it is certified to by the Secretary of the Treasury.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 10, on page 51, it is proposed to insert:

For payment for transmission of public documents through the Smithsonian exchange for the fiscal year 1900, $4,912.44.

Mr. HALE. Is that certified to by the Secretary?

Mr. CULLOM. It is reported by the Secretary, and I have the report here.

Mr. HALE. That is satisfactory.

The amendment was agreed to.

Mr. ELKINS. I submit the amendment which I send to the desk, to be inserted on page 75, after line 14.

The SECRETARY. It is proposed to insert after line 14, on page 75, the following:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of June, 1900, including the Capitol police, the Official Reporters of the Senate and of the House, and W. A. Smith, Congressional Record clerk, for extra services during the Fifty-sixth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available: *Provided*, That this section shall not apply to any employee included in the preceding section.

Mr. HALE. I raise the point of order on that amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. ELKINS. I should like to inquire on what grounds the point of order is based?

Mr. HALE. On the familiar ground that it is not in order to increase appropriations.

I will say to the Senator that such a provision has been passed several times, but it has been passed as a separate resolution. I am opposed to it, and shall oppose it when the Senator brings it up; but he ought to get it up through a separate resolution.

Mr. ELKINS. I understand that this amendment was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and that it had the approval of that committee.

Mr. HALE. But I do not understand that the committee has reported any such amendment.

Mr. ELKINS. Then I have been misinformed. I was told that the Committee on Contingent Expenses had reported it.

Mr. HALE. Undoubtedly it has, but it has not been referred to the Committee on Appropriations.

The PRESIDENT pro tempore. Not the amendment which the Senator from West Virginia sent to the Chair, but there is an amendment in the same words, which is lying upon the table, which was reported by the Committee on Contingent Expenses and referred to the Committee on Appropriations.

Mr. ELKINS. That is the amendment I intended to offer.

Mr. GALLINGER. If I mistake not, the chairman of the Committee on Contingent Expenses did make a favorable report on the amendment, and sent it to the Committee on Appropriations.

The PRESIDENT pro tempore. Then the Chair overrules the point of order, and the amendment will be again read to the Senate, for its consideration.

Mr. HALE. It need not be reported again. Is it the same amendment?

The PRESIDENT pro tempore. It is, and the Chair overrules the point of order, the amendment having been reported from a committee. The amendment will be again stated.

The SECRETARY. On page 75, after line 14, it is proposed to insert:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of June, 1900, including the Capitol police, the Official Reporters of the Senate and of the House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the Fifty-sixth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available: *Provided*, That this section shall not apply to any employee included in the preceding section.

Mr. HALE. Mr. President, I do not expect to stop this. It is giving to a class of the most favored employees in the Government thirteen months' pay for twelve months' work. There is no body of clerical employees in Washington who have so easy a time as the employees of the Senate and House of Representatives. They are here only about twelve months in the twenty-four months of a Congress; they go to their places afterwards; their rates of pay are higher than those in any other department of the Government. They systematically begin to besiege Senators and Representatives in regard to this matter from the beginning of a session, and it is no use to try to oppose or to stop it. If I should call for a yea-and-nay vote of the Senate, I could not get a dozen votes against it, and therefore I shall not call for a vote.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from West Virginia [Mr. ELKINS].

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk, to come in after line 17, on page 71.

The SECRETARY. On page 71, after line 17, it is proposed to insert:

To pay amounts found by commissioners of the Court of Claims to be due to letter carriers under the act of May 24, 1888, entitled "An act to limit the hours that letter carriers in cities shall be employed per day," certified to Congress at its present session by the Attorney-General in Senate Document No. 216, $220,674.24.

Mr. HALE. I have looked over the papers in this case. This claim is barred by the statute of limitations.

Mr. WARREN. I understand very well that if a point of order is pressed ordinary claims can not be put upon a deficiency bill. But these labor claims are of a somewhat extraordinary character, and I had hoped the Senator in charge of this bill might overlook such a technicality in view of the fact that this particular matter is in a class by itself; that there is no question as to the amount due, and there is no question that the amount is properly due—yes, and long overdue—and should be paid. And in waiving the point of order no dangerous precedent will be established.

I hold in my hand letters from the Postmaster-General and from the Attorney-General, which, while not in the form of estimates, it is true, recommend the payment of these claims exactly as they are certified up in the document. I ask the Senator if he can not forego the question of order and accept the amendment as offered? I appeal to him to admit the amendment.

Mr. HALE. I can not do that.

The PRESIDENT pro tempore. Does the Senator from Maine make the point of order against the amendment?

Mr. HALE. Yes.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. WARREN. Will the Senator object to my having printed in the RECORD the letters of the Postmaster-General and the Attorney-General?

Mr. HALE. Not in the least.

The PRESIDENT pro tempore. Without objection, the papers submitted by the Senator from Wyoming [Mr. WARREN] will be printed in the RECORD.

The papers referred to are as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 14, 1900.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant, inclosing a copy of Senate bill No. 4018 and requesting that papers on file in this Department relating to the subject-matter of the bill be forwarded to your committee.

In reply I have the honor to state that between the years 1889 and 1894 numerous claims for overtime were filed in this Department by letter carriers and ex-letter carriers. These claims were made out on blanks furnished by this Department to postmasters, and postmasters were required to certify on the blanks to the correctness of the claims. It was clearly the intention of the Department at that time to adjust and pay these claims, and an unexpended balance of an appropriation having been made available for this purpose in 1890 (26 Stat. L., page 676), a number of such claims arising at Washington and Philadelphia were adjusted and paid.

No further appropriations were made to enable this Department to pay the claims, and there arose also questions as to the proper interpretation of the act of May 24, 1888, "An act to limit the hours that letter carriers in cities shall be employed per day." These questions were judicially determined by decisions of the Court of Claims in the case of Post *vs.* United States (27 Court of Claims Reports, page 244), and by the Supreme Court, in United States *vs.* Post (148 U. S. Reports, 124) and in United States *vs.* Gates (148 U. S. Reports, 134).

After the decisions of the Supreme Court were announced the Postmaster-General issued an order to prevent the further making of overtime in the light of the decisions above mentioned. This order was followed by a circular letter of instructions to postmasters, dated April 5, 1893, and signed by the First Assistant Postmaster-General, in which the following reference to overtime claims is made:

"In this connection, with a view to minimizing the correspondence, confusion, and delay incident to an equitable adjustment of valid claims for overtime services actually and necessarily performed, letter carriers may be informed that a new, and it is to be hoped a correct, form of claim blank will soon be sent by the Department, for the benefit of claimants, to the postmasters at all free-delivery offices whence overtime claims have emanated, upon which particular blank all claims heretofore submitted should be restated, and upon which any subsequent claims may also be presented to the Department for adjustment."

The intention of the Department to adjust these claims is further shown in a communication of the Postmaster-General to the Speaker of the House of Representatives, dated November 8, 1893 (Executive Document No. 8, Fifty-third Congress, second session), and by letters sent out by this Department in answer to inquiries from claimants. As a sample of these letters, I quote one written to J. F. O'Connor, Springfield, Mass., under date of March 21, 1894:

"Yours of the 27th ultimo received. You can not present your claims for back pay to the Court of Claims without having counsel to represent you. It is not necessary, however, to present these claims to the Court of Claims; if they are sent to this Department they will receive proper attention."

As to the merits of the claims, I am of the opinion that the claimants are, as a matter of justice, entitled to relief in some form.

Very respectfully,

CH. EMORY SMITH,
Postmaster-General.

Hon. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

DEPARTMENT OF JUSTICE, *Washington, D. C., April 18, 1900.*

SIR: I acknowledge receipt of your communication of April 16, inclosing a copy of bill S. 4018, for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation. You request that I will cause to be forwarded, for the use of your committee, all papers on file in my Department relating to these claims, and also that I will favor the committee with my opinion as to the merits of the same.

In reply I have the honor to state that the list of persons and amounts to which this bill is intended to apply, contained in Senate Document No. 216, Fifty-sixth Congress, first session, to which the bill refers, was made out in response to a resolution of the Senate of the date December 18, 1899, calling upon this Department for a list of the amounts which have been reported by the commissioners of the Court of Claims as representing services actually performed by letter carriers in excess of eight hours per day.

This list was prepared under my direction by an expert employee of this Department, who has during the past five years assisted the commissioners of the Court of Claims in preparing their reports to the court of overtime of letter carriers. The list was made out by him from an examination of each one of the 2,000 or more reports of overtime of letter carriers which have been made to the Court of Claims by the commissioners appointed for the purpose during the past six years, and was based upon the statements contained in such reports of the amount and value of overtime services performed by letter carriers, for which claim was barred by the statute of limitations governing actions in the Court of Claims. These statements of barred services were made by the commissioners upon an investigation of exactly the same facts as were inquired into by them in reporting upon claims not barred, and, in fact, are a part and parcel of each report. The result of this work is undoubtedly correct, and the total amount of such claims, as ascertained by careful computation, is $220,674.24. There are no papers on file in this Department relating to these claims, and the papers from which computation of the same was made are part of the files of the Court of Claims, hence I am unable to forward for the use of your committee any papers in the premises.

As regards the merits of these claims: They were excluded from the consideration of the Court of Claims solely by reason of the statute of limitations above referred to. The various amounts were ascertained by commissioners of the Court of Claims, who were appointed by the court for the purpose of inquiring into the facts relating to the claims of letter carriers throughout the United States for overtime services, and the correctness of their work is evidenced by the fact that their reports have almost invariably been accepted, not only by the claimants, but by the United States, as being just and fair. I am satisfied, too, that these reports were eminently conservative.

As the only objection that I am aware of to these claims is a technical one, it is my opinion that, provided the failure of the claimants to present their claims to the court before the statute of limitations commenced to run against the same can be satisfactorily explained, these claims are as meritorious as any of those upon which judgment has heretofore been rendered by the court.

Very respectfully,

JOHN W. GRIGGS,
Attorney-General.

Hon. FRANCIS E. WARREN,
Chairman Committee on Claims, United States Senate.

Mr. FAIRBANKS. I offer the amendment which I send to the desk, to be inserted after line 12 on page 32.

The SECRETARY. On page 32, after line 12, it is proposed to insert:

That William H. Comegys, major and paymaster, United States Army, be, and he is hereby, authorized and instructed to issue to Howell P. Myton a duplicate of an original check issued by said William H. Comegys on the 23d day of February, 1899, numbered 966555, upon the assistant treasurer of the United States at New York City, N. Y., in favor of post exchange, Fort Duchesne, Utah, for the sum of $3,273, in payment of final statements of discharged soldiers, which original check was subsequently indorsed by George P. White, lieutenant, Ninth Cavalry, post exchange officer, over to said Howell P. Myton, United States Indian agent at Whiterocks Agency, Whiterocks, Utah, and is alleged to have been lost in transmission through the United States mails: *Provided*, That such duplicate check shall be issued under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States, including an adequate bond of indemnity.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Indiana [Mr. FAIRBANKS].

The amendment was agreed to.

Mr. CHANDLER. I offer an amendment, to come in on page 28, after line 7.

The SECRETARY. On page 28, after line 7, it is proposed to insert:

For grading and paving Columbia road east of Thirteenth street extended through square No. 23, $10,000, one-half to be paid from the revenues of the District of Columbia: *Provided*, That said street be first extended to its present width, so as to connect with Steuben street at Sherman avenue.

Mr. CHANDLER. I ask the Senator from Maine, before making any objection, to hear read the letter which I have in my hands from the District Commissioners.

Mr. HALE. Have the District Commissioners, who have jurisdiction of this subject, reported in favor of the amendment?

Mr. CHANDLER. They request that it be put on this bill. If the Senator will hear the letter he will see that that is the case.

Mr. HALE. Let the letter be printed in the RECORD.

Mr. CHANDLER. Very well. I ask that the letter be printed in the RECORD.

The PRESIDENT pro tempore. The letter will be printed in the RECORD, in the absence of objection.

The letter referred to is as follows:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 31, 1900.

SENATOR: In response to your note of May 31, requesting their views upon your proposed amendment to the deficiency bill to provide for the grading and paving of Columbia road east of Thirteenth street through square 23, the Commissioners have the honor to state that Columbia road is now opened, paved, and built up on both sides between Thirteenth and Fourteenth streets, and the bill for the extension of said street east of Thirteenth has passed both Houses of Congress, and is now in conference. The sum named in the bill, $10,000, is believed to be sufficient for the purpose named, and if the appropriation is made a very desirable improvement could be accomplished therewith. A map showing in red the position of the portion of the street in question is transmitted herewith.

Very respectfully, yours,

HENRY B. F. MACFARLAND,
President Board of Commissioners, District of Columbia.

Hon. W. E. CHANDLER,
United States Senate.

The amendment was agreed to.

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

The SECRETARY. After line 2 on page 84 it is proposed to insert:

To pay John Brown the difference between the pay of a folder at $840 per annum and that of a messenger at the rate of $1,200 per annum, from December 1, 1899, to June 30, 1900, $210. And also to pay A. B. Putnam the difference between the pay of a folder at $900 per annum and that of a messenger at the rate of $1,200, from February 1, 1900, to February 1, 1901.

The amendment was agreed to.

Mr. PLATT of Connecticut. I offer an amendment, to come in on page 73, after line 23.

The SECRETARY. After line 23 on page 73 it is proposed to insert:

To pay Charles G. Phelps for preparing for publication and indexing the civil report of Gen. John R. Brooke, military governor of Cuba, authorized by concurrent resolution No. 11, passed February 12, 1900, $125.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

SIOUX CITY AND PACIFIC RAILWAY.

Mr. FAIRBANKS. Under the agreement previously made by the Senate, I now ask that the Senate proceed to the consideration of the bill (H. R. 11719) amending section 7270 of the Revised Statutes of the United States.

Mr. ALLISON. I ask the Senator from Indiana to kindly yield to me for the passage of a local bill, as I expect to be absent the remainder of to-day, as well as on Monday, engaged in work in conference committees on appropriation bills.

Mr. FAIRBANKS. Will the bill lead to any debate?

Mr. ALLISON. I do not think it will lead to any extended debate.

Mr. FAIRBANKS. If it does not lead to any debate, I will yield to the Senator.

Mr. ALLISON. I ask unanimous consent for the present consideration of the bill (S. 1291) authorizing the settlement and adjustment with the Sioux City and Pacific Railway Company of its indebtedness to the United States.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa for the present consideration of the bill which he has just named?

Mr. HOAR. As I understand, the bill in charge of the Senator from Indiana [Mr. FAIRBANKS] is informally laid aside?

Mr. FAIRBANKS. It is temporarily laid aside.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes and empowers the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States; and that when such settlement is approved by the President it shall become operative and the Attorney-General shall make the necessary acquittance to said railroad company.

Mr. HARRIS. I desire to offer an amendment to the bill, and I wish to submit a few remarks thereon. I send the amendment which I offer to the desk.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Kansas will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

Provided, That such commission shall not agree to accept a less sum in settlement of the amount due the United States than the full amount of principal and interest and all amounts necessary to reimburse the United States for moneys paid for interest or otherwise.

Mr. HARRIS. Mr. President, I hope very much that I may have the attention of the Senate for a few moments in the discussion of this bill. This is the bill practically which was before the Senate two years ago. It involves the settlement with the last of the bond-aided Pacific railroads. The company now representing the Sioux City and Pacific Railroad is one of the great roads of the Northwest, a road which is amply able to pay the entire amount of the debt. Of course these gentlemen deny that the property is worth the full amount of the indebtedness represented by the first mortgage and the second mortgage bonds. The amount due the Government is now about $4,200,000. This is all principal so far as the Government is concerned. It is frequently said that so much of it is principal and so much is interest; but the Government has advanced all this money. It has been taken out of the Treasury. There is no dispute whatever about the amount of the debt. That is conceded by all parties.

These gentlemen recognize no moral obligation whatever to pay the debt. They do not seem to think it necessary to recognize that there is any duty when they are able to pay the debt, but they come here and through their attorneys winter after winter have insisted that the road is not worth the full amount of the debt, and that consequently the Government must accept about 20 cents on the dollar.

This great corporation proposes to pay the Government of the United States about $800,000 in settlement on a debt of $4,200,000, and the question for the Senate to consider is whether it will authorize an arrangement by which this tremendous loss to the Government of $3,400,000 shall be brought about. The commission which was appointed in the settlement of the Central Pacific—the only commission of this kind which we have authorized—brought about a settlement by which it secured to the Government the entire amount of the debt, because we added to that bill a proviso in the exact words of the amendment which I have submitted, and I believe that if this amendment is adopted we can have this bill passed and we will secure in that way the full amount of the debt.

The assertion is made that the road simply consists of about a hundred miles of track, about eighty miles in Iowa and about twenty in Nebraska. It is claimed that this road is not worth more than a small sum. What are the facts in regard to the value of that part of the property? The report of the Commissioner of Railroads gives the net earnings of this piece of property for a number of years, and it shows clearly that from 1879 to 1898 the net earnings of this hundred miles of track have been such as to amount to 3½ to 4 per cent on the entire amount of the debt. That part of this property in Iowa is assessed for taxation on a par with the most valuable pieces of railroad in the State, from five to six thousand dollars per mile.

But the important part of the whole question is, Is the bridge over the Missouri River subject to the lien of the Government? As everybody knows, the Government authorized the construction of three branch roads to unite at or about the hundredth meridian, and there to form a continuous line of road to the Pacific. One of those branches started from Sioux City, one from Council Bluffs, Iowa, and one from a point on the Missouri River, on the south side of the intersection of the Kansas River with the Missouri River. All of those lines required the crossing of rivers. Both the Union Pacific line and the Sioux City and Pacific line had to cross the Missouri River, and that became just as much a part of the road as any other bridge or any culvert on the line of the road.

The Union Pacific attempted to dispute that proposition, and a case was decided by the Supreme Court of the United States, which is reported and is accessible to everybody, in which it was clearly shown that the bridge was a part of the road; that the act of Congress required a continuous line of road. It is perfectly absurd to suppose that the act of Congress, of which, according to the Supreme Court, the paramount intention was to construct a continuous line, would contemplate the building of 80 miles in Iowa and then to commence the building in Nebraska, and leave some foreign company to construct a bridge or not between these two portions of the line. There never has been any dispute in regard to that, and the Union Pacific settled its debt to the Government on that basis, that the bridge constructed from Council Bluffs, which was the initial point in that State, was a part of the road and subject to the lien of the Government. I do not know that it is necessary to read particularly from the Supreme Court

decision. In the case of the Union Pacific the Supreme Court said:

The contest in the case does not relate to the existence of this duty. It is principally over the question whether the railroad bridge over the Missouri River between Omaha, in Nebraska, and Council Bluffs, in Iowa, is a part of the Union Pacific Railroad; for, if it is, there can be no doubt that the company are required by law to use it in connection with and as a part of their entire road, operating all parts together as a continuous line.

The conclusion of the court was:

It seems to be clear that the bridge over the river, built by the railroad company, is a part of their railroad, and required by law to be so operated. It was commenced in 1869 under the acts of 1862 and 1864. These acts were the only authority the company had at the time of its commencement for building it. It is a railroad bridge, a continuation of the line west of the river, and it connects the road with its required eastern terminus. The acts chartering the company manifest no intention to distinguish between the bridge over the Missouri River and other bridges on the line of their road. If it is not a part of their road, neither is any bridge between the Missouri and the western boundary of Nevada, for the power to build all bridges was given in the same words.

There is a great deal more in the decision, in which reference is made to the Sioux City and Pacific branch, and reference is made to the Kansas division, as all being precisely on the same footing.

Mr. President, I can not conceive of any reason why the Senate should assent to the proposition that this company is to be permitted to discharge its debt to the Government by the payment of $800,000, or even a million dollars. Twenty cents on the dollar practically is what they propose to pay. That they expect to get it by this commission is clearly shown by the persistency with which they importuned the Pacific Railroads Committee of the last Congress, and by the persistency with which they have importuned the Pacific Railroads Committee of this Congress to permit them to make the settlement in this kind of a way.

Gentlemen have said to me: "Are you afraid to trust this into the hands of the President and this commission?" I certainly do not think it is an argument, when we refuse to abdicate our own duty and turn it over to anybody else, to say anything about the duty or the power or the responsibility of those gentlemen; but I am not willing in some respects to trust to the decision of these gentlemen, who will not be able to give it their personal consideration. I am not satisfied with the manner in which the Attorney-General has conducted some cases of this character. In the settlement of the Kansas division debt there was a c[illegible] ere the Attorney-General, through his attorneys in St. Louis after an express agreement that he was going to take up the first mortgage—when he had the Treasury draft prepared for that purpose—permitted the railroad company to obtain that property at a loss to the Government of $6,300,000, when he could have had every cent of the debt in that case.

I object to the manner in which the Attorney-General has settled in the matter of the Central branch of the Union Pacific. The Central branch of the Union Pacific was a line running from Atchison a hundred miles west, somewhat similar to the Sioux City and Pacific branch. In that case it went through the courts quietly and without any resistance, and the result was that the Commissioner of Railroads reports:

It will thus be observed that in this transaction the United States, holder of the junior lien, received nothing by way of reimbursement for the indebtedness of this company, which on June 30, 1899, amounted to $3,758,854.13.

I think that these gentlemen who represent the Sioux City or the Chicago and Northwestern are afraid to take this case into the courts, because they know that any court in this land would be absolutely forced to decide that the lien of the Government rests upon the Missouri River bridge just as much as upon any other part of the road. Of course, the right to build that bridge was obtained by special act of Congress, and it made the Government claim subordinate to the lien of the bridge construction company, but in every other respect the right of the United States was preserved. That act simply recited:

That the Sioux City and Pacific Railroad Company, a corporation existing under the laws of the State of Iowa, or its assigns, are hereby authorized, for the purpose of making a more perfect connection for its line over the Missouri River, to construct and maintain a railroad bridge across said river at the most suitable and convenient point within 10 miles of the present crossing.

And section 7 of the act provides:

SEC. 7. That the Sioux City and Pacific Railroad Company may assign all the rights, privileges, and franchises conferred by and contained in this act, if said company shall deem said assignment expedient and for its best interests: *Provided, however*, That said bridge, if built by the assigns of said company shall be constructed and maintained in all respects on the terms and subject to the conditions, limitations, and restrictions herein contained, reserving the right to Congress to amend, alter, or repeal this act.

There is no question in my mind but that the Government can secure every dollar of the indebtedness in this case if it will simply exercise the same firmness which was exercised by the Attorney-General who preceded the present occupant of that office. We have simply to stand firm and insist that the gentlemen shall pay their debts. We have to insist that we will not permit them to undervalue the property which is the security of the Government debt, and we have to say, "You must pay your debt fairly and honestly, just as every other man or corporation in this country should do." It will be, in my opinion, an infamous thing if the Senate of the United States consents to any species of jugglery by which $3,600,000 of the money due to the Government of the United States by this great corporation shall be absolutely thrown away, shall be given to them as a great gratuity. They have had the use of all this money. They have had the use of it for two years since its maturity, and no action has been taken by the Attorney-General. I am surprised. I have been watching from time to time to see whether some attempt would not be made by the Attorney-General in this matter. It seems to me that he should have been attempting to enforce the rights of the Government; and now, with the attitude of the attorneys of this company, who insist year after year that this kind of a commission shall take charge of the matter, I am suspicious of the whole transaction, and it will inevitably result in a most serious and indefensible loss to the people of this country.

Mr. ALLISON. Mr. President, I have only a word to say respecting this matter. This is the last of the branches of the Pacific railroad. The indebtedness to the Government was correctly stated by the Senator from Kansas, but there is lying behind that indebtedness an indebtedness of $1,600,000 to the first mortgage bondholders. Whatever may be said about this bridge, there is also a bonded debt upon it equal or nearly equal to its value, perhaps wholly so. Now, a foreclosure would simply result in disaster to the Government. I feel sure the Government will receive a very large sum, largely more than the amount suggested by the Senator from Kansas in a compromise of this matter.

Mr. HARRIS. I ask the Senator to permit me to set myself right. I stated that was the amount suggested by the representatives of this company.

Mr. ALLISON. That may have been suggested at one time. The company will make a suggestion to the Attorney-General, to the Secretary of the Interior, and to the Secretary of the Treasury, as respects the relations of the company to the Government. I have no doubt the principal of this debt will be secured. But it is manifestly impossible for the Government to secure the principal and the interest. The wisest and best way to solve this question is by compromise and adjustment, which must receive the approval of the President before it is finally completed. Therefore I hope the amendment of the Senator from Kansas will not be agreed to.

Mr. RAWLINS. Mr. President, it seems to me the proposition as made by the Senator from Kansas is entirely sound. This railroad includes as an integral part of it the bridge in question. It constitutes a necessary connection in a vast system of railroads. The corporation which now owns and operates these lines of railroad is amply able to pay this debt, legally and in every way justly due to the Government. The adoption of the amendment proposed by the Senator from Kansas will render it absolutely certain that this amount, thus due to the Government, will be secured. If we fail to adopt the amendment it is uncertain, extremely doubtful, whether this amount will be obtained to the National Treasury. If, after the adoption of this proviso, it turns out later that it is impossible to make the adjustment on that basis, then it will be time enough for the Congress of the United States to consent to some amicable or other adjustment of the matter. For the time being I do not see how we can in any wise properly represent the interests of the Government unless we insist upon the adoption of the amendment.

Mr. MORGAN. Mr. President, it is very bad policy to transfer to the executive department of this Government questions that are in their nature judicial, upon which the rights of the Government, as they are compared with the rights of corporations or individuals, should be ascertained judicially. It is very bad policy; it is dangerous; it is unseemly, in view of the distribution of powers among the different departments of this Government.

Here is a proposition to take away from the Legislature of the United States the adjustment and arrangement of this claim and to transfer it into the hands of the executive department, without any reference back of the question to Congress to determine whether we concur or do not concur in what may be their finding. It is dangerous legislation, and ought not to be ventured upon hastily. There are other ways of getting at this business, either of which is preferable to this. One is by foreclosure in the courts. Let the courts declare what liens have priority on this property first, and then over what property these liens extend. Is there any reason which makes this case exceptional? Is there any reason why this railway company or the owners of the railway at the present time should not have the judgment of a court upon their rights? I can think of none.

The Committee on Pacific Railroads, of which I have the honor to be a member, have had this subject under consideration for a long time, and we have been willing to agree to any plan of settlement, except the one presented in this bill. I am willing to let the executive officers of this Government act as a committee of audit, to pass upon these claims, if they send the finding here for the approval of the Congress of the United States. But if it is

insisted that these officers of the executive department shall make a final settlement of this business, then we are bound to put upon it such limitations as we think justice to the United States requires.

We are told by the Senator from Kansas that this particular railroad is owned by a great northwestern company. He did not name it. I wish he would.

Mr. HARRIS. The Chicago and Northwestern.

Mr. MORGAN. It is owned by the Chicago and Northwestern Railroad Company. The parties to this contest, then, are the Chicago and Northwestern Railroad Company on the one hand and the United States on the other. Is there any particular reason that can be stated why we should make an exception of this railway company from all the ordinary rules and procedure in the ascertainment of its indebtedness to the United States Government? It is the owner of the road, and, to the extent of its value, owes its debts. The point that it makes, and the only one that I have heard of, is that the bridge across the river is not a part of the railway system; that it is a piece of property owned by a separate company, a construction company, or something of that kind, which has separated the ends of this railway, so that that company has the control of the transit of freights and charges upon them across the river.

That theory was exploded in the case cited by the Senator from Kansas by the Supreme Court of the United States upon the facts stated here or that can be stated here. Upon any form of facts that can be truthfully made to the Senate that case is on all fours with the case now before the Senate of the United States. That decision controls in this matter, or ought to control. Why can we not have the benefit of that decision? If you put this bridge in as a part of the railroad, then there is no excuse that I can hear of at least why it should not pay at least as much upon this debt as the Union and Central Pacific railways have been required to pay upon their debts; that is, to pay the original amount of the loan and all the interest that has accumulated upon it, not including interest upon interest, as would be done in an accounting between private persons. This railway company has not a debtor in the world whom it could deal with upon this basis, unless that debtor was a bankrupt and it could not get anything out of him on any other terms. Take a solvent debtor of the Chicago and Northwestern Railway Company and let that railroad company proceed to make settlement with him, and they would never think of making the terms proposed in this bill. Neither would they ever think of leaving it subject to the arbitrament of any three men in the world without any limitation at all upon what the award of that arbitration might be.

I think we have gone as far as we ought to go in this Union Pacific and Central Pacific and Kansas Pacific settlement. In the Kansas Pacific settlement there is still a debt due to us of about five or six million dollars which we have lost, which we have given away, which we have abandoned without cause, which we have thrown into the pockets of private enterprising gentlemen of certain syndicates. In the case of the Union Pacific Railway Company there was a large fund accumulated in the hands of the receiver after the bill was filed, or the various bills were filed, to foreclose the mortgages, and a receiver was appointed. A sum amounting to about $6,000,000 had accumulated as the earnings of that company. If that sum had been honestly applied to the extinguishment of the interest on the first-mortgage bonds, those bills of foreclosure could not have stood in court for one second—not a second. They had it perfectly in their power to pay up the interest on the first-mortgage bonds as they fell due. They appointed a receiver, accumulated the funds in his hands, and refused to pay the interest, in order that they might compel the United States to come to a compromise with them about it.

Now, there is interposed in the Senate, on the part of certain gentlemen in the city of New York, a very grave objection that has called for a resolution of the Senate for a report from the Department of Justice in regard to the administration of that accumulated fund in the Union Pacific Railway case. There is a sharp and very unpleasant controversy brought up by these gentlemen in respect of the action of the Attorney-General of the United States in dealing with that fund in the hands of the receiver. They claim that the United States has two paramount preferential liens upon that fund—first by mortgage, and secondly by statute. They might add, because the Union Pacific Railway is a bankrupt corporation, that the United States Government has a preferential claim upon the ground of the bankruptcy or insolvency of its debtor. Whenever an insolvent debtor is brought into any court and a question of priority of lien arises between other creditors and the United States, who has claims against that debtor, the statute gives to the United States the preference. Nobody has the right to give it away. It is claimed that that has been done.

I think, Mr. President, we have gone far enough in this matter of making arrangements through the executive officers of this Government in the settlement of these claims. It is the money of the people of the United States with which we are dealing, and not our own. They have had to pay it in the form of taxation, and they have had to pay enormous amounts in the way of extortionate rates and charges upon their own contributions to the capital stock of this very company and of other companies situated in like manner. The company comes in with every manner of pretense, every manner of opposition that can be suggested, and fling themselves boldly in the teeth of a decision of the Supreme Court of the United States and deny that this bridge across that river is a part of their railway line. Mr. President, it is an impossible contention upon the facts of this case as applied to the law as settled in the case quoted by the Senator from Kansas.

Now, there is no occasion for our doing this. Either fix a sum of money upon the same basis as the Union Pacific settlement, which we are disposed to accept, not because it is just—it never was just—but because it is expedient, all things considered, and having set that precedent we are disposed to follow it, not because it is correct, but because it is expedient. Having set that precedent, let the other railroads conform to it. If they believe that another company owns this bridge and that they have no right to it, and we have no right to charge them with the ownership of it, then let them go on into the courts, where a case is now pending, I believe, for a foreclosure of this mortgage. Let the courts of justice of this country determine between that railroad company and the United States.

I do not think that the Senate of the United States, with all of its noble and grand reputation for high lines of action and noble thought, can afford to pass this bill in its present shape without adopting the amendment offered by the Senator from Kansas. The people of the United States have a right to question us; if not in respect of our motives, at least in respect of our judgment and of our friendliness to the Government that we are here representing, when it comes in competition with a great and controlling railroad company like this. It is time that the United States Government, to say the least of it, whether the people can do it or not, had some of its rights as against these bond-aided railway companies. It is very true that they have done a great work for this country, but they have done it with our money. There are railroads in this country, on the other hand, in splendid success, which have not received a dollar of support from the Government of the United States.

I do not know that any man can point out that that great railway, the Great Northern, presided over by Mr. Hill, has received from the Government of the United States any bounty or assistance of any kind at all, and he had to build his railroad in competition with four or five others which were in full line of traffic, enjoying the trade to the Pacific ports from all the centers of this country. It was a magnificent display of American enterprise, genius, and pluck, which deserves to be encouraged and deserves to be applauded. But when these other roads, which have received almost limitless grants of bounty lands, that have received the protection and encouragement of the Government from time to time, insist that the interest which they owe the Government, and which we have had to pay for thirty-odd years, shall not be refunded to the Government until after the whole debt has matured, and that when it comes back it shall come without interest upon interest, and we have conceded it, I think we have gone far enough.

Let us deal justly with them. I want no unjust advantage of them. But, Mr. President, they are just as amenable to the payment of their honest debts as any man in this country; and when the Senate of the United States consents that it will make an arrangement with them by which these honest debts are avoided, or a part are given away to them upon such a pretense as that they do not own that bridge, I think it is time for us to consider what are the dangers of the great railroad combinations of this country as against the Government of the United States.

I do not propose, Mr. President, to be able myself to fight it, to stand against it for even a breath. It will crush me and all men it chooses to put its foot upon. But while I am in the Senate of the United States and these propositions come forward I will appeal to the people and ask them to stand by me and by those of us who oppose these measures until we can have justice done between these railroad corporations and the Government of the United States.

Mr. HARRIS. Mr. President, of course in my statement of the earning capacity of this road I included the first-mortgage debt as well as the Government debt. The first-mortgage debt amounts to $1,600,000, and the calculation of the Commissioner of Railroads in estimating the net earnings includes that amount. The net earnings are based upon the entire debt.

There is also, as the Senator from Iowa says, a debt upon the bridge which I have spoken of. That is about $1,500,000. But the value of that bridge may be estimated from a statement which I have from the Interstate Commerce Commission. The earnings,

the income or dividend, received by the Missouri Valley and Blair Railway and Bridge Company for the year ending June 30, 1896, was $1,486,100.

They have perpetuated and preserved this indebtedness of a million and a half upon it without any reason whatever except that it might be ultimately used as a buffer to protect them from the Government lien. The earning capacity of that bridge is something enormous. I suppose the actual cost of the construction of the bridge was probably two million dollars or two million and a half, but its earning capacity is something fabulous, because they are required to permit the transportation of the trains of other roads and they charge a high rate of toll upon it. So the value of the property is ample to pay off the first mortgage and the bridge mortgage and to pay the Government in full, if this matter is fairly adjusted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Kansas [Mr. HARRIS].

Mr. HARRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McMILLAN (when his name was called). I have a general pair with the Senator from Kentucky [Mr. LINDSAY]. As he is not present, I will not vote.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. I do not see him present, and withhold my vote.

Mr. PLATT of New York (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. HEITFELD]. I do not know how he would vote, and therefore I will withhold my vote.

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. McLAURIN], and therefore withhold my vote.

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. If he were present, he would vote "nay" and I would vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER]. I do not see him in the Chamber. I do not know how he would vote, and so I withhold my vote.

Mr. WELLINGTON (when his name was called). I desire to ask whether the Senator from North Carolina [Mr. BUTLER] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. WELLINGTON. I withhold my vote then. I am paired with that Senator.

The roll call was concluded.

Mr. CULLOM. I am paired with the junior Senator from Virginia [Mr. MARTIN]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CULLOM. I will transfer my pair with him to the Senator from Rhode Island [Mr. WETMORE] and vote "nay," if that transfer is agreeable to the Senator from Georgia [Mr. BACON].

Mr. BACON. It is entirely so to me.

Mr. DAVIS. I am paired with the Senator from Texas [Mr. CHILTON]. I would vote "nay" if he were here.

Mr. DANIEL. I am paired with the Senator from North Dakota [Mr. HANSBROUGH]. If he were nere, I should vote "yea." Not knowing how he would vote, I abstain from voting.

The result was announced—yeas 16, nays 32; as follows:

YEAS—16.

Bacon,	Caffery,	Jones, Ark.	Taliaferro,
Bard,	Clay,	Morgan,	Teller,
Bate,	Culberson,	Pettus,	Tillman,
Berry,	Harris,	Rawlins,	Vest.

NAYS—32.

Aldrich,	Fairbanks,	Kean,	Platt, Conn.
Allison,	Foraker,	Kyle,	Quarles,
Beveridge,	Foster,	Lodge,	Scott,
Burrows,	Frye,	McComas,	Sewell,
Carter,	Gear,	McCumber,	Shoup,
Cullom,	Hanna,	Mason,	Simon,
Deboe,	Hawley,	Nelson,	Stewart,
Elkins,	Hoar,	Perkins,	Thurston.

NOT VOTING—38.

Allen,	Gallinger,	McMillan,	Spooner,
Baker,	Hale,	Mallory,	Sullivan,
Butler,	Hansbrough,	Martin,	Turley,
Chandler,	Heitfeld,	Money,	Turner,
Chilton,	Jones, Nev.	Penrose,	Warren,
Clark,	Kenney,	Pettigrew,	Wellington,
Cockrell,	Lindsay,	Platt, N. Y.	Wetmore,
Daniel,	McBride,	Pritchard,	Wolcott.
Davis,	McEnery,	Proctor,	
Depew,	McLaurin,	Ross,	

So the amendment was rejected.

Mr. HARRIS. I desire to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2 of the bill, in line 4, after the word "President," strike out the words:

It shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.

And insert:

He shall report the same to the Congress of the United States for its approval.

Mr. HARRIS. I wish simply to say in explanation of this amendment that we certainly ought to have the right to review the proceedings of this commission and to determine whether or not the settlement has been made upon a fair and just basis.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. HARRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McMILLAN (when his name was called). I again announce my pair with the Senator from Kentucky [Mr. LINDSAY].

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the Senator from Washington [Mr. TURNER].

Mr. WELLINGTON (when his name was called). I again announce my pair with the Senator from North Carolina [Mr. BUTLER].

The roll call was concluded.

Mr. TURLEY. I again announce my pair with the Senator from Wisconsin [Mr. SPOONER]. If he were present, he would vote "nay" and I should vote "yea."

Mr. CULLOM (after having voted in the negative). I understand that the junior Senator from Rhode Island [Mr. WETMORE] has come in, and perhaps voted. In that case, as I have voted, I desire to transfer my pair with the junior Senator from Virginia [Mr. MARTIN] to the senior Senator from Maine [Mr. HALE], and I will allow my vote to stand.

Mr. WELLINGTON. I suggest to the Senator from Tennessee [Mr. TURLEY], who is paired with the Senator from Wisconsin [Mr. SPOONER], that we have a mutual transfer of pairs and both vote.

Mr. TURLEY. That is satisfactory to me.

Mr. WELLINGTON. I vote "nay."

Mr. TURLEY. I vote "yea."

The result was announced—yeas 19, nays 37; as follows:

YEAS—19.

Bacon,	Clay,	McLaurin,	Teller,
Bard,	Culberson,	Money,	Tillman,
Bate,	Harris,	Morgan,	Turley,
Berry,	Heitfeld,	Pettus,	Vest.
Caffery,	Jones, Ark.	Taliaferro,	

NAYS—37.

Aldrich,	Foraker,	McComas,	Sewell,
Allen,	Foster,	McCumber,	Shoup,
Allison,	Frye,	Mason,	Simon,
Beveridge,	Gear,	Nelson,	Stewart,
Burrows,	Hanna,	Perkins,	Thurston,
Carter,	Hawley,	Platt, Conn.	Wellington,
Cullom,	Hoar,	Platt, N. Y.	Wetmore.
Deboe,	Kean,	Pritchard,	
Elkins,	Kyle,	Quarles,	
Fairbanks,	Lodge,	Scott,	

NOT VOTING—30.

Baker,	Depew,	McEnery,	Ross,
Butler,	Gallinger,	McMillan,	Spooner,
Chandler,	Hale,	Mallory,	Sullivan,
Chilton,	Hansbrough,	Martin,	Turner,
Clark,	Jones, Nev.	Penrose,	Warren,
Cockrell,	Kenney,	Pettigrew,	Wolcott.
Daniel,	Lindsay,	Proctor,	
Davis,	McBride,	Rawlins,	

So the amendment was rejected.

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

VACANT SPACE IN THE CAPITOL.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. SPOONER] wishes to resign as a conferee on the disagreeing votes of the two Houses upon the joint resolution (S. R. 28) relating to the use of the rooms lately occupied by the Congressional Library in the Capitol. Without objection, the resignation will be accepted, and the Chair appoints the senior Senator from Rhode Island [Mr. ALDRICH].

EMERGENCIES IN RIVER AND HARBOR WORKS.

Mr. McMILLAN. I ask the consent of the Senator from Indiana [Mr. FAIRBANKS] to allow me to call up House bill No. 11646, known as the river and harbor bill.

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

Mr. FAIRBANKS. I understand the bill will occupy but a

comparatively few minutes and will not lead to any debate. Upon that understanding, I consent that the extradition bill may be temporarily laid aside.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modification of provisions heretofore made, which had been reported from the Committee on Commerce with amendments.

Mr. McMILLAN. I ask that the formal reading of the bill be dispensed with, and that the committee amendments be acted upon as they are reached in the reading.

The PRESIDENT pro tempore. Without objection, that course will be pursued.

The Secretary proceeded to read the bill. The first amendment of the Committee on Commerce was, in section 1, page 1, line 3, before the word "thousand," to insert "and fifty;" so as to read:

That the sum of $250,000 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the following purposes, to wit.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 9, after the word "respectively," to strike out the following proviso:

Provided further, That for no single channel or improvement shall a sum greater than $10,000 be allotted.

So as to make the clause read:

(1) To provide for the restoration of channels, or river and harbor improvements, heretofore established or made by the Government, where, by reason of emergency occurring since the passage of the river and harbor act of March 3, 1899, the usual depth of such channels, or customary use of such improvement, can not be maintained, and there is no sufficient fund available for such restoration, the amount herein provided, or so much thereof as is not required for the surveys hereinafter mentioned, shall be allotted by the Secretary of War: *Provided*, That in no case shall such allotment be made unless recommended by the local engineer having such channel or improvement in charge, and the Chief of Engineers, respectively.

The amendment was agreed to.

The next amendment was, under the subhead "Arkansas," on page 3, after line 19, to insert:

That the Secretary of War be, and he is hereby, authorized and directed to make an examination and survey of the harbor and river front of the city of Camden, Ark., on the Ouachita River, and report as soon as practicable an estimate of the cost for improving said harbor and for grading and protecting the river bank in front of said city, the expenses of said examination and survey to be paid out of any fund now available for the improvement of the Ouachita River.

The amendment was agreed to.

The next amendment was, under the subhead "California," on page 4, after line 23, to insert:

The San Joaquin River and the waterways connecting the same with the Straits of Carquines, extending from the town of Antioch to Suisun Point.

The amendment was agreed to.

The next amendment was, under the subhead "Delaware," on page 5, after line 13, to insert:

Mispillion River, from its mouth to the head of navigation.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

Mahon Harbor.

The amendment was agreed to.

The next amendment was, under the subhead "Illinois," on page 7, after line 18, to insert:

The harbor of Harrisonville, in the Mississippi River: With a view of retaining the harbor as it originally existed.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

KENTUCKY AND TENNESSEE.

The Secretary of War, through the Mississippi River Commission, is hereby directed to cause a survey to be made of the east bank of the Mississippi River between the highlands near the city of Hickman, in the State of Kentucky, and Slough Landing, in Lake County, in the State of Tennessee, with a view to constructing such works as may be required to prevent overflows along said section of the river, the cost of making such survey to be paid out of the unexpended balance authorized to be expended by said commission.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 8.

Mr. McMILLAN. I am directed by the Committee on Commerce to offer an amendment. On page 8, after line 9, I move to insert:

Maryland: Harbor of Havre de Grace, with a view to the removal of rocks near the entrance.

The amendment was agreed to.

The next amendment was, under the subhead "Michigan," on page 9, after line 9, to insert:

Detroit River: With a view to obtaining a sufficient depth of water in the channel on the west side of Grosse Isle.

The amendment was agreed to.

The next amendment was, under the subhead "Minnesota," on page 9, line 15, after the word "Harbor," to insert "and Warroad River;" so as to make the clause read:

Warroad Harbor and Warroad River.

The amendment was agreed to.

Mr. NELSON. At the end of line 15, page 9, I move to insert:

Long Prairie River and its sources.

The amendment was agreed to.

Mr. McMILLAN. I am directed by the Committee on Commerce to move to insert, after line 15, on page 9:

Outlet of Flat Head Lake, in the State of Montana, with a view to ascertaining the feasibility and probable cost of maintaining said lake at its normal height and thus preventing the overflow of part of the upper valley.

Kootenai River between Jennings, Mont., and the international boundary line, with a view to removing obstructions to navigation.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, on page 9, after line 15, to insert:

NEW HAMPSHIRE.

Hendersons Point, Portsmouth Harbor: With a view of removing a portion of said point for the purpose of improving navigation to the navy-yard.

The amendment was agreed to.

The next amendment was, under the subhead "New York," on page 10, after line 7, to insert:

Buttermilk Channel, New York Harbor: With a view to obtaining a channel of the same width and depth as those contemplated by the project adopted for Bay Ridge and Red Hook channels.

The amendment was agreed to.

The next amendment was, on page 10, after line 14, to insert:

NEVADA.

Colorado River: Between El Dorado Canyon and Rioville, Nev., with a view to the extension of navigation to Rioville.

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 11, line 9, after the word "River," to insert:

And also from the northern end of the North Landing River in Virginia, through said North Landing River, through Currituck Sound, through North River.

So as to make the clause read:

Pasquotank River: With the view of obtaining a navigable depth of 16 feet at mean low water from South Mills, on the Pasquotank River, thence down the Pasquotank River, and also from the northern end of the North Landing River in Virginia, through said North Landing River, through Currituck Sound, through North River, through Albemarle Sound, Croatan Sound, Pamlico Sound, and Core Sound, to Beaufort Inlet, including also cost of procuring a navigable depth of 18 feet through Beaufort Inlet and 18 feet through Ocracoke Inlet, respectively.

The amendment was agreed to.

The next amendment was, on page 11, after line 16, to insert:

Scuppernong River: With the view of improving the bar at the mouth of Scuppernong River, emptying into Albemarle Sound, North Carolina, to the end that the channel be dredged 1,200 feet long, 150 feet wide, with 9 feet depth of water at mean low tide.

The amendment was agreed to.

The next amendment was, under the subhead "Ohio River (in Kentucky)," on page 12, after line 17, to strike out:

OHIO AND ALLEGHENY RIVERS.

With a view to ascertaining the desirability and cost of changing the Davis Island lock and dam in the Ohio River and of changing or constructing the other locks and dams in the Ohio and Allegheny rivers so as to secure a 9-foot stage of water in said rivers.

And in lieu thereof to insert:

OHIO RIVER.

Continuing and completing the survey of the Ohio River for the purpose of locating locks and dams to provide a 6-foot stage of water, the expense thereof to be paid out of any moneys already appropriated and not expended for the general improvement of the Ohio River.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

OREGON.

For a survey and an estimate of the cost of construction of a canal and locks to overcome the obstructions in the Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon and Washington; and a report of such survey and estimate of cost shall be submitted to Congress on or before December 1, 1900.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, being the 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.

Mr. LODGE. I ask unanimous consent that the unfinished business may be temporarily laid aside, so that the pending bill may be continued. I desire to give notice that after the pending bill and the extradition bill shall have been concluded I shall ask that the unfinished business be again laid before the Senate, in order that the Senator from Nevada [Mr. STEWART] may have an opportunity to submit some remarks upon it.

The PRESIDENT pro tempore. Is there objection to laying aside, temporarily, the unfinished business in order that the consideration of the pending bill may be continued? The Chair hears none, and it is so ordered.

Mr. McMILLAN. I offer the amendment which I send to the desk, to come in on page 13, after line 16.

The SECRETARY. On page 13, after line 16, it is proposed to insert:

Seackonnet Harbor: To ascertain the advisability and cost of removing rocks which are an obstruction to navigation.

The amendment was agreed to.

Mr. McMILLAN. I offer another amendment, to come in after the amendment just adopted.

The SECRETARY. After the amendment just adopted it is proposed to insert:

Pawtucket River: With a view to securing a channel 200 feet wide and 18 feet deep from the mouth of the river at Providence to the lower wharves in the city of Pawtucket.

The amendment was agreed to.

Mr. McMILLAN. I offer an amendment, to come in on page 13, after line 21.

The SECRETARY. On page 13, after line 21, it is proposed to insert:

SOUTH DAKOTA.

For a survey of the Sioux River and an estimate of the cost of constructing a dam for the storage of the water of said stream in Lake Kempeska and Lake Ponsett, together with an estimate of the capacity of said reservoir and the feasibility of utilizing the same.

The amendment was agreed to.

The next amendment was, under the subhead "Texas," on page 14, line 1, before the word "deepening," to insert "widening;" and in line 2, before the words "the present," to insert "and extending;" so as to make the clause read:

Galveston Bay: With a view to widening, deepening, and extending the present channel from a point where it now is of sufficient width and depth to a point opposite Twentieth street; thence to a point opposite Thirty-fifth street; thence to a point opposite Fifty-first street, with a report as to the relative importance of the respective sections.

The amendment was agreed to.

Mr. McMILLAN. I offer an amendment, to come in after line 6 on page 14.

The SECRETARY. After line 6 on page 14 it is proposed to insert:

Also for survey and making plans for improvement of inner harbor of Galveston.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 14, after line 10, to insert:

Brazos River from its mouth to the city of Waco: With a view of examining and surveying same, reporting cost of removing obstructions and procuring a navigable depth of 4, 5, and 6 feet, and desirability thereof, first, from its mouth to town of old Washington, in Washington County; second, from said town of old Washington to city of Waco; such report to further show the most advantageous depth to each point, and whether a system of locks and dams will be necessary, and if so, the cost and location of same.

The amendment was agreed to.

The next amendment was, under the subhead "Virginia," on page 15, after line 4, to insert:

Pagan River, from Smithfield, Va., to James River, with a view to securing a channel 80 feet wide and 10 feet deep at mean low tide, or such improvement as may be found expedient.

The amendment was agreed to.

The next amendment was, on page 15, after line 8, to insert:

Chesconnessex Creek, an estuary of the Chesapeake Bay, running up into land on the western side of Accomac County, Va., with a view to dredging the same.

The amendment was agreed to.

The next amendment was, under the subhead "Washington," on page 15, after line 13, to insert:

The Secretary of War is hereby directed to appoint a board of officers of the Corps of Engineers, whose duty it shall be to make careful examination and prepare a detailed estimate for the improvement of Snake River, in the States of Idaho and Washington, from the head of navigation on said river to the point of junction with the Columbia River, so as to improve said river and make the same navigable at all seasons.

The amendment was agreed to.

The next amendment was, under the subhead "Wisconsin," on page 16, after line 7, to insert:

Milwaukee Harbor: For plan and estimate for necessary enlargement of Milwaukee Harbor and a suitable protection therefor.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to strike out section 3, as follows:

SEC. 3. That the Secretary of War is hereby authorized, in his discretion, to terminate the contract heretofore entered into with the late James B. Eads for the maintenance of the channel through the South Pass of the Mississippi River, in pursuance of an act of Congress approved March 3, 1875, entitled "An act authorizing James B. Eads and others to construct jetties, etc., and to maintain channels between South Pass of Mississippi River and Gulf of Mexico," and of an act of Congress approved June 19, 1878, entitled "An act to amend an act entitled 'An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes,'" approved March 3, 1875, and of an act of Congress approved March 3, 1879, entitled "An act to amend an act entitled 'An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes,'" approved March 3, 1875. The Secretary of War is also authorized, in his discretion, to purchase from the heirs or legal representatives of the said James B. Eads the dredges and other plant now used by them for the maintenance of said channel, or such portion of said plant as he may deem desirable, provided the amount to be paid therefor shall be fixed by a board of engineers, subject to the approval of the Chief of Engineers: *And provided*, That in no event shall the amount to be paid therefor exceed $200,000: *Provided further*, That the heirs and legal representatives of said Eads shall, by sufficient quitclaim deed or similar conveyance, transfer to the United States the accretions of lands at or near said South Pass to which they claim title. And in case the Secretary of War shall terminate said contract the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purchase of the whole or a part of said plant, or for otherwise providing a proper plant for the maintenance of said Pass. In case of the termination of said contract, the Secretary of War is hereby directed to take charge of said channel, including the jetties, and all auxiliary works connected therewith, and thereafter to maintain with the utmost efficiency said South Pass Channel; and for that purpose he is hereby authorized to draw his warrants from time to time on the Treasurer of the United States, until otherwise provided for by law, for such sums of money as may be necessary, not to exceed in the aggregate for any one year $100,000. In the event that the Secretary of War shall elect to terminate said contract, any sum which shall at that time have been appropriated by Congress to pay what would be due to the heirs or legal representatives of said James B. Eads at the expiration of said contract may be used by him in making such payment, when he shall terminate the same, anything in the law making such appropriaton to the contrary notwithstanding.

And in lieu thereof to insert:

SEC. 3. That the Secretary of War is hereby authorized and directed to negotiate with the heirs or legal representatives of the late James B. Eads with a view of ascertaining the present value of the dredges, plant, and real estate owned by the estate of said Eads at or near the mouth and upon the banks of the South Pass of the Mississippi River. In the event of a failure to agree with said heirs or legal representatives as to the value of said property, the valuation of said property shall be submitted to, and be determined by, a board of three appraisers constituted as follows: One to be appointed by the Secretary of War, one by the legal representatives of the estate of James B. Eads, deceased, and the third to be chosen by the other two appraisers jointly. The sum of $1,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of said appraisement. And the Secretary of War is hereby directed to report to Congress on the first Monday of December next the proceedings had and conclusions reached under the provisions of this section.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert:

Milford Haven, Va.: The unexpended balance of the appropriation for the improvement of the harbor at Milford Haven, Va., or any part thereof, may, in the discretion of the Secretary of War, be used for the improvement of the bar within said harbor.

The amendment was agreed to.

Mr. McMILLAN. I offer the amendment which I send to the desk, to come in on page 22, after line 15.

The SECRETARY. On page 22, after line 15, it is proposed to insert:

That the Secretary of War is hereby authorized, in his discretion, to cause the unexpended balance of the appropriation heretofore made for the improvement of the harbor at Port Clinton, Ohio, or so much thereof as may be necessary, to be applied to and expended in the improvement of said harbor, by deepening and widening the channel thereof.

The amendment was agreed to.

Mr. McMILLAN. I offer an amendment, to come in on page 24, after line 5.

The SECRETARY. On page 24, after line 5, it is proposed to insert:

Ashland Harbor, Wisconsin: That in completing the shore end of the breakwater at Ashland, Wis., as provided for in the river and harbor act of March 3, 1899, there shall be substituted a breakwater, starting at a point on the shore about 2,600 feet east of the point at which the existing shore arm of breakwater would meet shore if prolonged, and running in a direction parallel to existing breakwater for a distance of 4,700 feet, or of such a length as may be necessary to fully protect the harbor of Ashland.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 24, after line 5, to insert:

Warroad River, Minnesota: The following paragraph in an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, to wit:

"For removing a sand bar at the mouth of Warroad River, Minnesota, $3,000, or so much thereof as may be necessary"—

is hereby amended so as to read as follows:

"For improving the mouth of Warroad River, Minnesota, $3,000, or so much thereof as may be necessary."

The amendment was agreed to.

The next amendment was, on page 24, after line 17, to insert:

Outlet of Mississippi River: Section 1 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, be, and the same is hereby, amended as follows: In the paragraph beginning "Improving outlet of the Mississippi River," strike out the word "two" before the word "dredges" and insert in lieu thereof the words "one or more,"

The amendment was agreed to.

The reading of the bill was concluded.

Mr. McMILLAN. I offer the amendment which I send to the desk, to come in as an additional section.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 5. That the so-called "East Channel" across Sandy Hook Bar, New York Harbor, for the improvement of which provision was made by the river

and harbor act approved March 3, 1899, shall hereafter be known as "Ambrose Channel."

The amendment was agreed to.

Mr. McMILLAN. I also offer as an additional section the amendment which I send to the desk.

The SECRETARY. It is proposed to add as section 6 the following:

SEC. 6. That section 1 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, be, and the same is hereby, amended by adding at the end of the paragraph making an appropriation for the improvement of Pearl Harbor, Hawaii, the following language: "to be expended under the direction of the Secretary of the Navy."

The amendment was agreed to.

Mr. McMILLAN. I offer another amendment, to come in at the end of the bill as an additional section.

The SECRETARY. It is proposed to add to the bill as a new section the following:

SEC. 7. That the Secretary of the Navy is hereby authorized and directed to appoint two naval officers, and the Secretary of War one engineer officer, to constitute a board whose duty it shall be, under the direction of the Secretary of the Navy, to make a survey, plan, and estimates for the improvement of a harbor at the island of Guam; and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for this purpose.

The amendment was agreed to.

Mr. BUTLER. On page 11, after the word "therein," at the end of line 5, I move to strike out the period and insert a comma and the words "and obtaining a navigable channel from Wilmington to Fayetteville of 4, 6, or 8 feet at mean low water;" so that the paragraph will read:

Wilmington Harbor: With a view to providing a sufficient width and depth to permit vessels now using said harbor to turn or swing around therein, and obtaining a navigable channel from Wilmington to Fayetteville of 4, 6, or 8 feet at mean low water.

The amendment was agreed to.

Mr. TILLMAN. On page 21, line 5, I move to strike out all after the words "South Carolina," down to the word "and," in line 9, and insert what I send to the desk.

The SECRETARY. On page 21, line 5, after the words "South Carolina," it is proposed to strike out:

The dredge employed in the dredging of the outer bar may, when prevented by stormy weather or other cause from operating on said outer bar, be employed for dredging in the channel leading from the entrance of said bay to Georgetown, S. C.

And in lieu thereof to insert:

The dredge or dredges employed in connection with the work of improvement at the entrance to Winyah Bay, and such other dredges as are used on Winyah Bay River system and canals, may be used in dredging the shoal places between the entrance and the city of Georgetown, S. C., the places at which and depths to which such dredging shall be done to be determined by the Secretary of War, upon the recommendation of the Chief of Engineers, United States Army.

The amendment was agreed to.

Mr. GEAR. I offer the amendment which I send to the desk, to come in at the end of the bill.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the War Department are hereby directed to dredge out the harbor at Burlington, Iowa, in order that steamboats may be able to make a landing.

Mr. McMILLAN. That carries an appropriation, and I shall have to make the point of order on it.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. CAFFERY. I move to amend, on page 18, line 23, after the word "River," by inserting "to the United States for the purposes of navigation and commerce."

The SECRETARY. It is proposed to amend, on page 18, line 23, after the words "Mississippi River," by inserting "to the United States for the purposes of navigation and commerce;" so as to read:

SEC. 3. That the Secretary of War is hereby authorized and directed to negotiate with the heirs or legal representatives of the late James B. Eads with a view of ascertaining the present value of the dredges, plant, and real estate owned by the estate of said Eads at or near the mouth and upon the banks of the South Pass of the Mississippi River to the United States for the purposes of navigation and commerce, etc.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. McMILLAN. I ask that the bill may be reprinted as it has passed the Senate, with the Senate amendments numbered.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

EXTRADITION WITH CUBA.

Mr. CLAY. Mr. President——

The PRESIDENT pro tempore. There was unanimous consent given that the bill in charge of the Senator from Indiana [Mr. FAIRBANKS] should be taken up, and the Senator from Massachusetts [Mr. LODGE] gave notice that after that he would call up the unfinished business, and there will be an opportunity for addressing the Senate on that.

Mr. FAIRBANKS. I ask that House bill 11719 may now be proceeded with.

The PRESIDING OFFICER (Mr. LODGE in the chair). Under the unanimous-consent agreement, the bill referred to by the Senator from Indiana [Mr. FAIRBANKS] is now before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11719) amending section 5270 of the Revised Statutes of the United States.

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

Mr. CLAY. Mr. President——

Mr. FAIRBANKS. I should like to know for what purpose the Senator rises?

Mr. CLAY. I rise for the purpose of addressing the Senate on this bill and other bills.

Mr. HOAR. Let the bill be read.

Mr. FAIRBANKS. The bill has not yet been read.

The PRESIDING OFFICER. The Secretary was about to read the amendment, in the nature of a substitute, reported by the Committee on the Judiciary.

Mr. CLAY. I have no objection to its being read. I thought it had been read.

The Secretary read the amendment reported by the Committee on the Judiciary; which was to strike out all after the enacting clause and to insert:

That any fugitive from justice who is now or may hereafter be charged with or convicted of the commission of any of the offenses hereinafter specified against the criminal laws in force in the island of Cuba, who may be found within any State of the United States, or in any Territory, or in the District of Columbia, shall be liable to arrest and detention, and on written requisition of the military governor, or other governing authority of Cuba, he shall be surrendered to the authorities in Cuba for trial under such laws. All the provisions of sections 5270 to 5277 of the Revised Statutes of the United States, inclusive, so far as applicable, shall govern the proceedings authorized by this act. Such accused person shall be taken before a judge or justice of the circuit or district court of the United States in the district in which he is arrested, or if in the District of Columbia or in a Territory, before a judge of a supreme court thereof, who shall order his return and surrender on evidence establishing probable cause that he is guilty of the offense charged; and thereupon he shall be returned and surrendered to the authorities of Cuba on the order of the Secretary of State of the United States: *Provided*, That such return and surrender shall not be made of persons charged with the commission of offenses of a political nature: *And provided further*, That before making such order of surrender and return the judge shall be satisfied that proper provision exists for securing to the accused a speedy and fair trial for such offense, where he will be informed of the nature and cause of the accusation, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

SEC. 2. That such return and surrender, as hereinbefore provided, shall be made only in the case of persons charged with the commission of one or more of the following crimes, namely: Murder and assault with intent to commit murder; counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit, and the utterance or circulation of the same; forgery or altering, and uttering what is forged or altered; embezzlement or criminal malversation of the public funds, committed by public officers, employees, or depositaries; larceny or embezzlement of an amount not less than $100 in value; robbery; burglary, defined to be the breaking and entering by nighttime into the house of another person with intent to commit a felony therein; and the act of breaking and entering the house or building of another, whether in the day or night time, with the intent to commit a felony therein; the act of entering, or of breaking and entering the offices of the government and public authorities, or the offices or banks, banking houses, savings banks, trust companies, insurance or other companies, with the intent to commit a felony therein; perjury or the subornation of perjury; rape; arson; piracy by the law of nations; murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship owned by or in control of citizens or residents of Cuba and not under the flag of the United States, or of some other government; malicious destruction of or attempt to destroy railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life.

SEC. 3. That this act shall be and remain in force so long as and no longer than the island of Cuba shall be governed by the United States.

Mr. STEWART. I move to amend the amendment by striking out the proviso commencing with the word "*And*," in line 16 on page 3, down to and including line 24. I ask that it may be stated.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee. The Senator from Nevada moves to amend the amendment by striking out the proviso on page 3, which will be stated.

The SECRETARY. Line 16, page 3, it is proposed to strike out all after the word "nature," as follows:

And provided further, That before making such order of surrender and return the judge shall be satisfied that proper provision exists for securing to the accused a speedy and fair trial for such offense, where he will be informed of the nature and cause of the accusation, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

Mr. STEWART. Inasmuch as this proposed act is to remain in force only while the United States is in control, I do not think it is necessary to make any provision as to what is to be done after the defendant is extradited. So I think that ought to be left out. It is in charge of the United States in any event.

Mr. FAIRBANKS. Is that the Senator's only objection?

Mr. STEWART. It is my only objection to the bill.

Mr. FAIRBANKS. I have no objection to the amendment.

Mr. COCKRELL. What is the reason for that?

Mr. STEWART. The reason for it is this: This provision requires the judge to take into consideration the tribunals in Cuba before the defendant shall be extradited, in order to protect the criminal. That is unnecessary, inasmuch as the tribunals in Cuba are under the control of the United States. This proposed act is to continue in force only while they are under the control of the United States. They have been organized by the Government and are under the control of the Government, as the Senator from Mississippi [Mr. MONEY] suggests to me. All the tribunals, civil and criminal, are under the control of the United States.

Mr. HOAR. I should like to make a suggestion to the Senator from Nevada. I am so much interested in the passage of the pending bill at this late hour of the session that I do not want to have any reasonable objection to it, which will give rise to debate, exist in the mind of any Senator. Therefore, for myself, speaking for one, I am disposed to yield to anything that does not destroy the effect of the bill. How would it strike the Senator, instead of requiring the judge to be satisfied before he permits the surrender, to provide an enactment that the accused shall have such speedy and fair trial? That would govern the United States authorities down there. Then it will read:

Provided, That upon the trial of such accused he shall have a speedy and fair trial.

How does that strike the Senator from Nevada?

Mr. STEWART. I do not think there is necessity for any provision to protect the criminal after he gets there. He is then in the hands of the United States absolutely, and it is presumed that the United States will do right. If we make any provision in his behalf, designating that he shall have any particular kind of a trial, then it will be said in Cuba at once, "You do not think Americans will do justice." If that country is good enough to steal in, it is good enough to be tried in. "We have to be tried by those laws if we commit offenses." There will be a great deal of force in their criticism. There is no necessity of putting it in. They will be protected by the Government of the United States when they get there. I see no necessity for it. It is merely a matter which would give occasion for criticism, and that we do not want to have.

Mr. HOAR. I suppose the Senator from Nevada will agree with me that the courts-martial during our civil war, under the administration for which we have the highest respect, were in many cases a scandal to the civilized world. Abraham Lincoln himself had to interpose in some important cases with great emphasis, as he did. It was proved in one of them, the trial of a very eminent and highly honored citizen of my own State, where Mr. Lincoln interposed and set aside the whole matter, that a high official of the Government in the Navy Department had said: "Courts-martial are organized to convict; civil courts are organized to acquit."

I do not very well like the idea of sending American citizens out of their country to be tried by courts-martial under any administration or under any circumstances. I do not think what the Cubans are going to say has very much to do with it. I think the Senate of the United States is charged with safeguarding the personal liberties of the citizens. In this case I suppose the present Administration will see that any American citizen who is tried is fairly tried. But I am not disposed in the closing days of the session to enter into a long discussion. I think the Senator is all wrong.

Mr. STEWART. I attach a great deal of importance to what the Cubans would say and say truthfully. I think if we made this distinction between the trial of our citizens and the trial of Cubans, where we are governing the country, that if we did not treat them alike, the Cubans would have a just cause of complaint; and we should respect just causes of complaint, whether made by Cubans or anybody else.

Mr. TELLER. Mr. President, when a citizen of the United States goes to Cuba, he goes there to obey the law. If he breaks it, he is to be tried under the existing law. The situation in Cuba may not be entirely satisfactory to a people who believe in a constitutional form of government; but if that government, as the Senator from Nevada says, is good enough to try the citizens of Cuba, it ought to be good enough to try people of the United States who go there. If there is any fault there, it is for the Government of the United States to interpose, to protect either its citizens or Cubans, who are entitled to as much protection as our own people who go there. It looks to me as if we were saying to the world, "There is a condition of affairs in Cuba that will do to apply to Cubans, but will not do to apply to our own people." I do not believe we can afford to do that. I hope the Senator from Massachusetts will not raise any objection to allowing those words to go out. They did not meet the approval of some portion of the committee when the proposition was voted upon. I did not myself approve of them, and I do not now.

Mr. HOAR. May I be allowed one word in reply; and then I will yield the floor. Whenever safeguards of innocence or personal liberty are proposed, the answer is such and such things ought to be done to a man who is guilty. The Senator from Colorado——

Mr. TELLER. I beg the Senator's pardon. I made no such statement.

Mr. HOAR. I was just about to quote what the Senator did say.

Mr. TELLER. I hope the Senator will quote me correctly.

Mr. HOAR. Well, I will try, and if I do not the Senator can interpose.

The Senator said, if I did not misunderstand him, that if an American citizen goes to Cuba and breaks the laws he ought to be contented with the same kind of a trial that Cubans receive. The trouble with that argument is this: We are dealing with the proper method of ascertaining whether he has broken the laws or not. He is entitled to the ordinary safeguards of liberty, if we can give them to him. This is not the case of a man found in Cuba. It is the case of a man found on American soil, who can not be tried here except in a certain way. He is entitled to counsel; he is entitled to meet the witnesses face to face; he is entitled to have his offense clearly and accurately described to him. He is entitled to a great deal more than this bill says. He is entitled to a trial by jury; he is entitled to due process of law. If he is to be taken and it is to be merely adjudged that he is a fugitive from justice, when perhaps he is not—and he has no jury trial on that—and to be taken into a foreign country, I think justice requires that he should be given in that foreign country the same securities, the substance of a fair trial, that he has here. He ought not to be put into the category of a person found in a foreign country where we are administering largely their old laws.

I think the Senator's notions of this thing are horrible. They indicate to my mind a total lack on his part of an understanding of the ordinary principles of human liberty. But, as I said just now, we are making a provision in the last day or two of the session for a temporary state of affairs, and the condition there is controlled by a humane and benevolent Administration, whom I am willing to trust in that particular. It would be such a scandal if we should fail to have some extraditions that I propose to yield this point. I do not, however, propose to yield it for any such reason as that stated by the Senator from Colorado.

Mr. TELLER. If anybody differs with the Senator from Massachusetts on questions of this kind, of course he must be wrong, and he must be in favor of tyranny and everything that is bad. I enunciated a declaration of international law which has been recognized in every treaty that we have made with nations that do not have a jury trial ever since we have had a Government. The Senate has voted in innumerable cases to send people back to Spain, to France——

Mr. HOAR. I never have in my life.

Mr. TELLER. And to other places to be tried where the presumption of not guilty applied just as much as it does in this case.

Mr. HOAR. But American citizens are always excepted in all those cases.

Mr. TELLER. They are not excepted in all the treaties. There are treaties that do not except them. In some of the treaties the Government reserved the right to say it would not send them back, but of late years we have been making treaties—some of them have been made subject to my objection—where the Government obligated itself to send them back to be tried in courts of that kind.

American citizens go to Cuba. There is a law there. They know what the law is. They know that by the law they must be tried for an infraction of the law. Now, to say that because we desire that people who have violated the law shall be taken back there and tried, is an indication of brutality or anything of that kind, is entirely uncalled for, and it is not worthy of any further consideration or discussion on my part.

The courts in Cuba are United States courts. If they are courts that ought not to exist, then it is our fault that they do exist. It is not proposed to change those courts so far as affects the Cuban population. A million and a half of those people may be tried by a court which the Senator thinks denies justice, but when a thief, an American thief, escapes from Cuba and comes here, we are to enact some special law for his protection. Mr. President, we will stand condemned before the world if we do that. We will stand disgraced before the world if we do it. If those courts are not what they ought to be, we have the power to make them what they ought to be. There is no proposition here, none came from the committee, to protect Cubans; but it is to protect a fleeing thief because he is a citizen of the United States. I hope these words will go out.

Mr. MASON. Mr. President, I had hardly expected that in the United States Senate an attempt would be made to pass a general law to fit one case, or that simply because we have that proper and natural indignation against the criminal in the case we are now seeking to reach we would attempt to overthrow the general rules of criminal jurisprudence and deprive the man on trial of the usual rights of every American citizen who is charged with a crime. The purpose here is to strike out of this proposed law that which permits the prisoner to face his accuser, to be allowed summonses, whereby he can produce witnesses in his own defense, and to say that the court which commands his extradition need not necessarily know whether there is any court there to try him or not.

I hope the amendment will not prevail. There is no trouble in convicting the gentleman who is charged with the offense, if he be guilty, as we believe him to be guilty. I can not understand why we should want to strike out a provision providing for a jury trial. What is there connected with this man Neely, who is charged with the offense, which should deprive him, as an American citizen, of the right of being fairly and properly tried and fairly convicted if guilty? We have this to say, at least, that we have imitated Spain in robbing the Cubans, but we are not going to continue to imitate Spain by allowing the thieves to escape. We propose to show the difference between the Americans, who are in temporary control of the island, and the Spanish régime by saying that the men who have been robbing the Cubans shall be properly punished. But we have held sacred the rights of the people, even though charged with offenses. We have provided for jury trials. We have provided that a man shall face his accusers; that if he has no counsel the court shall furnish him counsel. I can see nothing in the bill reported by the committee but that ought to stand and ought to become a law. It gives him no preference over any other American citizen charged with an offense.

Mr. TILLMAN. I would ask the Senator from Illinois if we have not recently had an example of judicial interference in matters of extradition which is a scandal, because of the refusal of a judge in New York to honor a requisition from Georgia for the participants in the robbery of the United States Government, who helped Captain Carter to steal a couple million dollars at Savannah? I believe in the doctrine that we had better have a good many guilty men escape than that one innocent man should be punished, but if we are going to do anything here, we ought not to hedge it about with such restrictions and limitations that some judge will lend himself to an interference with justice by refusing to act.

Mr. MASON. Would the Senator from South Carolina want to have his life put in jeopardy or his liberty put in jeopardy without having the usual safeguards that are thrown about an American citizen, that gives him a right to face his accuser, that gives him a right to call his witnesses? Would he want to be taken down there, guilty or innocent, and have those rights and those liberties passed upon by some railroading scheme that would permit him to be tried and convicted without facing his accuser, without having the privilege of summoning witnesses? There is no court in the United States that does not give this constitutional privilege to every man put upon trial.

Mr. TILLMAN. I do not want——

Mr. MASON. I am not talking about this man Neely. I am talking about what seems to me an outrageous attempt to change the general rules of practice and criminal jurisprudence. To say that a man need not be faced by his accuser——

Mr. TILLMAN. If a man goes to Cuba——

Mr. MASON. In one moment. Then I will be through. He should have the right to have all of these privileges, and should not be deprived of them because he has committed a crime, which is the most shocking of any crime that has been committed against public interests lately. He stood in an ideal place, representing the American Government, at a time when we were saying to the world that we were sacrificing men and money for the interests of humanity. In the very hour of our performing this duty, an employee of the Government betrayed his trust and disgraced us before the world—a disgrace to all, as has been said here by Senators. We propose to show to the world the difference between the Spanish robber and the American thief who robs the Cuban people. We propose that he shall be sent back and tried quickly, but I shall never consent that he shall be tried anywhere, or that any American citizen shall be tried anywhere under the sun, without throwing about him the natural protection that belongs to him under our Constitution—the right to face his accuser, the right to subpœna witnesses, the right to have a fair and impartial trial.

Mr. TILLMAN. The Senator from Illinois asked me a question, and then went on to make a speech in answer to his own question.

Mr. MASON. The Senator understands that I had the floor and was making a very short speech, and when I asked him the question I was simply replying to a question he had asked me.

Mr. TILLMAN. Of course the Senator from Illinois is the judge as to whether or not his rights have been invaded. I do not want to intrude on him, only I was willing to answer the question and am still willing. When an American accepts an appointment from the American Government to go to Cuba or any other place where we have jurisdiction and control, and there breaks the laws of that land as well as the laws of our own land, he ought to be willing to face the consequences, whatever they may be; and if he goes to Cuba and steals and Cuban laws do not give him the rights of an American citizen, that is his lookout and he has no right to appeal to us as Anglo-Saxons, with our traditions——

Mr. MASON. The Senator is now assuming that each man is guilty.

Mr. TILLMAN. The Senator will please let me get through.

Mr. MASON. I am waiting for you.

The PRESIDING OFFICER. The Senator from South Carolina has the floor and declines to yield.

Mr. TILLMAN. When a man goes into any country and commits a crime, he is responsible to the law of that land, and he can not appeal to the traditions of his own race and people and his own government to protect him against the imposition of undue punishment that may follow his act in that country. He must stand by his act where he commits the crime, and we have no right to hedge this about, if we propose to do the right thing, with such restrictions as will leave it in the hands of some judge to defeat the ends of justice, just as the participants in the steal in Georgia—Gaynor and these other people—in New York City, who helped to steal that money, have been kept from being sent to Savannah to be tried and sent to the penitentiary, like Carter has been.

Mr. HOAR. Let me suggest this to the Senator from South Carolina: Suppose he is wrongfully accused of doing these things. Then what?

Mr. TILLMAN. If he is wrongfully accused, he can likely get justice, as we are in charge in Cuba, and when he goes there, as the Senator from Nevada has pointed out, he goes to our courts, or we are responsible for them. It is true that we have started out there in a good many ways that I do not approve of. The first thing I should like to do is to get out of there as soon as possible and turn Cuba over to the Cubans, and let them run their own affairs. But we can not appeal, as I said, to American jurisprudence and traditions to protect a man who has gone to Cuba and committed a crime. Let him stand by the rules obtaining in Cuba and the laws governing Cuba, and if he falls by it and is wrongfully punished, let him take the consequences of his own act. He had no business disgracing the American people by any such infamous proceeding as he has been guilty of.

Mr. THURSTON. Mr. President, the safeguard of this proposed act is the last section:

SEC. 3. That this act shall be and remain in force so long as and no longer than the island of Cuba shall be governed by the United States.

This is not a proposition to establish an extradition treaty with a foreign government, to turn American citizens over to another people to be tried in their courts by their procedures, where American clemency and American safeguards can not extend. We are administering the government of Cuba. We have accepted that responsibility before the whole world. There is not a law in force in the island of Cuba to-day except by our sanction, either by failure on our part under our military occupation to change the law or to suspend it as it existed before the war or by the direct act of our Government in extending the old laws and continuing the old courts through our proclamation. There is not a court in the island of Cuba before which an American citizen can be tried except a court that is established and maintained and the jurisdiction defined by the military proclamation of our own authorities in Cuba. If there is any executive clemency, and I think there must be, or the power to extend executive clemency to a person convicted in the island of Cuba, it is our power, under our Government.

We are not sending American citizens outside of the United States to be tried by a foreign court or by a foreign government. We have limited the operation of this proposed law to the time of our own occupation of the island of Cuba. Dare we, who have undertaken the responsibility of governing that island, say to the world that we can not trust our citizens, charged with crime there under our administration, to the courts that our military government has established, to the procedures that we have recognized and confirmed, to the court practices which only exist because we will them to exist?

Why is there all this fear about what may happen to an American citizen? An American citizen in the island of Cuba under our occupation and our administration is there knowing full well that if he violates the laws of the island, as continued and established by us, he ought to and must take his chances of trial there. Any other provision would make the United States of America a refuge for criminals who have violated the laws of our own administration; a refuge for criminals from a tribunal established by our

own Government; a refuge for criminals to escape the procedure of courts continued by us.

It seems to me, Mr. President, that there is no danger in this law; that while we hold those islands we owe a duty to the Cuban people and a duty to the world that we will send back there any man, American citizen or otherwise, to be tried by the tribunals that we have sanctioned under our own Government.

Mr. PLATT of Connecticut. Mr. President——

Mr. CAFFERY. Before the Senator from Nebraska sits down, I should like to ask him whether, in the proclamation of the military governor in regard to the administration of the government of Cuba, he did not adopt the Cuban laws in full in the matter of trial for crime, and whether an American citizen, therefore, would not be tried under Cuban laws and according to Cuban procedure for a violation of any of the penal statutes of that island?

Mr. THURSTON. Mr. President, I understand that by proclamation our military governor continued in force all Cuban laws except as modified by the proclamation; that it continued in existence the then existing courts of the island of Cuba and gave those courts jurisdiction to try criminals charged with offenses such as are provided for in this bill, and to try them, as the Senator says, under their own original theory of procedure.

Mr. CAFFERY. Then I will ask——

Mr. THURSTON. And it is true to-day, Mr. President, that unless we further change the judicial procedure in the island of Cuba, a person sent back there for trial will not have a trial by jury. But that is because the Government of the United States has seen fit to continue these courts and to provide for the same kind of trials in those courts that were fixed and established under the Cuban laws.

Mr. CAFFERY. Then I understand that the criminal procedure, the method of trial, is the same as that which obtained before the United States took jurisdiction over Cuba?

Mr. PLATT of Connecticut. It has been modified in many respects.

Mr. THURSTON. It has been modified in some respects.

Mr. CAFFERY. I should like to know what were the modifications.

Mr. THURSTON. But it has not been modified in the more important respect of a trial by jury instead of by the judge.

Mr. HOAR. May I ask if they do not in fact secure, as the Senator understands, the procedures set forth in the bill as it now stands—that is, the right to counsel and the right to hear witnesses?

Mr. THURSTON. I understand that under our procedure, as established by military proclamation, the accused person will have the right to be heard by counsel.

Mr. HOAR. To have a fair trial.

Mr. THURSTON. To face his witnesses, to cross-examine them, and to have as fair a trial as could be had in the courts of the United States, with the one exception that the trial will be by the court and not by a jury.

Mr. President, if the Senator from Connecticut will permit me one word further, we have the power and can exercise it any day through military proclamation, to provide a jury in every Cuban court. It is in our hands.

Mr. PLATT of Connecticut. Mr. President, I rose before this discussion sprang up as to whether the old Spanish law was in force in all particulars relating to trials, for the purpose of saying that so far as I understand the situation, as has been stated by the Senator from Nebraska, a person tried in any court in Cuba according to the proceedings as they are now carried on can have every one of the safeguards which are mentioned in this bill. The old Spanish law made them incommunicado, they were not permitted to see anyone while in prison; and the opportunity to secure bail was not equal to that in the United States.

Both those features, as I understand it, have been eliminated, and now a person who is tried for an offense in Cuba has all the privileges which are mentioned in this bill, a right to a speedy and fair trial, where he will be informed of the nature and cause of the accusation, where he will be confronted with the witnesses against him, where he will have compulsory process for obtaining witnesses in his favor, where he will have the assistance of counsel for his defense, and, it might have said, the right to cross-examine the witnesses. All that is provided for in the Cuban courts as they exist to-day. The one thing which he can not get there which he gets in the United States is a trial by jury. They have never known in Cuba or in Spain anything about a trial by jury, and it has not been thought best by the military authorities to change their law in that respect. We are there only temporarily. What they may do when they set up a goverument, which should be a republic in fact as well as in name, we do not know.

But I rose for the purpose of saying that I thought that as long as those safeguards existed in Cuba we might as well pass this bill without putting into it the clause that no person should be surrendered until the judge before whom he was tried and of whom a requisition was asked was satisfied that he would have all the safeguards thrown about the trial. If we know it, why should we delegate to a judge anywhere, to any district judge in the whole United States, the question of determining whether the party will in Cuba have a fair trial with these safeguards and these protections of his rights?

I think it very important, Mr. President, that we do not throw technical barriers around the process for the return of criminals to Cuba, especially our own citizens. It would be little less than a shocking outrage if we should have a bill passed here under which a person could go from the United States to Cuba and commit crimes there of any and all kinds, and returning into the United States should be free here and could not be returned there. That would be human liberty with a vengeance, and I do not think any Senator's regard for human liberty goes to the extent of saying that we ought to provide any machinery in a bill by which a United States citizen going down to Cuba and coming back here would go unwhipped of justice.

Now, I do not know that any judge anywhere would be impressed with the idea that a United States citizen would not have a fair trial in Cuba with all these safeguards, but we are relegating to a hundred district judges, more or less, in the United States the determination of that question when, it seems to me, there is no necessity for it, and when it may work a denial of justice, and when it may work the liberty of a man who ought to be sent back there and tried and punished for offenses which he has committed.

While I agreed in reporting the bill with this proviso in it, I am inclined to think that it is better that it shall go out, that we shall take judicial knowledge of the fact that the American citizen who goes back to Cuba will have in every respect just as fair a trial, and with all the safeguards and constitutional guaranties which are thrown around the trial of a citizen in the United States, with the exception of the right of a trial by jury; and if a citizen goes there and commits a crime, if he goes into a country where he knows the right of trial by jury does not exist, I think he ought to go back and take his trial according to the laws of the country where he committed his offense.

Mr. BACON. Mr. President, there certainly has been no greater disgrace to this country than the fact that officials sent from this country to administer Cuban affairs have betrayed the trust reposed in them. It would, however, be a still greater disgrace if the United States Government failed to take effective measures to see that the betrayers of these trusts were punished.

Of course, we all appreciate the motives of Senators who oppose the striking out of this provision in the bill. We are not at war with them as to their views and feelings relative to the protection of the citizens accused of crime. But, Mr. President, it seems to me that there is no possible answer to the argument presented by the Senator from Nebraska [Mr. THURSTON] that all the laws of Cuba for the punishment of crime are laws to-day under our authority, and all the courts under which trials can be had or before which trials can be had are under our authority. It is an impossibility that we could maintain the proposition that there should be there courts under our authority good enough to try those living in the island, who broke the laws and violated them, and not good enough to try our own citizens who go there and also violate the law.

Now, if those laws were the laws of a foreign country and were only under a foreign jurisdiction, the argument against the striking out of this provision would be good; but if the law there is not as it should be, it is our fault. If it is not good enough to try one man, it is not good enough to try another; and if it is good enough under our authority to try one man, it is also good enough under the same authority to try another, wherever his citizenship may be. We can not say that under the authority of the United States we recognize that there shall properly be laws and tribunals sufficient for the trial of parties who may be under our jurisdiction but are not citizens of the United States, and yet not sufficient for the trial of parties who are citizens of the United States.

I repeat, Mr. President, the argument to the contrary would be unanswerable if Cuba were under a foreign jurisdiction, and if the laws were by foreign authority and the courts under a foreign authority; but the argument is not a sound argument when you confront it with the fact that every law there is a law under the authority of the United States and every court there a court under the authority of the United States, and if it exist for the trial of one party it must necessarily exist properly for the trial of another which comes within its jurisdiction.

Mr. MALLORY. Will the Senator from Georgia allow me to ask him a question?

Mr. BACON. Certainly.

Mr. MALLORY. I should like to inquire of the Senator from Georgia if he knows the method of procedure followed by the courts that have been instituted by the United States Government in Cuba? Whence comes the authority by which the laws the Senator refers to were made? Who made them?

Mr. BACON. Do you mean in Cuba?

Mr. MALLORY. In Cuba.

Mr. BACON. Before the war?

Mr. MALLORY. Now.

Mr. BACON. They were made by Government authority, I presume, undoubtedly.

Mr. MALLORY. They were made by our military authority, were they not?

Mr. BACON. I presume so. The Senator knows as much about that as I do. I am not in a position to give him any information on that point.

Mr. MALLORY. If the Senator will permit me, I am seeking the light. If it is a fact that these courts are absolutely fair, that the criminal may secure a speedy trial, that he will have an opportunity to cross-examine witnesses and consult his attorneys, the fact that he does not have a trial by jury may possibly be condoned, and he may be willing to consent to such a trial. But unless it is a fact, is it not a matter that should be inquired into by the authority who is to turn him over in the event he is charged with an offense?

Mr. BACON. I think not; and I will give the Senator my reasons in a few moments. I was coming to that particular branch of the question. The inquiry of the Senator as to the character of the tribunals there and as to authority under which the laws now exist and the authority under which proclamations have been made relative to the courts and to laws, brings me to the statement that I think we have exceeded our authority in assuming the conduct of the affairs of government in Cuba except for the purpose of pacification, and that wherever we have gone beyond that in the functions of government we have usurped authority. But conceding that it is usurpation, as I believe it is, we can not screen ourselves from the responsibility which grows out of that usurpation. We can not usurp authority of government and control in Cuba and then say we will not enforce the law there because it is a usurpation. If we usurp authority we must take that authority and bear it, with all its responsibilities and its burdens, and one of the highest responsibilities of all authority, whether usurped or legal, is the enforcement of law and the punishment of crime.

Now, Mr. President, to return to the practical question—and it is really for that purpose that I venture to trespass for a few moments upon the time of the Senate—I do not think there is any doubt about our obligation to see to it, if anyone, whether he be a native Cuban or whether he be an adventurer from the United States, violates law in Cuba—commits a crime, commits that which is a crime under any government and under any law, human or divine—that the punishment of that crime shall be certain, if he is a criminal, and that there shall be certain practical methods by which it shall be ascertained whether or not he is a criminal.

Mr. President, I say again we can not screen ourselves from the enforcement of that obligation by saying that the system of law in Cuba does not secure to one charged with crime the protection which our Constitution throws around parties charged with crime in this country, for the reason that we are responsible for whatever law exists there to-day for the punishment of crime, and if that law is inadequate we are at fault. If that law does not throw around one accused of crime proper safeguards we are at fault, and we can not escape the responsibility of seeing to it that one man, whatever his citizenship may be, so long as that island is under our control, shall be held to the responsibility for crime just the same as any other man is held to that responsibility.

Now, Mr. President, I will state the point to which I want to call the attention of the Senate particularly. I was present at the time of the action of the committee upon this bill, and I do not know that I should have said anything about the measure except that it is manifest the committee itself does not approve of the retention of this provision in the bill. I want to point out to the Senate the way in which it will defeat any practical enforcement of law against anyone who may be charged with the commission of crime in Cuba and who may escape to this country.

I call the attention of Senators first to the fact that this bill does not relate to anyone except one who is a fugitive from Cuba. It does not permit the military governor in Cuba to make a requisition for some citizen of the United States who has not been to Cuba. It is only some one who is a fugitive from Cuba; some one who has been there and who has escaped from Cuba into this country.

Now, Mr. President, under the bill as it now stands, and with the provision which the Senator from Nevada [Mr. STEWART] has moved to strike out, so soon as anyone accused of having committed a crime in Cuba, and having escaped from there to this country, was arrested and carried before a judge in this country, at once the issue would be raised whether or not such and such guaranties were found in the machinery for the punishment of crime in Cuba as are specified in this provision. The question would be raised before the court. For example, one is arrested in New York charged with having committed crime in Cuba and having escaped to New York. He is carried before a Federal judge, a district judge, and there a requisition for his return to Cuba for trial is asked for. This bill as it now reads provides:

> That, before making such order of surrender—

That is, by the judge—

> That before making such order of surrender and return the judge shall be satisfied that proper provision exists for securing to the accused a speedy and fair trial for such offense.

We will see at once how broad a field that opens, practically leaving it to the judge to determine whether or not he will let the prisoner go back to Cuba or whether he will release him; further, whether or not he will be tried under circumstances where he would have—

> A speedy and fair trial for such offense, where he will be informed of the nature and cause of the accusation, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

Mr. President, I repeat, if those guaranties do not exist in Cuba it is the fault of this Government now governing Cuba, and it will not do to say that we will permit a dishonest man from the United States to go to Cuba and commit crime and come back to this country and have as an excuse why we will not return him there that we ourselves provide a system of trial in Cuba for people living in Cuba which we do not think throws sufficient guaranties around the person charged with crime.

I wish to illustrate that by what the Senator from South Carolina has already called to the attention of the Senate, a recent case and a most remarkable one, to show how such a provision will work.

We all understand, of course, that a requisition from the governor of one State upon the governor of another State for the return of a criminal or a fugitive from justice is one in which there are very few complications ordinarily; but when it comes to the question of one indicted in a Federal court in one State, who is sought to be arrested and returned from another State, it is a matter a little less definite in its ordinary method of procedure.

In the public works at Savannah in the river and harbor business there under the charge of Captain Carter, he was arrested and tried upon a charge of having conspired with certain parties, Gaynor and Green, for the purpose of defrauding the Government, and that he through his official position had enabled Gaynor and Green to defraud the United States Government out of over $2,000,000. Now, Carter himself was tried, convicted, and is to-day undergoing a sentence. Gaynor and Green, who were the men who perpetrated the offense, and who had simply been aided and permitted by Carter to perpetrate the offense, were arrested in New York, and after a trial extending through weeks, the Federal judge in New York set up and assumed to himself the authority to determine whether there was such a case made out as would entitle or justify him in sending those men back to Savannah for trial, or whether he could turn them loose; and although there was a fact existing that there had absolutely been a trial in which Carter had been convicted of having permitted them and aided them in perpetrating this monstrous embezzlement and fraud, they were absolutely turned loose and are to-day free in the State of New York, and it is impossible to carry them in the absence of any further legislation to Savannah for trial.

Mr. TILLMAN. Right there——

Mr. BACON. I hope the Senator will pardon me a minute, unless he does not agree with me.

Mr. TILLMAN. Well, I want to ask the Senator whether any action we might take in a legislative way would not be retroactive on that case now? Does not the judge himself need reforming rather than the law?

Mr. BACON. I am not discussing that question; I am simply using it by way of illustration. Of course, it is not proper for me now to go into the field the Senator from South Carolina suggests. I simply used that for the purpose of illustrating the fact that if this provision stays in the bill, there can be very little question but what, in the large majority of instances—probably in the very instance we have particularly in view—the criminal would be released upon the ground that under our authority, as it is now being enforced in Cuba, whether it be usurped authority or legal authority, there are not such guaranties thrown around the prisoner as are prescribed in this bill; and we would have a disgrace which I say is greater than the disgrace of the malfeasance of these officers, from the fact that the United States Government had failed to make proper provision for their punishment.

They can not be punished in this country. They can not be tried in this country. They must be returned to Cuba for trial. Cuba is the only place where they can be tried; and unless that is done in a way that is practicable there is no use for us to legislate upon the subject. It is not of any profit to pass a law which will not be practical in its operation; and, in my opinion, with that provision in the bill it will not be practical in its operation in nine cases out of ten.

Mr. CAFFERY. Mr. President, I am not in favor of striking out the parts of this proposed law suggested by the Senator from

Nevada. It may be true that if an American citizen who goes to Cuba for a temporary or a permanent purpose commits a crime there he ought to be tried under the laws of Cuba; but the condition of affairs is not as if Cuba were an independent country and the United States another independent country, between whom there could be extradition treaties negotiated. The fact is that Cuba is under the jurisdiction of the United States, and I am not willing that any American citizen should be taken to Cuba for trial under Cuban laws and under Cuban procedure without the establishment of probable cause before a judge in the United States. We know that those courts in Cuba are presided over by Spanish judges.

Mr. HOAR. The Senator from Louisiana will pardon me—that is left in. Nobody questions that part of it. The judge will find the probable cause. The Senator will find that in the bill.

Mr. FAIRBANKS. In line 11.

Mr. HOAR. In line 11.

Mr. CAFFERY. But the Senator from Nevada proposes to strike it out.

Mr. HOAR. No; he does not move to strike that out.

Mr. FAIRBANKS. He proposes to strike out beginning with the word "and," in line 16, on page 3, down to and including line 24.

Mr. BEVERIDGE. The proviso.

Mr. FAIRBANKS. The proviso with respect to establishing probable cause is not affected by the Senator's amendment.

Mr. CAFFERY. Very well; but it is the provision that he shall be satisfied that the accused shall have speedy and impartial trial.

Mr. FAIRBANKS. That is the portion of the bill to which the Senator's amendment is addressed.

Mr. CAFFERY. I am not afraid, Mr. President, to intrust to the primary finding of a district judge in the United States the question as to whether a speedy and impartial trial can be had in Cuba. I am not unwilling to trust that to the discretion of a United States judge. I think that that provision ought not to be stricken out of the bill.

The Senator from Nebraska, who kindly answered an interrogatory of mine, stated that in Cuba they had nearly every muniment of a criminal trial except a jury. That would occur to an American to be like the play of Hamlet with Hamlet left out.

I was proceeding to say that these Cuban courts are presided over, so far as my information goes, by the old Cuban judges. They are accustomed to the administration of criminal law according to Spanish methods and Spanish ideas; and it occurs to anyone from the number of convictions in that country that the first idea of a Cuban judge is that the criminal is guilty. They proceed upon the hypothesis of all Latin courts; they do not proceed upon the hypothesis of innocence, as in the American system of jurisprudence. The primal idea of a Cuban judge is that the prisoner is guilty. When a man who is summoned before such a prejudiced tribunal as that—prejudiced according to American ideas—I believe it proper and right to meet the exigencies of the case that, before extraditing the fugitive or criminal, a district judge of the United States should be assured of a fair and impartial trial of the accused in the island of Cuba.

I see nothing wrong in this proviso. I see nothing to detract from a good and honest administration of criminal law in Cuba. I do not think we ought to be swept off our feet in the passing of a general statute like this by the peculations of Mr. Neely. Those peculations have shocked the public conscience of the United States. They have shocked that conscience because he was an accredited agent of this Government. He has sullied the Government and the people of the United States. The public conscience is quick to condemn in this particular, and the public judgment is apt to err in passing a law of this kind, which may be too severe and unjust to ordinary criminals.

When an American resident in Cuba can be drawn up before Cuban tribunals, tried without a jury, under the peculiar ideas of Cuban judges as to the guilt of the accused, I think that it behooves the American Senate to at least seek to require that that part of the bill should not be stricken out which guarantees a fair and speedy trial to the accused.

Mr. FAIRBANKS. Mr. President, I desire to add a word or so after what has been said by the Senator from Louisiana [Mr. CAFFERY], although I do not wish to unnecessarily prolong the debate.

It is proper to say that there was some division of sentiment in the Judiciary Committee with respect to the necessity or advisability of adding to the bill the proviso to which the amendment of the Senator from Nevada [Mr. STEWART] is addressed.

I may say that I was one of those who did not regard the proviso absolutely essential, for the reason that the civil and criminal judicial tribunals in Cuba are administered, as stated by the Senator from Nebraska [Mr. THURSTON], under the direct authority of the military power of the United States. It seemed to me that the proviso in some slight degree impeached the integrity of our administration of justice in the island.

We are informed by General Brooke, in his annual report as military governor, that the most objectionable features in the criminal laws and in the administration thereof, under Spanish rule, have been suitably modified by military order; and the administration of justice is free from the corrupting influences which contaminated it under Spanish rule.

It seems to me, Mr. President, that it is of little real consequence whether the proviso remain in the bill or whether it be stricken out. If stricken out, all of the personal rights embodied in it will be fully secured to those charged with the commission of crime. The right to a speedy and fair trial, the right to be informed of the nature of the offense charged, the right to be confronted with the accusing witnesses, and the right to employ counsel are all secured by existing military orders. If the proviso be retained in the bill it will secure to the accused no more than this.

I do not share in the belief expressed by some that the retention of the proviso would result in the escape of those whose extradition might be demanded. It is inconceivable that our judges could use otherwise than honestly and wisely the judicial discretion reposed in them.

I shall interpose no objection to the adoption of the amendment of the Senator from Nevada, for the main purpose of the pending measure is unaffected in any wise by either its adoption or rejection.

Mr. President, by the first article of the treaty of peace we have taken upon ourselves the duty during our occupancy of Cuba of protecting life and property in the island. Without some legislative provision there is no authority vested in any department of the Government to deliver fugitive criminals to the authorities in Cuba.

It is necessary, therefore, that the Congress should clothe the executive department with the necessary power to enable it to return to Cuba those whose return is demanded because of some infraction of the criminal laws in force in the island. They can not be tried here. There is no tribunal here having jurisdiction. They must be tried there, according to the due and orderly procedure of the tribunals established and sanctioned by the military authority of the United States.

There need be no apprehension that those who are accused and returned to the island under the provisions of the pending measure will fail in securing speedy justice. As heretofore observed, courts are in full operation in the island, exercising civil and criminal jurisdiction under our military authority, and all violators of the criminal laws should be speedily returned to the island, there to answer to the demands of justice. It is of the utmost importance that the pending measure should be put upon its passage at the earliest possible moment.

It will not be presumed that the military governor and governing authorities of Cuba will request the return of fugitives from justice unless there be good and substantial cause therefor. We must uphold their hands in the arduous and delicate task they have undertaken, and show to the world that under the administration of the United States the laws of Cuba will be rigidly enforced against any and every lawbreaker.

Mr. FAIRBANKS subsequently said: I ask unanimous consent to have printed in connection with my remarks the report from the Judiciary Committee on the bill.

The PRESIDENT pro tempore. Without objection, that order will be made.

The report submitted by Mr. FAIRBANKS May 28 is as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 11719) amending section 5270 of the Revised Statutes of the United States, after full consideration, report the same back with an amendment in the nature of a substitute.

Article 1 of the treaty of peace between Spain and the United States reads as follows:

"Spain relinquishes all claim of sovereignty over and title to Cuba.

"And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation for the protection of life and property."

It is incumbent upon the United States, under this solemn engagement, to protect life and property in the island of Cuba while in control thereof, and to that end she must aid in making effective the administration of justice therein. If crimes are committed and those who commit them seek asylum in the United States, they must be returned to the authorities to be dealt with under the laws there in force, or both life and property in the island would be insecure.

The liberties of the individual in the United States are so carefully and properly safeguarded that he can not be arrested and detained without some warrant of law. The arrest must be made by the express sanction of the law, otherwise the prisoner, although confessedly guilty, will be discharged and set at liberty on a writ of habeas corpus. There is no existing law under which a man may be arrested for an offense committed in the island of Cuba.

There exists no extradition treaty between the United States and Cuba under which fugitives from justice may be detained and returned to the island for trial and punishment.

According to Mr. Jefferson—

"The laws of the country take no notice of crime committed out of their jurisdiction. The most atrocious offender coming within their pale is received by them as an innocent man, and they have authorized no one to seize and deliver him."

It is therefore evident that without some adequate authority for the detention and return of criminals fleeing to the United States from Cuba the United

States would become the refuge of lawbreakers. Moreover, such fugitives would wholly escape punishment for their offenses against the criminal laws of Cuba, for no courts of the United States would have jurisdiction in the premises. The courts of Cuba alone can take cognizance of offenders against the criminal laws, which by the orders of the military governor of the island are in force and effect therein.

Our fiduciary relations to Cuba are of such a singular and exalted character that we should be quick to provide all necessary means for making effective the laws which are operative in the island. It would indeed be idle for the military authority to provide or sanction a criminal code for the island if criminals could escape to the United States and no means be afforded for their apprehension and return to the proper jurisdiction, there to answer the charges standing against them.

Some suggestion has been advanced to the effect that provision should be made by Congressional act for the trial of persons in the judicial tribunals of the United States for offenses committed against the laws in force in Cuba.

We do not deem it essential to pursue at present the question as to whether the Congress has the power to vest in courts of the United States jurisdiction over offenses committed in a foreign country against the laws established or sanctioned therein by the military authority. We are satisfied that if the power were undoubted its present exercise would be unwise and inexpedient.

While the island is administered by the military power of the United States offenders against the civil and criminal laws in force therein should not be removed for trial in the courts of the United States if there existed the constitutional power conferring upon them such jurisdiction.

The expense of the administration of justice would be greatly and unnecessarily increased; the attendance of witnesses would be secured with difficulty; the judicial processes of our courts do not run to Cuba, nor are there officials there to serve them even if issued. Uncertainty and distrust would naturally arise in the minds of the Cubans as to the purpose and end to be accomplished. The people of Cuba should be permitted to see justice administered in their own courts. They should be permitted to see that justice is not a commodity to be bought, and that all violators of the laws in force in the island are to be visited with certain and adequate punishment in the judicial tribunals established therein.

It is a well-recognized principle of international jurisprudence that the extradition system rests upon reciprocity; but the relations which exist between the United States and Cuba are so exceptional and anomalous in their character that considerations of reciprocity which are usually observed between nations entering into treaties of extradition should have no weight. The rule should have no application here. In a technical legal sense the United States and Cuba are foreign to each other, but for the time being and until the existing trust relations cease upon the absolute surrender of Cuba to the control of its own government the power of the United States is present in the island. There is for the time being no independent sovereignty, then, with which a reciprocal convention could be secured.

The governor of Cuba is a governor under the military power of the United States, and the extradition of fugitives from justice may be authorized by Congress without regard to the rule of reciprocity and without violating any of the wholesome provisions or limitations of international law.

We could not, in good conscience, and with a just regard for the interests of the island within our control, and the interests of society, refrain from enacting a suitable statute of extradition.

In order that there may be no vexatious exercise of the power of extradition under this act, it is provided that there shall be shown probable cause before a judge of the appropriate court, who shall order the return and surrender, but no such order shall be made until the judge shall be satisfied that the accused will have a speedy and fair trial.

Mr. RAWLINS. Mr. President, the proviso which it is sought to have stricken from this bill simply requires that the judge shall be satisfied that certain safeguards will be accorded to the accused when he has been extradited, according to the expression used in this bill, to Cuba. It is not a question as to whether Mr. Neely has been guilty of a crime or whether any other individual has been guilty of a crime. No person under our law and under the authority of the Government of the United States can be deprived of life, liberty, or his property without due process of law. The government in Cuba, it seems to me, is a part of the Government of the United States. There is no war there. If any branch or arm of this Government is exercising power there, it is in pursuance of some power conferred upon the General Government or some of its departments under the Constitution.

Mr. President, I assume, and I think we ought to be able to assume, that no person can be convicted and punished in Cuba unless he has infringed upon some positive law defining the act as a crime and providing for its punishment. We ought to be able to assume in passing this legislation that all reasonable safeguards have been provided with respect to the trial of any person accused of crime against any law existing in Cuba, either directly or indirectly, under the authority of the United States. I suppose that the Senate in legislating and passing this bill ought to be presumed to know the law in force at this time in Cuba. Every judge who is called upon to administer law, whether here or in Cuba, is presumed to know the law which is in force. It seems to me a little incongruous that we should insert in a bill relating to any land within the control, either permanently or temporarily, of the United States, that we do not know whether it is already provided that the accused shall be informed of the cause or the nature of the accusation, shall be entitled to have counsel appear in his defense, and be confronted with the witnesses against him.

So far as I am concerned, I would be unwilling to consent by any vote of my own to the trial of any person anywhere under the authority of the United States, and his conviction and punishment, without the intervention of a jury, as provided for in the Constitution. It is not a question as to Neely, not a question of the right of Neely; it is the right of every American citizen. So far as we know at present, the men who now are accused through the newspapers of the commission of crime in Cuba may be innocent. I do not know, and I care nothing about that. That is not a question in legislating upon this subject. Before anyone can be tried, he ought to be informed as to the cause or the nature of the accusation against him. He ought to be arraigned before a competent tribunal, including a jury, to pass upon the question of his guilt or innocence. He ought to have a right to summon witnesses in his behalf. He ought to have every presumption indulged in of his innocence until his guilt has been established in accordance with due process of law.

The argument, to me, is a little startling that because we are occupying an abnormal and anomalous, if not an illegal, position in relation to the people of Cuba we are, ignoring this wrong, to take another step in violation of the rights of the individual. In my judgment, we can not encroach upon individual rights at any time or under any circumstances without setting a precedent which will be dangerous and which may return to plague us in the future. This man may be guilty, and the rights of the next man arraigned and thrown into jail without any of the safeguards pertaining to the trial of a citizen, which should prevail in advance of his conviction and punishment, may also be ignored.

I know there is great clamor in Congress and out of Congress. There has been a gross outrage and breach of trust committed in Cuba. Therefore it seems that with little regard to the rules of law and the principles relating to the administration of justice we must hurl these people, against whom suspicion has been raised, into prison or execute them as an example of the frenzy of the United States and the indignation of its people. A trust which this Government has taken in charge has been violated.

Mr. President, there are other things. If these parties who are now in the United States are accused of having violated some law in Cuba, having committed a crime against some government—against whose law and against what government? Temporarily, and now, against no law, except a law of the United States; against no government, except the Government of the United States. It is an embezzlement; it is only a crime as it has been made one by law, by adoption, or by express enactment. We are administering international law in Cuba. The Constitution provides for that contingency, and says that Congress may define and punish offenses against the law of nations. If no such offense has been defined by Congress in a given transaction, no person can be guilty of having committed an offense not so defined. If the offense has been defined and is punishable in a certain way, we ought to know it, and the court that is called upon to extradite the prisoner ought to know it, and is presumed to know it.

Mr. President, I have not risen for the purpose of criticising this bill, but only for the purpose of expressing my opposition to the idea that any person can be arraigned and tried in Cuba or anywhere else, under the authority of the United States, except through the intervention of a jury, having his rights safeguarded as provided for in the Constitution of the United States. No matter whether the offense is committed under such circumstances that it is a breach of international law or a breach of domestic law, he is equally entitled to these privileges and these immunities.

Mr. CHANDLER. Mr. President, when I first read this bill as reported by the Senate committee, I thought it was right in all respects. It carefully limited the crime for which accused parties should be sent to Cuba, and it contained this provision which it is now proposed to strike out. I thought at first that that ought to remain, because under this bill we shall be sending our own citizens to a foreign country, and we have always refused to make an agreement in an extradition treaty that bound us to send our own citizens to a foreign country for trial. We have been very careful about that, Mr. President, and if this clause in the bill provided for sending criminals to a foreign country over which we had no control, I should be unwilling to let the provision, which put extraordinary safeguards over the right of extradition, be stricken out of the bill. But there are certain reasons why we want this law to be strict. We ought to be solicitous that Congress shall throw no obstacle in the way of the trial of great offenders.

Moreover, although Cuba is foreign soil, we have absolute control over it. We are only there by military power, and at any moment, if any trial is going on contrary to correct and just principles, the military commander in Cuba can interfere, and, more than that, the President of the United States, at any moment, by one signature of his, by one telegram of his, can absolutely control any judicial proceeding which may be taking place in the island of Cuba, and with those safeguards, the safeguards growing out of our absolute control of that island, and the bill containing a provision that this act shall remain in force only so long as the United States retains control of the island of Cuba, I am willing to see the provision stricken out of the bill.

Mr. HALE. I was impressed, Mr. President, by the statement of the Senator from New Hampshire [Mr. CHANDLER] with reference to our policy in extraditing our citizens to foreign countries, and I hoped, when the Senator stated that, that his sagacious and commonly unerring mind was going to bring him to the conclusion that in this case we do not desire to extradite our citizens not only to a foreign country, but to any country that is under a

different system of laws from ours. If there is anything in the policy which we have jealously maintained, that we will not extradite American citizens to any country which is foreign and whose laws are different from ours, thereby imperiling our citizens and putting them under contrary systems, it applies just as much to Cuba to-day as it would to old Spain or France or Russia.

We have not been able, and can not be able at present, and perhaps never, to throw the safeguards around the liberty of the citizen, the presumption of innocence around the accused in Cuba, that to-day is the panoply of citizenship in the United States. It is no fault of anybody that we can not, but more or less of the old system. The lack of the presumption in favor of the innocence of the accused prevails to-day in the tribunals in Cuba.

As the Senator from Louisiana [Mr. CAFFERY] said, we ought not to be carried off our feet by what is the apparent necessity of the existing case. It is true, as he said, that in other countries—and relics of it still obtain in Cuba, and must under the present administration of government there—the presumption of innocence that stands with the accused here through every trial does not obtain. It has never obtained in Latin countries. It does not obtain to-day in Spain; it does not in France.

The whole course of procedure there is upon the other presumption. It took the British race, Mr. President, and the British people generations and centuries before they emerged from the other proposition, that the presumption was against the accused; and after long years of contest in Parliament and in the courts and before eminent judges, advocated by the brightest spirits in British history, at last Great Britain and the English people emerged into the sunlight of the proposition that the presumption of innocence always stands with the accused and that the burden is upon the other side.

Mr. President, I am not willing, even under the present emergency—I want to see every guilty man punished and every innocent man go free—to vote to strike out this proposition which the committee has put in the bill. That is in line with the whole history of the Anglo-Saxon race. I am not thinking of Mr. Neely nor anybody else who is proposed to be extradited; but I do not want the Senate to vote to strike out a proposition that is in the line of the protection of the citizen and that will give him the benefit of the presumption of innocence wherever he goes, and will not consign him to a tribunal where the presumption of innocence does not prevail, as it does here.

Mr. HOAR. Mr. President, every Senator who has spoken in favor of this provision, I believe, has laid down as the foundation of his argument this postulate: That if an American goes to Cuba and commits a crime he ought to be content to be tried as criminals in Cuba are tried. But what we are doing is to determine how a man found peaceably at home in the United States, innocent and wrongfully accused, may be tried. We make our constitutional securities, our criminal laws, our practice acts in criminal cases with reference to that question; and the question now is, Ought an American citizen, you or I or the most honest and blameless person on this continent, to be liable to be taken from his home upon a false accusation, carried to Cuba, and tried as Dreyfus was tried? That is the proposition before the Senate.

The Senator from Nebraska [Mr. THURSTON] said that if there is no better trial there now than that we ought not to complain or to hesitate to send our innocent citizens down there to be put upon such a trial, because we are in power there, and it is our trial and our power and our court and our judge as well as our citizen.

Mr. President, I think there is a very simple and easy answer to that proposition. When we conquer a country we can not in the first five minutes or in the first five months give them a new, humane, just, and in all respects perfect system of law; we take, until we can do better, the law they have there. Suppose we had landed in Spain, or suppose we had a war with France, and conquered France. We should do just as we have done in the Philippine Islands, I suppose, if I am correctly informed, so far as we have conquered them. We should for the time being and ad interim administer their laws, the laws under which they have lived, and under which, if they had been self-governing, they would have been content to live, until a permanent arrangement could be made.

Now, in Cuba we do not make a permanent arrangement, giving them American law, because we do not expect to stay there, and we are waiting for the Cubans to come into the legislative authority and function and make laws for themselves. I do not think it is true or reasonable to say that because we have not yet been able to enact a new system of law, new criminal provisions, and a new system of criminal administration for Cuba in these six or eight or ten months which we have been there since the island was pacified, therefore you or I, your son or my son, may be taken on a false accusation. There are a great many possibilities. Suppose some military officer down there, perhaps a favorite with the powers there, commits a crime, as this man Neely is said to have committed a crime, and he, to cover himself, makes a wrongful charge on some subordinate or associate? I have known that thing to happen in a very recent experience of my own, and it has happened many a time. They go and swear out a warrant. The innocent man has been down there, has got through his office, has resigned, has come home, is perhaps sick, and he is carried off to Cuba, taken from his wife and children, and tried by a court-martial or by a Cuban-Spanish court, where there is no presumption of innocence, no right to have counsel, where he is incomunicado, perhaps.

Mr. PLATT of Connecticut. He is not.

Mr. HOAR. I understand that he is not now, but he would have been perhaps twelve months ago, and may be again.

Now, I say that that is not a reasonable thing to do, and if there were any liability of that doctrine being put in operation, that because there are courts there by which Cubans are tried American citizens are to be dragged from their homes and taken down there and so tried, I would stand and see this Congress ended by its own constitutional limitation, if the power were in me, rather than to permit a law which would enable that thing to be done to pass.

I hope that the American people and the American Senate and the American Congress have not forgotten every one of the great constitutional safeguards. When our ancestors declared that every man charged should have a trial by jury, should see the witnesses face to face, should have counsel, should have the offense beforehand clearly and distinctly described to him, they were not answered in the Constitutional Convention or in the convention before the people by saying, "It is a good enough thing for a thief to be tried so and so;" "a thief ought to think himself lucky if he is tried at all." That is not the American, or as my friend the Senator from Maine said, the English fashion. Our freedom has slowly broadened down from precedent to precedent until we have said we make our criminal provisions with reference first and chiefly to the security of innocence, and not for the punishment of guilt. It is better that ten guilty men shall escape than that one innocent man shall suffer. Therefore, I do not think it is a reasonable thing to send Americans to Cuba to be tried after the old Cuban fashion, even as it has been modified.

Mr. PLATT of Connecticut rose.

Mr. HOAR. I do not yield at this moment. I want to finish my sentence. I do not think it is a reasonable thing to send American citizens to Cuba to be tried by an American court-martial either. No man who remembers the history of the civil war, earnest as he may have been on the side of the Government, will deny that the courts-martial as practiced in our civil war were guilty of very great abuses. Now I will hear the Senator from Connecticut.

Mr. PLATT of Connecticut. I was going to say that we send criminals back to France, to be tried there, without any such provision.

Mr. HOAR. We do not send our citizens back to France to be tried there.

Mr. PLATT of Connecticut. There is no exception made in the French extradition treaty.

Mr. HOAR. The practical exception is that we will not treat an American citizen who has come home to live as a fugitive from French justice; and all that there is in our French extradition treaty is that we will surrender fugitives from justice.

Mr. PLATT of Connecticut. "Persons."

Mr. HOAR. In our recent treaties, made within the last eight or ten years, the Senate has always been scrupulous to affirm that we were under no obligations to surrender American citizens. That is the policy. Would the Senator from Connecticut, Mr. President, be in favor of surrendering you or me—I will not ask it about me—but would he be in favor of surrendering you or any citizen of Connecticut, to be tried in France as an assumed accomplice of Dreyfus, under the Dreyfus methods?

Mr. PLATT of Connecticut. Oh, the extradition treaty does not provide for any such case.

Mr. HOAR. I know it does not. If the striking out of this provision from the bill were to be supported by the arguments which have been advanced for it, I could not by any possibility either consent to strike it out or to allow the bill to pass, if I could help it, if it were stricken out.

This fact is also true: There are in Cuba now established courts, as we are informed, where the substance of all these provisions is in fact secured, and those courts can not be changed in their character now without the authority and consent of the President of the United States himself. This is intended only as a temporary and not a permanent arrangement. There is a pressing case, a gross scandal, a crime, and it would be, as the Senator from South Carolina well said, a scandal if a man who got a little ahead of the detectives and got into the country after having plundered the Cuban treasury could come into the United States and be safe. Therefore, as it is in the last stage of the session, and if this bill can not be agreed on pretty soon the criminals will escape, I am not disposed, because the arguments which have been made for it are so abhorrent to my own sense of justice and sense of constitutional liberty, to prevent the passage of the bill, whether it be in or out.

Mr. President, the Senator from Georgia undertook to quote a case where, as he believed—I dare say he is right—a single United States judge out of a hundred has unreasonably refused to surrender a criminal from one district in the United States to another. Suppose that to be true. Suppose a particular judge has been mistaken or worse than mistaken. Would the Senator from Georgia for that reason abolish our securities which attach to the extradition of criminals? Would he, in the excited times before the civil war, have sent a Georgian to Massachusetts or would he have a citizen of Massachusetts sent to Georgia without some inquiry as to the nature and character of the offense, as to whether the man was probably guilty?

Mr. BACON. Will the Senator from Massachusetts permit me to interrupt him for a moment?

Mr. HOAR. Certainly.

Mr. BACON. Under the statement of the Senator from Massachusetts there is not now in Cuba such a tribunal, with such provisions guaranteeing a fair trial, etc., as the Senator contends are required by the Constitution of the United States and the recognized provisions of free government.

Mr. HOAR. I understand——

Mr. BACON. Will the Senator pardon me for a moment? The Senator asked me a question. I am trying to reply to it, and before I get to it the Senator stops me.

Mr. HOAR. Oh, no; the Senator was saying something which so far was not a reply to my question.

Mr. BACON. I was using that as preface to what I am going to say. The Senator says there is not in Cuba such a court.

Mr. HOAR. I did not say that. I said to the contrary.

Mr. BACON. That there are courts of that kind in Cuba?

Mr. HOAR. Yes.

Mr. BACON. If there are any courts in Cuba where there are any provisions such as are set out in this bill, I do not know of them. There may be some few of them.

Mr. HOAR. Both the Senator from Nebraska and the Senator from Connecticut——

Mr. BACON. I desire to present a matter, but if the Senator will not permit me to do it, I will not attempt it.

Mr. HOAR. Proceed.

Mr. BACON. What I wish to say to the Senator is this: The contention of the Senator amounts to this, that if there are not now such provisions in Cuba as will justify the party being sent there for trial, he can not be tried in this country, and of course then he must be set at liberty—necessarily so.

Mr. HOAR. That is true, exactly.

I understand that two Senators on this floor—stating what I myself had been previously informed of—one of them quoting the proclamation of General Brooke, said that the Cuban courts as recognized and maintained by our authority do provide every single element of a constitutional trial except the single element of a trial by jury. I do not believe that a trial by a Cuban jury is very certain to be as good for the party wrongfully accused as a trial by a judge, under the particular conditions existing there. Indeed, I do not suppose they could find in the ordinary method of impaneling juries 12 men there who would be competent to make such an investigation.

So, as I said a while ago, if this were to be defended by the arguments which have been advanced, I should deem it my duty to resist the striking out of these words, and to resist the passage of the bill, after they were stricken out, to the extent of my power. But I am not prepared, believing that everything that this provision is intended to secure is practically secured during the period while this bill will last, to resist the passage of the bill, whether it be in or out, though I would rather have it in. The reason why I would rather have it in is because I think that always, where we are dealing with questions which affect personal liberty, the security should be declared and not omitted.

The Senator from Nebraska says that our authority is to be trusted. That is true, of course; but the question is whether the authority of ours that is to be trusted is not the authority of our lawmaking power; whether it is not we the Senate, we the House of Representatives, and we the President whose discretion and sound judgment should settle this thing. I think there is a great difference between we the Congress of the United States and we the court-martial in a foreign country. But, as I said, I do not think the question practically is one serious enough to warrant the risking of the defeat of this bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. STEWART] to the committee amendment.

Mr. HALE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. Mr. President, I do not intend to delay this bill except for a moment. I am not willing to allow the statement made by the Senator from Massachusetts and the Senator from Maine to pass unchallenged. We have a number of treaties in which we have never reserved the right to refuse. We have a French treaty; we have a Swiss treaty. I can recall some others which have passed here since I have been a member of the Senate, against my objection, because I have always insisted that the principle should be maintained. It is not that we as a separate nation alone do that. The treaties will show that both powers reserve the right to refuse to give up their subjects, if they see fit. We do not say they shall not be given up. We simply say we reserve the right. But in the treaty with France, made in 1843, and the treaty made with Switzerland in 1893, we made no reservation of that kind. I think I can find a half dozen more.

Mr. HOAR. May I ask the Senator from Colorado a question?

Mr. CHANDLER. May I be permitted to ask a question?

Mr. TELLER. I will yield in a moment. I admit that the general rule of mankind and of all nations is that they will not surrender their own citizens.

I wish to say one other word here. We are not surrendering our citizens to a foreign country. We are surrendering them to an American court, whether it is a civil court or a military court. Now I will hear the Senator from Massachusetts.

Mr. HOAR. The question is this: Although there may not be put in terms in a treaty the provision which we do have in our late treaties, that we will not surrender our own citizens, is not the practical construction of the words "fugitive from justice" such that they do not apply to a citizen who comes home in the ordinary course of events?

Mr. TELLER. There is nothing to indicate that in any of these treaties. All of the old treaties contained that without exception, I believe; that is, those made, say, before 1820. Since that time we have been loose in that particular.

Mr. CHANDLER. Will the Senator from Colorado allow me a word now?

Mr. TELLER. Yes.

Mr. CHANDLER. The Senator is probably right, and so was the Senator from Connecticut, about the early treaty with France, but we made another treaty, in 1892, and I will read Article V from it. It is a treaty made by Mr. Whitelaw Reid and Mr. A. Ribot.

Mr. TELLER. Does that contain it?

Mr. CHANDLER. Article V says:

> Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

I want the Senator to allow me to add, while he also mentioned the Swiss Republic, with which we have a treaty which does not contain this reservation, that my impression has been until to-day that we had no outstanding treaties that did not contain this provision.

Mr. TELLER. The Senator can look up the Swiss treaty. I have seen more than a dozen treaties come into the Senate with that provision out, and into several of them it has gone as an amendment. It has been the policy, I admit. But I contend that there is no analogy between those cases and the present one before the Senate—none whatever, absolutely none. If there is any, then we ought to legislate directly as to what the court should be in Cuba.

Mr. CHANDLER. I admit that what the Senator says is true, but the question is whether there are such courts in Cuba now as are described in the amendment. If there are, then guilty persons may be taken there and tried; but if the effect of the amendment would be to let Mr. Neely go free, I would prefer to risk the trial of an American citizen in the island of Cuba as long as we have military jurisdiction there.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. STEWART] to the committee amendment, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS]. He does not seem to be present, and I therefore withhold my vote.

Mr. MALLORY (when his name was called). I am paired with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. I do not know how he would vote on this question. If he were present, I should vote "nay."

The roll call was concluded.

Mr. McMILLAN. I announce my pair with the Senator from Kentucky [Mr. LINDSAY].

Mr. BUTLER (after having voted in the affirmative). I have a general pair with the Senator from Maryland [Mr. WELLINGTON]. I should like to know whether he has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BUTLER. I withdraw my vote.

Mr. THURSTON (after having voted in the affirmative). I have a general pair with the Senator from South Carolina [Mr.

TILLMAN], who has not voted; but if I understood his position correctly upon the floor, his vote would be the same as mine, and I therefore let my vote stand.

The result was announced—yeas 46, nays 10; as follows:

YEAS—46.

Aldrich,	Davis,	McCumber,	Scott,
Allen,	Depew,	McLaurin,	Sewell,
Allison,	Fairbanks,	Martin,	Shoup,
Bacon,	Foraker,	Nelson,	Simon,
Bard,	Foster,	Perkins,	Stewart,
Berry,	Frye,	Pettigrew,	Teller,
Beveridge,	Hansbrough,	Pettus,	Thurston,
Chandler,	Hawley,	Platt, Conn.	Vest,
Clay,	Jones, Ark.	Platt, N. Y.	Warren,
Cockrell,	Kean,	Pritchard,	Wetmore.
Cullom,	Lodge,	Quarles,	
Daniel,	McComas,	Ross,	

NAYS—10.

Burrows,	Gallinger,	Hoar,	Sullivan.
Caffery,	Hale,	McEnery,	
Culberson,	Heitfeld,	Mason,	

NOT VOTING—30.

Baker,	Gear,	McMillan,	Taliaferro,
Bate,	Hanna,	Mallory,	Tillman,
Butler,	Harris,	Money,	Turley,
Carter,	Jones, Nev.	Morgan,	Turner,
Chilton,	Kenney,	Penrose,	Wellington,
Clark,	Kyle,	Proctor,	Wolcott.
Deboe,	Lindsay,	Rawlins,	
Elkins,	McBride,	Spooner,	

So Mr. STEWART'S amendment to the amendment was agreed to.

Mr. FAIRBANKS. In line 6, on page 3, after the word "judge," I move to strike out the words "or justice."

The amendment to the amendment was agreed to.

Mr. FAIRBANKS. On page 3, line 9, before the word "Supreme," I move to strike out the article "a" and insert "the;" so as to read "before a judge of the Supreme Court thereof." It is a typographical error.

The amendment to the amendment was agreed to.

The amendment as amended 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.

The title was amended so as to read: "A bill to provide for extradition and rendition of fugitives from justice from the island of Cuba."

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 disagreement to the amendments of the Senate to the bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. MOODY, and Mr. MCRAE managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10650) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana;

A bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes; and

A bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 538) granting an increase of pension to Charles F. Winch;

A bill (H. R. 852) granting an increase of pension to James Cooper;

A bill (H. R. 1570) granting a pension to Susie Margarite Landrum;

A bill (H. R. 1748) granting a pension to Ellen V. McCleery;

A bill (H. R. 1797) granting a pension to Jane Lucas;

A bill (H. R. 1801) granting an increase of pension to Elijah Biddle;

A bill (H. R. 2020) granting a pension to Clarissa Carruth;

A bill (H. R. 2126) granting an increase of pension to William H. Capehart;

A bill (H. R. 2726) granting a pension to James A. Root;

A bill (H. R. 2826) authorizing and requiring certain extensions to be made to the line of the Capital Traction Company and of the Anacostia and Potomac River Railroad Company of the District of Columbia;

A bill (H. R. 3082) granting an increase of pension to Joseph H. Sparks;

A bill (H. R. 3495) granting an increase of pension to Levi G. Welgus;

A bill (H. R. 3513) granting a pension to Edwin Hurlburt;

A bill (H. R. 3869) granting a pension to Joseph H. Hamrick and Ella G. Hamrick;

A bill (H. R. 4424) granting a pension to Isaac N. Jennings;

A bill (H. R. 5192) granting a pension to Louise Adams;

A bill (H. R. 5549) granting an increase of pension to David H. Ingerson;

A bill (H. R. 5695) granting a pension to Matilda Reeves;

A bill (H. R. 5929) granting an increase of pension to Barton Acuff;

A bill (H. R. 6091) granting a pension to Mary A. Fullerton;

A bill (H. R. 6164) granting a pension to Julia Traynor;

A bill (H. R. 6352) granting a pension to Lizzie B. Leitch;

A bill (H. R. 6425) granting an increase of pension to William H. Wendell;

A bill (H. R. 6559) granting an increase of pension to Genevieve Laughton;

A bill (H. R. 6564) granting a pension to Anna M. Starr;

A bill (H. R. 6919) granting an increase of pension to John Blanchard;

A bill (H. R. 6990) granting a pension to Patrick O'Donnell;

A bill (H. R. 7186) granting an increase of pension to Sylvester Doss alias Harry S. Doss;

A bill (H. R. 7588) granting a pension to Robert Patterson;

A bill (H. R. 7852) granting an increase of pension to Oliver W. Brown;

A bill (H. R. 8044) granting an increase of pension to James M. Barrett;

A bill (H. R. 8211) granting an increase of pension to William Shulmire;

A bill (H. R. 8235) granting an increase of pension to Daniel Metcalf;

A bill (H. R. 8236) granting an increase of pension to James M. Dennison;

A bill (H. R. 8366) relating to the allowance of exceptions;

A bill (H. R. 8404) granting an increase of pension to Timothy A. Lewis;

A bill (H. R. 8476) granting a pension to Christopher Costello;

A bill (H. R. 8536) granting an increase of pension to Robert Anderson, jr.;

A bill (H. R. 8592) granting a pension to Elizabeth J. Fields;

A bill (H. R. 8885) granting an increase of pension to Sara H. M. Miley;

A bill (H. R. 8888) granting an increase of pension to Henry O'Conner;

A bill (H. R. 8992) granting a pension to Margaret J. Kibble;

A bill (H. R. 7145) granting a pension to Catharine Slayton;

A bill (H. R. 9175) granting an increase of pension to Stella B. Armstrong;

A bill (H. R. 9194) granting a pension to Sarah Elvira C. Upham;

A bill (H. R. 9236) granting an increase of pension to Herman S. Soules;

A bill (H. R. 9419) granting a pension to Henrietta P. Cotter;

A bill (H. R. 9424) granting an increase of pension to George Cronk;

A bill (H. R. 9740) granting a pension to Sophia A. Lane;

A bill (H. R. 9752) granting a pension to Margaret Thornberry;

A bill (H. R. 9775) granting an increase of pension to William H. Hempstead;

A bill (H. R. 9826) granting an increase of pension to Russell L. Moore;

A bill (H. R. 9915) granting a pension to Madison T. Trent;

A bill (H. R. 10412) granting an increase of pension to George B. Abbott;

A bill (H. R. 10443) granting a pension to Anna C. White;

A bill (H. R. 10455) granting an increase of pension to Bertha G. Kimball;

A bill (H. R. 10581) granting a pension to Joseph B. McGahan;

A bill (H. R. 10612) granting an increase of pension to Richard Harden;

A bill (H. R. 10719) granting an increase of pension to Elizabeth S. Seymour; and

A bill (H. R. 10870) granting a pension to Herbert J. Graff.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes; and

A bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

RED RIVER BRIDGE.

The bill (H. R. 10650) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana, was read twice by its title, and referred to the Committee on Commerce.

Mr. VEST (subsequently), from the Committee on Commerce, to whom was referred the bill (H. R. 10650) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana, reported it without amendment.

HOUR OF MEETING.

Mr. ALLISON. I ask unanimous consent that when the Senate adjourn to-day it shall meet at 10 o'clock on Monday.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Iowa asks unanimous consent that when the Senate adjourn to-day it adjourn to meet at 10 o'clock on Monday morning. Is there objection? The Chair hears none. It is so ordered.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. TELLER. Mr. President, I suppose the regular order is the Philippine bill?

The PRESIDENT pro tempore. That is the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the 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.

Mr. TELLER. I gave notice that I would take the floor and make some remarks at the first opportunity on the pending bill. The Senator from Georgia [Mr. CLAY] has appealed to me to allow him to take the floor now for a few minutes, which I desire to do, retaining the floor, if I can, and I will follow him.

Mr. PETTIGREW. I should like to follow the Senator from Colorado on next Monday on this same subject, as heretofore stated.

Mr. TELLER. I will yield now to the Senator from Georgia. When he gets through I will address the Senate.

Mr. CLAY. I am exceedingly obliged to the Senator from Colorado. I will not consume more than twenty-five minutes of the time of the Senate.

Mr. President, the expenditures in the present pending bill exceed the expenditures in the deficiency bill for the year 1896, $5,674,626. This fact has lead me to make a somewhat critical examination of the expenditures of our Government since its organization, in order to point out the great increase and extravagant expenditures which at the present time pervade every department of our Government. In order to fully expose our present extravagance it is not necessary that we deal with the expenditures in our newly acquired possessions. Still I may deem it necessary to refer briefly to our administration of affairs both in Cuba and Porto Rico, since we have become responsible for the administration of government in those islands.

In 1790 we had a population of 3,929,214 people, and the entire expenses of the National Government amounted to $3,797,436. This was just 91 cents per capita for our entire national expenses. In 1802, when Jefferson was President, we had a population of 5,308,483 people, and the entire expenses of the Government amounted to $13,270,487. The calculation properly made showed that the per capita expenses of the Government at that period did not exceed $2.49. Tracing our history, we find that in 1830 Andrew Jackson was President of the United States and our population had grown to 12,866,020, and the total national expenditures amounted to $24,585,281.

It will thus be seen that at this period of our history the per capita tax for the purpose of meeting the expenses of our Government was only $1.90; that in reality, instead of our expenses increasing per capita under Jackson's Administration, the per capita expenses had decreased 59 cents. Time will not permit me to give the per capita expenses of the Government for each year, but the general average up to this period will compare favorably with the instances which I have given. In 1860, at the close of Buchanan's Administration, there had been no material increase in the per capita expenses of our Government.

At that time the population of the United States was 31,443,221 and the entire expenses of the Government amounted to only $77,055,125. Considering our population in comparison to our expenditures, the per capita tax of the United States for the entire expenses of the Government was only $2.45. There had really been a decrease in our per capita expenses in Mr. Buchanan's Administration of 4 cents per capita over the Administration of Mr. Jefferson.

Thus it will be seen up to the commencement of the civil war we had continued the rigid economy which had characterized the early history of our Government. While we grew in wealth and population, the general expenses of the Government did not outgrow our increased population, but expenditures and increased population kept pace with each other. The per capita expenses of the Government at no time exceeded $2.60 per capita. It is to be regretted that a careful examination of our expenditures in comparison with the growth of our population during the last quarter of a century shows that expenditures during this period have more than quadrupled the per capita expenditures previous to the civil war.

We might expect the increased expenditures to grow in proportion to the increase in our population, but when our expenditures become so large as to increase the per capita expenditures of the Government from $2 to $8 per annum it is time for us to pause and to see where we are drifting. Think of it, in 1860 it cost the people of the United States $2.45 per capita to pay the entire expenses of our Government. In the year 1900 it costs the people of the United States $8 per capita to pay the expenses of our Government.

I desire to give special attention to our expenditures during the last twenty-five years and to show at no period during this time has these expenditures been so enormous as during the present Administration. In 1875 we had a population of 43,951,000. The expenses of the Government at that time was $6.25 per capita. This was ten years after the close of the civil war and the expenditures were denounced as extravagant and unnecessary.

In 1878 we had a population of 47,598,000 and the expenses of the Government had been reduced from $6.25 per capita to $4.98, a decrease of $1.27 per capita. In 1884 we had a population of 54,911,000 and the total expenditures of the Government was $4.39 per capita. In 1888 the population had grown to 59,974,000 people; the expenditures of the Government cost the people of the United States $4.33 per capita. In 1891 our population had grown to 64,002,000 and our expenditures were $5.55 per capita. In 1896, at the close of Mr. Cleveland's Administration, our population was 71,263,000 and the entire expenses of the Government cost the people of the United States $4.94 per capita.

The peace treaty with Spain was ratified February 6, 1899, and the war with Spain was ended and the Government of the United States was thought once more to be at peace. A careful examination, however, of our expenditures for the year 1899 shows a cost to the people of the United States of $7.97 per capita. It will thus be seen that the taxpayers of the United States, to meet the expenditures of our Government for the year 1899, pay into the Treasury of the United States $7.97 per capita. The head of a family, with a wife and five children, at this rate would pay to support the National Government $48 per year. It must be remembered that national taxation is not based upon property, but largely upon what we eat and wear.

The increased expenditures of our Government at the close of the fiscal year 1899 exceed the expenditures during Mr. Cleveland's Administration $3.03 per capita. At no period in our history since 1871 will the expenditures of this Government per capita equal the expenditures in 1899. Take the expenditures for 1900 and 1901. The estimates made are as follows:

	1900.	1901.
Agriculture	$3,127,722.00	$4,306,257.00
Army	144,677,342.72	127,712,133.55
Diplomatic and consular service	1,833,028.76	1,895,848.76
District of Columbia	7,230,807.07	7,657,773.31
Fortifications	12,151,898.00	11,728,938.00
Indian	7,069,316.41	6,800,526.52
Legislative	24,365,005.86	25,019,269.91
Military Academy	681,866.99	702,292.99
Navy	47,128,251.08	74,245,509.15
Pensions	145,233,830.00	145,230,230.00
Post-Office	105,224,000.00	110,777,800.00
River and harbor	15,580,341.00	19,993,741.31
Sundry civil	51,024,859.75	70,072,708.28
Total regular annual appropriations	565,328,269.64	606,143,628.78
Total permanent annual appropriations	128,678,220.00	132,712,220.00
Total regular and permanent appropriations	694,006,489.64	738,855,248.78

Supposing the population of the United States for the year 1900 to reach 77,000,000 people, taking into consideration the estimates above set forth, the expenditures of our Government per capita for the year 1900 would be $9.01. The expenditures for the year 1901, not taking into consideration the increased population of that year over the preceding year, would be $9.59 per capita. At this rate the increased expenses per capita of our Government for the year 1901 would exceed the per capita expenses of the Government at the close of Mr. Cleveland's Administration $4.65. In 1896 it cost the people of the United States per capita to pay the expenses of the Government $4.94.

In 1899 it cost them $7.97. In 1900 it cost them $9.01 per capita; and in the year 1901, taking the estimates heretofore given, it

will cost the people of the United States $9.59 per capita to meet the expenses of the Government. These estimates do not take into consideration the extraordinary expenses likely to arise by reason of the war now going on in the Philippine Islands, and which is likely to continue indefinitely under the present condition of the nation's affairs. In 1868, three years after the close of the civil war, it cost the people of the United States 68 cents per capita to meet the expenses of the pension roll.

In 1873 pensions cost the Government of the United States 70 cents per capita. In 1878 pensions cost the Government 56 cents per capita. In 1881, 98 cents per capita. In 1898, thirty-three years after the civil war, when in all probability more than 60 per cent of the brave soldiers who fought to sustain the National Government are dead and gone, the pension rolls cost the people of the United States $1.98 per capita, and 1899, $1.83 per capita. I hold in my hands a statement of the expenses of the Government at the end of the fiscal year 1896, the year before the present Administration began. This statement is as follows:

Agriculture	$3,303,750.00
Army	23,592,884.68
Diplomatic and consular	1,563,918.78
District of Columbia	5,545,678.57
Fortifications	2,427,204.00
Indian	10,659,565.16
Legislative	21,305,583.29
Military Academy	406,535.08
Navy	25,327,126.72
Pensions	151,581,570.00
Post-Office	87,236,599.55
River and harbor	11,648,180.00
Sundry civil	34,253,775.55
Deficiency bill	9,825,374.82
Permanent annual appropriations	113,073,956.32
Miscellaneous	297,667.37
Total expenditures for 1896	497,008,520.66

I have taken the trouble to compare the expenditures of our Government for the year 1896 with the year 1900, and have obtained the various amounts of the appropriation bills which have already passed and the estimate of the amounts contained in the two bills now pending, and the expenditures for the fiscal year ending June 30, 1901, are as follows:

Agriculture	$4,023,500.00
Army	114,951,590.55
Diplomatic and consular	1,771,168.76
District of Columbia	7,500,000.00
Fortifications	7,300,000.00
Indian	8,223,597.24
Legislative	24,175,832.53
Military Academy	653,000.00
Navy	63,128,616.67
Pensions	145,245,230.00
Post-Office	113,648,238.75
River and harbor	600,000.00
Sundry civil	71,500,000.00
Deficiency bill	15,500,000.00
Permanent annual appropriations	132,712,220.00
Miscellaneous	230,000.00
Total	711,162,994.50

The above figures are substantially correct, but may be slightly varied in conference committees. A careful inspection of the expenditures of 1896, in comparison with the expenditures for 1900, will show that the expenses for the District of Columbia in the year 1900 exceed the expenditures for 1896 $1,954,321.43. The expenditures of the National Government for the District of Columbia for 1900 more than double the entire expenses of the National Government under President Washington's Administration. The expenses of the Post-Office Department for 1900 exceed the expenses of that Department for the year 1896 $26,411,639.10.

The appropriation in the sundry civil bill in 1900 exceeds that for 1896 $37,246,224.45. The permanent annual appropriations for 1900 exceed those for 1896 $19,638,263.68. The total expenditures for 1900 will exceed those of 1896 more than $200,000,000. Notwithstanding our per capita expenditures for 1898, 1899, and 1900 will exceed any previous per capita expenditures in a quarter of a century, the party now in power has introduced measures, which are now pending upon the Calendar with favorable reports from the committees, providing for large additional expenditures.

The bill known as the Hanna-Payne bill, which purports to be a bill to promote the commerce and increase the foreign trade of the United States, would take from the public Treasury $9,000,000 a year for a period of twenty years; in all, a hundred and eighty millions of dollars, to aid and enrich those engaged in building and operating ships. Under the provisions of this measure the owners of the *St. Paul*, *St. Louis*, *Paris*, and *New York*, four swift passenger steamers engaged in carrying passengers and fine manufactured goods, would draw from the public Treasury more than twelve hundred thousand dollars annually, while steamships with less speed engaged in conveying farm products to foreign countries would not draw one-fourth the amount given to swift passenger steamers.

Through the persistent efforts of the minority this unjust and exorbitant demand against the public Treasury is defeated for the present. In the Senate this measure was referred to the Committee on Commerce and came to the Senate with a favorable report, having received the support of the Republican majority of the committee, while the entire Democratic minority vigorously oppose the measure. Had this bill been enacted into legislation, another item of nine millions per year would have been added to our increased expenditures.

We now have 90 district judges, 25 circuit judges, 1 Chief Justice of the Supreme Court, and 8 associate justices of the Supreme Court. The present salary of the Chief Justice is $10,500 per annum; the 8 associate justices of the Supreme Court each draw a salary of $10,000 per annum; the 25 circuit judges draw a salary of $6,000 each, and the 90 district judges each draw a salary of $5,000 per annum.

The senior Senator from Massachusetts introduced a bill which was referred to the Judiciary Committee and came back to the Senate with a favorable report. This bill is now on the Calendar, and as introduced increased the Chief Justice's salary from $10,500 to $21,000, and increases the salary of the associate justices from ten to twenty thousand dollars per year. It increases the salaries of the 25 circuit judges from $6,000 to $10,000 per annum. It increases the salary of the 90 district judges from $5,000 per annum to $7,500 per annum. Through the persistent efforts of the minority this extravagant measure has also been defeated for the present. These items alone would have added to our annual expenditures $414,500.

Thus it will be seen that our expenditures at home, under the watchful eye of Congress, have grown to be enormous and unreasonable. In our Government, with all the safeguards against extravagant appropriations and wastefulness of public money, our increased expenditures are startling. The people of the United States hold their representatives in Congress responsible for every unnecessary expenditure of the public fund. The burdens of taxation fall upon the masses, and the people scrutinize with a watchful eye the disbursements of public money.

Members of Congress owe their selection to the people and are responsible to the people for their official conduct. The public funds can only be appropriated through the representatives of the people, and the masses are always ready to expose dishonest and unfaithful public officials. This condition of affairs has enabled the people of the United States to keep a watchful eye upon our receipts and expenditures. The fact that Congress is responsible to the people for these receipts and expenditures has always been a great safeguard against extravagance.

We need not be surprised at the dishonesty and extravagance displayed by our officials in Cuba and Porto Rico, when we undertake to administer the government for the people of those islands, when our officials, sent there to collect and disburse their revenue, are not responsible for their official conduct to the people of those islands. Under the system we have adopted the people of Cuba and Porto Rico have no voice in selecting their officers to collect and disburse the revenue of those islands.

The Government of the United States has assumed control of the affairs of the people of Cuba and Porto Rico, and the officials we send there to govern them are not dependent upon the suffrage of the people for their official positions. These officials, receiving their appointments from the President of the United States, well knowing that the people of Cuba and Porto Rico had no voice in their selection, and have no power to discharge them from their official positions, even should they become notoriously dishonest and corrupt in the discharge of their official duties, naturally disregard the interest of the people they serve and become autocratic, profligate, tyrannical, and the masters instead of the servants of the people.

Under our system of government, a watchful and jealous constituency will reward honest, efficient, and faithful public servants and punish dishonest, corrupt, and unfaithful officials. Under our system of government, taxes are assessed and collected by Congress, the chosen representatives of the people. Appropriations are made and salaries of officials are fixed by act of Congress. If taxation becomes excessive, exorbitant, and unjust, Congress is responsible. If appropriations become extravagant and official salaries unreasonably large, Congress is responsible to the people. Congress represents the people.

The lower branch of Congress is elected every two years, and the official conduct of Congress can be scrutinized by the eyes of a jealous and watchful constituency every two years. Not a dollar's taxation can be levied except by act of Congress. Not a dollar of the public funds can be appropriated except by act of Congress. The official conduct of Congress is daily dissected by the public press; is always under the watchful eye of an intelligent and thoughtful constituency; and dereliction in the discharge of public duty is easily detected and exposed.

Under this admirable system of government, with all of our

checks and balances against fraud and dishonesty, our home expenditures can scarcely be kept within the bounds of justice and reason. It requires the closest scrutiny on the part of Congress to guard against corruption and extravagance. Need we be surprised, when we depart from the principles of our Government and assume to be guardians of the people of Cuba and Porto Rico, to appoint their officers, to make their laws, to collect and disburse their revenues, without giving the people of those islands any voice in the selection in their officials and without making these officials responsible to the people of those islands for their official conduct, that we should discover official dishonesty, extravagance, corruption, and stealing in those islands?

The people of Cuba have no remedy; they had no voice in selecting these officials; they have no power to discharge them, and such a system, contrary to the spirit and genius of our Government, will always breed cruelty, dishonesty, extravagance, and corruption. The people of those islands have no voice as to what salaries they shall pay these officials, what rate of taxation shall be collected, and in what manner the revenues shall be disbursed. The taxes levied, the revenue collected, the appropriations made, the salaries fixed, the officials appointed, the laws made and enforced, are all determined by order of the executive branch of the Government.

This I do not say for the purpose of criticising the executive branch of the Government, but for the purpose of pointing out the danger of the system we have adopted. Such unbridled power should never be intrusted in the hands of any one man. The destiny, the liberty, the happiness, and the welfare of the people of Cuba and Porto Rico should never be left in the hands and subject to the absolute control of any one man, I care not how just and intelligent he may be.

We need not be surprised to learn that under this system our agents and officials have collected from the people of Cuba from January 1, 1899, to December 31, 1899, $16,346,015.17; and of this vast sum $14,085,805.32 has been charged up as disbursements in administering the government of Cuba. We need not be surprised to know that the little island of Porto Rico, 80 miles in length and 35 in width and populated by a million of people, will require (considering the estimates made by Congress) nearly $5,000,000 to pay the expenses of the government for the people of that island for the next year, a sum nearly twice as large as is consumed by the people of Georgia in administering State government.

These expenditures in our colonial possessions, if such we may call them, are appalling, and condemn in unmeasured terms the new departure of our Government in undertaking the system we have adopted in Cuba, Porto Rico, and the Philippines. The harvest of peculation, official corruption, extravagance, and dishonesty will be abundant.

Regardless of any system of government, honest, capable, and efficient persons must be selected to discharge official trust, if we would preserve the integrity of our institutions. If there be any evil which threatens the very existence of our Government—national, State, and municipal—it is the spoils system, where political appointments and official positions of high trust and great responsibility are bestowed, regardless of fitness and regardless of honesty, to discharge political obligations and to pay political debts.

The evils of this custom have been fully exposed by the public press, in municipal, State, and national affairs. When we assumed to act as trustee for the people of Cuba, and to select their officials, our agents sent to collect and disburse their revenue should certainly have been selected with the greatest care, and their previous lives should have been free from the least taint of suspicion.

The position of director of the post in Cuba was one of great responsibility, and this official had unlimited authority in handling the postal revenue. An honest administration of affairs in Cuba demanded that this responsible position should have been filled by a person of the highest integrity, whose private and public life was a guaranty for his honest and faithful discharge of the public trust committed to his keeping. Public office is a public trust, and this trust can only be faithfully administered where the power charged with making official appointments exercises the greatest care and diligence in selecting persons free from the least suspicion of dishonesty and corruption.

When such appointments are made without the exercise of such care and diligence, and dishonest persons selected to discharge important trusts, the responsibility rests upon the political party making such appointments. The method of discharging political obligations by appointing political henchmen, whose services consist in performing political work of an unscrupulous character, is destructive of the honest administration of the public service. Is it not true that a careful investigation of the previous life and record of the director-general of the posts of Cuba, who, we are informed, is responsible for the appointment of Neely, would have demonstrated that he was not a suitable and proper person for the trust delegated to him in Cuba?

Long before this appointment was made Mr. Rathbone's conduct had been under discussion by the people of the United States. In a notorious investigation, conducted at the capital of Ohio, he was openly charged with bribery, and, to say the least of it, his character for honesty was not free from suspicion. With these charges unexplained, was he a proper and suitable person to be placed in charge of the postal revenues of Cuba with unlimited power and authority?

Mr. PETTIGREW. Will the Senator yield to me for a question?

Mr. CLAY. I prefer not to yield.

Mr. PETTIGREW. I only wish to ask a question of the Senator.

Mr. CLAY. What is the question?

Mr. PETTIGREW. I want to know in what connection was Mr. Rathbone charged with being guilty of bribery in Ohio?

Mr. CLAY. If the Senator will allow me to proceed, I shall conclude in a moment.

It is unpleasant to me to criticise, but can any honest man read the report of the Committee on Privileges and Elections, made in the Fifty-fifth Congress, which fully ventilates the conduct of Mr. Rathbone in the Senatorial contest in Ohio, and reach the conclusion that he was a man of the highest integrity, free from the suspicion of dishonesty and corruption, and a suitable person to be appointed trustee to administer the postal affairs of the people of Cuba? I make no charges. I present the facts, and the searchers after truth can reach their own conclusion. As a part of my remarks I read the minority report of the Committee on Privileges and Elections in the Fifty-fifth Congress, commencing on page 5 and ending on page 11, and signed by Senators THOMAS B. TURLEY, E. W. PETTUS, and D. CAFFERY.

Mr. TURLEY, from the minority of the Committee on Privileges and Elections, submitted the following views in the matter of the report of the committee appointed by the senate of the State of Ohio to investigate the charges of bribery in the election of Hon. M. A. HANNA to the Senate of the United States:

We can not concur in the report of the majority of the Committee on Privileges and Elections in the matter of the report of the committee appointed by the senate of the State of Ohio to investigate the charges of bribery in the election of Hon. M. A. HANNA to the Senate of the United States.

The charge is that early in January, 1898, an attempt was made by H. H. Boyce and others to bribe John C. Otis, a member of the house of representatives of the general assembly of the State of Ohio, to vote for MARCUS A. HANNA for the Senate of the United States.

Among other things, the majority of the committee say:

"Moreover, it seems clear to this committee that it would not be justified in recommending any action to be taken by the Senate without further testimony to be taken by the committee. The question whether additional evidence should be taken has been the only difficult question which the committee has considered. It is clear that Mr. Otis never had any intention of yielding to bribery. He encouraged Mr. Boyce by the advice of others only in order to entrap him. Then he carefully withdrew and substituted his attorney, Mr. Campbell, to continue the negotiations. Mr. Campbell labored to induce Mr. Boyce to offer money, and finally, as he says, obtained $1,750 from him as part payment on $3,500 to be paid for Mr. Otis's vote for Mr. HANNA, leaving $6,500 to be paid if Mr. HANNA was elected. At this point public exposure, through Mr. Otis, Mr. Campbell, and their associates, took place. Mr. Boyce disappeared, and the incident was closed.

"That Mr. Boyce, operating in Cincinnati, where Mr. Otis lives, had relations with Mr. HANNA's representatives at Columbus, the State capital, the State senate committee undertook to prove by the evidence of various detectives, professional and amateur, who listened at telephone wires and shadowed Mr. Boyce, Mr. Hollenbeck, and others. The effort of the committee was carefully and skillfully made. It was not wholly devoid of results; it raises pregnant suspicions that Mr. HANNA's representatives at Columbus knew what Mr. Boyce was doing. But this whole line of inquiry would require verification by testimony to be taken by the Committee on Privileges and Elections before that committee would be willing to found conclusions thereon."

The attempt on the part of Boyce to buy Otis's vote for Mr. HANNA is clearly proven by Campbell, who, from his testimony, seems to have been a lawyer of large practice. One thousand seven hundred and fifty dollars was paid in cash by Boyce to Campbell as attorney for Otis. Boyce agreed to pay $1,750 more when Otis reached Columbus, and a balance of $6,500 if Mr. HANNA was elected.

We will now refer to portions of the evidence before the committee of the State senate of Ohio bearing upon the relations existing between Mr. Boyce while at Cincinnati and Mr. HANNA's representatives at Columbus. It is shown that Mr. HANNA and Majors DICK and Rathbone (DICK and Rathbone being managers for Mr. HANNA) were at the Neil House, in Columbus, Ohio, where Mr. HANNA had his headquarters, for a part of three weeks preceding January 12, 1898. The private telephone used in Mr. HANNA's headquarters was No. 1092.

Otis testifies that on Friday, January 7, 1898, about 11 o'clock, he was called up over the telephone from the Great Southern Hotel at Columbus by a General Boyce. He had never heard of Boyce before. Boyce stated that he "had come on from New York to see Otis on important business and had reached Columbus on Wednesday about two hours after Otis had left." The result of the conversation was that Boyce and Otis agreed to meet at the Gibson House that evening. Later in the day Boyce telegraphed Otis that he would reach Cincinnati at 5.30 o'clock. Otis says he met Boyce at the Gibson House between 5.30 and 6 o'clock that evening and had a conversation with him in which the Senatorial question was discussed and they agreed to meet again the next evening. Myers, a clerk at the Gibson House, testified that at about 6.40 p. m. on the 7th of January a call came over the telephone from Columbus for General Boyce, but he could not be found at the time. It was repeated a little later on, at which time General Boyce was standing in the lobby. He was at once called to the telephone in the hotel office. Myers said he heard Boyce say, "Hello, Major DICK!" and speak of HANNA being sore.

This conversation, as far as he heard it, Myers says he repeated to the

manager of the hotel, who told him if Boyce wished to use the telephone again to arrange for him to use the one in the manager's private office, which was numbered 548. It seems the two telephones were so connected that a person listening at the telephone in the hotel office could overhear everything which passed through the telephone in the manager's private office. Now, the books of the telephone company in Columbus show that on January 7 there was but one call from telephone 1092 at the HANNA headquarters to telephone 548, Gibson House, and that was at about 8 p. m. Myers testifies further that Boyce went to the theater after supper on the night of the 7th, returning to the hotel somewhere at about 10.45 p. m. In the meantime another call had come for him from Columbus. He was so notified and went to the telephone in the manager's private office and called up telephone 1092 at Columbus.

Myers said he listened at the telephone in the hotel office and heard all that was said, taking notes of same at the time. He says Boyce addressed the person in Columbus as "Major," told him he had seen "O," had arranged matters, and it would take $20,000 down; that the Major replied: "They did not know about that; they would see 'H,'" and that then there was an intermission of about five minutes, when the person at Columbus said they would give $10,000 down and $10,000 when it was over; and that the conversation continued concerning Mr. "O," and what they would pay him for his vote. The books of the telephone company in Cincinnati show that on the 7th of January, 1898, at about 11.20 p. m., Boyce, from telephone 548, called up Columbus and talked with Rathbone eleven minutes, and the telephone books in Columbus show that telephone 548 in Cincinnati called telephone 1092 in Columbus at about 11.15 p. m. on that day.

Myers and two other employees of the Gibson House testify that at about 12 o'clock the same night another call came from telephone 1092 at Columbus for Boyce. Myers claims to have overheard this conversation also, and to have taken notes of it, copies of which were produced in full, and which are as follows:

"COLUMBUS. Mr. Boyce in?

"CINCINNATI. Yes.

"COLUMBUS. Call him to long-distance telephone.

"CINCINNATI. Who wants him?

"COLUMBUS. Columbus does.

"CINCINNATI. All right; wait five minutes.

"BOYCE. Hello, Columbus! This you, Major?

"MAJOR. (Major) Yes.

"BOYCE. What do you want?

"MAJOR. Have been talking to H. and he says: 'Suppose he won't put signature on paper—what will we do?'

"BOYCE. I will fix that all right; but if I was in his place I would not sign paper, as it is a foolish play. His price is $20,000. (DICK is speaking to HANNA.)

"MAJOR. If he wants protection, exchange notes and accommodation papers with him, as that will protect both of you. He don't want him alarmed.

"BOYCE. How will you arrange matters?

"MAJOR. I will speak to HANNA. I will send Hollenbeck down in the morning. He will be there about 10; may be a little late. We are afraid that if Mr. O. falls out the rest will go to pieces. We will make it in a package and give it to Hollenbeck, so he can transfer it and not know what he is doing.

"BOYCE. What shall I pledge him to do?

"MAJOR. To vote for HANNA and the Hanna wing of the Republican party. I want you to make him feel as though he were among friends. Give him to understand that he will be treated as one of us, and we will not overlook him when the fight is over. The terms are $10,000 and the rest as soon as it is over. You want to meet Hollenbeck to-morrow and stay with him until he is ready to come back to Columbus, and then, if possible, come up with him

"BOYCE. I will do as you say. I think everything is all right and in good shape. I am a very good judge of human nature, and I don't think that Mr. O. will betray us. If he should, I would have him killed.

"MAJOR (laughingly). Dead men tell no tales. Myers is up to some tricks again to-night.

"BOYCE. What is he doing?

"MAJOR. I only heard it mentioned.

"BOYCE. Major, you will hear good news from Washington Sunday morning over the long-distance 'phone.

"MAJOR. What is it about and who is it from?

"BOYCE. I can't tell you, but it is away up and is of the best.

"MAJOR. As soon as your meeting is over to-morrow call me up and let me know what you did.

"BOYCE. Justing, of Fairfax County, is all right.

"MAJOR. I think Governor Bushnell is tired of the whole thing, and if he gets a chance he will give it up and drop out. Good night."

Hollenbeck, according to the evidence, did arrive at the Gibson House next morning, January 8, and had one or more interviews with Boyce. Miss Jacobs, a stenographer at the Gibson House, testifies that on January 8, at 1.30 p. m., she took notes of a conversation between Hollenbeck and some one at telephone 1092, Columbus. Her notes were produced, and show the conversation to have been as follows:

"SATURDAY, *January 8, 1898—1.30 p. m.*

"HELLO. Will you tell 1092, at Columbus, that Hollenbeck is now at the Gibson House—that is, Mr. Hollenbeck? I will wait for him.

"Q. Hello. Is this long-distance?

"A. Yes.

"Q. Did you hear anything from Columbus?

"A. The line in Columbus is busy now, but I will call you as soon as I can get them.

"Q. I will wait right here."

A little later:

"Mr. HOLLENBECK. Hello! This is Hollenbeck.

"COLUMBUS. Is this Hollenbeck?

"Mr. H. Yes.

"COLUMBUS. Say, hold that line and just wait a minute there. [After a few minutes' pause.] Hello!

"Mr. H. I did not succeed in finding Mr. Schmidlapp, but found another man who got the matter.

"COLUMBUS. Who got the other matter?

"Mr. H. The other man.

"COLUMBUS. Who was the other man?

"Mr. H. He is all right.

"COLUMBUS. But who is he?

"Mr. H. One of your friends—all right. He was up at Columbus the other day with you.

"COLUMBUS. To whom did you deliver the message?

"Mr. H. General Boyce.

"COLUMBUS. What became of the letter to Schmidlapp?

"Mr. H. The Schmidlapp letter was left with Mr. Schmidlapp.

"COLUMBUS. Did he see the letter?

"Mr. H. He was not in, but it was left with his private man.

"COLUMBUS. What was done with the draft?

"Mr. H. That was returned.

"COLUMBUS. What was done with the letter?

"Mr. H. The letter was left. You can reach Schmidlapp by telephone at St. Louis if you want him.

"COLUMBUS. I do not care for that.

"Mr. H. The General feels very well over the outlook.

"COLUMBUS. Did you find the other man?

"Mr. H. The other man has not come in yet.

"COLUMBUS. There is a telegram here, dated at Springfield.

"Mr. H. I have not telegraphed. Have not said a word to anybody.

"COLUMBUS. That is strange.

"Mr. H. Shall I show the letter introducing me?

"COLUMBUS. Do as you think best. Here is the telegram I got. It reads: 'Springfield Depot, January 8, 1898. Party left train at Springfield.' That is the telegram received.

"Mr. H. I did not send any telegram to anybody. That is very funny. I was very careful not to be seen; went down dark alleys and byways.

"COLUMBUS. How about the General?

"Mr. H. I am not supposed to know anything about him, but he is very well and very happy over it.

"COLUMBUS. You have to be watchful.

"Mr. H. I will be that. Good-bye."

(And telephone rang off.)

The books of the telephone company in Columbus show that on January 8, at 1.30 p. m., telephone 1092 called up telephone 548 in Cincinnati.

Otis says he had his second interview with Boyce at the Gibson House Saturday evening, January 8, 1898, at about 3 p. m.

Miss Jacobs says that about 6.45 p. m. on January 8 she took down a conversation between Boyce and Rathbone. Her notes are produced and show the conversation to have been as follows:

SATURDAY, *January 8, 1898—about 6.45.*

"Major RATHBONE. Hello! Is this Gibson House?

"General BOYCE. Yes; we are still alive. My party has just gone. He has been here ever since 3. We have gone over the ground pretty thoroughly. A signed letter or telegram, which I am authorized to give the President out of deference to him—do you understand? He is all right; is very much interested. He is thoroughly convinced that if he did not come in that others would do it without him, but he says that neither Lane nor Droste will vote for HANNA. I want to tell you that. He can not do much with Droste. He says that Droste is jealous of him because he thought he got the inside of the speakership, but both of these men have asked him to help them about the committee. He thinks he could get Lane if he had somebody to go to Lane. He wanted to know if we counted the majority without that?

"COLUMBUS. We do.

"BOYCE. But of course we want them both.

"COLUMBUS. Yes.

"BOYCE. Can you make any suggestion at all? Well, I think the line for him to work on is that one to help out the committee, and he will do as they want him to do. I think that is the line to work on. We shall go up together on the train to-morrow, leaving here about 4 o'clock. Don't think that there will be anybody else on the train so far as we are interested. He thinks Droste is up there, and Lane, too.

"COLUMBUS. I don't know.

"BOYCE. He is eager now to do something more—authorizing the telegram. He is coming again to-night, and we will spend most of to-morrow together—dine together.

"COLUMBUS. How about telegrams?

"BOYCE. If he signed the statement and said he was going to vote for HANNA—that will answer. Don't you think it will?

"COLUMBUS. Yes; if he signs it.

"BOYCE. Well, I will tell you. One of the inducements you know as thoroughly—but that was not enough. He wants to be protected, etc. I told him he should be. I did not write any papers because I did not want him to have any paper. He has not told anybody up to this time that he has been talking with me. He is afraid of Mason. Mason is going to give him some choice committee position, and of course he is shy of Mason. I suppose there is no hope for him.

"COLUMBUS. I do not know.

"BOYCE. When Otis comes up there and goes to Mason and says, 'The thing is all up; I am going with the others;' won't that help? Of course, if Mason knew that they were all going to break away, he would not be left in the lurch, would he?

"COLUMBUS. No; I do not think so.

"BOYCE. The whole atmosphere is in our favor.

"COLUMBUS. About this telegram; will you let me know when it is sent, just as soon as you can?

"BOYCE. I want to get your judgment. Both of us want to be judicious. We do not want to expose him to fight. You will see that he is taken care of in Washington.

"COLUMBUS. I can arrange at that end so there is no leak there. About that dispatch, if you send it, send it through the Postal and let me know as quickly as it goes.

"BOYCE. He is coming back here about 9 o'clock or so, and we will have another talk about these matters. Droste is a silver man and would have voted for Gray, but Otis would not have voted for Gray anyhow. In his mind was Kurtz and Bushnell when I opened the campaign.

"COLUMBUS. As soon as you come I would like to see you and have a conference with you. Supposing we meet at 10 o'clock, unless I notify you to the contrary, at 263 East Broad street at 10 o'clock.

"BOYCE. Will be at the Great Southern. We expect to leave here on the Pennsylvania line about 4 o'clock, but we are going to settle definitely to-night or to-morrow. Good-by."

(And the telephone rang off.)

The telephone books in Cincinnati show that at 6.52 p. m., on January 8, Boyce, from telephone 548, talked to Rathbone about thirteen minutes; and the telephone books at Columbus show that at 6.50 p. m., on January 8, telephone 548, at Cincinnati, called telephone 1092 in Columbus. According to Campbell and Otis, Boyce's first interview with Campbell was on Saturday night, January 8. Other interviews followed on Sunday, and it was in these interviews that the terms for the purchase of Otis's vote were finally agreed upon between Boyce and Campbell. Campbell says in these conversations Boyce wanted to know if they could not arrange for the votes of Droste and Lane, and other members of the legislature, mentioning the sums that he could get for these votes, and stating that there would be a large amount to divide between them.

Now, Miss Jacobs testifies further that on January 9, at about 11.35 o'clock a. m., she took down another conversation between Boyce and Columbus, which was in the following words:

"SUNDAY MORNING, *January 9, 1898—about 11.35.*

"BOYCE. Hello! Is this the Major?

"MAJOR. Yes; wait a minute. [After a moment's pause.] Hello!

"BOYCE. How are you, Major?

"MAJOR. I recognize you.

"BOYCE. Well, I wanted to ask if you have any direct connection with either Droste or Lane? These men were all elected here on a pledge, and our little friend, who is interested, would like to have the others come, and he brought to me a lawyer, who wants to make a deal. They would not do it unless they received a consideration for it. He says that under no circumstances does he think Droste will vote for the Senator unless for these reasons. Do you think I can put any emphasis upon Lane coming our way?

"MAJOR. I do not know; we are catching them as fast as we can bring them.

"BOYCE. Do you put much faith in Jones?

"MAJOR. He can not get away.

"BOYCE. I said in the first place we did not need either Droste or Lane, only for their strength. Now, you know there is going to be a conference to night with the other fellows. Isn't it wise for us to keep away and not come?

"MAJOR. I don't know, General.

"BOYCE. You know when a man is safe he is safe; that is all there is about it.

"MAJOR. They telegraphed them all to come down.

"BOYCE. If anything should occur between now and 2 o'clock, will you ring me up, please?

"MAJOR. Yes; I will.

"BOYCE. The young lawyer is coming to see me again. You understand these men were elected on a pledge saying that they would not vote for Senator HANNA?

"MAJOR. I know that.

"BOYCE. It was a peculiar thing to get this man off Jones or Manuel. This man had pledged himself. This man had pledged himself to become elected. He has been afraid all the time, and is now afraid, of the Enquirer.

"MAJOR. I do not think they will have much to say. During the heat of the discussion the whole thing would be wiped out. I think we are in good shape. We have got the men with us.

"BOYCE. We want a clear majority for our side without any question. There is no doubt but what we will have 17 of the senators.

"MAJOR. There ought to be 18. I don't see why Burke should not come in.

"BOYCE. My man would like to have Mason for HANNA very much. You see Mason votes before he does. He couldn't raise a question then about it. If I will not come up there I will notify you. I shall see in an hour or two whether Lane or Droste are both here, or one of them. No one seemed to know last night and I couldn't find out. I shall know in an hour or two. The latest information is that Droste would nominate Gerrard.

"MAJOR. I am to have a conference a little later, and then we will see what is to be done. I will let you know. Good-by."

(Telephone rings off.)

The telephone books in Cincinnati show that on January 9, at 11.18 a. m., Boyce, from telephone 548, talked to Rathbone in Columbus for ten minutes, at a cost of $2.50, while the books in Columbus show that on said day telephone 1092 at 11.15 a. m. called telephone 548, at Cincinnati, at cost of $2.50.

There was other evidence before the State senate committee tending to show the intimate relations between Boyce and Mr. HANNA's managers, but it would carry this report to unnecessary length to quote it.

We think that the evidence to which we have already referred, standing as it does uncontradicted and unexplained, shows that certain of Mr. HANNA'S managers at Columbus not only knew the purposes which Boyce had in view in Cincinnati, but also that they aided, abetted, and advised him in carrying out these purposes, and that this state of affairs existed while Mr. HANNA was present at his headquarters.

This view is strengthened by two facts disclosed in the report of the State senate committee:

First. That many of the witnesses, whose testimony apparently would have thrown much light upon the subject under inquiry, denied the jurisdiction of the committee and refused to testify under the advice of counsel, who stated that they represented the interests of Majors Rathbone and DICK and Senator HANNA; and

Second. That Mr. HANNA and his representatives had subpœnas sent them by mail, which seem to have reached them, calling upon them to appear before the State senate committee, to which they made no response.

The report of the majority says they "do not doubt that if facts appeared from the report of the committee of the State senate requiring the United States Senate, out of a proper regard for its own reputation, to take further testimony concerning Mr. HANNA'S election, it would be the duty of the Senate to proceed without waiting for further prosecution of the case coming from residents of the State of Ohio."

We think such facts do appear from the report of the committee of the State senate, and that this body should direct further inquiry and investigation to be made.

THOS. B. TURLEY.
E. W. PETTUS.
D. CAFFERY.

I also read, as a part of my remarks, the majority report of the committee presented by Senator CHANDLER. It commences on page 1 and ends on page 4. The condition of affairs now existing in Cuba are traceable to the selection of improper and dishonest officials, and a careful investigation of the facts doubtless would have disclosed this condition of affairs at the time the apointments were made. Political debts should never be paid by the appointment of unworthy persons to fill official positions to the detriment of the public service.

Mr. CHANDLER, from the Committee on Privileges and Elections, submitted the following report on the charges of bribery in the election of Hon. M. A. HANNA to the Senate of the United States:

The Committee on Privileges and Elections, to which was referred the certified copy of the report of the committee appointed by the senate of Ohio to investigate the charges of bribery in the election of Hon. MARCUS A. HANNA to the Senate of the United States, having considered the same, report back to the Senate said certified copy, and further report as follows:

This certified copy of the report of the senate of Ohio, being a typewritten document, was presented to the United States Senate by the Vice-President on May 28, 1898, having been received by him through the mails, and was referred to the Committee on Privileges and Elections on motion of the Senator from Colorado [Mr. TELLER], but no order for printing was made. It has, however, been put in type for the use of the committee. The contents of the certified copy are the "Report of the committee appointed by the senate of Ohio," including the testimony, of which 500 copies were printed by the Ohio senate and the report further ordered to be printed in the appendix of the State senate journal.

The closing paragraph of the report, signed by the chairman and three members, recommends its adoption by the State senate, and that a copy thereof with the testimony "be transmitted to the President of the Senate of the United States, of which Senator HANNA is a member, for such action as it may deem advisable." The clerk of the State senate in certifying on May 26, 1898, that the papers transmitted were a true and correct copy of the report of the committee adds as to the report the words "and adopted by the Ohio senate."

From the above statement it will be seen that no direct remonstrance, memorial, or protest setting out that Mr. HANNA was not elected Senator or that he ought to be expelled, coming from parties asserting readiness to prosecute their charges, has been presented to the Senate. Nor has the reception on May 28, 1898, of the certified copy of the State senate report been followed up by any appearance before this committee of any prosecuting parties or by the submission to the committee of any additional papers from any source. Nevertheless, the committee have given an examination to the report of the Ohio State senate committee, the points of the same, concisely stated, being as follows:

The specific charge is what the committee call "four main facts," stated in language as follows:

"The evidence taken by your committee, in its judgment, proves four main facts:

"1. That on or about January 9, 1898, an attempt was made to bribe John C. Otis, a member of the house of representatives of the present general assembly of the State of Ohio, to vote for MARCUS A. HANNA for United States Senator.

"2. That Henry H. Boyce was the principal offender in the commission of that crime.

"3. That Maj. E. G. Rathbone and Maj. Charles F. Dick were agents of MARCUS A. HANNA, and procured, aided, and abetted Henry H. Boyce to commit that crime.

"4. That H. H. Hollenbeck aided said Henry H. Boyce in committing that crime."

Although there is no evidence that Mr. HANNA had knowledge of the alleged attempt to bribe Mr. Otis, the State senate committee argue that the proven relations of the above parties to Mr. HANNA are persuasive to the conclusion that he knew and sanctioned what they did.

The only other point made by the State senate committee is that Hollenbeck and Boyce evaded the jurisdiction of the committee and that Messrs. Rathbone and Dick, and Mr. HANNA himself, omitted to appear in response to subpœnas and invitations sent to them by registered mail.

The above report of the State senate committee appears to have been adopted by the Ohio State senate on April 23, 1898, by a vote of 19 yeas to 17 nays. Senator James R. Garfield made a minority report dated April 23, 1898, a copy of which is herewith submitted, in which he reviews the evidence and declares his belief that the conclusions of the majority report are "contrary to the facts presented." He further argues that the Otis case was the outcome of "a scheme carefully prepared and executed by the opponents of Mr. HANNA to secure his defeat by making this charge of bribery during the last days of the Senatorial contest."

The report of the State senate committee does not show the proceedings of the Ohio legislature when Mr. HANNA was elected Senator, but the record of the ballotings is as follows:

The votes of Tuesday, January 11, 1898, were, in the house, Mr. HANNA 56, all others 53; in the senate, Mr. HANNA 17, all others 19; being 73 for Mr. HANNA and 72 for all others.

On Wednesday, January 12, the joint balloting resulted as follows: Mr. HANNA 73, all others 71; and Mr. HANNA was declared elected.

Mr. John C. Otis did not vote for Mr. HANNA, but on both days voted for Robert E. McKisson, and his vote is included in the 72 and 71 opposition votes above given.

There is no proof submitted either (1) that Mr. HANNA was elected Senator through bribery, or (2) that he had any agents engaged in carrying on his canvass for the Senate who were directly or impliedly authorized by him to resort to corrupt methods or to any form of wrongdoing, or (3) that he had any personal knowledge of the facts of the Otis case. It may be said that there is no evidence which fairly tends to prove either of the foregoing three propositions.

Upon the view of the case thus briefly stated, the Committee on Privileges and Elections has reached the conclusion that the United States Senate is not called upon to take any action in the premises. The utmost fact which the committee of the State senate claim to have proved is that an attempt was made to bribe Mr. Otis, which failed. Without further facts than this the validity of Mr. HANNA'S election will stand unimpeached, and the Senate is not called upon to search for further facts in the absence of any specification of such facts or of any distinct suggestion where they may be found, the whole demand of the State senate report that Mr. HANNA be expelled from the United States Senate being rested upon the Otis case.

Whether, even if this unsuccessful attempt at bribery in the case of Representative Otis were fastened upon the representatives of Senator HANNA by undoubted proof, the Senate would be called upon to take any action is not by any means clear. Certainly without strong evidence that Senator HANNA himself had knowledge of the transaction the Senate would hardly be jusitfied in doing more than expose the facts for condemnation by public opinion; and the exposure of such facts as the State senate say were proved has already been accomplished by the State senate report, while there is no direct evidence, and substantially no presumptive evidence, that Senator HANNA had any knowledge of what was going on.

Moreover, it seems clear to this committee that it would not be justified in recommending any action whatever to be taken by the Senate without further testimony to be taken by the committee. The question whether additional evidence should be taken has been the only difficult question which the committee has considered. It is clear that Mr. Otis never had any intention of yielding to bribery. He encouraged Mr. Boyce, by the advice of others, only in order to entrap him. Then he carefully withdrew and substituted his attorney, Mr. Campbell, to continue the negotiations. Mr. Campbell labored to induce Mr. Boyce to offer money, and finally, as he says, obtained $1,750 from him as part payment on $3,500 to be paid for Mr. Otis's vote for Mr. HANNA, leaving $6,500 to be paid if Mr. HANNA was elected. At this point public exposure through Mr. Otis, Mr. Campbell, and their associates took place. Mr. Boyce disappeared and the incident was closed.

That Mr. Boyce, operating at Cincinnati, where Mr. Otis lived, had relations with Mr. HANNA'S representatives at Columbus, the State capital, the State senate committee undertook to prove by the evidence of various detectives, professional and amateur, who listened at telephone wires and shadowed Mr. Boyce, Mr. Hollenbeck, and others. The effort of the committee was carefully and skillfully made. It was not wholly devoid of results. It raises suspicions that Mr. HANNA'S representatives at Columbus knew what Mr. Boyce was doing. But this whole line of inquiry would require verification by testimony to be taken by the Committee on Privileges and Elections before that committee would be willing to found conclusions thereon.

In reaching the opinion that the Senate is not called upon to take further testimony the committee are not unmindful of the fact that many witnesses refused to testify when they appeared before the State senate committee, and that Mr. HANNA and his representatives had subpœnas sent to them by mail and did not respond. Mr. Garfield, in his minority report, states the alleged reasons why Mr. HANNA did not appear, namely, that a fair and

impartial hearing was impossible because of the known hostility of the chairman of the committee, and because the committee at its first meeting decided to refuse to allow any person whose name was connected with the investigation "to appear in person and be represented by counsel."

The reasons why the Committee on Privileges and Elections do not decide to ask for power to take testimony may be restated as follows:

I.

The belief heretofore suggested, that even if the unsuccessful attempt at bribery into which Messrs. Otis and Campbell led Mr. Boyce were to be proved as alleged by the State senate committee, the United States Senate would not feel called upon to do more than has already been done by the State senate, namely, expose the transaction to public view. To go over again the whole ground covered by the State senate merely for the purpose of such additional exposure would be tedious, expensive, and unnecessary.

II.

The fact that no case of bribery beyond the Otis case and no further specific corrupt acts are alleged or suggested. The beginning and the end of the State senate report is the Otis case.

III.

The fact that there has been no demand for the prosecution of the inquiry coming from the State of Ohio, except by the transmission by the chief clerk of the Ohio State senate of the senate report, as hereinbefore stated, to the United States Senate for "such action as it may deem advisable." This was received by the Senate on May 28, 1898, and referred to this committee, and from that time to this, as hereinbefore stated, no further interest has apparently been taken in the subject by any resident of the State of Ohio.

The committee do not doubt that if facts appeared from the report of the committee of the State senate requiring the United States Senate, out of a proper regard for its own reputation, to take further testimony concerning Mr. HANNA's election it would be the duty of the Senate to proceed without waiting for further prosecution of the case coming from residents of the State of Ohio. But, taking the case as it stands and noting the absence of such prosecution, the conclusion of the committee is not to ask the Senate for authority and direction to take further testimony, but to ask to be discharged from the further consideration of the report of the State senate of Ohio.

Mr. TELLER. Mr. President, the Senator from Nevada [Mr. STEWART] desires to make a short speech on the pending measure, which is the bill for the government of the Philippine Islands. I desire also to submit some remarks upon that bill, but there will not be time to finish to-night. A special order will very soon come before the Senate, and I yield to the Senator from Nevada, but I give notice that I shall ask the Senate on Monday morning, immediately after the routine business, to allow me to submit some remarks on that measure.

Mr. STEWART. Mr. President——

SENECA TELEPHONE COMPANY.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (H. R. 9389) to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory. This bill will only take a few minutes. It is approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and has been unanimously reported favorably by the Committee on Indian Affairs.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. STEWART. I do not feel inclined to yield for the consideration of a bill, but I understand the Senator from Iowa [Mr. ALLISON] desires to present a conference report, and I will yield to that.

Mr. TELLER. I hope the Senator from Missouri will withdraw his request, as there is a special order to come on in a few minutes, and the Senator from Nevada will not have time to finish his speech unless he proceeds now.

Mr. COCKRELL. I did not expect that the bill I desired to have considered would interfere with that. It contains only about fifteen lines. As a matter of course, I do not want to interfere with the Senator from Nevada, and I will withdraw the request.

Mr. STEWART. I will yield to the conference report.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I submit a conference report on the District of Columbia appropriation bill, and in view of the fact that the conference report has been once read, with the exception of the single amendment in relation to the municipal hospital, which is in disagreement, I ask that the report may be printed in the RECORD without reading.

The PRESIDENT pro tempore. That order will be made in the absence of objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 10, 11, 14, 17, 19, 23, 25, 38, 47, 49, 54, 60, 61, 62, 63, 72, 74, 75, 80, 81, 82, 83, 87, 89, 106, 107, 108, 116, 117, 119, 122, 123, 129, 136, 137, 147, 172, 173, and 174.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 12, 15, 18, 20, 22, 24, 26, 27, 28, 36, 37, 39, 40, 41, 42, 44, 45, 46, 48, 50, 52, 53, 55, 56, 64, 65, 67, 69, 70, 71, 73, 76, 77, 88, 91, 93, 94, 95, 96, 97, 100, 101, 102, 103, 104, 105, 111, 115, 120, 124, 126, 127, 128, 133, 134, 135, 139, 140, 142, 143, 144, 146, 148, 149, 150, 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 176, and 177, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,872;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$160,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,120;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$39,040;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$49,760;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$138,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Including necessary incidental expenses;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$155,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$178,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out lines 1, 2, 3, 4, and 5 and the word "paragraph," in line 6 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with amendments as follows:

Strike out of the matter inserted by said amendment lines 1 and 2 and the word "Senate," in line 3, and insert in lieu thereof the following: "The Commissioners of the District of Columbia are hereby authorized."

In line 37 of said amendment strike out the word "public" and insert the word "grade."

At the end of line 46 of said amendment insert the following: "with such recommendations as they may deem proper."

Strike out lines 47 and 54, inclusive, of said amendment and insert in lieu thereof the following: "The foregoing provisions under the head of 'Public schools' shall take effect on the 1st day of July, 1900, and all acts and parts of acts in conflict herewith are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For officers: For 7 members of the board of education, at $500 each, $3,500, not more than $1,750 of which shall be used during the first half of the fiscal year; 1 superintendent of public schools, $4,000; 2 assistant superintendents, at $2,500 each; 1 secretary, $1,800; 1 clerk, $1,400; 2 clerks, at $1,000 each, and 1 messenger, $720; in all, $18,420."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For principal of white normal school and principal of colored normal school, at $1,600 each;

"For director of primary instruction, director of manual training, 3 heads of departments of high schools, head of high-school manual-training shop, and 2 grammar-school principals, 8 in all, at $1,500 each."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For 5 principals of buildings, at $1,300 each."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the amended paragraph insert the following:

"For director of music, 2 directors of drawing, director of physical culture, director of manual training, first assistant teacher of manual training, 2 normal training teachers, 12 high-school teachers, and 10 principals of buildings, 30 in all, at $1,200 each."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: In lieu of the matter stricken out by said amendment insert the following: "For 108, at $425 each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$853,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: On

page 28 of the bill, in line 5, after the word "training," insert the following: "And for incidental expenses connected therewith;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: On page 28 of the bill, in line 17, strike out the words "two principal superintendents" and insert in lieu thereof the word "Superintendent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the number proposed insert "215;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$510;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$644,140;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "provide," insert the words "transportation and;" and in line 9 of said amendment, after the word "all," insert the word "such;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$211,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$39,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and on page 38 of the bill, after line 19, insert the following:

"DISPOSAL OF CITY REFUSE.

"For the collection and disposal of garbage, miscellaneous refuse, and ashes in the city of Washington and the more densely populated suburbs, for collecting and disposing of dead animals and night soil in the District of Columbia, and for the payment of necessary inspection and incidental expenses, $115,000, of which sum $500 shall be immediately available: *Provided*, That the Commissioners may, on and after the passage of this act, enter into a contract or contracts for the collection and disposal of garbage, miscellaneous refuse, ashes, night soil, and dead animals, under such regulations and specifications as they may establish, for a period not exceeding five years after advertisement and the receipt of proposals.

"Said Commissioners shall definitely fix the collection districts in the city of Washington and District of Columbia, and stipulate in said regulations and specifications the number of collections to be made, whether daily, semiweekly, or triweekly in said districts, so that efficient collections may be enforced, and to require that all bidders shall stipulate in their proposals the increased compensation they will require if semiweekly collections are required to be made triweekly, or triweekly collections are to be made daily in any of said districts or portions of such districts, and the reduction in compensation said bidders will concede if daily collections are changed to triweekly, or triweekly collections are changed to semiweekly in any of said districts or portions of such districts: *Provided further*, That all garbage collected under the provisions of this act shall be disposed of through a reduction or consumption process in such a manner as to entail no damage or claim against the District of Columbia for such disposal, and subject to the sanitary inspection and approval of the Commissioners. All contracts shall expressly provide that no garbage or other vegetable or animal matter shall be dumped into the Potomac River or any other waters, fed to animals, or exposed to the elements upon lands: *Provided further*, That said Commissioners may, either with or without advertisement, enter into a contract or contracts for the collection and disposal of garbage and dead animals, at a rate not exceeding $70,000 per annum, from the 1st day of July, 1900, until such time as the plant necessary for the collection and disposal of garbage, miscellaneous refuse, ashes, night soil, and dead animals, under the five-year contract hereinbefore authorized, shall be ready for operation; and said Commissioners are hereby authorized to make all regulations necessary for the collection and disposal of miscellaneous refuse, ashes, dead animals, and night soil, and to annex to such regulations such penalties as may, in the judgment of said Commissioners, be necessary to secure the enforcement thereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$15,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the instruction and employment of the blind who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, $5,000, to be expended under the direction of the Commissioners of the District of Columbia."

And the Senate agree to the same.

On the amendment of the Senate numbered 155 the committee of conference have been unable to agree.

W. B. ALLISON,
WM. J. SEWELL,
F. M. COCKRELL,
Managers on the part of the Senate.
WILLIAM W. GROUT,
HENRY H. BINGHAM,
JOHN M. ALLEN,
Managers on the part of the House.

Mr. ALLISON. I will briefly explain the report. The conferees on the part of the House have agreed to every item of the bill as formerly adopted by the Senate, with the exception of the item providing for a municipal hospital. I ask that the conference report may be adopted.

The report was agreed to.

Mr. ALLISON. I do not ask a further conference on this single amendment, as I think it ought to be decided by the two Houses without further conference; and I hope it will be decided by the House agreeing to the amendment.

I move that the Senate still further insist upon the amendment in disagreement, namely, the amendment numbered 155, relating to the municipal hospital.

The motion was agreed to.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the 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.

Mr. STEWART. Mr. President, the treaty with Spain of December 10, 1898, vested the sovereignty of the Philippine Archipelago in the United States. The third article of the treaty declares that—

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line—

Naming the boundaries.

The United States will pay to Spain the sum of $20,000,000 within three months after the exchange of the ratifications of the present treaty.

At the time of making this treaty the United States was in possession of Manila, the capital of the islands. All who favored the adoption of the treaty favored the acquisition of the islands and the payment of $20,000,000 therefor. Expansion was then an accomplished fact.

In addition to ceding the sovereignty of the islands, the eighth article of the treaty declares that—

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways, and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

The archives and public documents of every name and nature were also included in the cession.

THE TREATY OF PARIS SUPREME.

The treaty as the supreme law of the land has been recognized and enforced by both the legislative and the executive departments of the Government—the legislative by appropriating the $20,000,000 to pay the purchase money, also by providing for an army to put down the insurrection and defray the expenses incident to establishing order and protecting the lives and property of citizens of the United States and foreign residents. Every American citizen is bound by the action of his Government in making the treaty and in discharging the duties and obligations which that treaty created and imposed. To advocate the cause of Aguinaldo is to advocate rebellion against the United States. The contention, if it were true, that Spain was not in fact sovereign in the archipelago at the time the treaty was made does not alter the question.

Spain assumed the right to sell or cede the islands, and the United States, with a full knowledge of all the facts, assumed the right to buy and did buy and accept the cession. This was not the action of any political party, but was the joint action of the legislative and executive departments of the Government. It will not be denied that the insurrection against Spain was practically at an end before the Spanish fleet in the harbor of Manila was destroyed by Admiral Dewey and his heroic comrades, and that the capital of the islands was in possession of the United States forces long before the treaty was ratified. It will hardly be contended that it was the duty of the President of the United States, after the ratification of the treaty, to surrender to the insurgents and withdraw from the islands. Such a suggestion is shocking to every sense of justice and right.

The sympathizers with Aguinaldo's insurrection can not extenuate their unpatriotic course by the use of such words and phrases

as "empire," "imperialism," "militarism," and every other ism foreign to the policy of our Government. Is it imperialism to fight the battles of the country with a sufficient force to achieve success? If not, where is the evidence of imperialism in the efforts of the Government to discharge the obligations imposed by the treaty? Has the Army been increased more than was necessary for the successful conduct of the war which Aguinaldo inaugurated and which the so-called anti-imperialists are now encouraging? If acquiring new territory is imperialism, Jefferson, Monroe, Jackson, Polk, and the vast majority of all the people of this country from the foundation of the Government have been imperialists, because they have cooperated with their patriotic leaders, who have increased the area of the United States fourfold since the adoption of the Constitution.

JEFFERSON AN EXPANSIONIST.

I do not believe the anti-Jeffersonian platforms put forth by political organizations will be indorsed by the people. These platforms, viewed in the light of Jefferson's letters, antagonize every principle which Jefferson advocated. In his letter to General Gates, of July 11, 1803, Mr. Jefferson said:

I accept with pleasure, and with pleasure reciprocate your congratulations on the acquisition of Louisiana, for it is a subject of mutual congratulations, as it interests every man of the nation. The territory acquired, as it includes all the waters of the Missouri and Mississippi, has more than doubled the area of the United States, and the new part is not inferior to the old in soil, climate, productions, and important communications.

There is no provision in the Constitution for the acquisition of new territory, and Jefferson supposed that it would require an amendment to the Constitution to ratify the Louisiana purchase. In his letter to Mr. Breckinridge, of August 12, 1803, Mr. Jefferson said:

This treaty must, of course, be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying and paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to the nation for an additional article to the Constitution approving and confirming an act which the nation had not previously authorized. The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive, in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution.

The legislature, in casting behind them metaphysical subtleties and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian investing the money of his ward in purchasing an important adjacent territory, and saying to him, when of age, "I did this for your good; I pretend to no right to bind you; you may disavow me, and I must get out of the scrape as I can. I thought it my duty to risk myself for you." But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the Constitution by more strongly marking out its lines.

Congress did ratify the treaty and pay the eleven and a quarter million dollars purchase money, and that closed the transaction. The Constitution was not amended to confirm the purchase because no amendment was necessary. There is no power in the Government to question the action of Congress in prescribing the territorial boundaries of the United States. The judiciary as well as the Executive must obey and can not question the constitutionality of a law defining the territorial jurisdiction of the judicial and executive departments of the Government.

Jefferson did not falter in the great enterprise of doubling the area of the United States because he found no express authority in the Constitution. The question was a new one. He saw great good and acted for the best interests of his country. He did, however, without knowing it act with full authority of the Constitution. The decisions of the Supreme Court of the United States on that question are conclusive and are admirably summed up by Mr. Justice Bradley in the celebrated case of the Mormon Church *vs.* The United States (136 United States Supreme Court, 42–44). He said:

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property belonging to the United States. It would be absurd to hold that the United States has power to acquire territory, and no power to govern it when acquired. The power to acquire territory, other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution), is derived from the treaty-making power and the power to declare and carry on war.

The incidents of these powers are those of national sovereignty, and belong to all independent governments. The power to make acquisitions of territory by conquest, by treaty, and by cession is an incident of national sovereignty. The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government in its diplomatic negotiations had seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them. They are self-evident.

Chief Justice Marshall, in the case of the American Insurance Company *vs.* Canter (1 Pet., 511, 542), well said:

"Perhaps the power of governing a Territory belonging to the United States, which has not by becoming a State acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned."

And Mr. Justice Nelson, delivering the opinion of the court in Benner *vs.* Porter (9 How., 235, 242), speaking of the Territorial governments established by Congress, says:

"They are legislative governments, and their courts legislative courts, Congress, in the exercise of its powers in the organization and government of the Territories, combining the powers of both the Federal and State authorities."

Chief Justice Waite, in the case of National Bank *vs.* County of Yankton (101 U. S., 129, 133), said:

"In the organic act of Dakota there was not an express reservation of power in Congress to amend the acts of the Territorial legislature, nor was it necessary. Such a power is an incident of sovereignty, and continues until granted away. Congress may not only abrogate laws of the Territorial legislatures, but it may itself legislate directly for the local government. It may make a void act of the Territorial legislature valid, and a valid act void. In other words, it has full and complete legislative authority over the people of the Territories and all the departments of the Territorial governments. It may do for the Territories what the people, under the Constitution of the United States, may do for the States."

In a still more recent case, and one relating to the legislation of Congress over the Territory of Utah itself, Murphy *vs.* Ramsey (114 U. S., 15, 44), Mr. Justice Matthews said:

"The counsel for the appellants in argument seem to question the constitutional power of Congress to pass the act of March 22, 1882, so far as it abridges the rights of electors in the Territory under previous laws. But that question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final judgment. The people of the United States, as sovereign owners of the National Territories, have supreme power over them and their inhabitants." * * *

SOVEREIGNTY OF ISLANDS VESTED IN UNITED STATES.

The Executive and Congress, including the treaty-making power, have accepted the sovereignty of the islands from Spain and paid therefor $20,000,000. This was the action of our Government and every department thereof. For the past three centuries all the nations of the world have recognized the sovereignty of Spain in these islands without a dissenting voice. It is true there have been anarchy and discord in these islands as in all other countries under Spanish dominion. The same was true of the country acquired from France. Louisiana previous to the Jefferson purchase was in a chronic state of revolution. The same was true of the territory acquired from Mexico by the treaty of Guadalupe Hidalgo. The United States paid no attention to local insurrection or anarchy not recognized by civilized nations, but accepted all previous acquisitions without a suggestion that the hostilities of the inhabitants impaired the title of the United States.

How does the insurrection and guerrilla warfare practiced by Aguinaldo differ in character from the numerous Indian wars resulting from the acquisition of territory from France, Spain, and Mexico? The argument that Spain was not in complete possession of those islands and had no right to cede them would apply with equal force to all other acquisitions of territory by the United States, except, perhaps, Alaska. The Sioux, Arapahoes, Comanches, and other tribes of the far West have carried on an irregular warfare of the most destructive kind for nearly a century. Thousands of lives have been sacrificed in these wars and many millions of dollars expended, and still no one doubts the validity or the propriety of the acquisition of these vast territories.

Is it not too late to object to the acquisition of the Philippines after they have been made a part of the territory of the United States by the concurrence of all departments of the Government? Is it not too late to say that we have no right to occupy the Philippines after the vast expenditure of blood and treasure which has been made in carrying out the supreme law of the land in acquiring the archipelago? How can the advocates of the ratification of the treaty avoid their responsibility to protect citizens of the United States and foreign residents in the islands, which this Government assumed when it accepted the sovereignty from Spain and entered upon the occupation of the country? The honor of the United States is involved and will be maintained, whatever the fault-finders may say.

ACQUISITION OF TERRITORY NOT SUBVERSIVE OF FREE INSTITUTIONS.

The talk of imperialism and empire is unreasonable. The vast acquisitions already made since the adoption of the Constitution have not subverted free institutions, but have established them upon a broader, firmer, and more enduring basis. The comparison between the colonial policy of despotism and the acquisition of new territory by the United States is unjustifiable. The evil days of the colonies of Rome were during the empire, when insurrection, war, and oppression were chronic. The colonial policy of all despotisms is a sad exhibition of fraud, oppression, and corruption. Despotisms are wicked and oppressive enough at home, and the subjects of despots grow more miserable as the distance between them and the monarch increases.

Not so with our Republic. The people of the Pacific coast enjoy the same degree of freedom as the people of the Atlantic. Experience has demonstrated that residents in remote sections have more freedom and more beneficent and progressive institutions than the inhabitants of the Atlantic coast States. What reason is there to suppose that the American people will love, respect,

and guard the principles of free institutions with less care because our boundaries are extended? Is there anything in the past from which such a conclusion can be drawn? On the contrary, do we not hear expressions of public sentiment on every side that it is the duty of the United States to extend to the newly acquired territories the principles of the free institutions which we enjoy?

DUTY OF THE UNITED STATES TO ESTABLISH STABLE GOVERNMENT.

Even the anti-expansionists, who rival in bitterness the fault-finders of the time of Jefferson, Monroe, Jackson, and Polk, recognize the obligations of the United States to establish stable government in the Philippines before they are turned adrift to take care of themselves as best they can. If it be our duty to establish stable government in the archipelago, why not wait until such government shall have been established before we determine what we shall do next? After that great work shall have been accomplished the American people will not be less able to judge what is expedient and for the best interests of all parties concerned than they now are with their limited information.

Is it not probable that when good government shall have been established in Porto Rico, the Sandwich Islands, and the Philippines we will find the markets and productions of those countries useful and beneficial? If they will relieve our people from buying hundreds of millions of tropical products from foreigners and furnish a market for our surplus exports, the anti-expansionists may be as unwilling to give them up as they would be now to surrender the Louisiana purchase. The anti-expansionists are so variable, irrational, and illogical that they become bewildered and lose their following. They have no settled policy. They insist that the Philippines must go, but they will not fix the day of their departure. It is the old story. Their anxiety to get rid of Louisiana, Florida, Texas, and California was a deep-seated disease. Time and the development of those acquisitions have alleviated their distress, but have not eradicated the germs of the disease. Porto Rico, Guam, and the Philippines have warmed into life the germs of envy and discontent inseparable from the nature of a pessimist. The army of fault-finders, judging from the noise they make, is as numerous now as in the time of Jefferson. A hundred years of railing against the best interests of the people has not taught them wisdom nor abated the ardor of their discontent. On the contrary, it has revived the memory of their former defeats.

HOW LABORING MEN ARE CONCERNED.

The opponents of progress, on the principle that misery loves company, are now striving to alarm laboring men. The good fortune which will come to labor by cheaper sugar, coffee, and other tropical products and the vast markets which these islands will furnish for our exports affects them like pure spring water presented to a mad dog. They seek to arouse the laborers of the United States by pointing to 10,000,000 Filipinos and asserting that they will come here to compete with American laborers if the islands are retained. They ignore the fact that the Swedes and Norwegians settle on the northern borders of the United States; that the Germans follow immediately south of them; that the Irish follow farther south, and that the Italians seek the Southern climes of the United States as approximating more nearly to the climate of Italy. When they are reminded that laborers from the temperate zone never emigrate to the Tropics, nor do laborers from the Tropics leave their sunny homes for the temperate zones, they reply that Chinese laborers come to the United States.

When they are reminded that China is between latitudes 20 and 50 north, extending but slightly above and slightly below those parallels, and that the United States is between those parallels, they display their ignorance of geography by declaring that the climate of China and the Philippines is the same. It is true that a few Chinamen from southern China are now in Luzon; but that country has always been open to them, and the emigration to the Philippines from China is a mere trifle. The exclusion laws of the United States would keep Chinese out of all our island possessions with the same ease that they now prevent their emigration to the United States.

No candid person who will investigate the question will contend that the labor of the United States will be in competition with the cheap labor of our new possessions. On the contrary, it is manifest that the demand for our products in supplying the wants of these islands will be a vast boon to the laboring men of this country.

FILIPINOS INCAPABLE OF SELF-GOVERNMENT.

The fault-finders contend that the Filipinos are utterly incapable of self-government, and in the same breath insist that it is the duty of the United States to give them immediate freedom without regard to consequences. We would suggest to the enthusiastic objectors who compare the guerrilla warrior of Luzon to the immortal Washington that their language would be more accurate if they would compare Aguinaldo to Tecumseh, Sitting Bull, Old Cochise, or some other celebrated Indian warrior whose exploits in the recent past surpass in gallantry the wily little Filipino, who engages in war for personal ambition and the profits of peace negotiations.

DEFENSE OF AGUINALDO BY AMERICANS SCANDALOUS.

The defense by Americans of Aguinaldo's rebellion is scandalous. During all the bloody wars with the Indians, who once occupied all of what is now the United States, there is no instance on record where the villainous warfare of the murderous savages was justified by high officials. It will not do to say that the savages occupied our country and Aguinaldo occupies his own. The United States was the home of the savages. No foreign nation ruled over them when we advanced upon their soil, while the Filipinos had been under Spanish rule for three hundred and fifty years, and the "Little Washington," so much lauded by the critics, was an exile in foreign lands, enjoying the fruits of his negotiations with Spain, when Dewey destroyed the Spanish fleet in Manila Bay.

The treachery of Aguinaldo in defying the authority of the United States after this Government had broken the power of Spain and made it possible for him to return to his native land is in accordance with his whole conduct in accepting the money of Spain as a condition of surrender and banishment from the islands. His pretended friendship for the United States to obtain safe conduct to the islands in violation of his compact with Spain, for the purpose of reaping the fruits of the victory of American arms, shows that his cunning is only surpassed by his infidelity to friends and disregard of all honorable obligations. That such a man should find apologists, much less advocates of his cause against the United States, among our own people, is lamentable.

The issue between the Government in discharging the obligations imposed by the war and the treaty with Spain on the one side, and the insurrectionists in the Philippines on the other, has become political. The question to be decided is a very simple one. Shall the armies of the United States surrender or be withdrawn in disgrace and the rebels and anarchists be triumphant, with full liberty to kill, rob, and destroy, or shall the insurrection be suppressed? In the civil war persons who were suspected of sympathizing with the Southern cause were called "copperheads," but they repelled the charge and pointed to the heroic legions of Democrats in the field fighting the battles of their country. The Democrats in this Chamber after the war began were not in the habit of comparing Mr. Davis to Washington or accusing the Army of the United States of trampling upon the rights of an innocent and unoffending people. The letters and proclamations of Mr. Davis were never read in the Senate of the United States to encourage the rebellion and weaken the cause of the Union, as the letters and bombastic utterances of Aguinaldo have been read and commented on to disparage this Government and encourage the enemy.

ENCOURAGEMENT GIVEN TO THE INSURRECTIONISTS.

There is no positive proof that the insurrectionists in the Philippines would have surrendered long ago and that thousands of lives of our brave soldiers would have been saved if Aguinaldo and his followers had received no aid or encouragement from politicians and agitators in this country, but the proof is abundant that the Filipinos have been made to believe that if they would prolong war or anarchy until the Presidential election the Administration would be overthrown and that they would then have everything their own way.

The amendment proposed on the 22d day of May by the Senator from South Dakota [Mr. PETTIGREW] to the bill under consideration is in harmony with the assurances of aid and comfort to the enemy by the leaders of the opponents of this Government. That amendment is as follows:

> That all hostile demonstrations on the part of the armed forces of the United States in the Philippine Islands shall at once cease, and that we offer to the people of said islands self-government, based upon the principles of our Constitution and the Declaration of Independence, and that negotiation on this basis be at once opened with the existing native government for a settlement of all differences, with a view to the speedy withdrawal of our armed forces, and that full authority is vested in the President of the United States to carry out the provisions of this act.

This amendment is not mere talk. It is proposed legislation, offered in open session, to be telegraphed to the rebels to show them what they may expect if they will continue their murderous guerrilla warfare. The champions of Aguinaldo and his cause have challenged the friends of the United States to meet them at the polls and there to decide which shall be supported by the next Administration. The forces of the United States fighting in the discharge of the solemn duty which this Government has assumed to protect life and property and maintain order in the Philippines will be sustained by the people. The amendment proposed by the Senator from South Dakota and the surrender advocated by him will compel the people to take sides with or against the Government—with or against the enemies of the United States. The verdict is not doubtful. If the advocates of Aguinaldo continue their contention until the polls are closed their votes will be scattering. If the opponents of the present Administration desire to be overwhelmed they will advocate the amendment of the Senator from South Dakota and carry the banner of Aguinaldo through the campaign.

NORTH AND SOUTH LOYAL TO THE FLAG.

Whatever difference of opinion there may be among the people, the great mass of them both North and South are loyal to the flag, and will not, under any circumstances, listen to the disgrace or dishonor of the Government. They will regard, and justly so, any wavering in the face of an enemy as weakening the power and prestige of the United States. They will regard, and justly so, the neglect or failure on the part of the United States to protect the lives and property of all peaceable residents, whether native born or foreign, in the Philippines, as treachery to the obligations assumed under the treaty with Spain, and as humiliating to the brave soldiers who have fought the battles of their country.

The surrender proposed by the amendment of the Senator from South Dakota is an unequivocal admission that the President was wrong in negotiating the treaty, the Senate was wrong in ratifying it, the House was wrong in appropriating the purchase money and in providing an army to suppress the insurrection; that the war itself was a crime from the beginning, and that the blood and treasure expended under the authority of Congress and the Executive were in violation of justice and the rights of humanity. Are the American people ready to place their Government in such a disgraceful attitude before the nations of the world? The surrender and withdrawal of our troops proposed by the amendment would rob America of her good name and destroy the love and respect for the Government which is deep seated in the hearts and minds of a loyal people.

SELF-GOVERNMENT FOR CUBA.

The critics of the Government are equally unreasonable in discussing affairs of Cuba. They lay great stress upon the disclaimer of the United States of any intention to seize the island. That disclaimer is as follows:

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

Both Spain and the United States recognized the force of this disclaimer in the first article of the treaty, which is:

> Spain relinquishes all claim of sovereignty over and title to Cuba.
>
> And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

By the pledge in the statutes, taken in connection with the treaty, the United States has assumed the duty of pacificating the island and maintaining its international obligations to protect life and property. The people will not consent to a withdrawal from the island, whatever the critics may say, until this duty to pacificate the island and provide for the protection of life and property shall have been performed. Is there the slightest evidence that law, order, justice, and good government would exist in Cuba if the military forces of the United States were now withdrawn? The critics contend that holding onto the island for a day indicates a purpose on the part of the United States to maintain perpetual dominion. What authority has anyone to charge the Government with bad faith until they can point to some failure of duty or obligation? The contention that retaining the island until our duty is performed means a violation of the solemn pledge of the United States has no foundation. However much we may want to annex the island of Cuba and make it a part of the United States, we can not do it without the consent of the people, because of the promises we have made. There can be no doubt about the advantage to the United States and to Cuba of the admission of Cuba as a State of the Union. But it rests with the people of Cuba to say whether or not this shall be done. Cuba may elect to come to us of her own free will.

The admission of Texas as a State of the Union furnishes an example which may be followed in the case of Cuba. In 1848 the United States offered Spain $100,000,000 for Cuba. In 1854, when James Buchanan was minister to England; Mason, of Virginia, minister to France, and Pierre Soulé minister to Spain, President Pierce, through William L. Marcy, his Secretary of State, instructed those ministers to convene at some convenient place in Europe to prepare a declaration in relation to the acquisition of Cuba. They assembled at Ostend in October, 1854, and adjourned to Aix la Chapelle, where they issued the paper known as the "Ostend manifesto," declaring the desire of the Administration to acquire Cuba and offering $120,000,000 therefor. They set forth at length the reasons why Spain should sell and why the United States should buy and annex the island. A short extract from that manifesto will furnish abundant reasons why every possible effort should now be made to secure the annexation of Cuba with the consent of the people of that island. The extract is as follows:

> From its locality it commands the mouth of the Mississippi, and the immense and annually increasing trade must seek this avenue to the ocean. On the numerous navigable streams, measuring an aggregate course of some 30,000 miles, which disembogue themselves through this magnificent river into the Gulf of Mexico, the increase of the population within the last ten years amounts to more than that of the entire Union at the time Louisiana was annexed to it. The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and the Pacific States, can never be secure, but must ever be endangered, while Cuba is a dependency of a distant power, in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.
>
> Indeed, the Union can never enjoy repose nor possess reliable security as long as Cuba is not embraced within its boundaries. Its immediate acquisition by our Government is of paramount importance, and we can not doubt that it is a consummation devoutly wished for by its inhabitants.

I know it will be said that the Democratic party at that time wanted Cuba to extend the area of slavery; but the reasons given independent of the question of slavery are quite sufficient. Cuba is the key to the Gulf of Mexico and must be under the control of the United States, and this is as true now as it was fifty years ago. Jefferson will not be accused of desiring to extend the area of slavery. He was opposed to that institution, and in a letter to President Monroe, dated October 24, 1823, in discussing the Monroe doctrine, he said:

> I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well being.

Whatever else this Government may do, it must retain control of Cuba until that island is pacificated and a government is established capable of performing its international obligations and protecting life and property. Any attempt to shirk that obligation because of crimes and embezzlements committed in Cuba by officers appointed by the United States would be an admission that the people of the United States are so corrupt that it is impossible for this Government to discharge its obligations to Cuba, Spain, and other nations. Such an admission would be absolutely false. No government was ever organized in which there were no criminals. Every civilized government is compelled to have an elaborate system of criminal law, with judges, police, jails, and prisons to enforce them.

UNITED STATES MUST PUNISH OFFENDERS IN CUBA.

That government which winks at crime and fails to enforce its criminal laws must necessarily perish of its own corruption. We have complained of Spain because it was alleged that crime in high places went unwhipped of justice. We have boasted of the rigorous and impartial enforcement of the criminal laws of this country. We have not reached perfection in that regard, but we believe that the people of the United States have approximated as nearly to the complete enforcement of law against crime as any other nation, ancient or modern. The wrongdoers in Cuba will be hunted down and punished, and an example will be set of American administration of law which will not only wipe out the disgrace which American officials in Cuba have brought upon their country, but will furnish this Government an opportunity to exhibit to the world its love of justice and its determination to punish crime. If half we hear is true, this will be an object lesson in Cuba the like of which has never before been witnessed in that island.

The people of Cuba have already experienced the effects of the high standard of civilization in this country. We have done for them what was never before done for any people. We have rescued them from the intolerable oppression of Spain against which they have struggled for a century, and we have also rescued them from the misery and anarchy of their own people. They will know how good and great this Government is before we shall have discharged the obligations which we have assumed. To pretend that the Cubans will not desire to cast their lot with us after we have rescued them from the depths of misery, anarchy, and tyranny, and made them secure in life, property, and liberty, is to assume that they are destitute of the capacity to appreciate liberty, prosperity, and the independent self-government enjoyed by every State of this Union. We know full well if the power and influence of the United States were withdrawn from them they would be the prey of foreign despots without hope of liberty, good government, or the protection of life and property. However that may be, we must do our duty and fulfill our legal engagements and take the consequences. That will be the position of the American people.

OUR FORM OF GOVERNMENT SUITED TO DISTANT TERRITORY.

The suggestion that our form of government can only be applied to contiguous territory has no foundation. The Constitution and the practical interpretation thereof for the last one hundred years show how admirably suited our system of government is for a distant as well as adjoining territory. Under our Territorial governments certain officers may be appointed by the General Government or they all may be elected by the people. It has been customary to appoint the governor, judges, district attorney, collectors of customs, etc. These officers can all be elected by the people except perhaps those charged with collecting Government revenues. All the local self-government of which any people are capable can be conferred upon them through our Territorial system; in fact, they can have the same degree of independent, free

government which is enjoyed by the States, except representation in the two Houses of Congress, which need not and will not be granted until it shall be deemed for the best interests of all concerned to do so.

NO IMPERIALISM IN THE AMERICAN SYSTEM OF GOVERNMENT.

The contention that there is imperialism or empire in our system of Territorial government is refuted by a hundred years of practical experience. It is unfortunate that there has been some disposition in this Congress to depart from the Territorial system established by Jefferson and practiced for more than a century, and a desire to adopt new devices not in accord with the established policy of the Government. These new devices must be abandoned. The well-known and thoroughly tried Territorial system, which has produced such beneficial results in the past, must be extended to our island possessions, and the people of those islands will govern themselves as fully and as freely as the people of other Territories have done for more than a century. Yea, more. If a wise policy is pursued, there will be very few officers appointed by the General Government; the people must be allowed, as soon as practicable, to select their own governors, judges, and all officers except those connected with the collection of Government revenue. It would have been very much better if the policy of allowing all Territories more freedom in their elections had been pursued in the past. They would have had better governors, better judges, and better officers for all purposes. The party that takes the broad ground of extending our Territorial system over the islands and allowing them the greatest possible liberty in the election of their own officers will be indorsed by the American people.

Both political parties have failed in their administration to recognize the demand of the people that the offices in the Territories shall be filled by residents. In answer to this demand, however, the national conventions of both parties have for many years incorporated in their national platforms a pledge to appoint residents of the Territories to fill the local offices. There would have been better government in the Territories if more offices had been elective and fewer officers had been imported by politicians from distant States. The environments of home in every community exercise a powerful influence upon local officers. Many persons who would have been honest and faithful in the discharge of official duties at home are unable to resist temptation in distant lands.

PUBLICITY IS NECESSARY TO KEEP THE AVERAGE MAN HONEST.

It has been suggested that honesty as a commodity must be absolutely pure to bear transportation. If it be conceded that man is naturally honest, it must be admitted that publicity is necessary to keep the average man in the paths of rectitude. At home all eyes are watching the conduct of public officials. In a strange country men are apt to suppose that they can do things without detection which they could not do when surrounded by friends and neighbors. Besides, no man has the same local pride and interest in a place of temporary residence which he feels for the place of his nativity. In a strange land he has no friends to watch over his conduct and warn him of the breakers ahead, and he must be a strong character if his honesty is proof against the snares and pitfalls of a new and unsettled community where speculative enterprises so rapidly create and dissipate fortunes.

Under our Territorial form of government the responsibility of the United States to foreign countries for the conduct of our island possessions would be no greater than it would be under a protectorate, and at the same time our duty to see that life, property and the rights of foreigners are protected in the islands will be more easily performed under the Territorial system than under any other. The principles of the Declaration of Independence have their full force and effect in Territories to the same extent as in States with the single exception of the collection of revenue for the support of the General Government. But inasmuch as the customs duties and internal-revenue laws apply to the States and Territories alike, the right that representation shall go with taxation is substantially preserved. It will not be questioned that the people of any of the islands wrested from Spain would be better off under the Territorial government of the United States than under any possible form of government created and administered by themselves or by any foreign power.

Whether these islands will confer the benefits upon the United States which their location and resources promise must be determined by the future, and the people of the United States will take care of the future. The islands have been annexed and the United States have undertaken the task of giving them good local government. When that shall have been accomplished, and it is thought best that they should be separated from the United States and go their way, there will be as much power to do it then as now. If these islands shall be surrendered after good government has been established under the flag of the United States, it will be because the people of this country will think it is for their interest to sever their connection with them.

ISLANDS MUST BE BROUGHT UNDER AMERICAN CONTROL.

With regard to what must be done now with the islands acquired from Spain there is little controversy among patriotic citizens. The islands must be subjugated to the control of the United States, and local self-government capable of protecting life and property must be established. What will be done after this great work shall have been accomplished it is unnecessary to predict. It will be in the power of Congress to do at that time whatever is deemed best for all concerned, and that will be the case whatever promises we may now make. The people need not waste time in considering an issue of mere predictions as to what may happen in the distant future while they are discharging the obligations of the present.

Every departure from our Territorial system will be regarded with suspicion. Experiments in governing our island possessions will prejudice the party in power, and the adoption of any new policy foreign to the Jeffersonian Territorial system will be fatal to the party making it. Expansion modeled after the English system in India would be in violation of the principles of the Declaration of Independence and the beginning of the end of free institutions, but expansion under the Jeffersonian policy of Territorial government will continue to be inscribed on the banner of the victorious party in every contest where that issue is made.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE GREENE.

Mr. ALLEN. Mr. President, I ask the Chair to lay before the Senate the resolutions from the House on the death of Hon. WILLIAM L. GREENE.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 10, 1900.*

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM L. GREENE, late a Representative from the State of Nebraska.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the House be now suspended to enable his associates to pay proper tribute of regard to his high character and distinguished public services.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That, as an additional mark of respect, the House, at the conclusion of these ceremonies, do adjourn.

Mr. ALLEN. Mr. President, I send to the desk and ask to have read the following resolutions.

The PRESIDENT pro tempore. The Senator from Nebraska submits resolutions which the Secretary will read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM L. GREENE, late a Representative from the State of Nebraska.

Resolved, That the business of the Senate be now suspended in order that fitting tribute be paid to his memory.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Mr. ALLEN. Mr. President, notwithstanding I am familiar in a considerable degree with the life, character, and public services of Mr. GREENE, it is with difficulty that I can speak of him at this time. He was my personal and political friend, and the death of a friend usually deprives me of the use of language adequately descriptive of my feelings and of his virtues and merits.

Judge GREENE is thus mentioned in the Congressional Directory of the Fifty-fifth Congress, from which I read:

"WILLIAM L. GREENE, of Kearney, was born on a farm in Pike County, Ind., October 3, 1849; removed with his parents to Dubois County, in the same State, where, during his early youth, he worked on a farm in the summer months and attended school in winter, thus acquiring an education which fitted him to enter the academy at Ireland, Ind.; which institution he attended for three years; engaged in the profession of teaching, which vocation he followed until he began the study of law; in 1876 was admitted to the bar in Bloomington, Ind., and began a successful practice in the Indiana courts; in 1883, removed with his family to Kearney, Nebr., where he still resides, and resumed the practice of his profession; as a practitioner he has been very successful, and made for himself more than a State reputation as a criminal lawyer; in politics was originally a Democrat, but in 1890 cast his lot with the Populist party, being one of the founders of that organization; in 1892, without solicitation on his part, was brought out before the legislature of the State as a candidate for United States Senator, and came within 2 votes of being elected to fill the position which Senator W. V. ALLEN now occupies, his support, at his instance, going to Mr. ALLEN and assuring that gentleman's election; in 1895 was elected judge of the Twelfth judicial district of Nebraska; was elected to the Fifty-fifth Congress as a Populist."

And I may add that in 1898 he was reelected to represent his district in the Fifty-sixth Congress.

After the adjournment of the Fifty-fifth Congress, Judge GREENE went directly to his home at Kearney, Nebr., and within a very few days went to Omaha on business, where in the early part of the same month he was suddenly taken ill and died. The remains were taken to his home, and he now sleeps in peace in

the beautiful cemetery adjacent to the city of his residence, and the grave is cared for by the loving hands of his wife and children, and a large number of devoted personal friends.

Judge GREENE was a man of pure purposes and high aims. Being gifted beyond ordinary mortals with a high order of natural ability and aptitude for public affairs, he was early in life recognized as a leader of men and a powerful molder of public sentiment on important public questions.

It is said that the most accurate measurement which can be made of a man is his attitude in domestic life. At his own fireside and in his home circle the man throws off the mask he wears in business and in public life and stands unveiled and exhibits his true nature.

Measured by this test, Judge GREENE was nature's nobleman. He was a most ardent lover of his wife up to the moment of his death and an affectionate and devoted friend of his children. His home circle was a charming place to visit. Uniform courtesy shown by the husband and father to his wife and children and reciprocal treatment on their part marked the Greene homestead as a spot where love, affection, and good will reigned supreme and unbroken. It was a Christian home as well—a home where education and refinement were inculcated, and where a love of music and art prevailed.

Mr. GREENE was an excellent and most kindly neighbor. However much others might disagree with him on public questions, his purity and sincerity of purpose were never drawn in question, and some of his most influential political opponents were his most devoted personal friends. Being of humble birth and having arisen to eminence by his own talent and effort, after great privation and a severe struggle with poverty, he was easily approachable by the most humble person and always listened with attention and interest to those in distress, and to the extent of his means gave liberally to relieve the distress of the unfortunate. As a judge he was eminently wise, patient, and impartial, and when he left the bench to take up the duties of a member of Congress the step was universally regretted by the bar and people of his judicial district.

Mr. President, Judge GREENE shone brightly as a jurist and popular advocate. Indeed, in all my range of acquaintance with lawyers and popular orators, I have never known his superior. Nebraska, according to her population, has, in my judgment, a full quota of great lawyers and great orators, and Judge GREENE ranked high among the best of these.

He had the power, given to few, of moving juries and public audiences at his will from laughter to tears. He had studied well the passions and emotions of men, and he touched these with the consummate skill of a master who touches the key or string which produces the sweetest strain of music.

The dead jurist and statesman was a firm believer in the Christian religion, and he was a master of Biblical lore and Biblical history. He had an abiding faith in the immortality of the soul, and he loved to repeat the words of Longfellow:

Life is real! life is earnest!
And the grave is not its goal;
Dust thou art, to dust returnest,
Was not spoken of the soul.

Although called from time to eternity before he had lived the allotted three score and ten years, it is not within the province of his most devoted friend to say that his life work was not well finished at that time. As long as his last friend lives the grave of this eminent citizen of my beloved State will be moistened by the tears of affection, and as often as the season returns his tomb will be bedecked with rare flowers, nature's first and most beautiful offering to spring.

Mr. President, Judge GREENE was an ambitious man withal, but his ambitions were in the right direction. He was not sordid. He was not ambitious for personal gain or personal preferment. He was ambitious that his influence might be of benefit to those around him and of benefit to the world; and he learned also this lesson from the beautiful poem of Longfellow, from which I have quoted, a few stanzas more of which he often quoted to me:

Lives of great men all remind us
We can make our lives sublime,
And departing, leave behind us
Footprints on the sands of time.

Footprints that perhaps another,
Sailing o'er life's solemn main.
A forlorn and shipwrecked brother,
Seeing, may take heart again.

Let us, then, be up and doing,
With a heart for any fate;
Still achieving, still pursuing,
Learn to labor and to wait.

Mr. President, life is but a breath; at best a span. A few days of sunshine and shadow, a few days of pleasure and pain, a few days of tears and joy and sorrow, and man lies down and fades into the future to awake on the shores of eternity.

I believe it is well with my friend, to whose memory we have dedicated the service of this hour.

Mr. TURNER. Mr. President, to the sick and infirm who can look forward to nothing but pain and suffering, death is a grateful and happy release. To those who have accomplished the allotted span, and whose life work is over, it is but lying down to sleep preparatory to a glorious and eternal morning. That this is so we all reverently believe, and our natural sorrow at parting with those so situated is chastened by that belief. But when one in the noon of life and in the meridian of his power, with the tendrils of affection reaching from his heart and entwining those who are yet helpless and dependent, and with just interests and aspirations in many directions yet unaccomplished and to be striven for, is suddenly and without warning swallowed up and engulfed in the great ocean of eternity, it comes to us as a terribly calamity, and not even the knowledge that "He doth all things well" can assuage our grief.

The death of our lamented friend, whose virtues and services we are now commemorating, came on us in this latter guise. He was only 50 years of age when the summons came to him like a bolt of lightning from a clear sky. He was then away from his home but a short time after the adjournment of Congress, and the glad anticipations of loving wife and happy children for his return were quenched in a flood of sorrow, which may subside in time, but which will always leave its bitter mark on their lives. All but one of his children were yet young and dependent, and their necessities required him, and undoubtedly they and his loving helpmeet were the subject of anxious solicitude on his part.

My acquaintance with him was only casual, but his reputation was not confined to State lines, and I knew him, as all others in Congress knew him, as a man of great ability, of fine attainments, an honest, earnest man with high ideals, from which he could not be shaken and for which he was always anxious to fight. He was a gladiator in the cause of the people, as he understood it, with buckler on arm and sword in hand ready to do battle against all adverse comers, and few measured swords with him and came off with distinguished advantage. His life work had eminently fitted him for service in Congress. He had been a highly successful practitioner at the bar for many years and had served the people of his adopted State on the bench before his election to Congress. So highly was he regarded by the people of Nebraska that he came within two votes of being elected to the Senate of the United States in 1892. Undoubtedly, if life had been spared him, he would have attained high distinction in the service of the nation. His training and his natural abilities conspired to make him able and efficient in both legislation and administration, and his unswerving honesty and rugged independence insured the exertion at all times of his best powers in the cause of his country.

But he has gone from amongst us, and we, in common with his bereaved family and immediate friends, lament that he is gone. He was a faithful and affectionate husband, a tender, loving father, a good citizen, an upright judge, an able, efficient, and honest legislator, and although cut off in the meridian of his usefulness, he has left to his fellows much of strenuous service to remember with grateful appreciation, and in every relation of life comported himself so as to win the respect and admiration of all who knew him. That he has faced the great unknown and unknowable future with the same serene courage that he faced all the problems of this life we can not doubt. And there, on the threshold of that future, we must leave him. Our vision can not penetrate beyond its confines into the mysteries beyond. But that it is well with him we know—otherwise virtue is barren of reward and honest endeavor but a spasmodic effort without tangible stimulus, beginning in nothing and ending in nothing. The world from the beginning of time has refused to accept such a solution of the problems of life. It is contrary to all analogies drawn from the known laws of nature, and contrary to an impulse found in every human heart which, from its universality, may be justly said to be inspired by an omnipotent God.

Mr. President, I was notified only this morning that I was expected to speak on this occasion, and this tribute to our deceased friend and colleague is necessarily brief and incomplete and very imperfectly expressed, but such as it is I lay it on his grave, proud that I have been privileged to know and to labor with such a man, and anxious to commemorate, so far as my feeble words can do so, his virtues as a man and his merits and deserts as a statesman.

Mr. THURSTON. Mr. President, I have no set words with which to express my profound regret over the loss to the country and to my State of the Hon. WILLIAM L. GREENE. What I say here to-day will be in words as simple as my affection for him was sincere.

We were members of different political parties, and yet during all of the years of his residence in my State we were personal friends. He had above most men those qualities which win friendship, not only from those of the same political tendencies, but from those who in the arena of politics are political foes.

I knew him at the bar. It was my fortune to have practiced

for many years in the courts of the part of the State where he resided. He was in many respects a remarkable lawyer. He was particularly gifted in the matter of the forensic presentation of the facts of a lawsuit either to a jury or a judge. On the hustings he was magnificent. I do not know that I have ever listened to a man possessed of more real native eloquence. And the man's early career, in my judgment, had something to do with the formation of those powers of oratory that won men's hearts and convinced men's intellects. He grew up from the ranks of the common people. There was no one to smooth his pathway in life and make it clear and easy. He struggled from the very beginning and had to work for everything that he achieved.

His opportunities for early education, from the modern standpoint, were deficient. It was impossible for him to pursue a collegiate course, but he made up for this in the experience that came to him in the taking and giving of hard blows in his progress in life. He was a student, not so much of the school, but in the great workshop of human affairs. He struggled to know his profession. He worked over his cases. He left nothing to chance or accident.

It is true, Mr. President, speaking from the broadest possible standpoint, that a collegiate education is a great advantage to any young man. And yet Mr. GREENE is a shining example of the remarkable achievements of many who have been deprived of the opportunity to pursue a collegiate course. Sometimes it has seemed to me that education easily obtained is not fully appreciated or made use of by its recipient, and it oftentimes happens that the opportunities which come so easily are not taken advantage of in the same degree or with the same vigor as are those which must be won by the self-effort of the individual.

Mr. GREENE in the practice of his profession was always open and fair. I never knew him to resort, I never heard of his resorting, to any mere trick of technicality. He tried his cases on their merits. He won his verdicts and secured his judgments by skillful presentation of facts and lucid argument, asking nothing except a fair verdict or a just decision.

I knew him also upon the bench. He presided over a court in the western part of my State in a sparsely settled region. He had some important counties and some flourishing cities in his district, but for the most part it was a new country. On the bench he came in contact with that struggling, striving population which we first see in the development and settlement of new regions and of the border.

As a judge he maintained the law. His record on the bench was especially good. There were at times many crimes committed of the character peculiar to the frontier in the early settlement of the State of Nebraska, and Judge GREENE and some of his associates upon the bench in that part of our State did a great service for our civilization. I could couple other names with his, names of sturdy men who in the administration of justice did so much to bring about order and safety. He won the respect of the people and of the lawyers.

Judges sometimes cater to the favor of the populace. He won the respect of the people through his fair administration of the law. He also won the respect of the bar, not through favoritism, but because they found him to be a fair man, determined to administer the law without regard to the consequences.

In the history of my State while he was upon the bench it happened that there was great popular feeling aroused against railway interests, and sometimes it was charged that in the administration of justice judges sought to secure popular approval by decisions against the corporate litigants. It was the universal testimony of the bar of my State that Judge GREENE, having to sit upon many important cases of this character, was always fair and just. It was the verdict of the people. It was the verdict of those attorneys who represented corporate clients. Whatever his individual opinions and convictions may have been upon questions agitating the people very deeply and strongly, he never permitted them to appear in the procedure of his court.

When he was nominated for Congress he made a most remarkable and successful campaign and repeated it two years later. Traveling over a district very great in area, sparsely settled for the most part, he convassed it from one end to the other. In one of his campaigns he was called upon to meet in joint discussion a very able antagonist, and it is certainly creditable to him as a popular advocate that he carried his district the first time by a considerable majority and the second time by a much larger one.

He was a man with all the passions and many, perhaps, of the failings common to all mankind, and yet the strength and purity of his character rose high above them all. He was a good lover and, to a certain extent, a good hater, but he never carried his political or personal animosities beyond the point of being fair and just toward all.

I witnessed his course in the campaign before the legislature of Nebraska in 1893, when he came so near to election as a Senator of the United States. He had a strong hold upon his party, the Populist party, and I think there is no question but what he was its first choice for Senator. I have no doubt he would have been elected had his party had a clear majority in the legislature, but the legislature at that time was so constituted that no one party had a majority. After Judge GREENE's name had been presented by his party, supported very generally also by the Democrats in the legislature, it was deemed advisable by his friends, with his own consent, to withdraw his candidacy and turn his powerful influence in favor of my colleague [Mr. ALLEN], who now occupies a seat in this body.

Judge GREENE was a good citizen. He was a good man in every family relation. He is missed and mourned most by those who knew him best. He died at the meridian of his power and his strength, with the world and its possibilities open before him. No man can predict to what eminence he might have attained had not the silent messenger summoned him so suddenly and with so short a warning. And yet, Mr. President, I am not prepared to say that there is anything to regret in his early decease. His family miss him; they have suffered a great loss. His friends miss him; they have suffered a great loss. His district is deprived of his services, and the loss to the State is also great; but from the standpoint of the man I see nothing to regret in the fact that he was called, and called suddenly, in the very prime of life, in the hour of his greatest vigor and strength, to fathom the mysteries of the infinite.

Mr. President, I look upon the man who thus passes beyond the veil as a fortunate individual. I see nothing to desire in length of years—in the years that come when the strength fails, when the vigor departs, when a man becomes more or less of an onlooker by the roadside, past whom the great active procession runs and leaps. For myself, I would prefer to die as he died, before the first touch of age, before the first disappointment that must come when one realizes the failure of power—to go out at the summit and amid the successes of victorious life, to die in the harness, when all men looking on regret the loss.

So to-day I do not mourn for the dead. I sympathize with those whom he has left behind, but for him I do not and can not mourn. He has gone beyond, we of the Christian faith believe, to a future of added usefulness, where the power and strength he has laid down here will be taken on again under better conditions, to be used in greater fields of usefulness than is possible in this temporary existence of ours.

We peer into the impenetrable shadow, but we do not see; we listen in the infinite silence and there is no sound; but the cable of human hope stretches from shore to shore. Over it we whisper our messages of love to those who have gone before, and with the ear of faith wait the answer of our prayers.

Mr. ALLEN. Mr. President, I ask for the adoption of the resolutions.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions submitted by the Senator from Nebraska [Mr. ALLEN].

The resolutions were unanimously agreed to.

Mr. ALLEN. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, June 4, 1900, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 2, 1900.*

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

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

SUBSISTENCE DEPARTMENT, UNITED STATES ARMY.

The bill (S. 3430) to increase the efficiency of the Subsistence Department of the United States Army was laid before the House with the information that the Senate had disagreed to the amendment of the House and requested a conference.

Mr. HULL. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. HULL, Mr. ESCH, and Mr. SULZER as conferees on the part of the House.

VISITOR TO NAVAL ACADEMY.

The SPEAKER. The Chair desires to state that the gentleman from Vermont, General GROUT, because of public business, tenders his resignation as one of the Visitors to Annapolis. Without objection, this resignation will be accepted; and the Chair makes the appointment which the Clerk will read.

The Clerk read as follows:

Visitor to Naval Academy: Mr. WATSON of Indiana, in place of Mr. GROUT, resigned.

CHOCTAW ORPHAN INDIAN LANDS, MISSISSIPPI.

The SPEAKER laid before the House the following resolution of the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 9083) to authorize the Commissioner of the General Land Office to dispose of Choctaw orphan Indian lands in Mississippi, and to make appropriation for executing act of Congress approved June 28, 1898.

Mr. PAYNE. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk be directed to inform the Senate that the bill (H. R. 9083) to authorize the Commissioner of the General Land Office to dispose of Choctaw orphan Indian lands in Mississippi and to make appropriation for executing act of Congress approved June 28, 1898, of which the Senate asks the return by its resolution of June 1, was signed by the Speaker on May 31 and transmitted to the Senate, and is therefore no longer in the possession of the House.

Mr. McRAE. What is the proposition in regard to this matter?

Mr. PAYNE. The Senate asked for the return of this bill. It appears that the engrossed copy of the bill has already been signed by the Speaker and sent to the Senate. This resolution is simply to inform the Senate of the fact that they have possession of the bill which they ask for.

Mr. McRAE. Does the gentleman know why the return was requested?

Mr. PAYNE. I do not.

The resolution of Mr. PAYNE was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I ask unanimous consent that the House nonconcur in the Senate amendments to the sundry civil appropriation bill.

Mr. NEWLANDS. Mr. Speaker, the State of Nevada is interested in one amendment which has been inserted in the Senate—amendment No. 81, appropriating some $500,000 for expenditures made by the State in the civil war in the suppression of the rebellion. Understanding that an opportunity will be afforded me when the committee of conference makes its report to move concurrence in this particular amendment, I make no objection to the request of the gentleman from Illinois.

Mr. CANNON. I will say to the gentleman that that motion can be made when the first conference report is submitted. Undoubtedly there will be a disagreement.

Mr. BARTHOLDT. I desire to ask the gentleman from Illinois whether the same privilege will be given in respect to amendment No. 183, relating to the St. Louis World's Fair and the celebration of the Louisiana purchase. I should like to test the sense of the House in respect to that proposition by a motion to concur.

Mr. CANNON. No doubt that opportunity will be afforded. I have no doubt there will be a disagreement on that matter, so that the House can pass upon it.

Mr. BARTHOLDT. That is satisfactory.

Mr. SWANSON. There is on this bill an amendment—No. 82—relating to the indebtedness of the United States to Virginia and of Virginia and other States to the United States.

Mr. CANNON. I understand there will be no agreement touching that matter.

Mr. SWANSON. Then an opportunity will be given in the House to move to concur in that amendment if there should be a disagreement between the two Houses?

Mr. CANNON. Undoubtedly.

Mr. RIDGELY. Do the Senate amendments include an appropriation for $75,000 for the Chinese commission—the proposition which the House rejected?

Mr. CANNON. I understand not, though I have not examined the matter closely.

Mr. RIDGELY. I have been informed that that amendment was included, though I have not had time to examine the question.

Mr. CANNON. From the RECORD I think it is not; I may say I am sure it is not.

Mr. RIXEY. In reference to Senate amendment No. 134, providing for the building of the memorial bridge across the Potomac River, will there be an opportunity for the House to vote upon that amendment if it should not be concurred in by the House conferees?

Mr. CANNON. Speaking for myself, if I should be on that conference, I am very sure there will be no agreement as to that amendment; and I have no doubt the House will have an opportunity to pass upon a motion to concur, if anybody desires to make it.

Mr. SWANSON. I have understood that an opportunity will be given for the House to vote to concur in that amendment.

Mr. CANNON. I notice, if it is proper for me to state it, that the Senate seems to be quite strong in favor of that work; and, if I may speak for the other conferees, I feel quite sure the House will have an opportunity to pass upon that.

Mr. DE ARMOND. There is an amendment, I believe, providing for the purchase of some land over here for the insane asylum. Will that matter be brought back to the House?

Mr. CANNON. I am under the impression that the Senate concurred in the House provision.

Mr. PAYNE. That is in the bill, I understand.

The SPEAKER. Is there any objection to the request of the gentleman from Illinois [Mr. CANNON] that the House nonconcur in the amendments of the Senate? The Chair hears none, and it is so ordered.

BRIDGE ACROSS RED RIVER, ALEXANDRIA, LA.

Mr. BREAZEALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10650) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana.

The bill with the amendments proposed by the Committee on Interstate and Foreign Commerce was read. It proposes that the Alexandria and Pineville Bridge Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain a traffic bridge across Red River at a point suitable to the interest of navigation, within the corporate limits of the town of Alexandria, in the parish of Rapides, State of Louisiana.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

MESSAGE FROM THE SENATE.

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

S. 1736. An act granting an increase of pension to Mary Irene Rosenthal;

S. 1278. An act granting an increase of pension to F. W. Baker;

S. 1952. An act granting an increase of pension to Thomas J. Jackson;

S. 3941. An act granting an increase of pension to John Blanchard;

S. 63. An act granting a pension to Cyrus A. B. Fox;

S. 2915. An act granting a pension to Samuel Z. Murphy;

S. 2913. An act granting an increase of pension to William E. Ferree;

S. 2163. An act granting a pension to Franklin Kersting;

S. 4178. An act granting a pension to Thomas White;

S. 2500. An act for the repeal of section 4716 of the Revised Statutes;

S. 4296. An act granting an increase of pension to Frances S. Childs;

S. 2202. An act granting an increase of pension to Alvin N. Sabin;

S. 4548. An act granting an increase of pension to Albert A. Roberts;

S. 4191. An act granting a pension to Anna E. Littlefield;

S. 4259. An act granting an increase of pension to Alice Worthington Winthrop;

S. 4742. An act granting an increase of pension to Jesse F. Gates;

S. 3669. An act granting an increase of pension to Ariana F. Wills;

S. 1269. An act granting a pension to Nancy J. Dunaway;

S. 1588. An act granting a pension to Eva Clark; and

S. 1978. An act granting an increase of pension to Ellis P. Phipps.

The message also announced that the Senate had passed with amendments the bill (H. R. 11538) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1901, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10308) to extend to certain publications the privileges of second-class mail matter as to admission to the mails, had asked a conference with the House on the bill and amendments, and had appointed Mr. CHANDLER, Mr. CARTER, and Mr. BUTLER as the conferees on the part of the Senate.

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

H. R. 5804. An act granting a pension to Byron F. Davis;

H. R. 8475. An act granting an increase of pension to Alice de Vecchj; and

H. R. 602. An act granting an increase of pension to Charles H. Adams.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 5264. An act for the relief of the estate of Maj. Guy Howard, deceased.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Senate concurrent resolution 70:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the document known as Messages and Papers of the Presidents, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the superintendent of documents, subject to the future action of Congress.

And resolved further, That an edition of 10,000 copies be printed, to be held by the superintendent of documents, and by him sold at the actual cost of publication.

Senate concurrent resolution 71:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the testimony and arguments of counsel of the investigation made by the Committee on Military Affairs of the House of Representatives as to the conduct of the United States Army in Idaho under House resolution No. 31, Fifty-sixth Congress, first session, of which 4,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives.

ASTORIA, OREG., PORT OF IMMEDIATE TRANSPORTATION.

Mr. MOODY of Oregon. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 359) to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg.

The bill was read, as follows:

Be it enacted, etc., That the privilege of immediate transportation of dutiable goods, in accordance with the provisions of an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, and the amendments thereto, be, and the same is hereby, extended to the port of Astoria, Oreg.

The SPEAKER. Is there objection?

Mr. RICHARDSON. Mr. Speaker, it was almost impossible to hear this bill read, on account of the noise on the floor.

Mr. PAYNE. I will state to the gentleman from Tennessee that this bill was unanimously reported from the Committee on Ways and Means. I am sure the gentleman was present when it was considered.

Mr. RICHARDSON. I could not hear the bill at all, on account of the noise.

Mr. PAYNE. It simply extends the privileges of the act of 1880 to Astoria, Oreg. It is recommended by the Treasury Department and unanimously reported by the Committee on Ways and Means.

The SPEAKER. Is there objection?

There was no objection.

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

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

TRUSTS.

Mr. RAY of New York. Mr. Speaker, I call up the special order, which is the consideration of the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890.

The SPEAKER. The gentleman from New York [Mr. RAY] calls up the special order. Under that order those in favor of the bill have thirty minutes for general debate, and those opposed thirty minutes. The gentleman from New York [Mr. RAY] is recognized.

Mr. RAY of New York. Mr. Speaker, I ask to have the bill formally presented, and I would make the parliamentary inquiry in that connection whether or not it is necessary to obtain unanimous consent to dispense with the first reading of the bill under the order?

Mr. TERRY. What was the request?

The SPEAKER. The gentleman makes the parliamentary inquiry whether it is in order to ask unanimous consent to dispense with the second reading of the bill. The Chair thinks that would be in order, if desired.

Mr. RAY of New York. I make the request, then.

Mr. TERRY. That will not alter the parliamentary status?

The SPEAKER. Not at all. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RAY of New York. Mr. Speaker, I now yield the thirty minutes time allotted to this side of the House for general debate on this bill to my colleague on the committee, the gentleman from Indiana [Mr. OVERSTREET].

Mr. OVERSTREET. Mr. Speaker, there has perhaps been no public question which has recently commanded the attention of all political parties more than the question of the so-called trusts and monopolies. It therefore seems quite strange that upon a question which should be so universally considered by all of the political organizations, each of which has in a formal way declared in its platform in favor of legislation restraining and restricting these so-called evils, when an effort is made for the purpose of ingrafting upon the statute books some practical and consistent legislation, such obstacles should be met with as have been placed in the way of the legislation now under consideration by this House.

The Committee on the Judiciary, which has had proper and formal consideration of this measure, has given to it the same character of candid and honest attention which that committee has always shown toward measures submitted to it. And yet, when, after months of careful examination and long and continuous efforts, that committee submits what in its judgment is a practical method relative to such legislation, it fails to meet with any responsive chord from the Democrats and Populists who have held the attention of the country in their denunciations of the evil more than have the Republican members of this House.

Denunciation and invective will never solve the question. Declamation brings no aid to the practical solution of the problem. Neither is there any benefit to be gained by abuse and exaggeration. From the tirade of invective hurled by Democratic speakers against combinations and large corporations, one would think the evil of trusts included all large business concerns. It is well to understand that there is a strong but certain distinction between legitimate business in large affairs and a grasping monopoly or trust, which, through unfair and questionable means, seeks to destroy honest competition and enlarge its profits at the expense of the public and to the injury of labor. Certain enterprises can be conducted safely only upon large scales. Vast railway and manufacturing interests require large capital and extensive operation. To properly separate the legitimate business which is really helpful to the people and the country, and direct our efforts against the real evil, is the object of the legislation proposed. In aiming our guns at the threatened danger care must be taken that the innocent bystander is not injured.

It therefore resolves itself into the situation that the Republican party must fight this battle alone, because it has received no aid from the other parties of the country, and the action of yesterday demonstrates that it can expect none in the future. The committee has, after thorough examination, reached an honorable and reasonable conclusion that Congress has not now sufficient effective power to legislate fully and completely upon the subject. In order, however, that the best possible results may be attained, in order that nothing may be left undone toward the consummation of what they believe to be an honorable effort, that committee has brought into this House two measures which combined will, in our judgment, effectually determine this great question.

Going to the confines of present constitutional powers, we submit a measure as an amendment to the present antitrust law, enacted on July 2, 1890, and at the same time request by way of recommendation to the States of the Union the adoption of a constitutional amendment which will clothe Congress with ample and sufficient power to treat and conclude without question the problem with which we are confronted. The action of the opponents of this constitutional amendment on yesterday, however, has defeated the only opportunity which Congress will have for the complete solution of the problem. It was well known to the Committee on the Judiciary as well as to other members of this body that that amendment required a two-thirds majority of the members voting; and that the majority of the House had not a sufficient number of themselves, but would expect, if successful, to have the aid of a portion at least of the members of the minority.

The vote on yesterday upon the proposed constitutional amendment registered 154 yeas and 132 nays—not a sufficient number to carry the amendment through this body for consideration in the Senate. We are left, therefore, to the only other means of solution, and that is the bill now under consideration. The committee had before it various and conflicting recommendations seeking to solve the problem of monopolies and trusts. These, however, may be analyzed under three separate heads, each of which was fully and carefully considered by the committee.

PUBLICITY.

It was suggested that publicity in the business of these concerns would be ample to disclose their operations, and in that way reach a solution. It was thought that the publication of reports of trusts at stated periods, showing their business in detail, their stockholders, expenses, profits, etc., would operate as a check against evil practices. Men would hesitate to connect themselves with a concern which resorted to questionable methods if such connection should be made public. Stock which was largely water or wind, according to the promoters, would not be purchased if the published statements of the business would disclose their true value.

That nature of legislation commended itself fairly well to the committee, I will say, but publicity, while reasonable, must be general in its operations. If we would seek to disclose the operations of large concerns, we can not escape the necessity of applying the law to small concerns. Hence the committee were of the opinion that the injury which would result to the small concerns doing a limited business only, in no way possible to grow into a monopoly, would overweigh by far the benefits which would

result by requiring the large concerns to submit to the publication of their affairs.

Under the interstate-commerce law railway companies are now required to make public certain features of their business. The same is true of telegraph companies. But our great transportation companies, engaged as they are necessarily in interstate commerce, not only require great capital, but they are comparatively few in number. In the field of manufacture and production, however, quite the contrary is true. Such enterprises are almost innumerable, and range in the amount of capital invested from a few hundred dollars to hundreds of millions. To such extent has our trade developed that State lines are rarely considered, and that business is indeed small which never reaches either in purchases or sales beyond the confines of the State in which it is located.

A statute which would require the publication of the business operations of all concerns producing or manufacturing articles for interstate commerce would practically bring within its enforcement every business enterprise, both great and small, in the country, from the Standard Oil Company and the American Steel Company to the dry goods companies, or even the farmer who sells the product of his farm for shipment beyond the State. While such a law would handicap the trusts and monopolies, it would embarrass in equal degree the thousands of ligitimate concerns, and the hundreds of thousands of small enterprises. This would, indeed, be injuring "the innocent bystander" in our effort to cripple the real culprit. Surely it is not the purpose of either the people or of Congress to add to the business burdens of the legitimate enterprises which already suffer too much by the evil effects of the trusts. Such legislation can scarcely be called either practical or effective.

FREE TRADE.

The second proposition was to obtain by legislation absolute free trade in all articles made or produced by the so-called trusts and monopolies. This process of legislation was entirely consistent with the Democratic policies of legislation. They have always since their birth favored absolute free trade. But we were confronted with the situation that that would not be sufficiently effective. Unless the tariff is the cause of the trust its removal will not prove to be the remedy. But trusts and monopolies have occurred in absolute free-trade countries, and no one has claimed that their development there was caused by free trade. Furthermore, in many cases the tariff is not sufficient to account for the increased price of the article, and hence the withdrawal of the tariff from any article which may, perhaps, be controlled by a trust would not in itself solve the question. More than that, we have here in this country evidences of monopolies and trusts in articles which have no protection under our tariff laws, and consequently we are led to the reasonable conclusion that the action of the tariff upon these articles is in no wise responsible for the development of the business into the magnitude of a monopoly.

These proposals of the Democratic members of the House to throw open the doors and destroy the protective policy which the Republican party has advocated were only for the purpose of boldly injecting into this question the political element which they so largely depend upon for their stock in trade.

AMENDMENT OF THE PRESENT LAW.

This, then, brought us to the third proposal—the amendment of the present antitrust law.

The law which the bill under consideration will amend was enacted July 2, 1890, and is entitled "An act to protect trade and commerce against unlawful restraints and monopolies." The law contains eight sections.

Section 1 declares to be illegal "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations." A penalty of not exceeding $5,000, or imprisonment of not exceeding one year, is fixed for the violation of this section.

Section 2 fixes a similar penalty for "every person who shall monopolize or attempt to monopolize or combine or conspire with any person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations."

Section 3 makes a similar declaration of illegality and fixes a similar penalty relative to such contracts or combinations in restraint of trade or commerce between the Territories, the District of Columbia, and the States.

Section 4 confers jurisdiction for the enforcement of the law upon the several circuit courts of the United States.

Section 5 authorizes the subpœnaing of witnesses residing in different jurisdictions than the one wherein the suit shall be brought.

Section 6 provides for the seizure and forfeiture of articles shipped in violation of the act.

Section 7 provides for the recovery of damages in threefold degree to the injury occasioned any person, including reasonable attorney's fees.

Section 8 defines the word "person" wherever used in the act "to include corporations and associations existing under or authorized by the laws of either the United States, the laws of the Territories, the laws of any State, or the laws of any foreign country."

The bill which is submitted for the consideration of the House to-day proposes to amend sections 1, 2, 3, 7, and 8 of the bill, and recommends five new sections, numbered 9, 10, 11, 12, and 13. The amendments of sections 1, 2, and 3 seek only to increase the penalties for violations mentioned in those respective sections. The present law declares such violations misdemeanors, and fixes the penalty at a fine not exceeding $5,000 *or* imprisonment not exceeding one year, in the discretion of the court. In each of these instances the committee recommends an increase of such penalties, making the violations *crimes*, and fixing the penalties at not less than $500 nor more than $5,000, *and* imprisonment of not less than six months nor more than two years, so that we add imprisonment in each case to the penalties of the fine.

The minority members of the Judiciary Committee have ridiculed the idea of increasing penalties in a law which has been so seldom prosecuted or enforced. Your Committee on the Judiciary offering this majority report believe that increased penalties, adding imprisonment to fine, will prove a most wholesome remedy. It has been found in many instances where corporations have violated the laws which subject them to fines that they have little care for the expense incident to the payment of such fines, and the officer, agent, attorney, or manager is never liable, and escapes under the cloak of his corporate existence. The individual is little concerned if the corporation pays his fine. If he shall be made liable personally, and if convicted, imprisoned, he will exercise more care.

This committee believes that by increasing those penalties so as to fix definitely upon the violator the probability of imprisonment, and adding to the persons who may become liable under the law the officers, the attorneys, the managers, and the agents of such concerns, they will hesitate far more than they have in the past before they care to violate this statute. It is confidently expected that by virtue of this increased penalty we will confront these great corporations and their officers, agents, and attorneys, with the law which we now have by increasing the penalties with an obstruction which will in a large degree operate as a restriction against their evil practices.

Sections 4, 5, and 6 of the present law are in nowise disturbed.

Section 7 of the present law authorizes the recovery of threefold damages by any individual who has been injured by a violation of the statute. Your committee have thought it wise to further amend that section by fixing the minimum recovery at $250. Many times an individual, so slightly damaged that the recovery would hardly pay the expenses of the trial, has refrained from instituting proceedings under the present law. We have therefore thought it would be wise and wholesome to permit any individual who thinks himself aggrieved or injured to bring action against the concern whose violation has damaged him, and to recover, no matter what his damage is, however small, at least $250. This recovery would scarcely cover the ordinary expense, besides the attorney's fees which will go as a part of the judgment. It will, at least, not deter him in his effort to secure relief.

Section 8 of the bill defines the word "person," wherever used in the act, "to include corporations and associations." Your committee has enlarged by amendment that term and definition and adds to its meaning, wherever the term "person" shall be used in the act, "the agents, officers, and attorneys of such corporations and associations."

Mr. HILL. Will the gentleman pardon an inquiry which I wish to make for information?

Mr. OVERSTREET. Certainly.

Mr. HILL. May I ask the gentleman to explain on page 3, section 2, the meaning of the words, "any part of the trade and commerce?"

Mr. OVERSTREET. That is in the present law, and we have not changed that in any particular; "any part of the trade or commerce among the several States or with foreign nations," meaning any part or particular degree of trade or any particular value of property.

Mr. HILL. It does not mean a distinction between one class of trade and another?

Mr. OVERSTREET. It does not; it simply means a particle of business or a certain degree of business. That has been the law since July 2, 1890, and has been clearly defined by the court.

Mr. HILL. One other question I would like to ask the gentleman. Suppose a man residing in the city of New York should buy two factories, being all there were in the city of New York, would that bring him under the provisions of this bill?

Mr. OVERSTREET. No, sir; I think not.

Mr. RAY of New York. Let me say that that is the provision our Democratic friends are trying to force into this law by their proposed amendment.

Mr. OVERSTREET. I was going to say that if one of the amendments proposed by the minority should become a part of the law, then the gentleman's question would have to be answered in the affirmative.

The committee, Mr. Speaker, in addition to the amendment proposed to the present law by specific sections, recommend five new sections, asking that they bear consecutive numbers, beginning with No. 9, so that the first section recommended will be known as section 9 of the law. Under this section we propose to enlarge the possibilities of reaching these aggregations of capital and monopolies, by declaring illegal all corporations and associations and joint-stock companies or partnerships doing business in any State of the United States or in any Territory belonging thereto, or in the District of Columbia, producing, manufacturing, or dealing in any article of commerce when organized for the purpose of, or carrying on business for the purpose of, controlling or monopolizing such production and manufacture.

Aye, Mr. Speaker, your committee goes even further, and provides in this section that any such concern which by its operations or its declaration in its organization is formed for the purpose of increasing or decreasing the price of an article to the consumer with a specific view of destroying competition shall also be held to be illegal. We branch out in this new proposed section so as to fasten hold firmly and decisively upon any concern which by its operation, or its purposes as disclosed in its organization, seeks to impair competition, either by increasing the price to the consumer or by decreasing the price to the buyer, so as to drive it from the market, and we declare such to be an illegal business.

In the same section we enjoin such concerns from privileges of interstate commerce, and withdraw from them the privilege of the use of the United States mail. Wherever we find under the proof, properly submitted for trial, that any concern proposes to destroy competition in that way, we withhold from it the right of transporting its articles through the route of interstate commerce, and also deny it the privileges of the United States mail. Any concern of this day and age which can not have these two privileges can not possibly live.

In the next place we subject such articles, wherever they are sought to be so transported when the organization which owns them has been declared to be illegal, to seizure and forfeiture to the United States Government, under the law which now obtains relative to the condemnation and forfeiture of property brought into the United States contrary to law. By this section we will place a safeguard about the business whose small efforts are trampled upon and in too many cases defeated by great monopolies and trusts.

The spirit of competition, which has been and always will be the life of trade will thereby be further safeguarded. We shall place before these concerns the obstacle of denying them these two great privileges, which would defeat their operations and subject their goods to forfeiture and seizure by the United States.

Section 10 fixes the penalty upon all transportation companies which knowingly receive for transportation any goods from a concern which has been held illegal under the act. Not only do we do that as to corporations, but the law will run under this amendment against the officers, managers, attorneys, and agents of all such corporations.

Under section 11, proposed as an amendment, we give opportunity for obtaining the evidence to establish violations of the law. We read into this statute the provision which has proven so useful in the interstate-commerce act whereby we excuse from prosecution any officer of a corporation who testifies and whose books may be brought for examination in any trial under the law. The evidence upon which conviction depends nearly always lays within the keeping of the trust itself. Its own records usually contain the strongest proof. So long as the witness claims that his own evidence may convict himself, he has been excused from testifying. Without the evidence which some record may disclose, conviction may be impossible. Under the provision in this section proof may be obtained from one officer against his associates, and also against the trust itself. And in doing it we throw about the individual whom we thus force upon the witness stand freedom from prosecution.

In this way, Mr. Speaker, the courts of this country, under the directions which this bill clearly gives, will be enabled to fortify themselves with all proper evidence, ample and sufficient to obtain any conviction warranted by law.

Section 12 of the bill clothes the various courts with jurisdiction for the enforcement of the law. I call attention at this point to a weakness in the present law. By its provisions it is clearly stated that the law shall be enforced under the direction of the Attorney-General through the district attorneys of the several jurisdictions. These district attorneys are therein authorized to institute proceedings in equity. But nowhere in the present law is the duty imposed upon the Attorney-General to see to the enforcement of the same. In section 12 of the proposed amendment to the existing law it is provided that—

> It shall be the duty of the Attorney-General of the United States, and of the several district attorneys of the United States, within their respective districts, to cause all persons, corporations, or associations violating or failing to comply with any of the provisions of this act to be promptly prosecuted therefor and to enforce all of the penalties imposed by this act.

We therefore place upon the Attorney-General, and his several district attorneys throughout the States, the mandatory duty of the enforcement of the act. It not only clothes him with authority which will enable him to obtain ample evidence; we not only clearly define to be illegal and subject to prosecution the concerns which now seek to destroy competition, but we make it the mandatory duty of such officer to enforce the law.

Mr. HOPKINS. May I ask the gentleman a question?

Mr. OVERSTREET. Yes, if it is brief, for I have only four minutes remaining.

Mr. HOPKINS. What effect does section 9 of this bill have on patents which have been granted by the United States or on patents which may be hereafter granted?

Mr. OVERSTREET. The committee considered that question very fully at the time section 9 was drafted. It is our honest opinion, in the light of the decisions which we have examined, that patents would not be affected by section 9.

Section 13 authorizes the bringing of civil or criminal proceedings, or prosecutions authorized under this act, by any person, firm, corporation, or association. It has been charged, Mr. Speaker, that the present law has not been fully enforced, because certain officers of the Government did not perform their duty. Under the provision I have just read we give authority to any individual or any corporation who may feel that the law is not being enforced to bring, in the name of the United States Government, an action under the law which we propose to amend. We have thrown about this old law under these new provisions ample security; have afforded ample opportunity for obtaining evidence; made it the mandatory duty of the Attorney-General to enforce the law, and believe the provisions will prove effective.

Mr. Speaker, in the brief time remaining to me I propose to speak of the reasons why your committee thought it was best to amend the present law, rather than propose a new statute.

In considering legislation of this importance care should be exercised to see that the law shall be constitutional. It has been clearly decided that Congress has ample power to regulate and control interstate commerce, but regulation and control do not include prohibition. The attempt, in the law here proposed, to withhold the right of transportation from trusts and monopolies, is venturing upon a theory only that such extreme measure may be resorted to in order to reach so extreme an evil. Even this step is not undertaken until it shall be clearly demonstrated, upon trial, with ample and sufficient proof, that the trust or monopoly is organized for the purpose, or carrying on its business with the definite intention of, destroying competition.

Surely no one will claim that extreme measures of this character should be resorted to until ample proof is obtained to definitely determine the existence of the monopoly, and that it comes squarely within the provisions of the statute. While the powers of Congress relative to the control and regulation of interstate commerce have been clearly shown, its power in the control and regulation of manufacture and production is more questionable. It was thought, therefore, that inasmuch as the present antitrust law, enacted July 2, 1890, had been clearly held to be constitutional, it would be better to use this law as the basis of legislation, so amending it as to bring within its purview and enforcement the trusts and monopolies which we seek to destroy rather than to enact some law whose constitutionality might be easily disputed. It is the purpose of the framers of this act to make it practical and effective, and to avoid the danger of so confusing the powers of Congress as to make possible the overthrow of the law which we hope to become operative and decisive. In the Knight case (156 U.S., p. 11) Fuller, C. J., in giving the opinion of the court, said:

> It is vital that the independence of the commercial power and of the police power, and the delimitation between them, however sometimes perplexing, should always be recognized and observed, for while the one furnishes the strongest bond of union, the other is essential to the preservation of the autonomy of the States as required by our dual form of Government; and acknowledged evils, however grave and urgent they may appear to be, had better be borne than the risk be run, in the effort to suppress them, of more serious consequences by resort to expedients of even doubtful constitutionality.

Inasmuch, therefore, as the present antitrust law was deemed to be constitutional, and in view of the suggestion made in the Knight case, above quoted, the committee determined to recommend the amendment of this law, confident in the belief that the danger of the law being held unconstitutional would thereby be reduced to a minimum, and the true object of the legislation, namely, the restraint and possible overthrow of trusts and monopolies, would be accomplished.

It may be of some advantage to know that this law of July 2, 1890, has been under consideration in 13 different jurisdictions. Ample opportunity has been had to test its constitutionality. Its enforcement has been called into operation, in one way and another, in the States of California, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, and Utah. Ample opportunity has been given to question the right of Congress to legislate upon this question, at least in respect to the provisions of the present law. Starting, therefore, with the present law as the basis of our action, and building upon it, having in view, as far as we can, the rights of Congress to legislate upon this grave question, as set forth in the various decisions of the Supreme Court, it is hoped that the additional provisions which we have hereby incorporated into this law may be held equally constitutional.

There has been much denunciation and invective indulged in by the members of the Democratic party in their avowal of what they purpose to do in reference to the solution of this question. In view of these recent declarations, it may be well to stop for a moment and examine the attitude of the Democratic party upon this question at the time of the consideration and passage of the law of July 2, 1890. An examination of the records of the two Houses of Congress will disclose that the present law originated in a bill styled "Senate bill No. 1," introduced in the Senate by Hon. John Sherman, of Ohio. The name of the author of this bill is quite sufficient guaranty of the honesty and purpose of its author; and the skill and care which he brought to bear at all times, throughout his most illustrious career, upon many grave and important questions, he then gave to this subject.

No member of the Republican party has been held in greater esteem, nor has been more successful in his efforts to establish wholesome laws, than the Hon. John Sherman, the author of the present antitrust law. Throughout the consideration of the legislation the members of the Democratic party criticised, obstructed, and ridiculed the bill at every stage of its progress. The motives of the author and his assistants in pressing the legislation were questioned, while the members of the Democratic party, then in the minority in Congress, made repeated declarations of their intention to properly and fully determine the question when they should come into power. Notwithstanding their antagonism and ridicule, and notwithstanding their denunciation and declarations during the debate upon the bill, when they were squarely faced with the proposition whether the bill should be voted for or voted against, only one man in both Houses had the courage to record his vote in opposition to the bill. It passed the Senate with but one dissenting voice, and, after running the gantlet in the House, passed this body without a single dissenting vote, the RECORD showing 242 yeas and no nays.

The legislation had its inception in the brain of one of the leaders of the Republican party, and enjoyed the earnest and sincere support throughout its consideration of every member of the Republican party. The conduct of the Democratic party during the past few days, while this legislation has been under consideration, has brought to mind most forcibly that old adage that "history repeats itself." No sooner had this bill now under consideration been presented than the Republican party was charged with insincerity, hypocrisy, and trickery. The law has been denounced in the most scathing terms. The dictionary has been almost exhausted in search of adjectives with which to emphasize the opposition of the Democrats to this proposed legislation. We are again called upon to listen to declarations of what they again intend to do when they get into power. They seem to have forgotten that after the legislation of July 2, 1890, the Democratic party held the reins of power for four years. During all that period no effort was made by them even to consider, much less to enact, legislation upon this question. Not until an effort has been made by the Republicans, who in a straightforward and practical way are endeavoring to meet this most serious question, have we heard aught from these champions of the people's cause.

I have no hesitancy, Mr. Speaker, in now making the prophecy that when this question shall be called for a vote, and the Democratic party is again brought face to face with the opportunity to vote squarely for or squarely against this law, that they will, as they did in 1890, vote solidly for the measure, not daring to record their votes against any effort directed to the overthrow of monopolies and trusts. When the time comes to form the procession and to march forward with the banner displayed, the Democratic members of this House, as I now expect, will fall into line at the rear of the procession and march through the gates, and, after the law has passed, will boldly declare that they are entitled to as much credit as the Republicans in the enactment of the legislation. I call the attention of the House to the fact that it was the Republican party which made the first declaration against trusts and monopolies in this country.

In the national platform of 1888 occurs the first plank that can be found in the platform of any party of this country recommending this character of legislation. The student of politics in America will have little difficulty in showing that in that great convention of 1888 the man who was the chairman of the committee on resolutions, and who, indeed, drafted the first antitrust plank ever drawn, is the same man who championed the antitrust law of July 2, 1890, when leader of the majority in the Fifty-first Congress, and who is the same man that to-day holds the chief place in the Republican columns of America and occupies the chair of the Chief Executive of this nation, and that man is William McKinley. The people, Mr. Speaker, will not soon forget that the promises of the Republican party are faithfully and honestly kept. They will not soon forget the man who has been so consistently connected with this character of legislation, and who has, at all times, in the different capacities he has occupied, been willing and active to incorporate into law proper and wholesome statutes, which shall, in a practical and proper manner, offer ample restriction, and, if necessary, prohibition against the evils of trusts and monopolies.

It was not until after the platform of 1888 had been written, containing this plank, drawn by William McKinley, that the States took up the question of antitrust legislation. It is refreshing to know that the Republican party, having initiated the movement, and having engrafted the only law upon this question on the statute books, that the example thus set has been followed by twenty-four States of the Union, each of which has enacted general, and in most instances stringent, antitrust legislation. The names of these States and the dates when the respective antitrust laws were enacted are as follows:

1. Arkansas, approved March 16, 1897.
2. Georgia, approved December 23, 1896.
3. Illinois, approved June 10, 1897.
4. Indiana, approved March 5, 1897.
5. Iowa, approved May 6, 1890.
6. Kansas, approved March 8, 1897.
7. Kentucky, approved May 20, 1890.
8. Louisiana, in effect July 7, 1892.
9. Maine, approved March 7, 1889.
10. Michigan, in effect July 1, 1889.
11. Minnesota, approved April 20, 1891.
12. Mississippi, approved March 11, 1896.
13. Missouri, approved April 2, 1891.
14. Montana, enacted in 1895.
15. Nebraska, enacted April 8, 1897.
16. New York, in effect May 7, 1897.
17. North Carolina, ratified March 11, 1889.
18. North Dakota, approved March 9, 1897.
19. South Carolina, approved February 25, 1897.
20. South Dakota, approved March 1, 1897.
21. Tennessee, approved April 6, 1889.
22. Texas, approved March 30, 1889.
23. Utah, approved March 9, 1896.
24. Wisconsin, approved April 27, 1897.

Within the same time five other States and two Territories have enacted antitrust laws with more limited provisions.

It is only because it can not be hoped that all of the States will pass uniform laws on this subject that it becomes necessary for Congress to act. It is believed, however, that a law of the character herewith submitted, properly enforced, as it must be under the stipulations contained in the law we recommend, will prove effective. The Republican party is a practical party. The Republican party is proud of its past, always ready to bravely meet the responsibilities of the present, and to leave to the future the problems of the future. The Democratic party of to-day is an impractical party. It is glad to forget its past, shuns the responsibilities of the present, and revels in the glories of its unknown future. There is no more confidence to be placed in the solution of this problem by the Democratic party of to-day than was placed in their declarations at the time of the consideration of the antitrust law of July 2, 1890.

Mr. Speaker, the criticism has been made against the majority during the present debate, that this legislation has been advanced at too late a day in the present session to stamp it with sincerity. Because the legislation was not offered at an earlier period in the session it is charged that the Republican party has no honest intention of its enactment. It requires but little effort, Mr. Speaker, to clearly show that this Congress has not been an idle Congress. Many important questions have crowded themselves upon us for consideration, and many important measures have been engrafted upon the statute books. There has been no session of Cengress since the thrilling days of the civil war which has had presented to it more and graver problems than those which have been under consideration during the past six months. Committees have been overwhelmed with bills; members have been energetic, faithful, and untiring in their labors.

I take it, sir, that the future historian will dwell with considerable emphasis upon the labors of the first session of the Fifty-sixth Congress. The battle of the standards, waged in the campaign of 1896, has waited until this session of Congress to have the verdict of the people upon the great financial question entered in judgment, and a law, full, clear, and comprehensive, enacted and placed upon the statute books. The members of this House are not unmindful of the spirited and protracted discussion upon that question, and the people will long remember the beneficial

results of that financial law. Following fast upon the heels of the Spanish-American war, questions and responsibilities growing out of that unfortunate affair have forced themselves upon Congress for consideration. In these, as in all other problems, the Republican party has courageously accepted the situation in a practical way, and undertaken, in a faithful and honorable manner, to meet the questions and dispose of them in the best way possible and to the welfare of the people. The responsibilities growing out of that unfortuate war are still before us, and many of the problems yet unsettled. It is confidently believed, however, that these problems will receive the same courageous and patient attention that the Republican party has sought to give all others. Initiative legislation looking to the construction of the great Nicaraguan Canal received the attention of this House. The enactment of proper codes of laws for Alaska and Hawaii have been given the best possible attention. In addition to these, thus briefly enumerated, have been the usual and necessary measures incident to the proper conduct of the Government, and which, at all times, require time, energy, and labor. During the period when this legislation has been under consideration the proper committee of the House having charge of the measures relating to trust legislation has been earnest and energetic in its consideration.

And when, Mr. Speaker, the present measures, looking to an amendment of the anti-trust law, as well as the recommendation for a constitutional amendment giving Congress ample power with which to act upon this great question, were submitted to the House, a special effort was made by the chairman of the Judiciary Committee to bring the subject up for immediate consideration. It is well that members of this House who are charging unnecessary delay in the consideration of this bill should remember that it was the floor leader of the minority, the gentleman from Tennessee [Mr. RICHARDSON], who interposed an objection when an effort was made to fix a time for its consideration by unanimous consent. It is unfair, as well as unfortunate, that upon this great question, to which has been brought the most careful attention of the Judiciary Committee, without the slightest effort at delay, and even at a time when other important measures crowded themselves upon the attention of the House, that criticism and charges of intentional delay should be indulged in by the minority members of the House. If the Republican members could have as much assistance in the promotion of this legislation from the minority members as the minority members have displayed in energy in opposition to the measure, but little time would be required in which to secure its final passage.

But, Mr. Speaker, it has been clearly demonstrated that whatever beneficial results are to be obtained from this character of legislation must emanate from the Republican party, which has been the only party in the history of this Government which has undertaken, in a proper and straightforward manner, to solve the question. Whether this measure, which is about to be voted upon, shall prove sufficient or not remains to be seen. It is believed, however, that the provisions of this bill will prove practical and effective, and even if they shall not wholly determine the question, will, in a large measure, afford restrictions against the growth of the evil and fix penalties which will operate as severe restrictions against designing individuals, who seek, through this method of illegal business, to trample upon the rights of the people.

[Here the hammer fell.]

Mr. TERRY. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. FITZGERALD] for five minutes.

[Mr. FITZGERALD of Massachusetts addressed the House. See Appendix.]

Mr. TERRY Mr. Speaker, my distinguished friend from Maine [Mr. LITTLEFIELD] in the course of his very able speech yesterday took occasion very severely to criticise section 14, offered as an amendment in the minority views. I desire to say, Mr. Speaker, that a provision very similar to that at one time received the sanction of a majority of the committee that reported the bill, and who are now fighting against our proposed amendment. I will not take the time to read it, but I have it here and I will print it in the RECORD. It was not introduced in the House, but was printed at the Government Printing Office, and was given out to the newspapers. But for some reason or other our Republican brethren changed their notion and left that out of their bill. Of course they can, perhaps, give reasons—that they thought it was not constitutional, or that it was too drastic, or something of that sort, but for some cause or other they changed their views in regard to it. At one time they thought it was their "plain duty" to report it to the House.

Now, I want to say that a careful examination of that bill or proposition, which they at one time supported, shows that it is very similar to that which we now propose. I claim no originality for mine and I do not think they can claim any originality for theirs. It is a collation from some of the State statutes on the subject of trusts, and I think it is a pretty good provision. I thought they ought to report it. I do not think they made it as strong as they might have made it, and I desired to strengthen it a little and did so, and, later on, as they had experienced "a change of heart" and would not report it, I brought it in here in behalf of the minority. Here is the way they had it in section 2, as they had it printed at the Government Printing Office, viz:

SEC. 2. That every corporation, association, joint stock company, or partnership in the United States or any Territory thereof, or in the District of Columbia, whether organized or formed under and pursuant to the laws of the United States, or of a State, or of a Territory, organized with or having a capital stock of one million dollars or over or doing a business of one million dollars or over per annum, shall, before being permitted to ship, consign, take, carry, or transport to any other State or Territory or into or from the District of Columbia or any foreign country any article of commerce or merchandise of its own production or manufacture, or receive consignments or shipments of articles of commerce or merchandise manufactured or produced in any other State or Territory or in the District of Columbia or any foreign country, file in the office of the Secretary of State of the United States a certified copy of its articles of incorporation, association, or partnership, together with a duly verified statement showing the article or articles manufactured, produced, or dealt in by it or intended to be manufactured, produced, or dealt in by it; a copy of its by-laws, rules, and regulations; the names and places of residence of its officers and stockholders; the amount of its capital stock and the amount thereof actually issued; the amount thereof actually paid in in cash; the nature and value of its property owned by it, and also a full statement of all its debts and liabilities; the number of its employees; the dividends paid, if any; the amount of its surplus, if any; the character of additions and improvements made each year and the cost thereof, and a statement of its operating and other expenses, together with a balance sheet showing its profits and losses; and shall annually thereafter file in said office a report, verified by a majority of the directors of a corporation, or by a majority of the members of an association, joint stock company, or partnership, showing the same facts as then existing.

In section 3 of such printed copy they provided as follows:

And each corporation, association, joint stock company, or partnership failing to comply with the provisions of section 2 of this act is, for the purposes of this act, hereby declared to be illegal, and every corporation, association, joint stock company, or partnership failing to comply with the provisions of section 2 of this act is, for the purposes of this act, hereby declared to be illegal, and may be proceeded against at the suit of any person or persons, or corporation, or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States, or the District of Columbia, or any foreign country, and if adjudged illegal within the meaning of this act it and its officers and the members of such association, joint stock company, or partnership shall be forbidden and prohibited the use of the mails of the United States for any purpose whatever.

The provision in our section 14 in regard to stamping and branding is taken in great part from section 1 of their aforesaid printed copy. And yet the distinguished gentleman from Maine [Mr. LITTLEFIELD] raised a great howl against our section 14.

Now, another great argument, that has been offered here, is this: It has been contended, in substance, that the proceedings against laboring men, trades unions, and so on, have been in the form of injunctions and that they were brought before the courts for violations of injunctions and punished for contempt. As far as that is concerned, any laboring man would rather be indicted and have his trial by jury than to be brought up in a contempt proceeding with no jury and be put in jail all the same. I have not been able to go over the country to find out how many criminal convictions have been had. The gentleman says there has never been one. I think there have been more than one, but I have not been able to go out and hunt them up. But I do find, right here in the District of Columbia, that there have been eleven indictments—criminal prosecutions right here in the District of Columbia, warrants issued, bonds required, demurrer filed, overruled, and defendants ordered to plead, right here in the District of Columbia. I have the court records for that, and will incorporate it with my remarks. Here it is, duly certified under the hand and seal of the clerk of the supreme court of the District of Columbia—criminal court. That shows whether or not the Sherman Act has resulted in criminal prosecutions against laboring men.

Supreme Court of the District of Columbia—Criminal Court.

No.	Parties.	Charge.	Attorneys.
21741	United States *vs.* Joseph B. Fenton, William T. Gosnell, Thomas P. O'Day, James McIver, Charles A. Maidens, John L. Neeb, Hugh Digney, Michael Cuff, Alonzo M. Lawson, James F. O'Meara, and Stephen A. Clements.	Violation of act approved July 2, 1890.	For prosecution: United States attorney.

Date.	Proceedings.
1898.	
June 1	Presentment and indictment filed.
June 2	Bench warrants ordered and issued.
June 4	Bail fixed in sum of $500 for each defendant.
June 4	Lawson: Bench warrant returned, "cepi."
June 4	Lawson: Recognizance, $500; Paul T. Bowen and Charles H. Caldwell sureties taken.
June 4	Digney: Bench warrant returned, "cepi."
June 4	Digney: Recognizance, $500; Paul T. Bowen and Charles H. Caldwell sureties taken.

Supreme Court of the District of Columbia—Criminal Court—Continued.

Date.	Proceedings.
1898.	
June 4	Neeb: Bench warrant returned, "cepi."
June 4	Neeb: Recognizance, $500; Paul T. Bowen and Charles H. Caldwell sureties taken.
June 4	Fenton: Bench warrant returned, "cepi."
June 4	Fenton: Recognizance, $500; Paul T. Bowen and Charles H. Caldwell sureties taken.
June 4	Cuff: Bench warrant returned, "cepi."
June 4	Cuff: Recognizance, $500; James L. Stevens surety taken.
June 4	Maidens: Bench warrant returned, "cepi."
June 4	Maidens: Recognizance, $500; James L. Stevens surety taken.
June 4	O'Day: Bench warrant returned, "cepi."
June 4	O'Day: Recognizance, $500; Patrick J. O'Dea surety taken.
June 6	Gosnell: Bench warrant returned, "cepi."
June 6	Gosnell: Recognizance, $500; John D. O'Meara and William E. Carr sureties taken.
June 6	Clements: Bench warrant returned, "cepi."
June 6	Clements: Recognizance, $500; John D. O'Meara and William E. Carr sureties taken.
June 6	O'Meara: Bench warrant returned, "cepi."
June 6	O'Meara: Recognizance, $500; John D. O'Meara and William E. Carr sureties taken.
June 6	McIver: Beach warrant returned, "cepi."
June 6	McIver: Recognizance, $500; John D. O'Meara and William E. Carr sureties taken.
Nov. 10	Demurrer to indictment filed.
Dec. 19	Demurrer to indictment overruled. Defendants ordered to plead.

A true copy.
Test:
[SEAL.]

J. R. YOUNG, *Clerk*,
By HARRY GIVEN, *Assistant Clerk*.

Now, Mr. Speaker, a great deal has been said here and in the public press to the effect that the attitude of the Democrats here is somewhat inconsistent with the position assumed by Mr. Bryan; that Mr. Bryan was in favor of a constitutional amendment, and that, when we opposed the one offered here yesterday, we were separating from his company.

I propose to read a brief extract to show how well founded these criticisms are. Mr. Bryan, in his speech at the Chicago Trust Convention, said:

My plan is this: First, that the State has, or should have, the right to create whatever private corporations the people of the State desire.

Second, that the State has, or should have, the right to impose such limitations upon an outside corporation as the people of the State may think necessary for their own protection. That protects the right of the people of the State to say, first, what corporations they shall organize in their State; and, second, what corporations they shall permit to come from other States to do business in their State.

Third, that the Federal Government has, or should have, the right to impose such restrictions as Congress may think necessary upon any corporation which does business outside of the State in which it is organized.

In other words, I would preserve to the people of the State all the rights that they now have, and at the same time have Congress exercise a concurrent remedy to supplement the State remedy.

Mark his language:

I would preserve to the people of the State *all the rights that they now have*, and at the same time have Congress exercise a concurrent remedy to supplement the State remedy.

That was precisely what the Democrats here were striving to reach by way of amendment to the House joint resolution reported under an ironbound rule from the Republican majority of the Judiciary Committee, and our amendment was not even permitted to be read.

Notice also his statement as to the second part of his plan.

That is one of the propositions embodied in our bill. That protects the rights of the people of the States to say first what corporations they will organize and under what limitations corporations may be permitted to come in or do business in the State. The next proposition was that the Federal Government has, or should have, the right to impose such restrictions as Congress may think necessary, and under that we have proposed to impose in section 14 the provisions for *publicity*, which was part of the remedy which Mr. Bryan thought should be invoked, and which is for the purpose of making them state the facts and circumstances in regard to their business.

Now as to the other proposition. Mr. Bryan goes on to state what he would have Congress do. In other words, he said he would preserve to the people of the States the rights they now have. That was exactly our amendment, and yet a lot of newspapers and Republican politicians are saying we are inconsistent. In his Baltimore speech Mr. Bryan reiterates the same principle. On that occasion he said:

You ask me what you can do. I do not mean to say that there is but one remedy, nor do I mean to say that there is no better remedy than the one I suggest; but I believe there is an easy remedy that will make monopoly impossible. The Constitution has given to Congress control over interstate commerce. There are certain things which the State can do—and I would not take from the State a single power that it now has—to destroy the trusts. [Applause.] Place upon the corporation from the outside doing business in the State such limitations as the people of the State may think necessary for their protection. I will go further than that.

I believe the State should be permitted if it pleases to exclude any outside corporation from doing business in the State, for while the natural man in different States may compete with one another, I do not believe that an individual in one State must suffer competition with a fictitious person created in another State, and regulated by laws beyond the reach of people living outside of that State. But after the State has done all it can, I believe the power will not be complete over monopoly, for the State can only stop the monopoly at the State line, and if a monopoly has forty-four States in which to work, it may be able to get along without the forty-fifth; but if you will stop the corporation when it attempts to go out of its own State, there can not be any monopoly, because it is shut out of the other forty-four.

And I believe that Congress has the power, and ought to exercise it, to say that no corporation organized in any State shall do business outside of that State until it secures permission from Congress, or some body created by it, and that permission can be granted only when the corporation shows that there is no water in its stock, and that it is not attempting to monopolize any branch of business or the production of any article of merchandise. [Applause.]

Mr. DALZELL. Do you, as a lawyer, agree with Mr. Bryan's proposition that Congress has the power that you have just read, to prohibit corporations from dealing outside of the State where they are organized?

Mr. TERRY. I think Congress can do this. I am not entirely clear on the point, but I think we ought to test it. You are going to test it in the bill you passed the other day in the matter of the products of convict labor transported to other States. You propose in that way to determine what power Congress has in that particular. I am inclined to think that where corporations are doing business outside of their own State and owning plants and carrying on business in a number of States, thereby entering into interstate commerce in a number of States, that Congress would have the right to require that they file articles and show the condition of their business and submit to other proper regulations. One of these objects is aimed at in section 1, proposed section 13, and the other in our section 14.

The court may take another view of that, just as one gentleman said they might take another view about this convict-labor question; but if you were willing to risk the constitutionality question on that, why not risk it on this? The United States Supreme Court upheld the Wilson "original package" law and we invoke the principle of that case in our section 13. (140 U. S., 545, *In re* Rahrer.)

The Grout bill (H. R. 3717), which on May 31 was committed to the Committee of the Whole House on the state of the Union, proposes to subject oleomargarine products to the operations of the laws of the several States under the same principle of law that we invoke against trust and monopoly products in section 13, which we have proposed as an amendment to your so-called antitrust law. If the Grout bill is constitutional, what is the matter with our section 13?

Under the Brosius bill (H. R. 9677), reported from your Committee on Interstate and Foreign Commerce, the so-called "pure food bill," it is proposed to shut certain articles out from "introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country or shipment to any foreign country." That is precisely what we propose in our amendment to your section 9, or paragraph 9, in relation to articles manufactured by trusts and monopolies, and is precisely the same thing we propose in our section 14 in relation to articles therein referred to. Why is it that the question of constitutionality seems to be all right in case of the Grout bill and the Brosius bill and is all wrong when it comes to legislating against trusts and monopolies?

That is a question I will leave you to answer to the American people the best way you can. Perhaps you think you can impose upon and deceive them by the miserable makeshifts, subterfuges, and shams which you will parade before them, but I predict that you are the people that will be deceived this time. The American people are waking up to the magnitude of this mighty issue forced upon them by trust combinations and monopolistic greed. They are mustering for the fight, and antitrust leagues are organizing all over the United States. As evidence of this and the vigilance to be exercised by the people, I incorporate as a part of my remarks the following address lately issued by one of these leagues:

"Salus populi est suprema lex."

THE AMERICAN ANTI-TRUST LEAGUE.

OFFICE OF M. L. LOCKWOOD, NATIONAL PRESIDENT,
Zelienople, Pa., July 17, 1899.

An Address to the American People:

The object of the American Anti-Trust League is to drive from public place the subservient tools of the trusts, monopolies, combines, and corporations, and to establish the equal rights of American citizens in the commerce and industries of the country.

To-day in every legislative hall, both State and national, omnipresent stands the lobbyist and corruptionist of this great railroad, monopoly, trust combination, which has formed an alliance, offensive and defensive, by which they expect to control legislation and to plunder the producers and consumers of America.

And, what is still worse, there also stand the representatives, elected by the people, who have become debauched, and who are the secret servants and instruments of this great corporate power, and are ever ready to do their bidding, while proclaiming their devotion to the rights of the people. We find them everywhere—in the legislature, in Congress, in the Senate, and on the bench. The political life of this kind of representative is made easy. Their renominations are arranged for them by the political bosses, who are but the servants of this power. Campaign funds are furnished. That part of the public press that can be managed is used to eulogize and lionize these subservient tools. Their elections are managed for them.

There also stands the representative elected by the people, who is true to the principles of manhood and is governed by the promptings of public welfare. He stands a bulwark against the legislative schemes by which this great railroad, monopoly, trust combination expect to plunder the people. He is obnoxious to this dominating and controlling power, and their emissaries are sent into his district to undermine and destroy him politically. Some popular man is encouraged to become a candidate for nomination to his place, and the power and influence and money of this corporate conspiracy are put behind this candidate, and the true servant of the people finds himself defeated for renomination, and he is retired from public life—retired because he was a true representative of the people and dared to defy this corporate monster. This process has been worked so silently and secretly that the people have not recognized the handiwork by which a majority in their legislative bodies have been controlled.

In many of our great cities the street railway traction companies have created a political despotism. The man who is ambitious politically, before he can hope to be nominated to any position of public trust must first kneel at the throne. Yes, and in many, many cases before a laborer can hope to earn bread for his family he has first to show that he wears the brand and collar of their ward boss. They have created a despotism so damnable that man must become a serf to this corrupt corporate power before he can obtain an opportunity to work. I have talked with these men who mourn the loss of their liberty as American freemen. This great railroad, monopoly, trust, traction combination is "corrupting our public affairs and debauching our public men" and destroying the foundations of the Republic by the corrupt use of money in our political life.

The purpose of the American Anti-Trust League is to arouse the only power on earth that is stronger than the power of money in our public life. That power is the patriotic impulse of the people. The little finger of that power, when awakened, is stronger ten thousand times than the influence of all the billions of trusts and combines of the land. The memories of the many sacrifices of the fathers call us to action. If these trust combinations are allowed to go on they can plunder each of us into poverty. No man knows how soon the fear of hunger for his wife and family will make of him a coward. It behooves us to strike while the fire of liberty yet burns.

The American Anti-Trust League is nonpartisan. We call all American freemen to council. If a Democrat or a Populist or a Republican public man has shown himself to be a subservient tool of this great corporate power, then all the united power of all the men of the American Anti-Trust League will be used to crush him and drive him from public life. We will adopt the tactics of our enemy until we have created a legislative, judicial, and executive power in sympathy with the public welfare. And we call upon every American citizen who loves his country and the great principles of popular government better than he does his party to join us in the work of reestablishing the equal rights of American citizenship.

M. L. LOCKWOOD,
President Anti-Trust League.

The matter of the above quoted address should be read and carefully considered by every true-hearted patriot of every party and section. I also commend the following extract from the address to the American people, adopted by the antitrust conference, Chicago, February 12, 1900:

"The National Anti-Trust Conference, composed of members from thirty-one States, one Territory, and the District of Columbia, assembled at Chicago on the 12th, 13th, and 14th of February, 1900, earnestly urges all citizens who oppose the industrial combinations commonly known as trusts to organize at once to deprive those combinations of their power.

We make no assault upon business combinations for diminishing productive cost or augmenting productive efficiency. The more easily wealth is produced, and the more there is, the better for everybody—provided distribution be equitable. What we do attack is combinations for coercing producers and lessening production. It is such combinations that constitute the trust evil, and them we would abolish root and branch.

When oppressive trusts are examined they are found to be combinations not for augmenting wealth, but for hampering its production; not for making good things plentiful and cheap, but for making them scarce and dear. The strength of the trust does not lie in a more perfect organization of producers and productive facilities for greater usefulness. It lies in a more intense concentration of monopoly privileges."

The American people can win this fight, but they have a powerful combination to deal with, and it has its secret agencies at work in every section. Let the people be always on their guard and always active. "Eternal vigilance is the price of liberty." "Power is ever slipping from the hands of the many to the hands of the few." "Who would be free themselves must strike the blow." In the war against trusts and every form of monopoly the banner of the great American Democracy will be carried to the front of the fight, and William Jennings Bryan, of Nebraska, will be the peerless and fearless leader that will bear it to the front. Let every man who loves justice and hates iniquity rally around that standard in the great conflict and battle day of 1900.

APPENDIX.

Mr. TERRY, from the Committee on the Judiciary, submitted the following as the views of the minority:

The undersigned members of the Committee on the Judiciary, to whom was referred the bill H. R. 10539, while fully agreeing with the majority of said committee as to the "evil effects of trusts, monopolies, and combinations," were not able to agree with them in thinking that H. R. 10539, with the amendment reported by said committee, is sufficient legislation on the subject, and we can not concur in their belief that section 9 of their measure "exhausts the constitutional power of Congress in controlling by penal provisions trusts or monopolies in the manufacture and sale of articles of commerce."

Perchance it may turn out that in the war against trusts, so vigorously started out with, it was not the Constitution that became exhausted. This much-vaunted "section 9" hinges everything upon the "purpose" or intent with which the corporation or association was organized or formed. In this particular we regard it as extremely weak.

We think that it is the direct effect of the operations of such a corporation, and not simply the purpose for which it was formed, that must be mainly looked at. No doubt they are all formed and "carry on business" for the "purpose" of putting money into the pockets of their promoters; but their effects upon the public are eminently disastrous.

In one of the latest cases upon this question (Addyston Pipe and Steel Co. *vs.* United States), decided December 4, 1899, the United States Supreme Court said:

"If the necessary direct and immediate effect of the contract be to violate a law of Congress and also to restrain and regulate interstate commerce, it is manifestly immaterial whether the design to so regulate was or was not in existence when the contract was entered into."

Further on the court said:

"Where the contract affects interstate commerce only incidentally and not directly the fact that it was not designed or intended to affect such commerce is simply an additional reason for holding the contract valid and not touched by the act of Congress." (See page 16 of No. 51, October term United States Supreme Court, December 4, 1899.)

In order to strengthen section 9, we offer this amendment: Strike out all after the figure "9" in said section 9 and make it read as follows:

"SEC. 9. That every corporation, association, joint stock company, or partnership formed or made, or managing or carrying on its business, in whole or in part, for the purpose of controlling or monopolizing, *or in such manner as to control or monopolize, or tend to control or monopolize*, the manufacture, production, or sale of any article of commerce or merchandize, *intended for interstate commerce or commerce with foreign countries*, or for the purpose of controlling or increasing or decreasing the cost or price of the same to the purchaser, user, or consumer thereof, for the purpose of preventing, *or in such manner as to prevent*, competition, or of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal *and a monopoly; and all such corporations, associations, joint stock companies, and partnerships, and their officers, agents, managers, and attorneys, are hereby forbidden and prohibited from shipping or putting in transit any such article of commerce or merchandise to any State, Territory, foreign country, or place, outside the State, Territory, or place in which it was manufactured or produced, and from selling or offering to sell any such article or merchandise to be so shipped or put into any such transit, unless for the private or personal use of the consignee; and for any violation of this provision shall be deemed guilty of an offense against the United States, and on conviction shall be punished by a fine of not less than $500 nor more than $5,000, and by imprisonment not less than thirty days nor more than six months.*

"All such corporations, associations, joint-stock companies, and partnerships as above declared illegal shall be, and hereby are, forbidden and prohibited the use of the United States mail in aid or furtherance of any such business or purposes, and all laws now in force for the prevention of the fraudulent use of the mails, so far as the same may be applicable, shall apply in the execution of such prohibition.

"Any such corporation, association, joint-stock company, or partnership may be proceeded against at the suit of any person or persons, or corporation, or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia, or any foreign country; and no article of commerce produced, or manufactured, or owned and dealt in by any such corporation, association, joint-stock company, or partnership so organized, formed, managed, or carrying on business, shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia if produced, manufactured, or found therein, by any individual, corporation, or common carrier, in any manner whatever.

"All such articles of commerce, shipped in violation of the provisions of this act, shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

The language in italics indicates the important changes proposed in our amendment to said section 9.

As section 10, as proposed by the committee, when properly construed imposes no punishment except upon the common carriers, their officers, agents, etc., we provide for punishment of the monopoly, its officers, agents, etc., in section 9, which was omitted in that section as proposed by the committee.

Our amendment to section 10 is as follows: Strike out the words "corporation, association, joint stock," in line 23, and the first word "company" in line 24, page 7, and the same words in line 2, on page 8. These words, placed as they are, in section 10, are misleading, and their proper place is in section 9, as we propose.

We also offer as amendments to be added in after section 10, on page 8, the following:

First. A new section 11.
Second. A new section 12.
Third. A new section 13.
Fourth. A new section 14, as follows, to wit:

SEC. 11. That every contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, tending to create a monopoly in the manufacture, production, sale, exchange, transportation, or dealing in any article of commerce or merchandise, entering into trade or commerce among the States or with foreign countries, or designed to create impediments to, or resulting in restrictions to, such trade or commerce or aids to commerce, or to limit or control the manufacture or production of such articles or merchandise, for the purpose of increasing or decreasing, or operating in such manner, or with such result, as to increase or decrease the price of such article or merchandise to the user or consumer, for the purpose of preventing competition in the manufacture, production, sale, exchange, transportation, or dealing in such articles or merchandise, or to give power to charge unreasonable prices for merchandise or articles produced or manufactured to be bought, sold, exchanged, dealt in, or transported in such trade or commerce, or for the purpose of imposing, or in such manner as to impose, unjust or onerous restrictions upon, or impediments to, the lawful business of any person, company, or corporation engaged in the production or manufacture of such merchandise or articles, is hereby declared to be illegal and a monopoly within the meaning of this act, and every person who shall make, or enter into, or engage in, any such contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, or shall be a promoter thereof or officer or agent therein, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000 and by imprisonment not less than six months and not exceeding one year.

SEC. 12. That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President.

SEC. 13. That wherever any State or Territory shall, in any law against trusts, combines, combinations, or monopolies, provide that no foreign corporation, association, joint-stock company, or partnership, or stockholder, member, or officer belonging to or interested in any such trust, combine, monopoly, or combination of any kind, shall be permitted to carry on or do any business, or have any office or place of business, in such State, or shall make provision to regulate or suppress the business of any such corporation,

association, or partnership, or prohibit the sale or offering for sale in such State of any article or merchandise produced by it, every such corporation, association, or partnership carrying on, or attempting to carry on, or do any business or have any office or place of business therein, and all its articles or merchandise carried thereto, shall be subject to the operation and effect of such law, to the same extent and in the same manner as though it had been incorporated, organized, or formed in such State and such articles or merchandise had been made and not brought therein; and no such law shall be regarded as in any way trenching upon the power of Congress to regulate commerce among the States or with foreign nations: *Provided, however*, That such articles or merchandise may be shipped and transported into any such State or Territory for the personal and private use of the consignee.

SEC. 14. That every corporation, association, joint-stock company, or partnership in the United States, or any Territory thereof, or in the District of Columbia, whether organized or formed under and pursuant to the laws of the United States or of a State or of a Territory, owning or controlling any plant or business, or a majority of the stock in any plant or business, similar to its own, in any other State, Territory, or place outside of the one in which it was first chartered, organized, or formed, shall, before being permitted to ship, consign, take, carry, or transport, or sell or deliver for shipment, to any other State or Territory, or into or from the District of Columbia, or any foreign country, any article of commerce or merchandise of its own production or manufacture, or receive consignments or shipments of articles of commerce or merchandise, manufactured or produced in any other State or Territory, or in the District of Columbia, or any foreign country, file in the office of the Secretary of State of the United States a certified copy of its articles of incorporation, association, or partnership, together with a duly verified statement showing the article or articles or merchandise manufactured, produced, or dealt in by it or intended to be manufactured, produced, or dealt in by it; a copy of its by-laws, rules, and regulations; the names and places of residence of its officers and stockholders; the amount of its capital stock and the amount thereof actually issued; the amount thereof actually paid in in cash; the nature and value of the property owned by it, and also a full statement of all its debts and liabilities; the number of its employees and wages paid; the dividends paid, if any; the amount of its surplus, if any; the character of additions and improvements made each year and the cost thereof, and a statement of its operating and other expenses, together with a balance sheet showing its profits and losses; and shall annually thereafter file in said office a report, verified by a majority of the directors of a corporation, or by a majority of the members of an association, joint-stock company, or partnership, showing the same facts as then existing, and shall, before shipping, or offering or attempting to ship, or sell or deliver for shipment, or put in the way for transit, to any other State or Territory, or the District of Columbia, or any foreign country, any article of commerce or merchandise manufactured, produced, or dealt in by it, plainly and conspicuously stamp thereon, when susceptible of being so stamped, and also on the outside of packages, boxes, or tanks containing the same, the name of the article or merchandise, and the name of the corporation, association, joint-stock company, or partnership manufacturing, producing, or dealing in the same, and the place from and to which it is to be shipped or transported.

Every such corporation, association, or partnership as referred to in this section, and every officer, agent, or attorney thereof, that shall ship, or offer or attempt to ship, or sell or deliver for shipment, or put in the way of transit, to any other State or Territory, or to the District of Columbia, or to any foreign country, any article or merchandise dealt in, manufactured, or produced by it, or shall violate or fail to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000, and by imprisonment of not less than six months and not more than one year.

In order to provide for this numbering of the proposed new sections above set forth, amend section 6 by adding after the word "thirteen" the words "fourteen," "fifteen," "sixteen," and "seventeen," and change the numbers of the sections 11, 12, and 13, as proposed by the committee, to 15, 16, and 17.

Amend section 7 as proposed by the committee by inserting between the first words "that" and "this" in the first line of said section the following words, to wit:

"Nothing in this act shall be so construed as to apply to trade unions or other labor organizations, organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed."

The purpose of the new section 11 we propose is to apply the force and principle of the interstate commerce clause of the Constitution to certain acts, facts, and conditions which the United States Supreme Court has held to be within the purview of said interstate-commerce clause, and which we think that Congress, in its power to regulate commerce, should declare against as hindrances to and interferences with such commerce. Where Congress, in its power to legislate upon a given subject, has adopted legislation declaratory of its judgment in the matter, the courts have always gone as far as they reasonably could to uphold such legislation.

In the case of McCulloch *vs.* State of Maryland, Chief Justice Marshall, delivering the opinion of the court, said:

"We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people." (4 Wheaton, 316.)

See this case referred to on page 55, House Document No. 476, part 2, Report of the Industrial Commission.

It is notorious that there are scores of giant combines and monopolies that are engaged in destroying competition and swallowing up their competitors, to the injury of trade and commerce among the States and to the great oppression of the people in all the States. Is Congress to sit idly by and proclaim its power is exhausted, and that it can do nothing further to aid the people who are struggling in the folds of these mighty combinations?

Section 12, which we propose, relates to customs duties and imports over which the power of Congress does undoubtedly extend. Why not invoke that power in behalf of the people?

Section 13, which we propose, is for the purpose of applying against the trusts the principle of the Wilson law against original packages. When the Wilson law came up in Congress in 1890 many of the smart set of lawyers then holding seats here made haste to give the opinion that such a law would be unconstitutional, but the United States Supreme Court upheld it all the same. (In re Rahrer, 140 U. S., 545; House Doc. No. 476, page 61.)

Section 14, as we propose, is for the purpose of securing publicity in the operations and business conduct of corporations owning or controlling business and plants, or the majority of the stock in any such, outside of the State or Territory in which their charters were first obtained. All such corporations are monopolistic, and their business is carried on in such manner as to destroy competition, and that was the very object for which they bought up the plants of rivals in other States.

Certainly Congress has some power to deal with these combines. The committee report says:

"The Supreme Court has decided that however much trusts, combinations, and conspiracies to monopolize manufacture and production affect and restrain commerce, such results are indirect and incidental, and that therefore the power to regulate commerce does not include power to regulate or repress such monopolies, combinations, and conspiracies."

In reply to this we submit that a careful reading of the Supreme Court decisions on this subject will not sustain this statement of the committee in all its broadness and entirety. In the case of United States *vs.* E. C. Knight Company (156 U. S.), to which, with Addyston Pipe and Steel Company case, the committee doubtless refers, the court say this:

"The fact that an article is manufactured for export to another State does not of *itself* make it an article of interstate commerce, and the *intent* of the manufacturer does not determine the *time when* the article or product passes from the control of the State and belongs to commerce."

But further on in that same opinion the court say:

"It must be held that an article does not become a part of interstate commerce until it is *started* for another State."

And to show a still further qualification to the language last quoted the court, in the Addyston pipe case, say:

"The commodity may not have *commenced its journey* and so may still be completely within the jurisdiction of the State for the purposes of State taxation, and yet at the same time the commodity may have been *sold* for delivery in another State. Any combination among the dealers in *that kind* of commodity which in its direct and immediate effect forecloses all competition and enhances the purchase price for which such commodity *would otherwise* be delivered at its destination in another State would, in our judgment, be one *in restraint of trade or commerce among the States*, even though the article *to be transported* and delivered in another State were still taxable at its place of manufacture."

Such is the language of the Supreme Court, and yet, strange to say, section 9, as proposed by the committee, omits all reference to the question of selling or putting in transit, which is the most important Federal question in the case!

Further on they say:

"A contract or combination which directly related to manufacture *only*, was not brought within the purview of the act."

Of course not, if it related only to manufacture.

It must, therefore, be very apparent that the committee amendments fall far short and stand in need of further amendment. Congress has at present the exclusive power to regulate interstate commerce. Therefore no State nor corporation nor individual can have the right to do anything that amounts to a regulation or a restraint upon it. Now, what is meant by the term "regulate?" Here is the answer of the Supreme Court in the Addyston pipe case:

"If certain kinds of private contracts *do directly*, as already stated, *limit* or restrain, and *hence regulate* interstate commerce, why should not the power of Congress reach those contracts just the same as if the legislation of some State had enacted the provisions contained in them?"

* * * * * * *

"Commerce is the important subject of consideration, and anything which directly *obstructs* and thus regulates that commerce which is carried on among the States, whether it is State legislation or *private contracts* between individuals or corporations, should be subject to the power of Congress in the regulation of that commerce."

That preventing competition is a restraint and therefore a regulation on trade, mark this language of the court:

"While no particular contract regarding the furnishing of pipe and the price for which it should be furnished was in the contemplation of the parties to the combination at the time of its formation, *yet it was their intention*, as it was the *purpose of the combination*, to directly and by means of such combination *increase the price* for which all contracts for the delivery of pipe within the territory above described should be made, and the latter result was to be achieved *by abolishing all competition* between the parties to the combination. The direct and immediate result of the combination was therefore *necessarily a restraint* upon interstate commerce in respect of articles manufactured by any of the parties to it to be transported beyond the State in which they were made."

* * * * * * *

"We have no doubt that where the direct and immediate *effect* of a contract or combination among particular dealers in a commodity *is to destroy competition* between them and others, so that the parties to the contract or combination may *obtain* increased *prices* for themselves, such contract or *combination amounts to a restraint of trade* in the commodity, even though contracts to buy such commodity at the enhanced price are continually being made. *Total suppression of the trade* in the commodity is not necessary in order to render the combination one in restraint of trade. * * * Where the contract is for the sale of the article and for its delivery in another State, the transaction is one of interstate commerce, although the vender may have also agreed to manufacture it in order to fulfill his contract of sale. In such case a combination of this character would be properly called a combination in restraint of interstate commerce, and not one relating *only to manufacture*."

The court also quote with approval the following language:

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its result should be a complete monopoly; it is sufficient if it really *tends* to that end and to deprive the public of the advantages which flow from *free competition*."

An instructive case is that of United States *vs.* Coal Dealers' Association of California (85 Fed. Rep., 252).

The court says:

"Practically all the coal used in San Francisco is mined in Washington, Oregon, and British Columbia. A very large number of the coal dealers in San Francisco formed themselves into an association, agreeing not to sell coal below certain prices. This association entered into a contract with the producers of coal in Washington, Oregon, and British Columbia, whereby the producers agreed to cooperate with the association to carry out its purposes, and the producers agreed not to sell coal to any nonmember except for a much higher price than they charged members. United States seeks to enjoin proceedings under this arrangement.

"OPINION OF THE COURT.

"The combination affects the sale of coal as soon as it arrives in San Francisco from other States and before it has become a part of the mass of property in the State. Until it has become part of the mass of property in the State it remains in interstate commerce, and therefore comes under the trust act. It is unnecessary to discuss whether the restraint is reasonable, for the trust act forbids all restraints, reasonable or not."

Now, if this Coal Dealers' Association of California had not "entered into contract with the producers of coal in Washington, Oregon, and British Columbia," but had bought up their plants and business and so conducted the operations of such combine as to bring about the same results as the court refers to, what would be the difference in principle? The same monopoly would result and the same obstruction to commerce and free competition.

The amendment we propose to section 7 of the committee bill explains itself, but we observe that it is rather a curious fact, so far as we have been able to learn, that the only criminal convictions ever obtained under the

Sherman anti-trust law have been in cases of laboring men on a strike for higher wages, and no trust magnate, officer, or agent has ever been put behind the bars; and yet the main amendments the committee offer to that law is to increase the punishment upon criminal convictions! What great consternation will that carry to the trusts!

In case the amendments we propose, as above set forth, can not be adopted, we think the House should adopt a substitute for said bill and amendments proposed by the committee. We will submit such a substitute.

W. L. TERRY.
D. A. DE ARMOND.
S. W. T. LANHAM.
WM. ELLIOTT.
D. H. SMITH.
WM. H. FLEMING.
HENRY D. CLAYTON.

Mr. TERRY. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has twelve minutes remaining.

Mr. TERRY. I yield to the gentleman from Virginia [Mr. SWANSON] ten minutes at this point.

Mr. SWANSON. Mr. Speaker, there is no problem before the American people more important in its solution than that relating to trusts, combines, and monopolies. These are becoming the curse of our country. All classes of our citizens, except those who are either the beneficiaries or the dependents of these vast trusts, view with the greatest apprehension their continued growth and increased power.

All of the great industries of this country have recently been formed into vast trusts, which absolutely fix the price at which they purchase the raw material for their factories from the producers and also fix absolutely the price at which they sell their finished products to the consumer.

Thus by the creation of these vast trusts we witness the remarkable spectacle of all raw material being greatly reduced in price and of all finished products being greatly enhanced in value. Thus monopoly and trusts deprive laborers, farmers, and other creators of raw materials of a fair return for their toil by refusing to pay a reasonable price for their products and then, continuing the robbery, compel the consumer to pay them an unreasonable price for their wares.

The trusts thus rob both producer and consumer, which two classes constitute society. There are none who can escape its depredations; none who do not pay a tribute to its rapacity. If these evils are not eliminated and this gross injustice is not controlled, we in this country will have an industrial dependency and slavery surpassing anything that the world has heretofore furnished.

All small enterprises are being crushed out. If this state of affairs is permitted to continue, a vast majority of the people of this country will be dependent for occupation and for the necessities of life entirely upon the will of a few trust magnates. These trust magnates, in the business lines which they have captured and control, are more absolute than king or potentate. At their whim thousands upon thousands of workmen can be thrown entirely out of employment and themselves and their families left without the necessities of life. At their will wages can, in a moment and without notice, be greatly reduced and many a home made to suffer want. At the mere caprice of some trust magnate an honest employee can be dismissed and deprived forever of any opportunity to follow that business which alone he understands and in the mastery of which he has devoted most of his life. At the dictation of one of these magnates the entire crops of the farmers can be reduced half in purchase price and many a happy farm home made bankrupt and desolate.

Against this vast power of trust and of monopoly, with incident abuses and injustices, labor has been trying to organize and to protect itself, but the contest has been unequal, and each year witnesses the further triumphs of monopoly and trusts and the greater dependency and distress of laborers and toilers on farm and in shop.

Plutocracy and monopoly are in the saddle and are riding roughshod over the toiling masses. The strong arm of Government is needed to aid the weak and dependent and to restrain the oppressors and the despoilers.

During the three years of McKinley's Administration trusts, combines, and monopolies have been created a thousandfold more than during the whole prior existence of this Government, aggregating more than a century. There must be some potent cause that in three years can reverse the entire industrial system of the greatest, the richest, and, until recently, the freest nation on earth, and can in so short a while create an absolute rule of money and of monopoly.

The cause is patent to every thoughtful observer. For the past three years the Republican party has had complete control of the legislative and of the executive branches of this Government and both of these have been perverted from serving the people and made to subserve the interests of trusts and of monopolies. This was a natural consequence to be expected from the Republican position in the campaign of 1896. The Republican platform of 1888 declared strongly against trusts and pledged its party, if given power, to restrain them. The Republican platform of 1892, following that of 1888, again committed that party against trusts, but when the Republican party in 1896 met in St. Louis and nominated McKinley, it left out entirely any declaration against trusts.

It was absolutely silent on this question. It was the first time in the recent history of this country that any great political party had met and had deliberately failed to promise the people to protect them against the trust menace. It was understood at the time that it was an open and an acknowledged alliance of the Republican party with the trusts, combines, and monopolies. It was understood by those initiated that if they would make liberal contributions to the Republican party in the campaign of 1896 they would be given every Government favor and every opportunity to flourish. Trusts, combines, and monopolies having this glowing invitation presented to them in the Republican platform of 1896, contributed millions upon millions of dollars to the Republican campaign fund, and by it secured the election of McKinley.

The Republican party, since its advent into power, has kept full faith with these trusts that furnished the money that gave them power.

Measured by a definition of honesty given by Zack Chandler, a noted Republican leader, the Republican party may justly be called an honest party. Zack Chandler said: "An honest man is a man who would stay bought." Measured by this definition, the Republican party during the three years of its absolute power has been an honest party, for there has not been an hour nor a day that it has not stayed bought to the trusts.

All of its power during the last three years has been used for the creation of these vast trusts that have grown by thousands and thousands until to-day, when there is not an industry of this country that is not under their control.

The first act of McKinley, after being sworn in as President, was to call Congress in extra session, not to lessen the burdens of the people, not to reform the currency, but to impose additional taxes in order to enrich the trusts that had furnished the money to elect him. That extra session passed the Dingley bill and adjourned. From the moment that this bill was passed we witnessed the rapid growth of trusts in amazing and in bewildering numbers. It seemed that as if by magic every business interest of the country was seized by a few trust magnates and all other competitors destroyed. This bill imposed such a high duty on articles of foreign manufacture and sale that all foreign competition was destroyed and the home market was left absolutely under the control of the home trusts formed under the bill.

Under this bill the sugar trust received greater benefits than ever before bestowed, and the American consumers of sugar were left completely at the mercy of the trust and have to pay an increased price for their sugar. Immediately upon the passage of the bill the importation of German refined sugar, which was the only competitor of the sugar trust, was reduced more than two-thirds in quantity.

After the passage of this bill was formed the American Steel and Wire Company, a trust which controls absolutely the wire nails and the wire fencing of this country. Immediately the price of wire nails and of wire fencing was doubled, and the farmers and the laborers of this country were thus, through the Dingley Act, made to pay a high tribute to this trust.

The Federal Steel Company was organized after the passage of this bill, and consequently the products of iron and steel more than doubled in value.

A trust was then formed to control the fertilizer of this country, and the price of it was greatly increased to the farmer.

A hide and leather trust was organized, and the price of shoes, harness, and of other leather products enhanced against the interest of all the people.

A window-glass trust was formed, and the poor can not even get light in their humble homes without paying a tribute to the trust.

A woolen-goods trust was formed, and the laborer can not clothe his children against the winds of winter without contributing to the greed of the trust.

A paper trust was organized and the price of paper enhanced; thus all sources of information and of learning are made to pay tribute to the trust.

Rubber and rubber goods were soon controlled by a trust and the price of these greatly increased.

Linseed oil soon obeys the mandates of a trust, and thus the cost of this necessary is greatly increased.

All of the shipbuilding interests of the lakes formed into a trust, and all shippers and products were thus made to pay tribute to the extortioner.

All tin-plate industries combined into a trust, and tin, in all of its forms, consequently demands a much higher price and the users of tinware are made to submit to the exactions of the trust.

Sewing-thread manufacturers combined, and even the poor sewing woman is made to submit to the depredations of the trust.

Salt is under a combination, and that corporation known as the

National Salt Company absolutely fixes, to suit its own greed, the price of this great necessary of life.

Combinations during the last year have been made to control the entire output of coal, and the price of this necessity is fixed by the avarice of a few magnates.

Time will not permit me to enumerate the thousands of other trusts that have been formed during McKinley's Administration and which, as I have said before, practically control every necessary of life, every product, and every business industry of this country.

McKinley's Administration will be distinctively known in the history of this country as the "trust era."

After having passed the Dingley bill, making possible and creating all of these vast trusts, the next debt that the Republican party desired to pay was to the national banks of this country. It has handsomely paid them for their vast contributions to the Republican campaign of 1896. At this session of Congress it has passed an act that creates a national-bank trust, and gives the national banks of this country the power to absolutely control our volume of currency, and thus practically to fix the price of all products and of all labor. The presidents of five or six of the large national banks of this country, since this power has been given to them, could meet and precipitate a panic or could cause ease in the money market, just as their selfish ends may dictate. The effect of the financial measure passed by the Republican party will be the ultimate destruction of the greenbacks and of the Treasury notes. The volume of money will no longer be controlled by the Federal Government, as the interests of the people demand, but it will be controlled by a few large national bankers solely for their selfish purposes. By this act the Republican party has created a money monopoly that will in the end be the father of all other monopolies.

Every interest that furnished money for the Republican campaign of 1896 has been well provided for by that party since it came into power.

Since the Republican party has denied that the Constitution goes to Porto Rico or to the Philippine Islands and has perverted the powers of legislation under the Constitution to enrich special interests, it might well be said that the present motto of the Republican party is: "The flag does not follow the Constitution, but the flag follows the contributions."

Although the Republican party during the last three years has had both branches of Congress and the Presidency, it can not point to one single act of legislation that it has put upon the statute books to restrain or to destroy these vast trusts that it has seen daily created. During these three years it can not point to one single prosecution inaugurated by its Attorney-General, who himself comes from New Jersey, the State that charters these trusts.

The President, although each morning paper that he reads contains accounts of the formation of trusts, has given no word of warning nor has he invoked legislation for their suppression. He, along with his party associates in Congress, has witnessed with complacency their formation and has heralded them to the country as evidences of prosperity. He has mistaken the ill-gotten gains of the trust magnates through the legislation of his party as evidences of prosperity of the general country, never reflecting that these gains came from unjust exactions from the sweat and toil of the laboring masses.

From all sections of the country come evidences of distress and of consequent discontent of those who live by toil. Every day we read of strikes where thousands of workmen protest because they are unable on the wages received to pay the increased cost of living which has been forced upon them by the trusts. There is scarcely a day that we do not read of some "lockout" or of the closing of some factory, and of thousands of people being made to suffer. We daily hear of some factory or manufacturing enterprise being closed at one place and transferred to another to suit the caprice and the selfish interest of some magnate. Thus not only are persons but places destroyed by these combinations.

The Republican party, realizing the great indignation throughout the country caused by these illegal combinations, sought, ten days before the adjournment of Congress, to escape public condemnation by pretending to offer legislation hostile to trusts. It first offered an amendment to the Constitution, insisting that Congress at present has no power to suppress trusts. By this means it sought to give an excuse for its failure to legislate against them during the past three years of absolute control. Since to pass an amendment to the Constitution it would require the vote of three-fourths of the States, and some of the State legislatures meet but once in four years, this method of dealing with the question simply means that the great-grandchildren of those now living would, if they depend on this, fail to see any legislation against trusts. It was a measure that was especially favored by the trusts themselves. Its intention was to prevent any real legislation by Congress until the trusts had grown stronger than the Government itself, and then they would be strong enough to bid defiance to hostility from any source.

If it is once conceded that an amendment to the Federal Constitution is necessary in order to permit the Federal Government to suppress trusts, that time is so far distant and indefinite that it means that the trusts will have grown absolute and will have so completely captured the Federal Government that instead of fearing the Government they will use it for all time to come, just as they have used it during the past three years of Republican rule to increase their own power and wealth.

There is ample power in the Federal Government to-day to suppress every trust, and all that is needed to accomplish it is a House of Representatives, a Senate, and a President who are honest enough and bold enough to enact laws for that purpose and at the same time firm enough to execute those laws when enacted.

The Republican party surrendered completely to the trusts when it introduced this Constitutional amendment, and admitted that they have no power to deal with trusts. It is the old, familiar excuse. Persons who do not wish to exercise power for a specific purpose invariably pretend that they have not power to do so.

If the people earnestly desire to suppress these trusts, they should elect to Congress and to the Presidency those who believe that the Federal Government has the power to deal with this matter and who will dare to exercise that power.

Besides, the trusts earnestly desire the passage of the constitutional amendment offered by the Republican party, for if it had passed and become law it would have destroyed absolutely the power of any State to deal with trusts, leaving the matter entirely under the control of Congress. By that provision no State would have a vestige of power to control any trust, monopoly, or combination doing business within the limits of the State, even though its operations were confined solely to the State. By the amendment Congress would be given the power to define trusts, to determine what trusts are and are not, and every State must follow and submit to this definition. Thus, by this amendment, the Federal Government would be empowered to declare that the notorious sugar trust or any other iniquitous trust not a trust and was lawful, and every State in the Union would then have to acquiesce and would be prohibited from legislating against it.

Thus, if this amendment to the Constitution should become law, all the trusts would have to do would be to keep the present party, which has aided them during the last three years, in power and have Congress pass a law defining trusts and making the present ones legal. Then the trusts would be absolutely protected from attack in any State and would have perpetual power in this country. It is not at all surprising that all the trusts should favor this constitutional amendment offered by the Republican party, since it would first give them years of freedom from attack, an opportunity to grow stronger and more powerful, and finally, if it should ever become law, enable them to save themselves from assault from any direction.

That the Democrats should vote solidly against this measure evinces the fact that they are determined, if power is given them, to use that power at once for the suppression of these illegal trusts, combines, and monopolies, and that they are not shirking this question by shallow device and pretense.

After the Republican party had proclaimed that they did not possess the constitutional power necessary to enable them to enact anti-trust legislation, on the subsequent day they introduce a bill directed against trusts. But this action was without one particle of sincerity, and is simply designed to deceive the country and to enable the Republican party to escape from the just condemnation to which they are entitled on account of their friendly aid to trusts.

This is clearly shown by the fact that when an amendment was offered by Mr. TERRY, of Arkansas, providing that the tariff on all goods controlled by trusts should be removed, the Republican party voted solidly against the Terry amendment, while the Democrats voted solidly for it. That vote clearly proves that the Republican party intended to extend its aid and protection to trusts. If that amendment should become law, more than half of the trusts of this country would be destroyed.

Again, if the Republican party had been sincere and honest in its effort to suppress trusts, it would not have waited three years before offering its bill, and then only offered it in less than ten days from the time that had been previously fixed for the adjournment of Congress. The Republican party waited because it did not wish the bill to become law, and knew that it could not, since the adjournment had been fixed for a time before which there was no chance for its passage by the Senate.

If further proof should be wanted of the complete hypocrisy of the Republican party in dealing with the trust issue and of its friendliness to trusts, it was furnished when the Littlefield anti-trust bill went over to the Senate. When this bill reached the Senate the Democrats insisted that it should be passed and made law at once; that as it had received every vote, save one, of the House, there was no necessity for referring it to a committee; that as Congress would adjourn in a few days the proper thing to do was to vote on it at once and make it a law. The Republicans

were unwilling to pass the bill, although it had been voted on in the House by every Republican member, and made a motion in the Senate to refer it to a committee, and thus prevent its passage and kill it. Upon the roll call on this motion, every Republican Senator voted to refer the bill and thus prevent its passage; every Democrat voted against referring it, thus showing that they favored its passage. This proves beyond a shadow of a doubt that the Republican party is determined that no legislation hostile to trusts shall ever be passed so long as they can prevent it.

Mr. Speaker, this great issue must be fought out along with the other great issues of the campaign of this year. Those who favor trusts, combines, and monopolies will and should ally themselves with the Republican party. This party has been their friend, their benefactor, their protector. Nearly every trust magnate in this country is a Republican. The Republican party can not point to a single Federal statute that it has passed which has in any way retarded the creation of trusts or the power of monopoly. It passed the Dingley tariff act, which has created a brood of trusts more numerous than the autumnal leaves. It claims credit for the passage of the present Sherman trust law, which is so ineffective that it has not restrained a single trust, nor can the conviction of a single trust official be cited.

It endeavors to claim credit for the passage of the interstate-commerce law, yet that law is so ineffective and so worthless that the railroad companies yet fix rates for freight and passengers as they choose and discriminate against persons and places just as they wish. Since its passage the Standard Oil trust and other trusts, by rebates in freight charges and other discriminations, have been able to crush out competitors and to create monopolies in their lines. Danville, a city in my district, has just won before the Interstate Commerce Commission a suit against a railroad for unjust discriminations, yet the railroad defies this decision of the commission and continues its unjust charges in direct violation of the law.

Every law put on the statute books by the Republican party, under the pretense of controlling trusts, combines, and monopolies, is so drawn that the ultimate result is a benefit to the combinations.

The only people who have been made to suffer from the effects of the Sherman trust law of the Republican party have been the labor organizations of the country. These have been prosecuted and punished under its provisions for endeavoring to protect themselves against the demands of trusts.

It is remarkable that when the Littlefield anti-trust bill was reported from the committee of the House it failed to contain a provision that it should not apply to trade unions and labor organizations. An amendment providing that the provisions of the bill should not apply to trade unions and to labor organizations was offered by Mr. TERRY, a Democrat from Arkansas, and it was carried only by the efforts of the Democrats. When it was offered a Republican endeavored to defeat it on a point of order. Every vote cast against this amendment was cast by Republicans.

But for the Democrats the Littlefield bill, when it passed the House, would have prohibited to trades unions and to organized labor the use of the United States mails. Thus the bill as originally drawn and sought to be passed by the Republican party, had it become law, would have been perverted and used as a means to suppress trades unions and organized labor. Thus no member of a trade union or of a labor organization can afford to vote for the Republican party since it reported and sought to pass a bill which would have destroyed organized labor and prohibited to it the use of the United States mails, and that party was unwillingly forced by the Democratic party to abandon its design.

Mr. Speaker, the Republican party in November will appeal to the people of the United States for an additional lease of power.

I believe that in the last three years that it has been in power it has accomplished less good and done more evil than was ever before done in the same length of time in the history of our country. During these three years it has so legislated as to destroy the small manufacturer in the interest of the trust factory; it has ruined the small merchant and shopkeeper in the interest of the departmental stores; it has increased the price of all the necessities of life, such as the farmers and the laborers have to buy, and has failed to increase proportionately the price of his labor and products which he sells; and it has made here a moneyed oligarchy more supreme than ever before in our history. It has so shaped foreign affairs that our standing Army has been permanently increased fourfold, and the expense of our naval and military establishments increased in equal proportion.

This Administration has been so extravagant and profligate in the expenditure of public money that the Federal appropriations have nearly doubled since its advent to power. It has increased the taxes and the burdens on the people more than 50 per cent. More than half of all the money in circulation since it came into power is each year appropriated and expended by the Federal Government. It has refused to permit the Cubans to have control of their own government, and for nearly two years has governed them entirely by a carpetbag government under a military authority which recent disclosures have shown to have been a carnival of corruption and of fraud.

While millions have been expended in Cuba, Porto Rico, and in the Philippine Islands to maintain the imperial policy, yet the party at this session would expend nothing to build needed public buildings in our cities, nothing for rivers and harbors to develop our commerce, and nothing for the Nicaragua Canal, which would give us commercial supremacy.

It has expended millions upon millions of dollars to force upon the people of the Philippine Islands a government not of their choosing, and by its mismanagement has made of the unhappy people of those islands perpetual enemies instead of eternal friends.

It has repudiated every doctrine advocated in the American Revolution by our forefathers. It denies that government derives its just powers from the consent of the governed.

It has inaugurated the vicious system of colonial government against which our forefathers rebelled.

It denies that taxation without representation is tyranny.

It holds that the Federal Constitution does not extend to the Territories, but is confined to the States.

It maintains that the people of Arizona, of New Mexico, of Porto Rico, and of the Philippine Islands have no right of jury trial, no right of habeas corpus, but that in life, in liberty, and in property they are subject to the absolute will of Congress.

It has destroyed constitutional liberty and created a constitutional despotism.

It holds that the President governs Cuba in exercise of his war power and, as such, is superior to and independent of Congress.

It has sought to pass through Congress a military bill vastly increasing the permanent standing Army and creating a system of militarism which would jeopardize the liberties of the people.

It has destroyed the Republic and founded an empire. It has an understanding or an alliance so close with Great Britain that it has given its moral support to the British Government in its effort to destroy the Boer Republics.

Its conduct of the Spanish war was so inefficient that in order to escape universal condemnation it was compelled to sacrifice its own selected Secretary of War.

Its Army contracts were so unjust to the Government and so favorable to the contractors that it was compelled to remove the officer who had charge of that Department in the hope that by this means it could escape censure.

It has entered into a compact with the Sultan of the island of Sulu, which forms a part of the Philippine Islands, by which it indorses polygamy, continues there a pernicious system of slavery, and sanctions a despotism as cruel and as tyrannical as any existing in the world.

It has forced upon the people of Porto Rico a government more illiberal, more oppressive, and a system of taxation and of trade more unjust than that imposed upon her by Spain.

With this record the Republican party must at the polls in November meet a just and a severe rebuke.

I ask unanimous consent that I may extend my remarks in the RECORD.

Mr. ROBINSON of Indiana. You have that privilege now.

The SPEAKER. The order expressly provides that any member may have the right to extend remarks on the bill for five days.

Mr. SWANSON. I know that, Mr. Speaker, but I ask the privilege of extending my remarks. I do not want to be confined to the five days.

The SPEAKER. Does the gentleman want more time than five days?

Mr. SWANSON. Yes, Mr. Speaker; I may be absent.

The SPEAKER. The gentleman from Virginia asks unanimous consent for unlimited time to extend his remarks. Is there objection?

Mr. RAY of New York. I object, Mr. Speaker.

Mr. ALEXANDER. Mr. Speaker, the subject of trusts has probably received more attention in this country within the past ten years than any question that has come up for public consideration. People have felt the pressure of the iron hoof. Not always have they recognized the cause or been informed of the extent of the oppression, and few have worked out a remedy; but all have had knowledge that something was wrong, and that somehow and somewhere relief should be forthcoming.

There is no longer any doubt in the minds of men that trusts and monopolies exist not for the benefit but to the injury of the people. Their tendency, as has been said by a distinguished jurist, is destructive of free institutions, offensive to the instincts of a free people, odious to our form of government, and repugnant to the spirit of the Federal Constitution. The people of this country are practically unanimous on this subject. The desire for liberty and independence in 1776 could not have been greater than is the present determination to abolish the monopolistic trusts and eradicate their offensive methods.

If it were within the people's power to pass upon monopoly at

the ballot box, the vote to crush it would be almost solid, no matter if such result entailed inconvenience and deprivation upon each voter. This is the spirit of the country, and it naturally looks to Congress and to the several State legislatures to bring relief.

Mr. Speaker, the evidence of the character and extent of these monopolies and their methods, as unfolded by hundreds of witnesses and published in reports of thousands of pages, is almost hidden from sight by the very volume of testimony itself; but in a general way the people know the plain facts upon which their verdict is based. The answer that trusts and combinations reduce prices has had its day in court. Such policy may be necessary to control competition, but once competition is crushed it follows that monopoly can fix prices to suit itself. If discretion is shown, it is not out of regard for the people, but suggested solely by the fear that too high prices may weaken its control in the territory from which competition has been driven.

The recent report of the Industrial Commission, which fills over 1,300 closely printed pages, shows that one combination is selling 90 per cent of the sugar output; another more than 90 per cent of the tin-plate product; that a third controls at times as high as 95 per cent of the production of spirits; that a fourth is selling from 75 to 80 per cent of the total output of steel rods and smooth wire and from 65 to 90 per cent of wire nails; that the same company by its patents has a practical monopoly of barbed wire and woven-wire fencing; that another company produces from 90 to 95 per cent of the refined petroleum, and that all these monopolies fix their own prices. If they cut the price, their competitors must follow or go out of business. If they raise the price, their competitors, unable to meet the needs of the market, must respond or invite financial ruin.

ONE REMEDY.

Mr. Speaker, the law approved July 2, 1890, known as the Sherman anti-trust act, was the first expression of Congress after the passage of the interstate-commerce act to control these gigantic monopolies. That act was passed by a Republican Congress, elected with President Harrison in 1888. It relates to contracts, combinations in the form of trusts, and conspiracies in restraint of trade between the States or with foreign nations.

The bill now before the House, H. R. 10539, seeks to extend and strengthen this act, not by changing the provisions already held constitutional, but by adding to its penalties and aiding in its better enforcement. Persons acting as agents and officers of monopolies may laugh at a small fine or a jail sentence of a few months based upon the commission of a misdemeanor, but it is believed that a crime punishable by a fine of $5,000 for each offense and by a term of two years in the penitentiary may have a more deterrent influence.

As a further penalty it is proposed to forbid the use of mails to officers of corporations carrying on business for purposes declared to be illegal; to forbid their products interstate transportation, and to compel witnesses to produce books and papers under their control, even though they plead such proof would be evidence against themselves as guilty parties to an illegal combination.

To aid in the better enforcement of the act, authority is given any person, firm, corporation, or association the right to begin and prosecute proceedings under this act. The present law limits such privilege to the Department of Justice, but the pending bill, if it shall become a law, gives anyone the right to prosecute combinations that are conducting business by illegal methods.

The Judiciary Committee has thus marshaled to the support of existing law several provisions already tested in the Supreme Court of the United States. The section denying the use of the mails was helpful in destroying the Louisiana lottery. The section that compels witnesses to produce books and documents, even though such testimony criminate themselves, is based upon a similar provision in the interstate-commerce act, which has been sustained by the Supreme Court. In the preparation of this bill decisions of the courts have been carefully scrutinized that nothing might be omitted which would strengthen it, and nothing inserted that might weaken it when attacked in the courts.

A SOUTHERN SUGGESTION.

Mr. Speaker, the suggestion of the minority of the committee, composed of seven Representatives of as many Southern States, that whenever, in the opinion of the President of the United States, the price of any commodity is enhanced by a monopoly he may by proclamation suspend all customs duties on like articles brought from foreign countries, is not only without merit, but, if enacted into law, would practically displace, if it did not absolutely destroy, the protective system of the country. A more vicious attack can not well be conceived. By a single stroke of his pen a President could wipe out the customs duties that sustain the Government and strike down the system that gives this country its great share in the world's prosperity. Such a provision might close thousands of factories and throw out of employment hundreds of thousands of workmen without notice or hope of a return to work. Such a suggestion is equivalent to burning the house in order to expel the intruder.

But suppose the remedy be applied. Will it avail anything? It is a matter of record and experience that a monopoly to control the sale of imported articles is not only easily formed, but most arbitrary in its methods. Shall we return to the days when an English monopoly absolutely controlled the tin-plate industry of the world, fixing its own prices and making its own terms? Under that combination the price of tin plate continued at a higher price than it has ever reached under the latter-day monopoly in this country.

With the removal of duties what would become of the smaller factories scattered over the country, which are now putting up a good fight against existing monopolies? With trusts controlling 90 per cent of the sugar output, 90 per cent of the tin-plate product, 80 per cent of the manufacture of steel rods and smooth wire, and 85 per cent of refined petroleum, what would become of the smaller independent concerns which seek to do business if foreign competition were also added to their burden? Such a suggestion could only come from those irretrievably committed to free trade. It has no home among the factories and the workingmen of this country. It belongs rather to that section of this fair land once cursed by slavery; which has never tasted the joys nor experienced the delights of having in their midst the great workshops of a nation, that enrich the farmer, sustain the merchant, give work to the millions, and scatter plenty and happiness to the masses.

A SECOND REMEDY.

But, Mr. Speaker, the act of 1890, as amended by the pending bill, strong as it has been made, is believed insufficient of itself to control or regulate monopolies and trusts. The Supreme Court has held that existing law did not and could not control manufacture or production except as they become a part of interstate commerce. To this extent, therefore, the so-called Sherman anti-trust act has failed to meet the demands of the people.

It is not the fault of the law or the lawmaking power, but the failure of the Constitution, as interpreted by the Supreme Court, to clothe Congress with power to repress, regulate, or control monopolies when formed and operating in the States except when carrying on interstate commerce.

In the Knight case (156 United States, page 11) Chief Justice Fuller, giving the opinion of the court, draws this distinction very clearly:

> Doubtless the power to control the manufacture of a given thing—

He says—

> involves in a certain sense the control of its disposition, but this is a secondary and not the primary sense; and although the exercise of that power may result in bringing the operation of commerce into play, it does not control it, and affects it only incidentally and indirectly. Commerce succeeds to manufacture and is not a part of it. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce. * * *
>
> It is true that the bill alleged that the products of these (sugar) refineries were sold and distributed among the several States, and that all the companies were engaged in trade or commerce with the several States; but this was no more than to say that trade and commerce served manufacture to fulfill its function. Sugar was refined for sale, and sales were probably made at Philadelphia for consumption, and undoubtedly for resale by the first purchasers throughout Pennsylvania and other States, and refined sugar was also forwarded by the companies to other States for sale. Nevertheless it does not follow that an attempt to monpolize or the actual monopoly of the manufacture was an attempt, whether executory or consummated, to monopolize commerce, even though, in order to dispose of the product, the instrumentality of commerce was necessarily invoked.

It is idle to quote from or cite other decisions. Upon the State is conferred the power to control manufacture, and to the General Government is committed the control of interstate commerce. A State can not exclude from its territory monopoly of another State, though it controls the sale and fixes the price of a product; nor can the General Government repress or regulate it unless it be a combination to control interstate commerce. Thus monopoly escapes regulation and punishment because of the limited powers of the States and the failure of the Federal Constitution as construed by the Supreme Court. It avoids the State law by having its goods sent into a State under interstate commerce, and it avoids the Federal statutes by not becoming a monopoly to control interstate commerce.

AMENDMENT TO THE CONSTITUTION.

The only escape from this dilemma is through an amendment to the Constitution of the United States, which the Democratic minority of this House voted down on yesterday by depriving it of a two-thirds vote, giving Congress power to regulate and control trusts, monopolies, or combinations. For this reason the Judiciary Committee presented the following:

ARTICLE XVI.

SECTION 1. All powers conferred by this article shall extend to the several States, the Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States.

SEC. 2. Congress shall have power to define, regulate, prohibit, or dissolve

trusts, monopolies, or combinations, whether existing in the form of a corporation or otherwise.

The several States may continue to exercise such power in any manner not in conflict with the laws of the United States.

SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation.

Such an amendment is absolutely essential if Congress is to have power to regulate and control monopolies. It was assumed that a trust engaged in manufacture of products intended for interstate commerce came within the constitutional provision for controlling interstate commerce, but the Knight case, already cited, disposes of that assumption, leaving Congress without control of manufacture or production. A monopoly may extend to all the States in the Union; it may buy up and control the entire production of an article in all the States; it may send its products from one State to another, fixing the price of the commodity throughout the country, and yet if it be not a monopoly for the purpose of controlling interstate commerce it is not amenable to Congressional legislation. In the presence of such conditions it becomes the duty of Congress to submit the proposed amendment to the legislatures or conventions of the several States.

Of the forty-five States, only twenty-five have anti-trust and anti-combination laws, which are neither uniform nor harmonious, and less than a dozen are broad and drastic. In sixteen States trusts are wholly unrestrained, and in four others restriction is limited either to insurance or to live-stock companies. In many instances State laws conflict with each other and with the laws of the United States, while no State can protect itself against trusts and monopolies of another State, because such monopolies are protected by interstate commerce.

The amendment to the Constitution of the United States, defeated on yesterday by the Democratic vote of this House, deprives the States of no power now possessed by them except in so far as their anti-trust laws may conflict with national legislation; but since the people of the several States can be absolutely protected against the exactions of monopolies only by national laws based upon an amendment to the Constitution, it follows that the States would be gainers by the adoption and ratification of the proposed amendment. The patience of the people is exhausted, and their demand for relief, if the Democratic members of this House would give them an opportunity, would quickly find expression in the ratification of an amendment that shall give Congress plenary power to control and regulate, and, if necessary, to repress and dissolve, every trust or other combination whose methods may be injurious to the people and offensive to the spirit of our Government.

Mr. TERRY. I yield to the gentleman from Georgia [Mr. GRIGGS].

[Mr. GRIGGS addressed the House. See Appendix.]

Mr. TERRY. I yield the remainder of the time to the gentleman from North Carolina [Mr. BELLAMY].

Mr. BELLAMY. Mr. Speaker, to those of us reared in the school of strict construction it was very gratifying that the bill to provide for the adoption of a constitutional amendment conferring upon Congress the power to control and regulate domestic contracts and agreements in restraint of trade was so promptly defeated. It was the most covertly drawn bill and the most innocent-looking measure on its face that has been presented to this House for its consideration since I have been a member, yet fraught with the most dreadful consequences.

The whole country has been aroused, and justly so, upon the subject of the modern "trust" and its iniquitous and baneful operations; and while this excited condition of the public mind existed, to propose an amendment to the Constitution so far-reaching in its consequences is an imposition on the American Congress.

That the leaders of the Republican majority were not sincere in their advocacy of the amendment and were playing a game of politics was apparent to the most casual observer, for it was with a sigh of relief that they received the announcement of the failure of the resolution to pass. What would have been its effect had it become a part of the Constitution? Congress would have been empowered to pass any law it saw proper affecting the transactions of citizens which are local—to go into the States and render illegal any agreement, contract, or understanding between individuals, firms, or corporations to obtain or maintain a reasonable living price for either the products of the farm, the workshop, or the factory; or for the laborer, either menial, on the farm, or in the workshop, to agree upon a uniform scale of wages, even though these agreements were confined wholly and strictly to home affairs and did not extend to or concern interstate commerce.

In other words, home rule and local self-government, which are so jealously prized as an Anglo-Saxon inheritance, would have been completely surrendered to the National Government and another radical step taken toward centralization and the obliteration of those reserved powers which are the very life of the American Republic. Our Southern people, in contemplating the surrender of this vast power to the National Government, involving in it the right to punish the citizen for the slightest infringement by severe penalties and by imprisonment, can well appreciate its heinousness when they recall the oppressions suffered by them in the dark days of 1868, when they were arrested and hurried to the court-houses and jails, frequently over 100 miles away from their homes, deprived of a trial by a jury of their vicinage, for the attempt to regulate their home affairs and protect them from the ravages of the carpetbagger and his allies.

However much the Southern members may smart under the oppressions of the trust, they are not prepared to surrender the last vestige of State rights when their National Government already possesses plenary power under the Constitution to regulate, suppress, or control trusts and illegal combinations in restraint of trade if the officers of the Government will do their duty and enforce the laws. They would rather "bear the ills they have than fly to others they know not of."

The Democratic party stands ready to pass any measure, however stringent, that may be necessary to protect the people from the greed of the unlawful combinations, and the Democratic members of Congress will give the present bill (H. R. 10539) their unanimous support as an earnest of their position upon this great question.

All agreements and combinations of capital or labor are not to be condemned. For it is only by cooperation that production can be cheapened to the consumer. And it is not unreasonable for the capitalist to seek a reasonable return for his investment, or the farmer to receive a reasonable price for his crops, or the laborer to obtain a reasonable price for his labor, and any combination or agreement among them to secure this end should not be discouraged, but should be encouraged by suitable legislation and by a healthy public sentiment. It is only when such combinations become voracious and seek to suppress competition, break down rival enterprises, create monopolies, and raise the price of products to an unreasonable amount, so that large and prodigious fortunes may be made, that the Government should curtail their operation and protect the people from their greed.

Capital and labor should be harmonious. They are mutually dependent on each other. There is no natural antagonism between them, and they should be mutually helpful, and he who seeks to sow the seeds of discord should be contemned. It is the avarice of the one or the other that creates the friction which is of daily occurrence. When great combinations are made to create a monopoly that immense dividends may be earned and paid upon watered stock and fictitious bonds and labor depressed to the most grinding cheapness, who can blame the laboring man from combining to raise his wages to a price that will enable him to subsist and lay up a few dollars for his support in old age?

When combinations are made by the manufacturers of the articles consumed or used by the farmer, to exact a higher price, to make unreasonable dividends, who can blame the farmer from uniting to hold his products and increase their price that he may make a living? The farmer and laborer are completely at the mercy of the avaricious capitalist, and if these unlawful combinations continue for the purpose of grinding the people and thereby make dividends upon fictitious capital, and the officers of the Government fail to repress them, the only remedy lies in combinations against them; but there can be no need for this if the bill before this body to-day becomes a law. It strengthens the hands of the Government and gives it full power to repress, prohibit, and punish unlawful combinations.

It should receive the sanction of every patriotic member. And my opinion is that the law then will be ample, full, and effective to secure its purpose, and will appease the righteous wrath of the American people. If the officers of the Government fail and refuse to investigate these wrongs and refuse to prosecute the offenders, they should be prosecuted for willful neglect of the duties of their office, and their high positions should give them no protection and afford them no sympathy. The Southern States have awakened to the importance of manufacturing. They have the raw material at their doors, and can manufacture the products of cotton, iron, and wood cheaper than any other section.

They invite the capitalist and laborer of all sections to make homes in their midst, and guarantee them the equal protection of the law. They have no hostility to capital, they have need for labor, but they wish no trust in either. In a radius of 100 miles around the city of Charlotte, N. C., in the district I have the honor of representing on this floor, there are 300 cotton mills, operating 2,300,000 spindles and 65,000 looms, and representing over $100,000,000 of capital. The laborers are all white, and are contented and happy.

The trust is not yet known either among the mill owners or the mill operatives, and he who introduces among them this fiend of modern business methods is a public enemy; and if the happy condition now obtaining continues this section will be the happiest, richest, and most desirable section of the Union. There is one amendment to this bill, which has been agreed upon by the

Democratic members of this body, which strikingly shows the attitude of the two parties on this great question, and that is:

Strike out proposed section 12 and insert in lieu thereof the following:

"SEC. 12. That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President."

A similar power is conferred on the President of the United States in the Dingley tariff bill, to secure reciprocity, and yet this is bitterly attacked by the Republican members. I know of no speedier or more effective remedy to suppress an illegal combination or trust than to admit free of duty the article from abroad which is made by the trust, and this practical, effective, and prompt remedy was voted down to-day by the solid vote of the Republican majority—134 nays to 122 yeas of the Democratic members.

The Democratic party is opposed to trusts because it is a principle of their great organization that special privileges should not be granted to any person, but that equal rights should be guaranteed to all. The Democratic party believes in protecting alike both labor and capital, because justice is the foundation of their organization. No true prosperity can ever come to the country until the laborer can receive a just and equitable compensation for his daily toil, and the capitalist at the same time receive a proper and reasonable return for his investment. And this time can not and will not arrive until the complete triumph of Democracy is assured in all the branches of this Government.

Mr. Speaker, I hope this bill will become a law. If it does not, the odium for its failure must rest upon the majority in control of Congress, for the Democratic members will support it to a man.

The SPEAKER. The hour of general debate is now concluded. The Clerk will proceed to read the bill by sections.

The Clerk read as follows:

Be it enacted, etc., SECTION 1. That the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," be, and same hereby is, amended as follows:

Section 1 of said act is hereby amended by inserting in line 7 of said section, after the word "fine," the following: "of not less than $500," and by striking out in the eighth line of said section, after the word "dollars," the word "or," and inserting in lieu thereof the word "and," and inserting after the word "imprisonment," in the eighth line of said section the words "not less than six months and," and by striking out all of said section after the word "year," in the eighth line, so that the said section when amended shall read as follows:

"SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than $500 and not exceeding $5,000, and by imprisonment not less than six months and not exceeding one year."

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

Page 1, strike out all after the word "amended," in line 7, and all down to and including the word "shall," in line 3, page 2, and insert in lieu thereof the words "so as to."

Page 2, line 9, strike out the word "misdemeanor" and insert in lieu thereof the word "crime."

Page 2, line 13, strike out the words "one year" and insert in lieu thereof the words "two years."

Mr. TERRY. Mr. Speaker, I rise to a parliamentary inquiry. I believe it is considered that the amendments of the minority are all pending?

The SPEAKER. They are.

Mr. TERRY. Is it necessary, then, to offer them at the different places?

The SPEAKER. They are pending and can be offered at the appropriate places in the bill.

Mr. TERRY. Is it incumbent on us to offer them?

The SPEAKER. The committee amendments will be considered first and then those of the minority of the committee, which under the order of the House can be offered at any time when the appropriate parts of the bill are reached.

Mr. TERRY. They are considered as pending?

The SPEAKER. All of them are considered as pending.

Mr. RICHARDSON. Do we understand that the amendments of the minority of the Judiciary Committee, which are now in the hands of the gentleman from Arkansas [Mr. TERRY], must be offered at the points where they are intended to apply, as each point is reached in the consideration of the bill under the five-minute rule?

The SPEAKER. That is the understanding of the Chair. They are all pending to be voted on; and as the different parts of the bill are reached, those amendments should be offered.

Mr. TERRY. That is the point I wanted to get at.

Mr. RAY of New York. The Clerk has read the amendments reported by the committee to the first section; and I suppose they are to be voted upon as we go on.

The SPEAKER. The question on the committee amendments will be put before any other amendments are voted upon. If any of the amendments of the minority apply to this section, they should be presented at this stage for consideration.

Mr. RAY of New York. None of the amendments of the minority apply to this section.

Mr. Speaker, I desire to say that the purpose of the committee in moving to strike out the lines indicated on pages 1 and 2 is to make the bill shorter. There is no necessity that those words be retained. They were put in by the gentleman who drew the bill simply to make it plain to members when considering the bill just what changes were made in the original law. The same remarks apply to several of the subsequent sections.

As explained by the gentleman from Indiana [Mr. OVERSTREET], the object of the committee in changing the word "misdemeanor" to the word "crime" and in striking out "one year" and inserting "two years" was that the existing law may be made more effective than it is.

The amendment also makes the violation of that section of the Sherman law of 1890 punishable by both fine and imprisonment. There is no other change made in this section.

In this same connection it ought to be stated that the Sherman law of 1890 has been considered by the courts. Nearly every question that could be raised under its provisions has been raised. The courts have passed upon that law and have held it to be constitutional. Therefore the committee felt that it would be unwise to undertake to change the phraseology of the bill in any respect so far as it applies to the creation of offenses against interstate commerce. We thought we would let well enough alone, only changing the punishment in such cases.

Mr. TERRY. As I understand, the desire of the gentleman from New York is that these amendments of the committee, where we have not offered any counter amendments, be adopted as we go along.

Mr. RAY of New York. I think that would be the regular course.

Mr. TERRY. I apprehend the vote on the other amendments is to be at 4 o'clock?

The SPEAKER. The Chair suggests to the gentleman from Arkansas [Mr. TERRY] that if he has any amendments to offer to the first section——

Mr. TERRY. I have none at all.

The SPEAKER. They had better be read now.

Mr. TERRY. What I wanted to find out for the information of myself and other members was whether the amendments of the minority are to be voted on before 4 o'clock?

The SPEAKER. They should be tendered to each paragraph as reached.

Mr. TERRY. But the final vote will not be taken, as I understand, until 4 o'clock.

The SPEAKER. At 4 o'clock the voting must take place on the bill, under the order.

Mr. TERRY. Then there will be a vote taken on each amendment as we proceed through the bill, between now and 4 o'clock. I understood the Speaker to say that the vote would be taken on the bill as amended at 4 o'clock.

The SPEAKER. That was the order of the House.

Mr. TERRY. What I wanted to get at was whether we are likely to have a vote taken on these various amendments presented in the views of the minority.

The SPEAKER. The gentleman from Arkansas can readily see that his amendments when offered may amend committee amendments. The Chair can not tell about that. So they should be read and considered as the House proceeds to consider each paragraph.

Mr. TERRY. I want gentlemen to understand that there may be votes taken during the afternoon.

The SPEAKER. The question is now on agreeing to the committee amendments to section 1.

The amendments were agreed to.

The SPEAKER. The Clerk will now read section 2.

The Clerk read as follows:

SEC. 2. Section 2 of said act is hereby amended so as to read as follows:

"SEC. 2. Every person who shall monopolize, or attempt to monopolize or combine or conspire with any person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a crime, and, on conviction thereof, shall be punished by a fine not less than $500 and not exceeding $5,000, and by imprisonment not less than six months and not exceeding two years."

Mr. LANHAM. There is no objection to that amendment.

The SPEAKER. Is there any amendment proposed by the minority to this amendment?

Mr. LANHAM. There is none.

The section as amended was agreed to.

The SPEAKER. The Clerk will report the amendments to section 3.

The Clerk read as follows:

SEC. 3. Section 3 of said act is hereby amended so as to read as follows:

"SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United

States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a crime, and, on conviction thereof, shall be punished by fine not less than $500 and not exceeding $5,000, and by imprisonment not less than six months and not exceeding two years."

The SPEAKER. Is there any amendment to that?

Mr. TERRY. No amendment to that.

The SPEAKER. The question is on agreeing to the amendments recommended by the committee.

The committee amendments were agreed to.

The SPEAKER. The Clerk will read section 4.

The Clerk read as follows:

SEC. 4. Section 7 of said act is hereby amended so as to read as follows:

"SEC. 7. Any person who shall be injured in his business or property by any person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, provided the minimum sum recovered shall not be less in any case than $250, and the cost of suit, including a reasonable attorney's fee."

Mr. RAY of New York. Mr. Speaker, I desire to say in regard to that proposed amendment that it adds the proviso that the minimum sum to be recovered shall not be less in any case than $250 and the costs of suit, including a reasonable attorney's fee. Under the present law the person recovering damages for a violation of the interstate-commerce act of 1890 recovers so small a sum that his remedy is inefficient, and he will not go to the expense of engaging a lawyer and instituting proceedings to enforce the law. The result is that the law has not been enforced. People chose to suffer the ills that they do suffer by reason of a violation of their rights than to go to law to recover a quarter of the sum they have to expend in order to obtain their damages. Therefore the committee has thought it advisable and wise to add that proviso, so that a person recovering damages will recover a reasonable attorney's fee and $250 damages, if he recovers anything.

Mr. LANHAM. Otherwise the section remains precisely as it is in section 7 of the present anti-trust law, known as the Sherman law.

Mr. RAY of New York. Yes.

Mr. LITTLEFIELD. It merely makes a minimum of damages.

Mr. RAY of New York. This proviso makes the minimum of damages that may be recovered $250, so that it pays a man to go to law. That is, he will get enough to pay the expenses of the suit at least.

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

Mr. FITZGERALD of New York. Mr. Speaker, I should like to ask the gentleman why in this amendment he has omitted the language that he had in the proposed amendment to the Constitution yesterday? There he conferred the power of the proposed article upon the several States, Territories, the District of Columbia, and all territory under the sovereignty and subject to the jurisdiction of the United States. In this proposed amendment to this bill he simply provides that combinations, contracts, or conspiracies in restraint of trade or commerce in any Territory of the United States, apparently an organized Territory, or in the District of Columbia, or in restraint of trade or commerce between any such Territory and another, apparently meaning organized Territories, as the word is capitalized, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal.

Now, does the gentleman mean to exclude those trusts and combinations that may be doing business between the States and this "territory under the sovereignty and subject to the jurisdiction of the United States?"

Mr. RAY of New York. We did not change the language of the original Sherman law. And I will say to my friend from my own State, who seems to be worried over that, that we knew if we put such language into the bill we would only precipitate a lively, prolonged, and unnecessary debate. And another thing, on our side of the House we feel sure that the Supreme Court of the United States will decide that question in accordance with the claim this side has made all through this Congress.

Mr. FITZGERALD of New York. Does the gentleman apprehend a decision that the Constitution applies to those islands?

Mr. RAY of New York. There is no doubt in my mind that the Supreme Court of the United States, when it gets hold of the question, will decide that the Constitution is not a piece of india rubber, that it does not stretch all over creation, wherever the flag happens to go, as you put it; that it does not extend to newly acquired territory of the United States; that it does not extend ex proprio vigore over our newly acquired possessions; that it is not in operation in the Philippine Islands, and it is not in operation in any other Territory of the United States, except when the Congress of the United States by authority of law sees fit to enact it into law to control in that Territory.

Mr. FITZGERALD of New York. I hardly imagined——

Mr. LIVINGSTON. I want to suggest an amendment.

Mr. PAYNE. I want to ask whether it would not be in order for our colleague over there [Mr. FITZGERALD of New York], who is agonizing on this subject, to offer the amendment himself?

Mr. RAY of New York. I suspect that they will—that when we come to section 9 they will move to put it in, and I hope my colleague [Mr. FITZGERALD of New York] will do so. I will sustain the amendment and vote for it when we get to section 9.

Mr. FITZGERALD of New York. If I knew as much as some gentlemen on this subject I would not seek for information.

The SPEAKER. The time of the gentleman from New York has expired. Does the gentleman from New York [Mr. FITZGERALD] oppose the amendment?

Mr. FITZGERALD of New York. Yes.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. LANHAM. The gentleman is discussing a section that we have not yet reached.

Mr. LIVINGSTON. His amendment is not to section 4 at all.

Mr. LANHAM. This is section 4, to which I think there is no objection.

Mr. FITZGERALD of New York. I should just like to say at this time that I hardly imagined it would require much effort on the part of my colleague from New York [Mr. RAY] or any very great or extraordinary intellect to know that the Supreme Court would not decide that the Constitution of the United States was a piece of india rubber.

Mr. RAY of New York. That expression was used merely for illustration.

Mr. FITZGERALD of New York. If the gentleman's legal conclusions are along that line perhaps he may busy himself with questions like that. I ask the question of the gentleman in good faith. It seems that the constitutional lawyers on that side of the House—and I have no pretensions in that way, for my youth and inexperience and lack of learning would prevent me from aspiring to the position of the eminent gentleman from New York——

Mr. RAY of New York. Oh, I did not intend to make any insinuation.

Mr. FITZGERALD of New York. I should like to say what I wish to say to the gentleman.

Mr. RAY of New York. All right.

Mr. FITZGERALD of New York. Gentlemen on that side were so worried yesterday about this question of territory under the sovereignty and subject to the jurisdiction of the United States that it appeared as if they had purposely omitted it from this amendment to the anti-trust law. It suggested itself to me that perhaps it was in view of the fact that the gentlemen admitted during the discussion of the Porto Rican bill that two great trusts controlled most of the business between Porto Rico and the United States. Perhaps in their apparent desire to legislate against the trusts it occurred to me that they might be attempting at the same time to protect some of those trusts in some way.

Mr. RAY of New York. I will tell you one reason that has actuated us in not putting that language in. We want to get upon the statute books so far as possible under present constitutional power some efficient anti-trust legislation, and we wanted to get something here that some Democrats would vote for. Therefore, we left out those words.

Mr. FLEMING. Why did you not leave them out in your proposed amendment to the Constitution?

Mr. FITZGERALD of New York. I do not think the question of getting Democratic support worried the gentleman very much. If you want to enact this law you have the votes and the power on your side, because it only takes a majority to pass the bill. Such an assertion as that which the gentleman has just made is pure poppycock.

Mr. RAY of New York. Well, that is very elegant and learned language!

Mr. FITZGERALD of New York. It is the only language which characterizes properly the statement and position of the gentleman.

Mr. THROPP. I rise to a question of order. Are we not discussing section 3?

Mr. RAY of New York. We have already voted on that.

The SPEAKER. Section 4.

Mr. RAY of New York. I rise in opposition to the amendment of my colleague from New York.

Mr. FITZGERALD of New York. I have not offered an amendment.

Mr. RAY of New York. Oh! What is the pending proposition?

The SPEAKER. The pending committee amendment to section

4, on which debate is exhausted, and the gentleman from Georgia proposes to offer an amendment to this section.

Mr. LIVINGSTON. It is section 1 that I want to amend.

The SPEAKER. That has been passed. The question is on agreeing to the amendment to section 4.

The question was taken; and the amendment was agreed to.

The SPEAKER. The Clerk will read the next section.

The Clerk read as follows:

SEC. 5. Section 8 of said act is hereby amended by adding thereto the following words: "and the agents, officers, and attorneys of said corporations and associations;" so that said section when amend shall read as follows:

"SEC. 8. That the word 'person,' or 'persons,' wherever used in this act, shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of the Territories, the laws of any State, or the laws of any foreign country, and the agents, officers, and attorneys of said corporations and associations."

And also by adding thereto a new section, as follows:

"SEC. 9. It shall be the duty of the Attorney-General of the United States and of the several district attorneys to cause all persons, corporations, or associations violating any of the provisions of this act to be promptly prosecuted therefor, and to enforce all of the penalties hereinbefore imposed for the violation of any of the provisions of this act."

The SPEAKER. Is there any amendment proposed to this by the minority?

Mr. TERRY. No amendment to that section is offered by us, Mr. Speaker.

The amendment recommended by the committee was read, as follows:

In lines 24, 25, on page 4, and lines 1 and 2, on page 5, strike out the following words: "by adding thereto the following words: 'and the agents, officers, and attorneys of said corporations and associations;' so that said section when amended shall," and insert in lieu thereof the words "so as to."

Also strike out lines 10 to 16, inclusive, on page 5.

The amendment was agreed to.

The SPEAKER. The Clerk will read the next section.

The Clerk read as follows:

Insert as section 6:

"SEC. 6. That said act is also hereby further amended by adding thereto the following new sections, which shall constitute sections 9, 10, 11, 12, and 13 of said act approved July 2, 1890, namely."

Mr. TERRY. Mr. Speaker, I have offered quite a number of new sections which will, if they are adopted—and I can not tell whether they will be or not—render necessary the changing of the numbers named in that section 6.

The SPEAKER. All the changes of the numbers are effected by the Clerk.

Mr. TERRY. That I understand. I have an amendment here in order to provide for these new sections, by changing their numbers, but, as I understand, the Speaker says that is unnecessary.

Mr. PARKER of New Jersey. A parliamentary inquiry.

Mr. TERRY. Now, Mr. Speaker, to this section I have an amendment.

The SPEAKER. All the amendments will be in order to this section when it is read through, and the Clerk is simply reading it through. This section appears to be a new section, offered to section 7, just before the close of the bill, on page 9; so that, technically, the Clerk should proceed to read all that section 6, reading down to and including line 23, page 9; and then the Chair thinks it will be open to treatment by the House.

Mr. PARKER of New Jersey. I desire to offer an amendment to the first line.

Mr. TERRY. Our pending amendment comes in right here.

The SPEAKER. The Clerk will conclude the reading of the section.

The Clerk read as follows:

SEC. 9. That every corporation, association, joint stock company or partnership doing business in any State of the United States, or in any Territory belonging thereto, or in the District of Columbia, producing, manufacturing, or dealing in any article of commerce, when organized, formed, managed, or carrying on business for the purpose of controlling or monopolizing the manufacture, production, or sale of any such article of commerce, or for the purpose of increasing or decreasing the cost of such article of commerce to the user or consumer thereof for the purpose of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal, and may be proceeded against at the suit of any person or persons or corporation or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia, or any foreign country, and, if adjudged illegal within the meaning of this act, it and its officers and the members of such association, joint stock company, or partnership shall be, and hereby are, forbidden and prohibited the use of the mails of the United States in aid or furtherance of any such business or purposes; and no article of commerce produced, or manufactured, or owned and dealt in by any such corporation, association, joint stock company, or partnership so organized, formed, managed, or carrying on business shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia, if produced, manufactured, or found therein by any individual, corporation, or common carrier in any manner whatever. All such articles of commerce shipped in violation of the provisions of this act shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law: *Provided, however*, That such articles of commerce may be so carried or transported for the use of the consignor or consignee.

SEC. 10. That any common carrier or transportation company which shall knowingly transport any property described in sections 6 or 9 of this act from one State to another, from a State or a Territory to a Territory, or to the District of Columbia, or to a foreign country, or from the District of Columbia to a State, or to a Territory, or to any foreign country, shall be subject to a penalty of not less than $500 nor more than $5,000, to be recovered by the United States in an action brought in any court of the United States having jurisdiction thereof, and which suit may be brought in any district in which such corporation, association, joint stock company, common carrier, or transportation company mentioned in this act has an office or conducts business; and any person or any officer, agent, manager, or attorney of any such corporation, association, joint stock company, common carrier, or transportation company who shall knowingly receive for transportation or transport, or aid in transporting any property described in sections 6 or 9 of this act from one State to another, or from a State or a Territory to a Territory, or to the District of Columbia, or to a foreign country, or from the District of Columbia to a State or to a Territory shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than $500 nor more than $5,000, and by imprisonment not less than thirty days nor more than six months.

SEC. 11. That in all prosecutions, hearings, and proceedings under the provisions of this act, whether civil or criminal, no person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, and documents before the courts of the United States or the commissioners thereof, or in obedience to the subpœna of said courts or commissioners on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before said courts or commissioners, or in obedience to its subpœna or the subpœna of either of them or in any such case or proceeding.

SEC. 12. That the several district and circuit courts of the United States and the courts of the District of Columbia and of the several Territories of the United States are hereby vested with and given jurisdiction, within their respective jurisdictions as now prescribed by law, of all actions and proceedings, both civil and criminal, in law and in equity, necessary for the enforcement of this act; and it shall be the duty of the Attorney-General of the United States and of the several district attorneys of the United States within their respective districts to cause all persons, corporations, or associations violating or failing to comply with any of the provisions of this act to be promptly prosecuted therefor, and to enforce all of the penalties imposed by this act.

SEC. 13. That any civil or criminal proceeding or prosecution authorized under this act in the name of or in behalf of the United States, or otherwise, may be begun and prosecuted by any person, firm, corporation, or association, or by any officer of the United States, in the name of and on behalf of the United States.

Mr. RAY of New York. I desire to know whether it will be in order to explain these sections and debate the proposed amendment of the committee and the proposed amendment to the amendment?

The SPEAKER. The gentleman is entitled to be heard on the committee amendment if he desires.

Mr. RAY of New York. That is what I desire.

Mr. TERRY. Before the gentleman proceeds to that, as my amendments to that come right along in order, I should like to have the privilege of offering them at this point. Our amendment is to strike out all after the figure "9" of the committee section 9 and insert the following.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the figure "9," in said section 9, and make it read as follows:

"SEC. 9. That every corporation, association, joint stock company, or partnership formed or made, or managing or carrying on its business, in whole or in part, for the purpose of controlling or monopolizing, or in such manner as to control or monopolize, or tend to control or monopolize, the manufacture, production, or sale of any article of commerce or merchandise, intended for interstate commerce or commerce with foreign countries, or for the purpose of controlling or increasing or decreasing the cost or price of the same to the purchaser, user, or consumer thereof, for the purpose of preventing, or in such manner as to prevent, competition, or of preventing competition in the manufacture, production, or sale thereof, is, for the purposes of this act, hereby declared to be illegal and a monopoly; and all such corporations, associations, joint-stock companies, and partnerships, and their officers, agents, managers, and attorneys are hereby forbidden and prohibited from shipping or putting in transit any such article of commerce or merchandise to any State, Territory, foreign country, or place, outside the State, Territory, or place in which it was manufactured or produced, and from selling or offering to sell any such article or merchandise to be so shipped or put into any such transit, unless for the private or personal use of the consignee; and for any violation of this provision shall be deemed guilty of an offense against the United States, and on conviction shall be punished by a fine of not less than $500 nor more than $5,000, and by imprisonment not less than thirty days nor more than six months.

"All such corporations, associations, joint-stock companies, and partnerships as above declared illegal shall be, and hereby are, forbidden and prohibited the use of the United States mail in aid or furtherance of any such business or purposes, and all laws now in force for the prevention of the fraudulent use of the mails, so far as the same may be applicable, shall apply in the execution of such prohibition.

"Any such corporation, association, joint-stock company, or partnership may be proceeded against at the suit of any person or persons, or corporation or association, or by and in behalf of the United States, and perpetually enjoined and restrained from doing or carrying on any interstate or foreign commerce whatever, either with the States or the Territories of the United States or the District of Columbia, or any foreign country; and no article of commerce produced or manufactured or owned and dealt in by any such corporation, association, joint-stock company, or partnership so organized, formed, managed, or carrying on business shall be transported or carried without the State or Territory in which produced or manufactured, or in which same may be, or without the District of Columbia if produced, manufactured, or found therein, by any individual, corporation, or common carrier, in any manner whatever.

"All such articles of commerce shipped in violation of the provisions of this act shall be forfeited to the United States, and may be seized by any marshal or deputy marshal of the United States, or by any person duly authorized by law to make such seizure, and when so seized shall be condemned

by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

Mr. HOPKINS. Why not take up and consider that amendment now?

Mr. TERRY. The Speaker has ruled that this is all one section; and I want to offer all my amendments, and then you can take them up and consider them seriatim.

Mr. HOPKINS. I would like to have this amendment disposed of before the House proceeds further, because it is a very important matter.

The SPEAKER. Not more than one gentleman ought to speak at one time.

Mr. HOPKINS. The point I desire to make is that this is a very important amendment.

The SPEAKER. Does the gentleman from New York yield?

Mr. RAY of New York. I rose to address myself to the committee amendment.

The SPEAKER. That the gentleman has the absolute right to do, but it stands in this shape——

Mr. TERRY. Mr. Speaker, I would like to offer our amendments here.

Mr. RAY of New York. Mr. Speaker——

The SPEAKER. The gentleman from Arkansas will suspend, and also the gentleman from New York. You have here now the committee amendment and what is equivalent to a number of paragraphs. They are really sections here intended for the Sherman Act. This is open now to discussion on the part of the majority, who reported it, for five minutes, and five minutes may be utilized in opposition to it. An amendment is offered to that by the minority, which will be open to one speech in support for five minutes, and another in opposition for five minutes. It stands now with an amendment to an amendment; and so, by understanding where we are, confusion can be prevented.

Mr. TERRY. I just wanted to state this to my friend from New York——

Mr. RAY of New York. Now, wait. I desire to address myself to the amendment.

The SPEAKER. The Chair recognizes the gentleman from New York.

Mr. RAY of New York. I understood that the discussion of the committee amendment was first in order before the amendment to the amendment could be in order.

The SPEAKER. This was done by unanimous consent at the time; there was no objection to it.

Mr. TERRY. A parliamentary inquiry, Mr. Speaker. I do not want to get into any tangle after we have been trying to act in good faith. It was understood under the rule that these amendments would be considered as pending, and for the information of the House I am going through the form of sending them up to the desk. Under the rule, they were to be considered as pending and in their proper place.

The SPEAKER. That matter was settled by the order. The gentleman from New York is recognized for five minutes.

Mr. RAY of New York. Mr. Speaker, I shall address myself at this time to the committee amendment, and not to the amendment to our amendment offered by the gentleman from Arkansas [Mr. TERRY].

The SPEAKER. To section 6 of the bill?

Mr. RAY of New York. Yes. Section 6 proposes to add sections 9, 10, 11, 12, and 13 to the Sherman anti-trust law as new sections of that bill.

Now, in the first place, by request of some gentlemen on this side who did not seem to understand the matter, I desire to call attention to the reason why the following proviso, on page 7, in lines 9, 10, and 11, is inserted:

Provided, however, That such articles of commerce may be so carried or transported for the use of the consignor or consignee.

It has been suggested that the words "personal use" ought to be inserted. I am against that, and oppose it for the reason that the Supreme Court of the United States has passed upon this question and has decided it, as I will show by inserting the decision in the RECORD. They have decided in two cases, the leading case being Vance against W. A. Vandercook Company (170 U. S., page 452), that under the Constitution of the United States, entirely independent of and outside of the interstate-commerce clause, every citizen of the United States has the right to have sent to him for use—and it does not say "personal use;" it may be for the use of his family or firm, or it might be a plow for his hired man—to him for use in any proper way any article made anywhere. It may be liquor or anything that is regarded as detrimental to health. The court has decided that there is no power in Congress or in the State or in Congress and the State combined, under the Constitution, to interfere with transportation of articles for use. Now, I will send an extract to the Clerk's desk from this opinion in the Vandercook case and have it printed in my remarks.

The SPEAKER. Does the gentleman desire to have this read?

Mr. RAY of New York. No; because I have stated the substance of it; but I will have it printed in order that gentlemen may have no question about it.

The decision referred to by Mr. RAY of New York is as follows:

In Vance *vs.* W. A. Vandercook Company (170 U. S., at page 452) the court holds:

"Indeed, the law of the State here under review does not purport to forbid the shipment into the State from other States of intoxicating liquors for the use of a resident, and if he did so, it would, upon principle and under the ruling in Scott *vs.* Donald, to that extent be in conflict with the Constitution of the United States. It is argued that the foregoing considerations are inapplicable since the State law, now before us, whilst it recognizes the right of residents of other States to ship liquor into South Carolina for the use of residents therein, attaches to the exercise of that right such restrictions as virtually destroy it.

"But the right of persons in one State to ship liquor into another State to a resident for his own use is derived from the Constitution of the United States, and does not rest on the grant of the State law. Either the conditions attached by the State law unlawfully restrain the right or they do not. If they do—and we shall hereafter examine this contention—then they are void. If they do not, then there is no lawful ground of complaint on the subject.

"We are thus brought to examine whether the regulations imposed by the State law on the right of the residents of other States to ship into the State of South Carolina alcoholic liquor to the residents of that State, when ordered by them for their use, are so onerous and burdensome in their nature as to substantially impair the right; that is, whether they so hamper and restrict the exercise of the right as to materially interfere with or, in effect, prevent its enjoyment."

And at page 455 the court holds:

"The right of the citizen of another State to avail himself of interstate commerce can not be held to be subject to the issuing of a certificate by an officer of the State of South Carolina without admitting the power of that officer to control the exercise of the right. But the right (the right to transport by means of interstate commerce for use) arises from the Constitution of the United States; it exists wholly independent of the will of either the lawmaking or the executive power of the State; it takes its origin outside of the State of South Carolina, and finds its support in the Constitution of the United States. Whether or not it may be exercised depends solely upon the will of the person making the shipment, and can not be in advance controlled or limited by the action of the State in any department of its government."

Mr. RAY of New York. Now, I desire to call attention to the first part of the bill. I would like to read into that proposed section 9, after the words "District of Columbia," the words "or any territory under the authority or jurisdiction of the United States." And, as that amendment has been suggested by one of our Democratic friends, I hope he will offer it and the gentlemen on this side will be unanimous in support of it. There may be no immediate necessity for putting it in, but it will be wise and proper.

Mr. Speaker, you will note that the conduct declared illegal by proposed section 9 are acts already condemned by the common law everywhere. There is nothing new about it. It does not propose to prevent the transportation for sale of any article simply because it happens to be made by a monopoly. That I do not think we could constitutionally do, although it is possible that we might. Now, we say that—

The corporation, association, joint stock company, or partnership producing, manufacturing, or dealing in any article of commerce, when organized, formed, managed, or carrying on business—

Now, for what? Note the language—

for the purpose of controlling or monopolizing the manufacture, production, for sale of any such article of commerce.

Now, when that is done, the act becomes illegal, because it destroys competition. It is illegal under the common law.

Mr. LIVINGSTON. Will the gentleman allow me an interruption right there?

Mr. RAY of New York. I have only five minutes.

Mr. LIVINGSTON. I will get your time extended. I want to ask the gentleman this question: Would it not be better, where you use the words "for the purpose," to substitute the words "does control or monopolize," for this reason, that it is extremely difficult to prove the intent or purpose of an individual or a monopoly, and where the resultis perceptibly and unquestionably against the interests of the people, why not take them instead of the purpose?

Mr. RAY of New York. If my time can be extended, I will answer the gentleman.

Mr. LIVINGSTON. I ask unanimous consent that the gentleman's time be extended ten minutes.

Mr. TERRY. I do not like to object; but we are getting into a long discussion here, and I must make the objection at this point.

Mr. LIVINGSTON. We have got plenty of time.

The SPEAKER. The time of the gentleman from New York has expired. [Laughter.]

Mr. RAY of New York. Let me explain why we did not put that in.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PARKER of New Jersey. Mr. Speaker, I rise in opposition to section 9. I desire to express my entire agreement with the bill as reported, except as to this one section. The amendments to the Sherman law are valuable. They increase the penalties for its violation; they extend those penalties to officers and agents; they extend the right of prosecution to those who are injured; they protect witnesses.

It seems certain that an honest and determined effort to pass

proper and yet conservative legislation for the regulation of the trusts is wise and honorable and brave and politic, by a bill that shall be conservative and yet effective, whose provisions will command the support of all parties, while at the same time those who pass it will obtain the credit of doing so.

Mr. Speaker, if this section now under consideration be properly amended, it will be valuable. It must be amended first so as to apply to any person who carries on wrongful monopoly as well as to a corporation and partnership. The amendments that I shall propose will do that. The word "person" is used in every section of the Sherman law until we come to this. If that word "person" be omitted, the result will be that while we can not declare that the person shall be illegal we can and will declare that the business of wrongful monopoly is illegal.

Insert the word "person;" strike out the words "when organized, formed, managed, or carrying on business" and insert "who shall carry on business by means or acts that are unlawful or tend to prevent fair competition in said business;" and then say that they are "hereby declared to be engaged in an unlawful business." Only thus can this provision be made effective.

But go a little further. The importance of the subject demands that the legislation should strike at the evils of business and not at business itself. The terms are not only too narrow in not including "persons," but they are too broad in some other respects to be safe, and will certainly, in my opinion, be declared unconstitutional.

When the section denounces as illegal any association carrying on business for the purpose of controlling a manufacture, that prohibition covers not only the unfair monopoly and unfair control that is obtained by unfair means, but also the fair control which a manufacturer, a miner, or any other producer may seek fairly, and which he may perhaps obtain, whether by new machinery, new processes, new inventions, by his own trade secrets, by careful organization, or by the ownership of natural facilities, such as mines and water power, or by other conditions which may give him success and control in his business and practical control of the article that he produces.

Monopoly is not wrong when a man works under a patent or under an invention. The chairman of the committee says that monopoly of production has been condemned by the laws of all nations. Not so. Monopoly in trade is condemned, including the increasing of prices by cornering the market, forestalling and regrating and making it hard to get the necessities of life—all these wrong means in monopoly are condemned; but let a man produce all he will at the cheapest prices—if he produces more cheaply than the rest of the world, he has the right to the market that he creates so long as the people choose to give him their patronage, and so long as fair competition is not prevented. It is only when he turns in to prevent others from producing that he is doing wrong.

There is no virtue in the words "for the purpose." Every man who manufactures cheaply intends to get all the market, if he can, for his products; and when he organizes a corporation or operates a patent for the express purpose of making an article which he has the exclusive right to make and sell——

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. PARKER of New Jersey. I hope the gentleman will wait till I get through. I have so much to say and so little time in which to say it.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. As a member of the committee, I ask unanimous consent to occupy a little more time.

The SPEAKER. Is there objection to allowing the gentleman from New Jersey to occupy five minutes more? The Chair hears none.

Mr. PARKER of New Jersey. Now, Mr. Speaker, I am convinced that the strong popular feeling against the great trusts and monopolies is principally based upon the belief, somewhat supported by the truth, that their prosperity is due not to fair competition, but to the unfair possession of special privileges on the great lines of communication. It is believed, especially, that in interstate commerce they have the benefit of special rates, special freight contracts, special privileges as to cars, storage, switches, etc. It is believed by the people that without these privileges the great monopolies in oil, iron, meat, coal, and many other commodities could not permanently exist and crowd out all competition.

There is claimed likewise to be good ground for these charges in many cases. All these matters are already within the interstate-commerce jurisdiction of the United States, and need only to be reached by amendment of the law as to interstate commerce.

The question of what those remedies should be and what they should not be seems to be governed by very simple principles.

First. Publicity as to the business of common carriers. They exercise a public function, and the public is entitled to know whether equal rates are being furnished. The Massachusetts law in that regard is a model. The law requires equal rates to all. Unfair rates can only be afforded under the cover of secrecy. Publicity is the first step toward any remedy.

Second. Penal remedies are vastly inadequate as well as impossible. No fines represent the profits which great corporations make out of the violation of interstate-commerce regulations.

On the other hand, it is unfair to innocent stockholders to destroy the corporation. It would be still more dangerous to order it into the hands of a receiver, and to initiate the policy of State control and management of railroads or of any business. Penalties provided against the officers of the company are utterly futile. Juries will not convict subordinates against whom alone the proof can be made, and who are simply executing the orders of their superiors.

The only effective remedy is to put the right of action in the hands of the party injured. If that party were enabled to sue in a qui tam action, the remedy would be effective. It might well be provided that any party fraudulently obtaining the benefit of any special rebates should return double those rebates, one half to the public corporation from whom they were taken and the other half to the person bringing the suit.

Therefore there is a second amendment to section 9, to add after it:

Any person engaging in interstate commerce who shall receive from any common carrier any unlawful rebate, privilege, preference, or advantage under any transportation contract pertaining to such interstate commerce shall be liable to forfeit and pay double the amount or value of such rebate, privilege, preference, or advantage, to be recovered by suit by any person, one half to his own use and the other to the use of the said common carrier and its stockholders, and all contracts for interstate transportation or commerce shall be public, and shall be shown by any party thereto to any person doing like business and asking to see the same; and any failure or refusal so to do, or any misrepresentation concerning the same, made with intent to deceive, shall be a misdemeanor and punishable by fine not exceeding $1,000 and imprisonment for not more than one year.

Mr. Speaker, let us make war on the evils. We know what they are. They are charged to be special rebates and unfair rates. Make war on them, make war, if you will, on the boycott. If the big man says to his purchaser, "You must buy exclusively of me or not at all," that is a boycott, and it will come under this act. It is an unfair means. Do not make war on the man who makes two blades of grass to grow where one grew before. The organizer and inventor is entitled to all profit therefrom, so long as he uses fair means.

The SPEAKER. The time of the gentleman has expired.

Under the leave to extend his remarks, Mr. PARKER of New Jersey adds the following views of the minority as filed by him:

[House Report No. 1506, part 3, Fifty-sixth Congress, first session.]

PROTECTION OF TRADE AND COMMERCE AGAINST UNLAWFUL RESTRAINTS AND MONOPOLIES.

MAY 21, 1900.—Referred to the House Calendar and ordered to be printed.

Mr. PARKER of New Jersey, from the Committee on the Judiciary, submitted the following as his views, to accompany H. R. 10539:

The undersigned desires to express his entire agreement with the bill reported by the committee, except as to one section. Valuable amendments to the Sherman law are proposed, not only in increasing the penalties for its violation, but in extending them to officers and agents, extending the right of prosecution to those who are injured, and in protecting witnesses.

The importance of the subject demands, however, that any legislation should strike at the evils of business and not at business itself. The terms of section 9 are too broad to be safe. When that section declares illegal any association or corporation engaged in production and "carrying on business for the purpose of controlling or monopolizing the manufacture or production of any article of commerce," the prohibition covers not only the unfair monopoly and unfair control that is obtained by unfair means, but also the fair control which a manufacturer, miner, or other producer may seek fairly, and perhaps obtain, by new machinery, processes, and inventions; by his own trade secrets; by careful organization; or by ownership of natural facilities, such as mines or water power, or by other conditions which may give him success in his particular business and a practical control of the article that he produces.

The prohibition as to production should be limited either to monopolies obtained by unfair means, or it should be directed to the unfair methods of sale, trade, transportation, and commerce by which it is claimed that certain unfair monopolies have been fostered and maintained. The claim is made that they have obtained special rates, special freight contracts, special privileges as to cars, storage, switching, telegraphy, prompt delivery of their goods; that without these privileges these great monopolies could not permanently exist and crowd out competition. These matters are already within the interstate-commerce jurisdiction of the United States, and need to be reached by amendment of the interstate-commerce law, which belongs to the committee on that subject, and over which the Committee on the Judiciary are, perhaps, not free to assume the jurisdiction that they would like to exercise.

Much could be done by absolute publicity of all transportation contracts, and liberal provisions for qui tam civil actions for the recovery of unlawful rebates and suitable penalties from those who have obtained the benefit thereof. Meanwhile, it is to be hoped that the section in question may be amended.

It is too important a measure to contain any provision that would attack any of the great productive energies of the country rather than to prohibit the unfair business methods of sale, transportation, and commerce that are used by some producers.

It should contain provisions that will meet the evils, the boycotting of rivals or of those who deal with rivals, the rebates by common carriers, and the special privileges and rates; and that should make necessary such publicity of the business of common carriage as will enable these evils to be detected and allow each man who is injured to obtain full protection and redress in the courts.

Mr. PARKER of New Jersey. I have sent these amendments to the desk.

The SPEAKER. The gentleman from Arkansas [Mr. TERRY] is recognized in support of the amendment offered by the minority.

Mr. TERRY. Mr. Speaker, instead of taking up time to argue the matter now, I will offer my amendment. I understand the Chair has ruled, and I think correctly, that these so-called sections are really paragraphs of section 6, and the Clerk has read the whole of section 6. Now, I am offering my amendments to the paragraph.

The SPEAKER. The Chair will say to the gentleman that these should come one by one.

Mr. PARKER of New Jersey. Mr. Speaker, my amendment is to the first line of section 9, and I so stated earlier, on a parliamentary inquiry.

The SPEAKER. There can not be another amendment to the amendment pending. The rule makes the amendment of the minority pending, and that amendment will first have to be disposed of before any other can be considered.

Mr. PARKER of New Jersey. I filed a minority report.

The SPEAKER. The amendment of the gentleman from Arkansas [Mr. TERRY] has been read, and will first be considered by the House.

Mr. TERRY. I have offered another one to section 10.

The SPEAKER. That will be read later. Only one can be considered at a time. The question now is on agreeing to the amendment reported from the minority.

Mr. RAY of New York. I desire to speak in opposition to that amendment.

The SPEAKER. The gentleman has the right to five minutes in opposition if he desires it.

Mr. RAY of New York. The Committee on the Judiciary has suggested as new legislation this proposed section 9. The gentleman from Arkansas [Mr. TERRY] has proposed a substitute for it, and he proposes to write into the law this:

Every corporation—

And so forth—

so managing or carrying on its business in whole or in part for the purpose of controlling or monopolizing——

Mr. TERRY rose.

Mr. RAY of New York. Now, will you please sit down?

Mr. TERRY. I do not want to bother you, but I want to say that ours is in italics.

Mr. RAY of New York. You objected to my having ten minutes to explain that proposition. Please do not interfere with me when I have the floor for five minutes only in my own right.

Mr. TERRY. I beg the gentleman's pardon. I just wished to suggest to him what our amendment was.

Mr. RAY of New York. Mr. Speaker, I ask the Chair to call the gentleman to order, and direct him not to take my time.

Mr. TERRY. That is not necessary.

Mr. RAY of New York. You objected to my having ten minutes. Now do not interfere with me when I have only five.

Or in such a manner as to control or monopolize or tend to control or monopolize—

Anything—

intended for interstate commerce or commerce with foreign countries—

Shall not be carried. Now see what that would do. They ask you to write into the law, in the first place, an unconstitutional provision, a provision that they know to be unconstitutional, a provision that has been declared by the Supreme Court of the United States to be unconstitutional. If you will look at the remarks that I submitted here a day or two ago, you will find the decisions declaring such a provision as that to be unconstitutional.

So I simply ask the Republican members of this House who have respect for the law not to be caught by any such proposition as that, which is offered simply for buncombe and to be used through the country in the political campaign. Suppose you adopt it, what is the result? They say:

Or in such a manner as to control.

Every man in this country has the right to use his brain power. Every corporation in this country engaged in manufacture or in production has the right to use the brain power of the men in their employ engaged in it, to use their energy, their education, their skill, and the power of their employees; and if such powers are used legitimately, the business conducted by lawful means, and the business is so successful that everybody in the world comes to his shop or factory to trade or purchase goods, no law is violated and the products of such a business so conducted should not be prohibited interstate commerce. It would be unconstitutional to do that in such a case. It would violate the fundamental principles of government to do it.

Competition should be open and free, and when any corporation or man resorts to illegal means or methods, then his business may be suppressed, and not until then. The prosperity of the country demands that every facility and opportunity be given lawful business conducted by lawful means and proper methods.

The SPEAKER. The question is on agreeing to the amendment offered by the minority.

The question being taken, Mr. TERRY demanded a division.

The House divided: and there were—ayes 80, noes 78.

Mr. RAY of New York. I demand tellers.

Mr. TERRY. Are we entitled to vote by the yeas and nays?

The SPEAKER. You are entitled to it.

Mr. TERRY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HILL. I ask for the reading of the amendment.

The SPEAKER. If there is no objection, the request of the gentleman from Connecticut will be complied with, and the amendment of the minority will again be reported; but the Chair desires to say that he will decline to do this again, that these amendments are long, and full opportunity should be given for debate and amendment. The Clerk will report.

The amendment was again reported.

The question was taken; and there were—yeas 122, nays 130, answered "present" 12, not voting 88; as follows:

YEAS—122.

Allen, Ky.	De Armond,	Latimer,	Ryan, N. Y.
Allen, Miss.	De Graffenreid,	Lentz,	Ryan, Pa.
Bailey, Tex.	De Vries.	Lester,	Scudder,
Ball,	Dougherty,	Levy,	Shafroth,
Bankhead,	Driggs,	Lewis,	Sheppard,
Barber,	Elliott,	Little,	Sims,
Bartlett,	Finley,	Livingston,	Smith, Ky.
Bell,	Fitzgerald, Mass.	McClellan,	Snodgrass,
Bellamy,	Fitzgerald, N. Y.	McLain,	Stallings,
Benton,	Fleming,	McRae,	Stark,
Bradley,	Foster,	Maddox,	Stephens, Tex.
Breazeale,	Gaines,	May,	Stokes,
Brenner,	Gaston,	Miers, Ind.	Sulzer,
Brewer.	Gilbert,	Moon,	Sutherland,
Brundidge,	Glynn,	Muller,	Swanson,
Burleson,	Gordon.	Neville,	Talbert,
Burnett,	Green, Pa.	Newlands,	Tate,
Caldwell,	Hall,	Noonan,	Taylor, Ala.
Campbell,	Hay,	Norton, S. C.	Terry,
Clark, Mo.	Henry, Miss.	Pierce, Tenn.	Thomas, N. C.
Clayton, Ala.	Henry, Tex.	Polk,	Underhill,
Clayton, N. Y.	Howard,	Quarles,	Underwood,
Cochran, Mo.	Jett,	Ransdell,	Williams, J. R.
Cooney,	Johnston,	Rhea, Ky.	Williams, W. E.
Cooper, Tex.	Jones, Va.	Rhea, Va.	Williams, Miss.
Cowherd,	King,	Richardson,	Wilson, Idaho.
Crowley,	Kitchin,	Ridgely,	Wilson, N. Y.
Cummings,	Kluttz,	Rixey,	Zenor,
Daly, N. J.	Lamb,	Robinson, Ind.	Ziegler.
Davenport, S. W.	Lanham,	Robinson, Nebr.	
Davis,	Lassiter,	Rucker,	

NAYS—130.

Aldrich,	Emerson,	Lacey,	Phillips,
Alexander,	Esch,	Landis,	Pugh,
Allen, Me.	Faris,	Lane,	Ray,
Bailey, Kans.	Fletcher,	Lawrence,	Reeder,
Baker,	Foss,	Littlefield,	Reeves,
Barney,	Fowler,	Long,	Roberts,
Boreing,	Freer,	Lorimer,	Rodenberg,
Boutell, Ill.	Gardner, Mich.	Loud,	Russell,
Bowersock,	Gardner, N. J.	Loudenslager,	Shattuc,
Brosius,	Gill,	Lovering,	Shelden.
Brown,	Gillet, N. Y.	Lybrand,	Sherman,
Burke, S. Dak.	Gillett, Mass.	McCall,	Showalter,
Burkett,	Graff,	McCleary,	Sibley,
Butler,	Greene, Mass.	Mann,	Smith, H. C.
Calderhead,	Grosvenor,	Marsh,	Spalding,
Cannon,	Grout,	Mercer,	Steele,
Clarke, N. H.	Grow,	Mesick,	Stevens, Minn.
Cochrane, N. Y.	Hamilton,	Miller,	Stewart, Wis.
Cooper, Wis.	Hawley,	Minor,	Sulloway,
Corliss,	Heatwole,	Mondell,	Tawney,
Cousins,	Hedge,	Moody, Mass.	Tayler, Ohio
Cromer,	Hemenway,	Moody, Oreg.	Thomas, Iowa
Crumpacker,	Henry, Conn.	Morgan,	Thropp,
Curtis,	Hepburn,	Mudd,	Tongue,
Cushman,	Hill,	Needham,	Van Voorhis,
Dahle, Wis.	Hitt,	Olmsted,	Vreeland,
Dalzell,	Hoffecker,	Otjen,	Waters,
Davenport, S. A.	Hopkins,	Overstreet,	Watson,
Davidson,	Hull,	Packer, Pa.	Weeks,
Dick,	Jones, Wash.	Parker, N. J.	Wright,
Dolliver,	Joy,	Payne,	Young.
Driscoll,	Kahn,	Pearce, Mo.	
Eddy,	Ketcham,	Pearre,	

ANSWERED "PRESENT"—12.

Adamson,	Haugen,	Meyer, La.	Salmon,
Bromwell,	McPherson,	Morris,	Southard,
Capron,	Metcalf,	Naphen,	Sperry.

NOT VOTING—88.

Acheson,	Cox,	Knox,	Smith, Ill.
Adams,	Crump,	Linney,	Smith, S. W.
Atwater,	Cusack,	Littauer,	Smith, Wm. Alden
Babcock,	Davey,	Lloyd,	Sparkman,
Barham.	Dayton,	McAleer,	Spight,
Bartholdt,	Denny,	McCulloch,	Sprague,
Berry,	Dinsmore,	McDowell,	Stewart, N. J.
Bingham,	Dovener.	Mahon,	Stewart, N. Y.
Bishop,	Fitzpatrick,	Meekison,	Thayer,
Boutelle, Me.	Fordney,	Norton, Ohio	Tompkins,
Brantley,	Fox,	O'Grady,	Turner,
Brick,	Gamble,	Otey,	Vandiver,
Broussard,	Gayle,	Pearson,	Wachter,
Brownlow,	Gibson,	Powers,	Wadsworth,
Bull,	Graham,	Prince,	Wanger,
Burke, Tex.	Griffith,	Riordan,	Warner,
Burleigh,	Griggs,	Robb,	Weaver,
Burton,	Howell,	Robertson, La.	Weymouth,
Carmack,	Jack,	Ruppert,	Wheeler, Ky.
Catchings,	Jenkins,	Shackleford,	White,
Chanler,	Kerr,	Slayden,	Wilson, S. C.
Connell,	Kleberg,	Small,	Wise.

So the amendment was rejected.

The following pairs were announced:
Until further notice:
Mr. WEYMOUTH with Mr. BROUSSARD.
Mr. DOVENER with Mr. CATCHINGS.
Mr. WEAVER with Mr. CUSACK.
Mr. BULL with Mr. NAPHEN.
Mr. MORRIS with Mr. MCCULLOCH.
Mr. STEWART of New Jersey with Mr. MCALEER.
Mr. SOUTHARD with Mr. NORTON of Ohio.
Mr. CRUMP with Mr. ATWATER.
Mr. BARHAM with Mr. TURNER.
Mr. CAPRON with Mr. SLAYDEN.
Mr. BROWNLOW with Mr. CARMACK.
Mr. MAHON with Mr. OTEY.
Mr. DAYTON with Mr. MEYER of Louisiana.
For the session:
Mr. WANGER with Mr. ADAMSON.
Mr. METCALF with Mr. WHEELER of Kentucky.
Mr. BROMWELL with Mr. MCDOWELL.
Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.
Mr. LINNEY with Mr. ROBB, until the 6th.
Mr. LITTAUER with Mr. RUPPERT, until the 5th, at noon.
Mr. STEWART of New York with Mr. RIORDAN, until the 5th, at noon.
For to-day:
Mr. PEARSON with Mr. SALMON.
Mr. BISHOP with Mr. ROBERTSON of Louisiana.
Mr. O'GRADY with Mr. CHANLER.
Mr. SPRAGUE with Mr. SMALL.
Mr. JENKINS with Mr. GAYLE.
Mr. BURLEIGH with Mr. BRANTLEY.
Mr. FORDNEY with Mr. SHACKLEFORD.
Mr. POWERS with Mr. BURKE of Texas.
Mr. MORGAN with Mr. VANDIVER.
Mr. ACHESON with Mr. DINSMORE.
Mr. KERR with Mr. BERRY.
Mr. TOMPKINS with Mr. FOX.
Mr. GAMBLE with Mr. SPARKMAN.
Mr. WARNER with Mr. THAYER.
Mr. WACHTER with Mr. DAVEY.
Mr. WADSWORTH with Mr. LLOYD.
Mr. WISE with Mr. FITZPATRICK.
Mr. HOWELL with Mr. MEEKISON.
Mr. PRINCE with Mr. COX.
On this vote:
Mr. SAMUEL W. SMITH with Mr. GRIFFITH.
Mr. ADAMS with Mr. DENNY.
Mr. MCPHERSON with Mr. GRIGGS.
Mr. BRICK with Mr. KLEBERG.

Mr. FOSTER. Mr. Speaker, I should like an opportunity to vote. I was listening and did not hear my name called.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. FOSTER. Yes, sir; and did not hear.

The SPEAKER. Call the name of the gentleman.

The name of Mr. FOSTER was called, and he voted "yea."

Mr. ADAMSON. Mr. Speaker, has the gentleman from Pennsylvania, Mr. WANGER, voted on this roll?

The SPEAKER. He has not.

Mr. ADAMSON. Then I desire to withdraw my vote and be recorded "present."

The name of Mr. ADAMSON was called, and he voted "present."

Mr. NAPHEN. Mr. Speaker, I desire to withdraw my vote in the affirmative and to be marked "present." I am paired with the gentleman from Rhode Island, Mr. BULL.

The name of Mr. NAPHEN was called, and he voted "present."

Mr. SALMON. Mr. Speaker, I voted "yea" on this question. I am paired with the gentleman from North Carolina [Mr. PEARSON]. I am not certain how he would vote, and therefore I think I should withdraw my vote.

The name of Mr. SALMON was called, and he voted "present."

Mr. MILLER. Mr. Speaker, I was present in the Hall and did not hear my name called. I would like to vote.

The SPEAKER. Was the gentleman listening when his name should have been called and failed to hear?

Mr. MILLER. I was.

The SPEAKER. Call the name of the gentleman.

The name of Mr. MILLER was called, and he voted "nay."

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BENNETT, its Secretary, announced that the President pro tempore of the Senate had appointed Mr. ALDRICH a conferee on the joint resolution (S. R. 28) relating to the use of the rooms occupied by the Congressional Library in the Capitol, in place of Mr. SPOONER, excused.

The message also announced that the Senate had passed without amendment the bill (H. R. 2864) to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11212) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purpose, disagreed to by the House of Representatives, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

THE SUNDRY CIVIL BILL.

Mr. CANNON. Mr. Speaker, I desire to ask unanimous consent that the House accede to the request of the Senate for a conference on the sundry civil bill.

The SPEAKER. The gentleman from Illinois, chairman of the Committee on Appropriations, asks that the House agree to the request of the Senate for a conference on the sundry civil bill. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. MCRAE.

TRUSTS.

Mr. PARKER of New Jersey rose.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. PARKER of New Jersey. I rise to offer an amendment to section 9 already indicated.

Mr. LANHAM. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. LANHAM. I rise to offer an amendment to section 9 of the bill.

Mr. RAY of New York. I desire to submit a parliamentary inquiry.

The SPEAKER. One moment. Does the gentleman from Texas offer a committee amendment?

Mr. LANHAM. No, Mr. Speaker. I am a member of the committee; but the proposition of the minority, which was in the nature of a substitute, having failed, I now propose an amendment to section 9 as reported in the bill.

The SPEAKER. Is it a pending amendment of the minority of the committee?

Mr. LANHAM. It is not.

The SPEAKER. Then the Chair will recognize the gentleman from New Jersey [Mr. PARKER], who offers an amendment to paragraph 9.

The amendments offered by Mr. PARKER of New Jersey were read, as follows:

Amend new section 9 as follows:
On page 5, line 21, after the word "every," insert the word "person."
In line 25, and also line 1, of page 6, strike out the words "when organized, formed, managed, or carrying on business" and insert "who shall carry on business by means or acts that are unlawful, or tend to prevent fair competition in said business."
In line 7, page 6, strike out "hereby declared to be illegal" and insert "are hereby declared to be engaged in an unlawful business."
In line 14 strike out "it and its" and insert "they and their."
In line 20, between "such" and "corporation," insert the word "person."

Mr. FLEMING. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Georgia will state it.

Mr. FLEMING. Does not the rule under which we are now working state that no amendment except committee amendments shall be allowed?

The SPEAKER. There is nothing in the rule like that. But if the gentleman from Arkansas insists upon having his amendments first considered the Chair thinks he will be entitled to that recognition. The minority amendment to section 6, paragraph 9, was voted down, and as there was no other minority amendment then offered the Chair recognized the gentleman from New Jersey, who was a member of the committee and made a minority report. The question is on the amendment offered by the gentleman from New Jersey.

Mr. WILLIAMS of Mississippi. Mr. Speaker, can not we have the amendment again read?

The SPEAKER. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The question was taken; and on a division (demanded by Mr. RAY of New York) there were—ayes 15, noes 97.

So the amendment was disagreed to.

Mr. LANHAM. Mr. Speaker, I offer the following amendment.

The SPEAKER. Does the gentleman from Arkansas, on behalf of the minority of the committee, desire his amendments disposed of now?

Mr. TERRY. I understand the amendment to paragraph 9, section 6, has already been disposed of.

The SPEAKER. That does not prevent the gentleman, if he

desires, from having the others disposed of in their order by order of the House.

Mr. TERRY. I am willing to let the gentleman from Texas offer his amendment.

The SPEAKER. If that order is not taken, the Chair will be compelled to recognize other members for the same purpose.

Mr. TERRY. Well, Mr. Speaker, then I will ask that the other amendments of the minority of the committee be disposed of now.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out the words "corporation association, joint stock" in line 23 and the first word "company" in line 24, page 7, and the same words in line 2, on page 8.

Mr. RAY of New York. Mr. Speaker, I desire to be heard on that.

The SPEAKER. The gentleman from New York is recognized for five minutes in opposition.

Mr. RAY of New York. Now, I do not find any such amendment proposed.

Mr. TERRY. It is in the minority views.

The SPEAKER. The amendments are printed in the RECORD, as the Chair is advised.

Mr. RAY of New York. I want to say in regard to that, I was looking for it in the fine print and I overlooked it. The whole purpose of that amendment is covered in a section of the bill offered by the majority, providing for punishment in the most complete and efficient form.

And the bill is so drastic now that it meets the condemnation and opposition of a great many; that is to say, they do not like it. We provide already "that any common carrier or transportation company which shall knowingly transport," etc., "shall be subject to a penalty of not less than $500 nor more than $5,000, to be recovered by the United States in an action brought in any court of the United States having jurisdiction thereof."

Then such transportation companies are forbidden to do interstate commerce; and if they do any of these forbidden acts they are guilty of a crime and subject to punishment, the penalties being sufficient and efficient.

One other point: Section 9 as proposed by the minority having been already voted down, having gone out of the bill, there is no necessity or propriety for the adoption of this amendment. The minority say in their report that—

These words, placed as they are in section 10, are misleading, and their proper place is in section 9 as we proposed.

There is neither propriety nor reason in the adoption of the amendment, and I hope it will be voted down.

The SPEAKER. The question is on the amendment offered by the minority of the committee.

The question being taken, the amendment was rejected.

Mr. TERRY. I now offer the next amendment, to come in as a new section after the present section 10, on page 8.

The Clerk read as follows:

SEC. 11. That every contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, tending to create a monopoly in the manufacture, production, sale, exchange, transportation, or dealing in any article of commerce or merchandise, entering into trade or commerce among the States or with foreign countries, or designed to create impediments to, or resulting in restrictions to, such trade or commerce or aids to commerce, or to limit or control the manufacture or production of such articles or merchandise, for the purpose of increasing or decreasing, or operating in such manner, or with such result, as to increase or decrease the price of such article or merchandise to the user or consumer, for the purpose of preventing competition in the manufacture, production, sale, exchange, transportation, or dealing in such articles or merchandise, or to give power to charge unreasonable prices for merchandise or articles produced or manufactured to be bought, sold, exchanged, dealt in, or transported in such trade or commerce, or for the purpose of imposing, or in such manner as to impose, unjust or onerous restrictions upon, or impediments to, the lawful business of any person, company, or corporation engaged in the production or manufacture of such merchandise or articles, is hereby declared to be illegal and a monopoly within the meaning of this act, and every person who shall make or enter into, or engage in, any such contract, combine, device, trust, or combination in the form of trust or otherwise, or conspiracy, or shall be a promoter thereof or officer or agent therein, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000 and by imprisonment not less than six months and not exceeding one year.

Mr. RAY of New York. I rise in opposition to the proposed amendment. In the bill reported by the committee we have covered that whole question and gone to the very border line of our constitutional power. Our Democratic opponents, without any sort of regard to, and in absolute defiance of, the principles laid down in the decisions of the Supreme Court, provide in this amendment certain regulations with respect to manufacture and production, already condemned by the Supreme Court of the United States. The provision is unreasonable and unconstitutional on its face. They propose to declare that if a corporation becomes illegal, either in its formation or in the conduct of its business, every agent, servant, attorney, stockholder, or member of the corporation shall be guilty of a misdemeanor, whether he knows of any of the alleged designs or purposes or not, and such persons without any trial in a court are to be condemned to certain punishments.

Then later on in another provision they say that if that condition of things exists the President of the United States, without court or jury, without any form of trial, shall do—what? Here is the provision:

That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President.

Mr. TERRY. That is no part of the pending section.

Mr. RAY of New York. I understand. We provide for punishments to be imposed by the courts after due trial, but you substitute the action of the President without any form of trial.

Mr. TERRY. That is not the section before the House.

Mr. RAY of New York. You give the President of the United States the powers defined in the section I have just read. This you do in place of a hearing in court, in place of a trial by jury. And the penalty you provide is a suspension of the tariff laws with respect to articles brought from foreign countries.

Mr. LANHAM. That has nothing to do with the pending section.

Mr. FLEMING. I rise to a point of order. The gentleman from New York is not discussing the amendment under consideration, but a subsequent amendment, which has not yet been reached.

Mr. RAY of New York. Mr. Speaker, have I any portion of my five minutes remaining?

The SPEAKER. The gentleman has two minutes remaining, but the point of order has not been disposed of. The Chair is not sufficiently advised as to the provisions of the pending amendment——

Mr. RAY of New York. I am discussing the amendment now under consideration.

The SPEAKER. But the Chair is under the impression that the gentleman is out of order in the discussion he is pursuing, and therefore suggests that he proceed in order.

Mr. RAY of New York. I am discussing section 11 as proposed by the minority of the committee.

Mr. TERRY. The provision in regard to the President is section 12.

Mr. RAY of New York. Is section 11 under discussion?

Several MEMBERS. Yes.

Mr. RAY of New York. I was discussing section 11.

A MEMBER. And also section 12.

Mr. RAY of New York. I was not discussing section 12. The suggestion that I am not in order shows simply the lack of appreciation of some gentlemen. I was simply stating the effect of the adoption of section 11—what it would lead to. I stated that every one of these corporations, associations, partnerships, or individuals, before they are condemned, should have the right to a trial by a court or jury, and that we should not vote in support of any proposed amendment that is already condemned by the Supreme Court of the United States.

Mr. TERRY. I think the gentleman from New York entirely misapprehends and misinterprets section 11. Section 12 is the one with reference to the President suspending the tariff laws, etc. I do not care to take any of the time of this House in arguing this section 11. So far as being unconstitutional, it is taken almost verbatim from the language of the Supreme Court, and we have set forth our reasons for it in our minority report, and anybody who cares to know what our views are can find them there. We are content to rest upon the proposition. It is constitutional and we ask for a vote.

Mr. RAY of New York. May I ask my colleague a question while he is on the floor?

Mr. TERRY. Certainly.

Mr. RAY of New York. Section 11, which is now to be voted on, defines monopolies, does it not, to some extent?

Mr. TERRY. It says that they who do these things——

Mr. RAY of New York. Are monopolies. Then, in section 12, which the gentleman referred to, he says that—

Whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act——

Mr. TERRY. Defined in this act anywhere.

Mr. RAY of New York. That would be as defined in your section 11.

Mr. TERRY. No matter where it is defined, in this act.

Mr. RAY of New York. That would be the effect of it.

Pursuant to permission granted by the order, I add the following as to the power of Congress:

The Constitution of the United States guarantees to every citizen within our broad domain the right to pursue any or all of the ordinary pursuits of life. No State constitution or State legislature can prohibit the citizens of such State to engage in farming or the manufacture or production of articles necessary to their

existence and welfare. (Butchers' Union Company *vs.* Crescent City Company, 111 U. S., 746, 757, 762; Allgeyer *vs.* Louisiana, 165 U. S., 589, 590.)

Said Mr. Justice Field (111 U. S., page 757):

Among these inalienable rights, as proclaimed in that great document, is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give to them their highest enjoyment.

The common business and callings of life, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must therefore be free in this country to all alike upon the same conditions. The right to pursue them without let or hindrance, except that which is applied to all persons of the same age, sex, and condition, is a distinguishing privilege of citizens of the United States and an essential element of that freedom which they claim as their birthright.

Said Mr. Justice Bradley (same case, page 762):

The right to follow any of the common occupations of life is an inalienable right; it was formulated as such under the phrase "pursuit of happiness" in the Declaration of Independence, which commenced with the fundamental proposition that "all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." This right is a large ingredient in the civil liberty of the citizen.

In Addyston Pipe and Steel Company *vs.* United States, decided at October term, 1899, it is held—

Although the jurisdiction of Congress over commerce among the States is full and complete, it is not questioned that it has none over that which is wholly within a State, and therefore none over combinations or agreements so far as they relate to a restraint of such trade or commerce. It does not acquire any jurisdiction over that part of a combination or agreement which relates to commerce wholly within a State by reason of the fact that the combination also covers and regulates commerce which is interstate. The latter it can regulate, while the former is subject alone to the jurisdiction of the State. The combination herein described covers both commerce which is wholly within a State and also that which is interstate. In regard to such of these defendants as might reside and carry on business in the same State where the pipe provided for in any particular contract was to be delivered, the sale, transportation, and delivery of the pipe by them under that contract would be a transaction wholly within the State, and the statute would not be applicable to them in that case.

They might make any combination they chose with reference to the proposed contract, although it should happen that some nonresident of the State eventually obtained it. The fact that the proposal called for the delivery of pipe in the same State where some of the defendants reside and carried on their business would be sufficient, so far as the act of Congress is concerned, to permit those defendants to combine as they might choose in regard to the proposed contract for the delivery of the pipe, and that right would not be affected by the fact that the contract might be subsequently awarded to some one outside the State as the lowest bidder. In brief, their right to combine in regard to a proposal for pipe deliverable in their own State could not be reached by the Federal power derived from the commerce clause in the Constitution.

I say, in short, a monopoly or combination, in spite of Congress, may lawfully control the manufacture and production and sale and price everywhere, but not the mere act of transportation into another State. The defendants in this pipe case resided in several different States and the manufacture was carried on in different States at different plants. Such a combination to control manufacture and increase prices—in other words, the creation of such a monopoly—is legalized and the consummation of its illegal purposes to a large extent made possible and practicable by the fact of its vast extent. It wrongs the people, but the United States courts can not prevent the consummation of the wrong. The combination and conspiracy were held legal in every respect except as to deliveries of goods in States where none of the defendants resided.

Only form a combination, put a plant in each State, with certain parties to the combination residing therein, put up the price of the output to any extent, and the Congress and its laws are powerless, provided contracts for delivery in a certain State are made by the parties to the monopoly residing there and the articles come from the plant located and operating in such State. Here we have a monopoly coextensive with the United States controlling the price, market, and manufacture of a certain article, or of more than one, throughout the Union, and not assailable at all by Federal laws or the United States courts because it does no interstate commerce—that is, this monopoly carries no goods from one State into another; but still, lawfully, it not only controls in fact, although indirectly, but, in effect, may absolutely paralyze interstate commerce in the articles produced by it.

Chapter 8, Laws of 1889, State of Minnesota, provided, among other things, that—

The sale of any fresh beef, veal, mutton, lamb, or pork for human food in this State, except as hereinafter provided, is hereby prohibited.

The appointment of inspectors was then provided for and such inspectors were required by the act—

To inspect all cattle, sheep, and swine slaughtered for human food within their respective jurisdictions within twenty-four hours before the slaughter of the same.

If found fit for food, a certificate to that effect was to be given; if not, such live stock was to be destroyed, etc. Fines and penalties were imposed for selling or exposing or offering for sale any meat, etc., not taken from an animal so inspected.

This act was held unconstitutional. (Minnesota *vs.* Barber, 136 U. S., 313.) The court assumed that the law was enacted in good faith for the purpose expressed in the title, viz:

An act for the protection of the public health by providing for inspection before slaughter of cattle, sheep, and swine designed for slaughter for human food.

It is worthy of notice that the act, if enforced, would admirably serve the purpose expressed in the title. The injurious effects on the health of the consumer of diseased meat, whether the diseased condition arises from causes existing before the slaughter of the animal or thereafter, is matter of common knowledge. That the police power of the State extends to the protection of the public health is conceded.

But the court held that this act imposed an unjust burden upon interstate commerce and in effect prohibited the introduction into the State of Minnesota for sale of meats from animals slaughtered in other States, whether sound or unsound, and so constituted a regulation of interstate commerce; that it ignored the right of the people of other States to have commerce with Minnesota and the constitutional right of the people of Minnesota to bring into that State for purposes of sale sound and healthy meat; that a law providing for the inspection of animals whose meats are designed for human food is not a rightful exercise of the police power of the State if the inspection is of such a character as to prevent the introduction into the State of sound meats, the product of animals slaughtered in other States.

In the exercise of its police power a State may entirely suppress an industry, as for the production of an article of food, if in the judgment and discretion of its legislature such absolute suppression is necessary to the protection or preservation of the public health or the prevention of fraud on the public, even though such industry might be carried on or prosecuted in such a way as not to injuriously affect the health of anyone or impose on or defraud any person, and even though in the particular case before the court such business was so conducted and the article produced was a wholesome, nutritious, useful, and perfectly harmless article of food and there was no deception either in its production or sale. (Powell *vs.* Pennsylvania, 127 U. S., 678-684, etc. But see dissenting opinion of Field, J. See also People *vs.* Marx, 99 N. Y., 377, 386; In matter of Jacobs, 98 N. Y., 98.)

These cases seem to conflict with Powell *vs.* Pennsylvania. See also Minnesota *vs.* Barber (136 U. S., 313.)

This proposition must be sustained on the ground that a business which may be conducted in an honest and a legitimate manner and without injury to anyone, but which is and may be frequently conducted in such a manner as to defraud the public and injure the public health, may constitutionally be absolutely suppressed by the State in the exercise of its discretion when exercising its power to protect the public against fraud and promote the general welfare by guarding the public health. But at the same time like products may come in from another State and its legislature is powerless to prevent such introduction.

The statute and the objects sought to be legitimately obtained by it are to be considered and are to control even if in a particular case its enforcement can not be said to directly serve the alleged purpose. This is treading on dangerous ground, for the doctrine might lead to the absolute suppression of the meat-canning industry or of the bakery business in a State. Diseased meat may be canned and deleterious substances put in bread. Should this come to be done generally the legislature might suppress both industries entirely.

But after all, as said by Mr. Justice Harlan, if the legislature of the State in the exercise of its power abuses it the appeal must be, not to the courts (except in very plain cases of violations of the constitutional rights of the citizens, Scott *vs.* Donald, 165 U. S., page 91), but to the bar of public opinion, and that court of last resort, the ballot box. (Powell *vs.* Pennsylvania, 127 U. S., pages 685, 686.)

It is not a substantial ground of objection to this proposed constitutional amendment that the power may be abused if granted. The people will always hold the key to the situation, and will have at their command a means to protect themselves against the unjust exactions of monopolies. The people get at Congress once in two years, and it usually is compelled to serve the will of the people.

Mr. McRAE. I desire to propose an amendment to the amendment.

The SPEAKER. That is not in order. This is an amendment to an amendment, and all debate is now closed. The question is on agreeing to the amendment offered by the minority of the committee.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. TERRY demanded a division.

[The SPEAKER counted the House, and at the conclusion of the count several members announced "one more in the affirmative."]

The SPEAKER. The Chair thinks he has counted several gentlemen, but will count again to be sure.

The House again divided; and there were—ayes 99, noes 101.

Accordingly the amendment was rejected.

Mr. TERRY. Now, Mr. Speaker, we propose the following new section:

The SPEAKER. The gentleman from Arkansas offers the following section, made in order under the rule of the House.

The Clerk read as follows:

Strike out proposed section 12 and insert in lieu thereof the following:

"SEC. 12. That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President."

Mr. TERRY. Mr. Speaker, the Clerk has announced that we wish to strike out a section. That is not correct. We add a new section, and we propose to renumber the other sections.

The SPEAKER. Is this one of the new sections proposed in the views of the minority?

Mr. TERRY. Yes. The Clerk read to strike out theirs, but we do not propose to do that.

Mr. LACEY. Should we not pass on section 13 before the new sections are offered?

Mr. TERRY. The Chair rules not. It is a new section, really.

Mr. LACEY. It is a new section to come after section 13.

Mr. RAY of New York. I rise to oppose the amendment.

The SPEAKER. It is almost impossible for any human being intelligently to understand the wishes of members, unless they cooperate in the matter of keeping order. The Chair understood that the gentleman from Iowa [Mr. LACEY] rose to a point of order.

Mr. LACEY. Yes; I make the point of order that this should not come in until we pass section 13.

The SPEAKER. The Chair overrules the point, as these sections are equivalent to paragraphs. Does the gentleman from New York rise to oppose the amendment?

Mr. RAY of New York. I rise to oppose the amendment.

Mr. SWANSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SWANSON. I should like to know whether an amendment to this amendment would be in order?

The SPEAKER. It would not. The gentleman from New York.

Mr. RAY of New York. Mr. Speaker, I desire to explain to the House the effect of this amendment. I referred to it before, because it provides the remedy that our Democratic friends would afford for a monopoly in manufacture, production, and interstate commerce. Let me read it to you, so that you will know where they stand and what they propose. This is their amendment:

SEC. 12. That whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspensions shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the proclamation of the President.

Now, you may talk about imperialism, and giving the President power. Why, this is a greater power over industrial productions and manufactures——

Mr. GAINES. It is the same power that the President has now under the reciprocity law.

Mr. WILLIAMS of Mississippi. Mr. Speaker——

Mr. RAY of New York. May I have order?

Mr. WILLIAMS of Mississippi. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS of Mississippi. To ask if the gentleman from New York will submit to an interruption, and I am in order in doing it.

The SPEAKER. The gentleman from New York [Mr. RAY] will suspend while the Chair is determining a question of order. The gentleman from Mississippi must address himself to the Chair when he desires recognition.

Mr. WILLIAMS of Mississippi. "The gentleman from Mississippi" did address himself to the Chair.

The SPEAKER. The Chair did not hear him or he would protect him in his rights. Does the gentleman from New York yield to a question?

Mr. RAY of New York. I can not yield unless they will give me five minutes additional time on this amendment. If I can have that, I will yield.

The SPEAKER. The gentleman from New York declines to yield.

Mr. WILLIAMS of Mississippi. I can not give the gentleman the time. I can ask the House to give it.

The SPEAKER. The gentleman from New York will proceed. That matter is settled.

Mr. RAY of New York. Here is a power over our industrial production that the Democratic opponents of this bill propose to vest in the hands of the President of the United States greater than the military power that he now has. The President would be the court, the judge, and the jury to try every manufacturing corporation association in the United States and condemn it and enforce punishment.

Mr. HOPKINS. And he would be the prosecutor.

Mr. RAY of New York. And if we only had Bryan and that law, how happy manufacturers and prosperous industries would be. There would not be found a man in the United States who would dare to invest capital or engage in manufacture or production. Capital would hide itself, and these United States of America would be one bleak, dark plain, infested with tramps. Talk about imperialism! This proposed amendment is imperialism and nonsense combined run mad. I ask a Republican House to vote it down. I dislike to say that I request the Democratic side of this House to vote for it, but I hope you gentlemen will. You will demonstrate your disregard for law, order, and the Supreme Court.

Mr. WILLIAMS of Mississippi. We will, all right.

Mr. RAY of New York. On the question of the responsibility of the tariff for trusts and monopolies, I repeat what I said in my report on the constitutional amendment:

THE PROTECTIVE POLICY NOT RESPONSIBLE.

It is asserted by some that these vast combinations and monopolies are the result or natural outgrowth of the protective policy adopted by the Congress of the United States; that protection destroys foreign competition, and therefore enables the industrial enterprise of the United States to combine and monopolize manufacture, etc. Therefore they oppose the vesting of power in Congress to suppress or control these combinations and monopolies. The long and the short of this proposition is that in the interest of foreign manufacturers and producers, and at the expense of our own manufacturing and producing industries of every kind, and consequently at the expense and to the detriment of our own home labor, these opposers would strike down protection in an experimental effort to destroy a monopoly or repress a combination. They would close workshops and factories in the United States, throw millions of our citizens out of employment, destroy home markets, turn the balance of trade against us, and enrich foreign countries rather than let the people of the States grant to Congress this beneficent power.

The remedy proposed by the opponents of this amendment is worse than the disease. But their proposed remedy is no remedy at all. As matter of fact monopolies and illegal combinations, or so-called trusts, are not fostered by or the result of our protective policy. A monopoly, a combination, or a trust in importation and in the sale of imported articles is more easily formed than in the manufacture and sale of the products of American fields and factories. So-called trusts and monopolies never so fatted and flourished as under the act of August 27, 1894, known as the Wilson tariff act. The inability of the masses of our people to engage in importation is so well understood that it need not be dwelt upon, but it is self-evident that when our great manufactories are closed the army of the unemployed will overrun the country; that home markets for the products of the American farm and shop will be crippled or destroyed and prices largely reduced; that money will go abroad; that the people of the United States will be at the mercy of importers of foreign goods, and that the cost of many necessaries will then be largely increased.

Monopolies, trusts, and combinations, both at home and abroad, that feed no American laborer, enrich no American town, benefit no American farmer, but that feed foreign labor and build up foreign workshops and enrich foreign countries, would, should protection be abandoned, succeed to those now existing and control most fields of industrial enterprise and grow rich while the people of the United States would grow poor.

Who can deny that monopolies, combinations, and trusts swarm and flourish in free-trade countries? Industries now successfully carried on in this country without the aid and independent and in defiance of trusts, combinations, and monopolies, if deprived of protection, will, through foreign competition, be forced into combinations, trusts, and monopolies, to the detriment of all our people, especially our laborers. Destroy the protective policy of the United States and the foreign monopolies and combinations will substantially control manufacture and the price of merchandise and farm products.

Prior to the enactment of a law protecting the tin-plate industry in the United States, and which has resulted in its establishment and prosperity here, the production of that article was controlled absolutely by a tin-plate monopoly in England, which controlled the price and market. Suppose that a sugar monopoly should control 75 per cent, a paper monopoly 65 per cent, and an iron and steel monopoly 85 per cent, and smaller concerns the balance of the production of sugar and paper and iron and steel, and all tariff protection should be denied them and they compelled to contend with the competition of free-trade countries and their cheap labor, can it be doubted that the smaller plants would be ruined—driven out of the business—while the monopolies themselves, by reason of their vast capital, would survive, and by combining or conspiring with foreign monopolies form one vast and world-wide combination and absolutely control production and prices?

This is but an illustration of what might and would occur should protection be denied our productive industries. This is an answer to those who propose to destroy monopoly in any given direction by denying it the benefits of our tariff laws. The proposition is unwise, impracticable, and would, if adopted, intensify the evils now alleged to exist.

We are not willing to abandon our protective system at the request of free traders and State rights advocates. The American home is too sacred, the prosperity and growing strength of this nation are too dear to every American heart to permit the thought. We are able to protect ourselves at home and abroad, command respect everywhere, and if given legislative power to control, and when necessary suppress, all monopolies, illegal combinations, and so-called trusts, and so maintain home competition without sacrificing any just principle or (as a mere experiment) opening wide the door to foreign competition.

The truth is that the great majority of those who charge up so-called

trusts and monopolies to the protective policy are enemies to that system and would see it destroyed. They are not as a rule opposed to trusts, illegal combinations, or monopolies, but sustain them. We should say in this connection that now and then we find a friend of protection who honestly entertains the belief that monopoly is aided by too high duties. We respect their opinions and should not be understood as refusing to give weight to their contention. All efficient anti-monopoly legislation has been formulated and enacted by the friends of protection, and if we have further legislation of the same character it must come from the same source. We concede that some of our manufacturing industries are now very strong; that as to some there is a possibility that protective duties are not required. In such cases care will be taken to reduce duties to the safety point.

I desire to add a few remarks also as to the attitude of the Democratic party as to trusts.

The Evening Star, June 1, published in this city, an independent paper, says:

THE JERSEY STRADDLERS.

The New Jersey Democrats at Trenton yesterday showed plainly the straits to which they and nearly all their Eastern brethren are now reduced. They blew hot and cold. They faced this way and that. They twisted history and invented history. In a word, they played fast and loose with their recognized national leader and with all of the national issues.

To illustrate. They declared this of Mr. Bryan:

"We recognize William Jennings Bryan as the popular tribune of the people; able, fearless, and honest, and worthy to receive at their hands the highest political honor."

And yet they would not instruct their delegates to Kansas City to vote for Mr. Bryan's nomination. They recognized him as worthy of the nomination, and of course they knew that he is reasonably certain to receive it. Why, then, not have instructed for him?

As to trusts they declared:

"We denounce the Republican party in its open effort to foster trusts in the great industrial trades at the expense of the interests of the whole people, and especially of the laboring man. The growth of these monopolies has been so dangerous as to require instant legislative redress. We call for the strict enforcement of our present laws against these monopolies, and we demand more stringent legislation, both State and national, including a constitutional amendment, if necessary, to regulate and correct their evil tendencies."

At the very moment that this was being adopted the Democratic members of the House here, under their accepted leader, were fighting a proposed constitutional amendment tooth and nail.

This was the declaration as to the Philippines:

"We believe it to be the duty of this Government to give assurances of its high purpose to bestow the inestimable right of free government upon the Philippine Islands. When a stable government is established at Manila which in our judgment is worthy of recognition, we should grant them that independence for which they fought and conquered Spain."

When did the Filipinos conquer Spain? What was their condition when the Americans arrived? They had revolted against Spain several times, but never to any purpose. The latest revolt, like the others, had failed. Admiral Dewey found George Washington Aguinaldo a contented lounger at Hongkong, living in clover as the result of a transfer of his patriotism to Spain for spot cash. He resumed his patriotism at the prospect of helping to expel Spain from the Philippines, and returned to the islands on an American ship. The Filipinos never enjoyed independence. The United States conquered Spain.

The brethren at Trenton found courage enough to say this on the money question:

"We favor the bimetallism that has always been advocated and supported by the Democratic party from its inception to the present time."

"The bimetallism that has been advocated and supported by the Democratic party," under Mr. Bryan's leadership, is free coinage of silver at 16 to 1 by the United States without the aid or consent of any other nation.

Does humbug so flagrant promise success in November? Have cowardice and thimble rigging ever won in our national contests?

The following prominent Democrats are members of and large stockholders in the great ice trust operating in New York City. I take the list from the New York World, a Democratic paper:

[New York World, June 2.]

BIG STOCKHOLDERS IN THE ICE TRUST—A PARTIAL LIST, MOST OF THE NAMES BEING FROM OFFICIAL CERTIFIED RECORDS IN POSSESSION OF THE WORLD—OFFICIAL LIST TO BE GIVEN OUT TO-DAY BY ATTORNEY-GENERAL.

Richard Croker (Democrat), leader of Tammany Hall.
F. A. Croker (Democrat), son of Richard Croker.
Elizabeth Croker (Democrat).
Robert A. Van Wyck (Democrat), mayor of New York.
Augustus C. Van Wyck (Democrat), ex-justice of the supreme court.
John F. Carroll (Democrat), deputy boss of Tammany Hall.
J. Sergeant Cram, president of the dock commission.
Charles F. Murphy (Democrat), dock commissioner.
J. Berry Lounsbury (Democrat), confidential clerk to dock commissioner.
Peter F. Meyer.
H. S. Kearny (Democrat), Tammany commissioner of public buildings, lighting, and supplies.
Judge Rufus B. Cowing.
Judge Martin F. McMahon (Democrat).
Judge James Fitzgerald.
Judge Joseph Newberger.

The judges bought ice-trust stock as an investment, most of them on Deputy Boss Carroll's recommendation. As they are not executive officers of the city, there was no official impropriety in such investment.

Hugh J. Grant (Democrat), former mayor of New York.
Thomas F. Gilroy (Democrat), former mayor of New York.
Hugh McLaughlin (Democrat), boss of Kings County Democracy.
George V. Brower, park commissioner, Brooklyn.
W. H. Gelshenen (and family), president of the Garfield National Bank (the Croker-Carroll ice-trust bank).
Anthony N. Brady (Democrat), of Albany.
Bell & Co. (Democrats), Richard Croker's brokers.
Robert Maclay, former president of board of education.
Arthur Sewall (Democrat), of Maine, Democratic candidate for Vice-President in 1896.
Charles T. Barney.
Leander A. Bevin.
H. H. Brockway.
G. S. Odell, New York.
John E. McDonald, New York.
H. R. Hoyt, New York.
Arthur Braun, New York.

Mr. TERRY. I yield two minutes to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I asked the gentleman from New York [Mr. RAY] to submit to an interrogation, for the purpose of asking if the identical principle contained in this amendment is not already contained in the Republican reciprocity legislation of this country. He refused.

Mr. GAINES. And held valid by the Supreme Court.

Mr. WILLIAMS of Mississippi. I asked the question because I assert it to be the fact. The gentleman declined to be interrupted——

Mr. RAY of New York. Do you have the floor?

Mr. WILLIAMS of Mississippi. Yes; I have the floor, of course. Do you not hear me talking?

Mr. RAY of New York. I always hear you talking.

Mr. WILLIAMS of Mississippi. No; you do not—not one-fourth as much as you talk, and not one-tenth as much to a bad purpose.

Mr. RAY of New York. Go on.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, I say that the identical principle to which the gentleman objects has already been ingrafted upon the statute book by the Republican party in the reciprocity laws of the country.

And I say, furthermore, that it is nonsense to talk about reducing import duties being inflicting a penalty on somebody. Does the gentleman regard an import duty of the United States as a vested right of the fellow who happens to be protected by it? [Applause on the Democratic side.] Does he regard an import duty on an article as the private property of the man who happens to manufacture the article? And yet he talks about "taking a man's property away from him without resort to court or jury," when all this amendment proposes is whenever a monopoly is robbing the American people, robbing the home people while it sells cheaper abroad, and is enabled to rob the home people by the import duty, that when the President of the United States has ascertained that to be the fact he may then suspend this monopoly from the benefits which they are enjoying from the import duties or taxation levied on the consumer. [Applause on the Democratic side.]

Why, this is the first time in the history of the country that protection run mad even has ever asserted that a public tax is private property. [Loud applause on the Democratic side.]

The SPEAKER. The question is on the amendment offered by the gentlemen from Arkansas.

Mr. TERRY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 134, answered "present" 10, not voting 86; as follows:

YEAS—122.

Adamson,	Davis,	Lanham,	Ryan, N. Y.
Allen, Ky.	De Armond,	Latimer,	Ryan, Pa.
Allen, Miss.	De Graffenreid,	Lentz,	Scudder,
Atwater,	De Vries,	Lester,	Shafroth,
Bailey, Tex.	Dougherty,	Levy,	Sheppard,
Ball,	Driggs,	Lewis,	Sims,
Bankhead,	Elliott,	Little,	Smith, Ky.
Barber,	Finley,	Livingston,	Snodgrass,
Bartlett,	Fitzgerald, Mass.	McClellan,	Stallings,
Bell,	Fitzgerald, N. Y.	McLain,	Stark,
Bellamy,	Fleming,	McRae,	Stephens, Tex.
Benton,	Foster,	Maddox,	Stokes,
Bradley,	Gaines,	May,	Sulzer,
Brantley,	Gaston,	Meekison,	Sutherland,
Breazeale,	Gilbert,	Miers, Ind.	Swanson,
Brenner,	Glynn,	Moon,	Talbert,
Brewer,	Gordon,	Muller,	Tate,
Brundidge,	Green, Pa.	Neville,	Taylor, Ala.
Burleson,	Griffith,	Norton, S. C.	Terry,
Burnett,	Hall,	Pierce, Tenn.	Thomas, N. C.
Caldwell,	Hay,	Polk,	Underhill,
Clark, Mo.	Henry, Miss.	Quarles,	Underwood,
Clayton, Ala.	Henry, Tex.	Ransdell,	Williams, J. R.
Clayton, N. Y.	Howard,	Rhea, Ky.	Williams, W. E.
Cochran, Mo.	Jett,	Rhea, Va.	Williams, Miss.
Cooney,	Johnston,	Richardson,	Wilson, Idaho
Cooper, Tex.	Jones, Va.	Ridgely,	Wilson, N. Y.
Crowley,	King,	Rixey,	Zenor,
Cummings,	Kitchin,	Robinson, Ind.	Ziegler.
Daly, N. J.	Kleberg,	Robinson, Nebr.	
Davenport, S. W.	Kluttz,	Rucker,	

NAYS—134.

Aldrich,	Clarke, N. H.	Esch,	Hedge,
Alexander,	Cochrane, N. Y.	Faris,	Hemenway,
Allen, Me.	Connell,	Fletcher,	Henry, Conn.
Bailey, Kans.	Cooper, Wis.	Foss,	Hepburn,
Baker,	Corliss,	Fowler,	Hill,
Barney,	Cousins,	Freer,	Hitt,
Bartholdt,	Cromer,	Gardner, Mich.	Hoffecker,
Boreing,	Crumpacker,	Gardner, N. J.	Hopkins,
Boutell, Ill.	Curtis,	Gill,	Howell,
Bowersock,	Cushman,	Gillet, N. Y.	Hull,
Brosius,	Dalzell,	Graff,	Jack,
Brown,	Davenport, S. A.	Greene, Mass.	Jones, Wash.
Burke, S. Dak.	Davidson,	Grosvenor,	Joy,
Burkett,	Dick,	Grout,	Kahn,
Burton,	Dolliver,	Grow,	Ketcham,
Butler,	Driscoll,	Hamilton,	Lacey,
Calderhead,	Eddy,	Hawley,	Landis,
Cannon,	Emerson,	Heatwole,	Lane,

Lawrence,	Moody, Mass.	Reeder,	Tawney,
Littlefield,	Moody, Oreg.	Reeves,	Tayler, Ohio
Long,	Morgan,	Roberts,	Thomas, Iowa
Lorimer,	Mudd,	Rodenberg,	Thropp,
Loudenslager,	Needham,	Russell,	Tongue,
Lovering,	Noonan,	Shattuc,	Van Voorhis,
Lybrand,	Olmsted,	Shelden,	Vreeland,
McCall,	Otjen,	Sherman,	Wanger,
McCleary,	Overstreet,	Showalter,	Waters,
Mann,	Parker, N. J.	Sibley,	Watson,
Marsh,	Payne,	Smith, H. C.	Weeks,
Mercer,	Pearce, Mo.	Spalding,	Wise,
Mesick,	Phillips,	Steele,	Wright,
Miller,	Prince,	Stevens, Minn.	Young.
Minor,	Pugh,	Stewart, Wis.	
Mondell,	Ray,	Sulloway,	

ANSWERED "PRESENT"—10.

Bromwell,	McPherson,	Morris,	Sperry.
Brownlow,	Metcalf,	Naphen,	
Capron,	Meyer, La.	Salmon,	

NOT VOTING—86.

Acheson,	Davey,	Lloyd,	Smith, Samuel W.
Adams,	Dayton,	Loud,	Smith, Wm. Alden
Babcock,	Denny,	McAleer,	Southard,
Barham,	Dinsmore,	McCulloch,	Sparkman,
Berry,	Dovener,	McDowell,	Spight,
Bingham,	Fitzpatrick,	Mahon,	Sprague,
Bishop,	Fordney,	Newlands,	Stewart, N. J.
Boutelle, Me.	Fox,	Norton, Ohio	Stewart, N. Y.
Brick,	Gamble,	O'Grady,	Thayer,
Broussard,	Gayle,	Otey,	Tompkins,
Bull,	Gibson,	Packer, Pa.	Turner,
Burke, Tex.	Gillett, Mass.	Pearson,	Vandiver,
Burleigh,	Graham,	Pearre,	Wachter,
Campbell,	Griggs,	Powers,	Wadsworth,
Carmack,	Haugen,	Riordan,	Warner,
Catchings,	Jenkins,	Robb,	Weaver,
Chanler,	Kerr,	Robertson, La.	Weymouth,
Cowherd,	Knox,	Ruppert,	Wheeler, Ky.
Cox,	Lamb,	Shackleford,	White,
Crump,	Lassiter,	Slayden,	Wilson, S. C.
Cusack,	Linney,	Small,	
Dahle, Wis.	Littauer,	Smith, Ill.	

So the amendment was rejected.

The following additional pairs were announced:

For to-day:

Mr. ADAMS with Mr. DENNY.

Mr. GILLETT of Massachusetts with Mr. LASSITER.

Mr. SPERRY with Mr. COWHERD.

Mr. SAMUEL W. SMITH with Mr. LAMB.

On this vote:

Mr. MCPHERSON with Mr. GRIGGS.

Mr. ADAMSON. Mr. Speaker, laboring under the misapprehension that the gentleman from Pennsylvania, Mr. WANGER, was absent, I answered "present." He has since come in and voted himself. I desire to change my vote.

The name of Mr. ADAMSON was called, and he voted "yea."

Mr. ALLEN of Mississippi. Mr. Speaker, I desire to know if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. ALLEN of Mississippi. I voted "yea" on the first roll call. Some one told me they thought the Clerk did not get it.

The name of Mr. ALLEN of Mississippi was called, and he voted "yea."

Mr. SALMON. Mr. Speaker, I desire to recall my vote of "yea," and to be recorded as "present," being paired.

The name of Mr. SALMON was called, and he voted "present."

The result of the vote was then announced as above recorded.

The SPEAKER. The hour of 4 o'clock having arrived, under the order the pending amendments will now be voted upon—the committee amendments and the bill—without further debate. Are there any further amendments of the committee pending?

Mr. TERRY. This was pending.

Mr. MCRAE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCRAE. Would it be in order for me to move an amendment?

The SPEAKER. No amendment can be offered after 4 o'clock. The Clerk will report the amendment pending under the order.

The Clerk read as follows:

SEC. 13. That whenever any State or Territory shall, in any law against trusts, combines, combinations, or monopolies, provide that no foreign corporation, association, joint-stock company, or partnership, or stockholder, member, or officer belonging to or interested in any such trust, combine, monopoly, or combination of any kind, shall be permitted to carry on or do any business, or have any office or place of business, in such State, or shall make provision to regulate or suppress the business of any such corporation, association, or partnership, or prohibit the sale or offering for sale in such State of any article or merchandise produced by it, every such corporation, association, or partnership carrying on, or attempting to carry on, or do any business or have any office or place of business therein, and all its articles or merchandise carried thereto, shall be subject to the operation and effect of such law to the same extent and in the same manner as though it had been incorporated, organized, or formed in such State and such articles or merchandise had been made and not brought therein; and no such law shall be regarded as in any way trenching upon the power of Congress to regulate commerce among the States or with foreign nations: *Provided, however*, That such articles or merchandise may be shipped and transported into any such State or Territory for the personal and private use of the consignee.

During the reading of the above amendment the following took place:

Mr. RAY of New York. Mr. Speaker, I desire to make a parliamentary inquiry which would perhaps expedite the disposition of these matters. It is with that view that I ask the indulgence of the House.

The SPEAKER. Without objection, the gentleman from New York will be heard a moment.

Mr. RAY of New York. The minority of the committee have suggested new sections to be added to this bill—sections 13 and 14. These are the only ones not passed upon?

Mr. TERRY. There is another one—amendment to section 7.

The SPEAKER. What is the proposition of the gentleman from New York?

Mr. RAY of New York. My proposition is that we may vote upon these amendments offered by the minority in gross.

Mr. TERRY. No; we demand a separate vote.

The Clerk proceeded and finished the reading of the amendment.

The question on the amendment was taken; and on a division (demanded by Mr. TERRY) there were—ayes 94, noes 126.

So the amendment was disagreed to.

The SPEAKER. The Clerk will report the next amendment offered by the minority.

The Clerk read as follows:

SEC. 14. That every corporation, association, joint stock company or partnership in the United States, or any Territory thereof, or in the District of Columbia, whether organized or formed under and pursuant to the laws of the United States or of a State or of a Territory, owning or controlling any plant or business, or a majority of the stock in any plant or business, similar to its own, in any other State, Territory, or place outside of the one in which it was first chartered, organized, or formed, shall, before being permitted to ship, consign, take, carry, or transport, or sell or deliver for shipment, to any other State or Territory, or into or from the District of Columbia, or any foreign country, any article of commerce or merchandise of its own production or manufacture, or receive consignments or shipments of articles of commerce or merchandise, manufactured or produced in any other State or Territory, or in the District of Columbia, or any foreign country, file in the office of the Secretary of State of the United States a certified copy of its articles of incorporation, association, or partnership, together with a duly verified statement showing the article or articles of merchandise manufactured, produced, or dealt in by it or intended to be manufactured, produced, or dealt in by it; a copy of its by-laws, rules, and regulations; the names and places of residence of its officers and stockholders; the amount of its capital stock and the amount thereof actually issued; the amount thereof actually paid in in cash; the nature and value of the property owned by it, and also a full statement of all its debts and liabilities; the number of its employees and wages paid; the dividends paid, if any; the amount of its surplus, if any; the character of additions and improvements made each year and the cost thereof, and a statement of its operating and other expenses, together with a balance sheet showing its profits and losses; and shall annually thereafter file in said office a report, verified by a majority of the directors of a corporation, or by a majority of the members of an association, joint stock company, or partnership, showing the same facts as then existing, and shall, before shipping, or offering or attempting to ship, or sell or deliver for shipment, or put in the way for transit, to any other State or Territory, or the District of Columbia, or any foreign country, any article of commerce or merchandise manufactured, produced, or dealt in by it, plainly and conspicuously stamped thereon, when susceptible of being so stamped, and also on the outside of packages, boxes, or tanks containing the same, the name of the article or merchandise, and the name of the corporation, association, joint stock company, or partnership manufacturing, producing, or dealing in the same, and the place from and to which it is to be shipped or transported.

Every such corporation, association, or partnership as referred to in this section, and every officer, agent, or attorney thereof, that shall ship, or offer or attempt to ship, or sell or deliver for shipment, or put in the way of transit, to any other State or Territory, or to the District of Columbia, or to any foreign country, any article or merchandise dealt in, manufactured, or produced by it, or shall violate or fail to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not exceeding $5,000, and by imprisonment of not less than six months and not more than one year.

Mr. RAY of New York. On that amendment, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SHAFROTH. Mr. Speaker, is the amendment that we are now about to vote upon an amendment offered by the committee or the minority?

The SPEAKER. By the minority of the committee, represented on the floor by the gentleman from Arkansas [Mr. TERRY].

The question was taken; and there were—yeas 127, nays 138, answered "present" 9, not voting 78; as follows:

YEAS—127.

Adamson,	Campbell,	Fitzgerald, Mass.	King,
Allen, Ky.	Clark, Mo.	Fitzgerald, N. Y.	Kitchin,
Allen, Miss.	Clayton, Ala.	Fleming,	Kleberg,
Bailey, Tex.	Clayton, N. Y.	Foster,	Kluttz,
Ball,	Cochran, Mo.	Gaines,	Lanham,
Bankhead,	Cooney,	Gaston,	Latimer,
Barber,	Cooper, Tex.	Gilbert,	Lentz,
Bartlett,	Cummings,	Glynn,	Lester,
Bell,	Daly, N. J.	Gordon,	Levy,
Bellamy,	Davenport, S. W.	Green, Pa.	Lewis,
Benton,	Davey,	Griffith,	Little,
Bradley,	Davis,	Griggs,	Livingston,
Brantley,	De Armond,	Hall,	Lloyd,
Breazeale,	De Graffenreid,	Hay,	McClellan,
Brenner,	De Vries,	Henry, Miss.	McLain,
Brewer,	Dinsmore,	Henry, Tex.	McRae,
Brundidge,	Dougherty,	Howard,	Maddox,
Burleson,	Driggs,	Jett,	May,
Burnett,	Elliott,	Johnston,	Meekison,
Caldwell,	Finley,	Jones, Va.	Miers, Ind.

Moon,	Richardson,	Smith, Ky.	Terry,
Muller,	Ridgely,	Snodgrass,	Thomas, N. C.
Neville,	Rixey,	Stallings,	Underhill,
Newlands,	Robinson, Ind.	Stark,	Underwood,
Noonan,	Robinson, Nebr.	Stephens, Tex.	Williams, J. R.
Norton, S. C.	Rucker,	Stokes,	Williams, W. E.
Pierce, Tenn.	Ryan, N. Y.	Sulzer,	Williams, Miss.
Polk,	Ryan, Pa.	Sutherland,	Wilson, Idaho
Quarles,	Scudder,	Swanson,	Wilson, N. Y.
Ransdell,	Shafroth,	Talbert,	Zenor,
Rhea, Ky.	Sheppard,	Tate,	Ziegler.
Rhea, Va.	Sims,	Taylor, Ala.	

NAYS—138.

Aldrich,	Eddy,	Kahn,	Phillips,
Alexander,	Emerson,	Ketcham,	Prince,
Allen, Me.	Esch,	Knox,	Pugh,
Babcock,	Faris,	Lacey,	Ray,
Bailey, Kans.	Fletcher,	Landis,	Reeder,
Baker,	Fordney,	Lane,	Reeves,
Barney,	Foss,	Lawrence,	Roberts,
Bartholdt,	Fowler,	Littlefield,	Rodenberg,
Boreing,	Gardner, Mich.	Long,	Russell,
Boutell, Ill.	Gardner, N. J.	Lorimer,	Shattuc,
Bowersock,	Gibson,	Loud,	Shelden,
Brosius,	Gill,	Loudenslager,	Sherman,
Brown,	Gillet, N. Y.	Lovering,	Showalter,
Burke, S. Dak.	Graff,	Lybrand,	Sibley,
Burkett,	Greene, Mass.	McCall,	Smith, H. C.
Burleigh,	Grosvenor,	McPherson,	Spalding,
Burton,	Grout,	Mann,	Steele,
Butler,	Grow,	Marsh,	Stevens, Minn.
Calderhead,	Hamilton,	Mercer,	Stewart, Wis.
Cannon,	Haugen,	Mesick,	Sulloway,
Clarke, N. H.	Hawley,	Miller,	Tawney,
Cochrane, N. Y.	Heatwole,	Minor,	Thomas, Iowa
Cooper, Wis.	Hedge,	Mondell,	Thropp,
Corliss,	Hemenway,	Moody, Mass.	Tongue,
Cousins,	Henry, Conn.	Moody, Oreg.	Van Voorhis,
Cromer,	Hepburn,	Morgan,	Vreeland,
Crumpacker,	Hill,	Needham,	Wanger,
Curtis,	Hitt,	Olmsted,	Warner,
Cushman,	Hoffecker,	Otjen,	Watson,
Dalzell,	Hopkins,	Overstreet,	Weeks,
Davenport, S. A.	Howell,	Packer, Pa.	Wise,
Davidson,	Hull,	Parker, N. J.	Wright,
Dick,	Jack,	Payne,	Young.
Dolliver,	Jones, Wash.	Pearce, Mo.	
Driscoll,	Joy,	Pearre,	

ANSWERED "PRESENT"—9.

Bromwell,	Metcalf,	Morris,	Salmon,
Brownlow,	Meyer, La.	Naphen,	Sperry.
Capron,			

NOT VOTING—73.

Acheson,	Cusack,	McCulloch,	Sparkman,
Adams,	Dahle, Wis.	McDowell,	Spight,
Atwater,	Dayton,	Mahon,	Sprague,
Barham,	Denny,	Mudd,	Stewart, N. J.
Berry,	Dovener,	Norton, Ohio	Stewart, N. Y.
Bingham,	Fitzpatrick,	O'Grady,	Tayler, Ohio
Bishop,	Fox,	Otey,	Thayer,
Boutelle, Me.	Freer,	Pearson,	Tompkins,
Brick,	Gamble,	Powers,	Turner,
Broussard,	Gayle,	Riordan,	Vandiver,
Bull,	Gillett, Mass.	Robb,	Wachter,
Burke, Tex.	Graham,	Robertson, La.	Wadsworth,
Carmack,	Jenkins,	Ruppert,	Waters,
Catchings,	Kerr,	Shackleford,	Weaver,
Chanler,	Lamb,	Slayden,	Weymouth,
Connell,	Lassiter,	Small,	Wheeler, Ky.
Cowherd,	Linney,	Smith, Ill.	White,
Cox,	Littauer,	Smith, Samuel W.	Wilson, S. C.
Crowley,	McAleer,	Smith, Wm. Alden	
Crump,	McCleary,	Southard,	

So the amendment was rejected.

The following additional pairs were announced:

For this day:

Mr. BINGHAM with Mr. FITZPATRICK.

Mr. MUDD with Mr. SPIGHT.

The result of the vote was announced as above stated.

The SPEAKER. The question is now on agreeing to the amendment of the committee to section 6.

The amendment was agreed to.

Section 7 was read, as follows:

SEC. 7. That this act shall take and be in effect from and after June 30, 1900.

The SPEAKER. To this section the amendment which will be read by the Clerk has been offered by the minority of the committee.

The Clerk read as follows:

Amend section 7 as proposed by the committee by inserting, between the first words "that" and "this," in the first line of said section, the following words, to wit:

"Nothing in this act shall be so construed as to apply to trade unions or other labor organizations, organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed."

Mr. RAY of New York. Against that provision I raise the point of order that it is not in order, not being germane to this section.

The SPEAKER. The Chair overrules the point of order, because, although the Chair would have held the provision out of order as an original proposition, the order adopted by the House makes it in order. The question is on agreeing to the amendment.

The question being taken,

The SPEAKER said: The ayes appear to have it.

Mr. RICHARDSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 260, nays 8, answered "present" 8, not voting 76; as follows:

YEAS—260.

Adamson,	Dick,	King,	Rhea, Va.
Alexander,	Dinsmore,	Kitchin,	Richardson,
Allen, Ky.	Dolliver,	Kleberg,	Ridgely,
Babcock,	Dougherty,	Kluttz,	Rixey,
Bailey, Tex.	Driggs,	Knox,	Roberts,
Baker,	Driscoll,	Lacey,	Robinson, Ind.
Ball,	Eddy,	Landis,	Robinson, Nebr.
Bankhead,	Elliott,	Lane,	Rodenberg,
Barber,	Emerson,	Lanham,	Rucker,
Barney,	Esch,	Latimer,	Russell,
Bartholdt,	Faris,	Lawrence,	Ryan, N. Y.
Bartlett,	Finley,	Lentz,	Ryan, Pa.
Bell,	Fitzgerald, Mass.	Lester,	Scudder,
Bellamy,	Fitzgerald, N. Y.	Levy,	Shafroth,
Benton,	Fleming,	Lewis,	Shattuc,
Boreing,	Fletcher,	Little,	Shelden,
Boutell, Ill.	Fordney,	Livingston,	Sheppard,
Bowersock,	Foss,	Lloyd,	Sherman,
Bradley,	Foster,	Lorimer,	Showalter,
Brantley,	Fowler,	Loudenslager,	Sibley,
Breazeale,	Freer,	Lovering,	Sims,
Brenner,	Gaines,	Lybrand,	Smith, Ky.
Brewer,	Gardner, Mich.	McCall,	Smith, H. C.
Bromwell,	Gardner, N. J.	McCleary,	Smith, Samuel W.
Brosius,	Gaston,	McClellan,	Snodgrass,
Brown,	Gibson,	McLain,	Southard,
Brownlow,	Gilbert,	McPherson,	Stallings,
Brundidge,	Gill,	McRae,	Stark,
Burke, S. Dak.	Gillet, N. Y.	Maddox,	Steele,
Burkett,	Glynn,	Mann,	Stephens, Tex.
Burleigh,	Gordon,	Marsh,	Stevens, Minn.
Burleson,	Graff,	May,	Stewart, Wis.
Burnett,	Green, Pa.	Meekison,	Stokes,
Burton,	Greene, Mass.	Mercer,	Sulloway,
Butler,	Griffith,	Mesick,	Sulzer,
Caldwell,	Griggs,	Miers, Ind.	Sutherland,
Campbell,	Grosvenor,	Miller,	Swanson,
Clark, Mo.	Grout,	Mondell,	Talbert,
Clarke, N. H.	Grow,	Moody, Mass.	Tate,
Clayton, Ala.	Hall,	Moody, Oreg.	Tawney,
Clayton, N. Y.	Hamilton,	Moon,	Taylor, Ala.
Cochran, Mo.	Haugen,	Morgan,	Terry,
Cochrane, N. Y.	Hawley,	Muller,	Thomas, Iowa
Cooney,	Hay,	Needham,	Thomas, N. C.
Cooper, Tex.	Heatwole,	Neville,	Thropp,
Cooper, Wis.	Hedge,	Newlands,	Tongue,
Corliss,	Hemenway,	Noonan,	Underhill,
Cousins,	Henry, Conn.	Norton, S. C.	Underwood,
Cromer,	Henry, Miss.	Olmsted,	Van Voorhis,
Crowley,	Henry, Tex.	Otjen,	Vreeland,
Crumpacker,	Hepburn,	Overstreet,	Wanger,
Cummings,	Hill,	Packer, Pa.	Waters,
Curtis,	Hoffecker,	Payne,	Watson,
Cushman,	Hopkins,	Pearre,	Weeks,
Dahle, Wis.	Howard,	Phillips,	Williams, J. R.
Daly, N. J.	Howell,	Pierce, Tenn.	Williams, W. E.
Dalzell,	Hull,	Polk,	Williams, Miss.
Davenport, S. A.	Jack,	Prince,	Wilson, Idaho
Davenport, S. W.	Jett,	Pugh,	Wilson, N. Y.
Davey,	Johnston,	Quarles,	Wilson, S. C.
Davidson,	Jones, Va.	Ransdell,	Wise,
Davis,	Jones, Wash.	Ray,	Wright,
De Armond,	Joy,	Reeder,	Young,
De Graffenreid,	Kahn,	Reeves,	Zenor,
De Vries,	Ketcham,	Rhea, Ky.	Ziegler.

NAYS—8.

Aldrich,	Bailey, Kans.	Cannon,	Littlefield,
Allen, Me.	Calderhead,	Hitt,	Long.

ANSWERED "PRESENT"—8.

Capron,	Meyer, La.	Morris,	Salmon,
Metcalf,	Minor,	Naphen,	Sperry.

NOT VOTING—76.

Acheson,	Crump,	McCulloch,	Smith, Wm. Alden
Adams,	Cusack,	McDowell,	Spalding,
Allen, Miss.	Dayton,	Mahon,	Sparkman,
Atwater,	Denny,	Mudd,	Spight,
Barham,	Dovener,	Norton, Ohio	Sprague,
Berry,	Fitzpatrick,	O'Grady,	Stewart, N. J.
Bingham,	Fox,	Otey,	Stewart, N. Y.
Bishop,	Gamble,	Parker, N. J.	Tayler, Ohio
Boutelle, Me.	Gayle,	Pearce, Mo.	Thayer,
Brick,	Gillett, Mass.	Pearson,	Tompkins,
Broussard,	Graham,	Powers,	Turner,
Bull,	Jenkins,	Riordan,	Vandiver,
Burke, Tex.	Kerr,	Robb,	Wachter,
Carmack,	Lamb,	Robertson, La.	Wadsworth,
Catchings,	Lassiter,	Ruppert,	Warner,
Chanler,	Linney,	Shackleford,	Weaver,
Connell,	Littauer,	Slayden,	Weymouth,
Cowherd,	Loud,	Small,	Wheeler, Ky.
Cox,	McAleer,	Smith, Ill.	White.

So the amendment was agreed to.

[Loud applause on both sides of the House.]

[Mr. NEWLANDS addressed the House. See Appendix.]

The SPEAKER. No further amendments are in order. The question is on agreeing to section 7 as amended.

The section was agreed to.

The bill as amended was then ordered to be engrossed and read a third time; and it was accordingly read a third time.

The question being on the passage of the bill,

Mr. TERRY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 274, nay 1, answered "present" 7, not voting 70; as follows:

YEAS—274.

Adamson,	Davis,	Ketcham,	Rhea, Va.
Aldrich,	De Armond,	King,	Richardson,
Alexander,	De Graffenreid,	Kitchin,	Ridgely,
Allen, Ky.	De Vries,	Kleberg,	Rixey,
Allen, Me.	Dick,	Kluttz,	Roberts,
Allen, Miss.	Dinsmore,	Knox,	Robinson, Ind.
Babcock,	Dolliver,	Lacey,	Robinson, Nebr.
Bailey, Kans.	Dougherty,	Landis,	Rodenberg,
Bailey, Tex.	Driggs,	Lane,	Rucker,
Baker,	Driscoll,	Lanham,	Russell,
Ball,	Eddy,	Latimer,	Ryan, N. Y.
Bankhead,	Elliott,	Lawrence,	Ryan, Pa.
Barber,	Emerson,	Lentz,	Salmon,
Barney,	Esch,	Lester,	Scudder,
Bartholdt,	Faris,	Levy,	Shafroth,
Bartlett,	Finley,	Lewis,	Shattuc,
Bell,	Fitzgerald, Mass.	Little,	Shelden,
Bellamy,	Fitzgerald, N. Y.	Littlefield,	Sheppard,
Benton,	Fleming,	Livingston,	Sherman,
Boreing,	Fletcher,	Lloyd,	Showalter,
Boutell, Ill.	Fordney,	Long,	Sibley,
Bowersock,	Foss,	Lorimer,	Sims,
Bradley,	Foster,	Loudenslager,	Smith, Ky.
Brantley,	Fowler,	Lovering,	Smith, H. C.
Breazeale,	Freer,	Lybrand,	Smith, Samuel W.
Brenner,	Gaines,	McCall,	Snodgrass,
Brewer,	Gardner, Mich.	McCleary,	Spalding,
Bromwell,	Gardner, N. J.	McClellan,	Stallings,
Brosius,	Gaston,	McLain,	Stark,
Brown,	Gibson,	McPherson,	Steele,
Brownlow,	Gilbert,	McRae,	Stephens, Tex.
Brundidge,	Gill,	Maddox,	Stevens, Minn.
Burke, S. Dak.	Gillet, N. Y.	Marsh,	Stewart, Wis.
Burkett,	Glynn,	May,	Stokes,
Burleigh,	Gordon,	Meekison,	Sulloway,
Burleson,	Graff,	Mercer,	Sulzer,
Burnett,	Green, Pa.	Mesick,	Sutherland,
Burton,	Greene, Mass.	Miers, Ind.	Swanson,
Butler,	Griffith,	Miller,	Talbert,
Calderhead,	Griggs,	Minor,	Tate,
Caldwell,	Grosvenor,	Mondell,	Tawney,
Campbell,	Grout,	Moody, Mass.	Taylor, Ala.
Cannon,	Grow,	Moody, Oreg.	Terry,
Capron,	Hall,	Moon,	Thomas, Iowa
Clark, Mo.	Hamilton,	Morgan,	Thomas, N. C.
Clarke, N. H.	Haugen,	Muller,	Thropp,
Clayton, Ala.	Hawley,	Needham,	Tongue,
Clayton, N. Y.	Hay,	Neville,	Underhill,
Cochran, Mo.	Heatwole,	Newlands,	Underwood,
Cochrane, N. Y.	Hedge,	Noonan,	Van Voorhis,
Connell,	Hemenway,	Norton, S. C.	Vreeland,
Cooney,	Henry, Conn.	Olmsted,	Wanger,
Cooper, Tex.	Henry, Miss.	Otjen,	Warner,
Cooper, Wis.	Henry, Tex.	Overstreet,	Waters,
Corliss,	Hepburn,	Packer, Pa.	Watson,
Cousins,	Hill,	Payne,	Weeks,
Cromer,	Hitt,	Pearce, Mo.	Williams, J. R.
Crowley,	Hoffecker,	Pearre,	Williams, W. E.
Crumpacker,	Hopkins,	Phillips,	Williams, Miss.
Cummings,	Howard,	Pierce, Tenn.	Wilson, Idaho
Curtis,	Howell,	Polk,	Wilson, N. Y.
Cushman,	Hull,	Prince,	Wilson, S. C.
Dahle, Wis.	Jack,	Pugh,	Wise,
Daly, N. J.	Jett,	Quarles,	Wright,
Dalzell,	Johnston,	Ransdell,	Young,
Davenport, S. A.	Jones, Va.	Ray, N. Y.	Zenor,
Davenport, S. W.	Jones, Wash.	Reeder,	Ziegler.
Davey,	Joy,	Reeves,	
Davidson,	Kahn,	Rhea, Ky.	

NAY—1.

Mann.

ANSWERED "PRESENT"—7.

Loud,	Meyer, La.	Naphen,	Sperry.
Metcalf,	Morris,	Southard,	

NOT VOTING—70.

Acheson,	Cusack,	McDowell,	Sparkman,
Adams,	Dayton,	Mahon,	Spight,
Atwater,	Denny,	Mudd,	Sprague,
Barham,	Dovener,	Norton, Ohio	Stewart, N. J.
Berry,	Fitzpatrick,	O'Grady,	Stewart, N. Y.
Bingham,	Fox,	Otey,	Tayler, Ohio
Bishop,	Gamble,	Parker, N. J.	Thayer,
Boutelle, Me.	Gayle,	Pearson,	Tompkins,
Brick,	Gillett, Mass.	Powers,	Turner,
Broussard,	Graham,	Riordan,	Vandiver,
Bull,	Jenkins,	Robb,	Wachter,
Burke, Tex.	Kerr,	Robertson, La.	Wadsworth,
Carmack,	Lamb,	Ruppert,	Weaver,
Catchings,	Lassiter,	Shackleford,	Weymouth,
Chanler,	Linney,	Slayden,	Wheeler, Ky.
Cowherd,	Littauer,	Small,	White.
Cox,	McAleer,	Smith, Ill.	
Crump,	McCulloch,	Smith, Wm. Alden	

So the bill was passed.

Mr. SALMON. Mr. Speaker, I have voted "aye" upon this question. I was paired with the gentleman from North Carolina, Mr. PEARSON, but I have reason to believe that he would have voted the same way if he were present.

Mr. SPERRY. I answered "present," being paired with the gentleman from Missouri, Mr. COWHERD, but had I been called upon for my vote, I should have voted "aye."

The SPEAKER. This statement is out of order.

Mr. SPERRY. Then I withdraw it.

Mr. MORRIS. I have a general pair with the gentleman from Arkansas, Mr. MCCULLOCH. I voted "aye," and I desire to withdraw that vote and be recorded as "present."

The result of the vote was announced as above recorded.

The announcement of the result was received with applause.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, and still further insisted upon the amendment numbered 155, disagreed to by the House of Representatives.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8211. An act granting an increase of pension to William Shulmire;

H. R. 7588. An act granting a pension to Robert Patterson;

H. R. 7145. An act granting a pension to Catharine Slayton;

H. R. 3513. An act granting a pension to Edwin Hurlburt;

H. R. 6990. An act granting a pension to Patrick O'Donnell;

H. R. 6919. An act granting an increase of pension to John Blanchard;

H. R. 2726. An act granting a pension to James A. Root;

H. R. 6564. An act granting a pension to Anna M. Starr;

H. R. 6425. An act granting an increase of pension to William H. Wendell;

H. R. 2826. An act authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company and of the Anacostia and Potomac River Railroad Company of the District of Columbia;

H. R. 6352. An act granting a pension to Lizzie B. Leitch;

H. R. 2020. An act granting a pension to Claressa Carruth;

H. R. 2126. An act granting an increase of pension to William H. Capehart;

H. R. 6091. An act granting a pension to Mary A. Fullerton;

H. R. 6164. An act granting a pension Julia Traynor;

H. R. 8885. An act granting an increase of pension to Sara H. M. Miley;

H. R. 8536. An act granting an increase of pension to Robert Anderson, jr.;

H. R. 8476. An act granting a pension to Christopher Costello;

H. R. 8404. An act granting an increase of pension to Timothy A. Lewis;

H. R. 8236. An act granting an increase of pension to James M. Dennison;

H. R. 10719. An act granting an increase of pension to Elizabeth S. Seymour;

H. R. 10612. An act granting an increase of pension to Richard Harden;

H. R. 10581. An act granting a pension to Joseph B. McGahan;

H. R. 10455. An act granting an increase of pension to Bertha G. Kimball;

H. R. 10443. An act granting a pension to Anna C. White;

H. R. 10412. An act granting an increase of pension to George B. Abbott;

H. R. 9194. An act granting a pension to Sarah Elvira C. Upham;

H. R. 9175. An act granting an increase of pension to Stella B. Armstrong;

H. R. 10870. An act granting a pension to Herbert J. Graff;

H. R. 9419. An act granting a pension to Henrietta P. Cotter;

H. R. 9775. An act granting an increase of pension to William H. Hempstead;

H. R. 9752. An act granting a pension to Margaret Thornberry;

H. R. 9740. An act granting a pension to Sophia A. Lane;

H. R. 9915. An act granting a pension to Madison T. Trent;

H. R. 8992. An act granting a pension to Margaret J. Kibble;

H. R. 8888. An act granting an increase of pension to Henry O'Conner;

H. R. 3082. An act granting an increase of pension to Joseph H. Sparks;

H. R. 6559. An act granting an increase of pension to Genevieve Laughton;

H. R. 3495. An act granting an increase of pension to Levi G. Wilgus;

H. R. 7186. An act granting an increase of pension to Sylvester Doss, alias Harry S. Doss;

H. R. 8044. An act granting an increase of pension to James M. Barrett;

H. R. 7852. An act granting an increase of pension to Oliver W. Brown;

H. R. 8235. An act granting an increase of pension to Daniel Metcalf;

H. R. 8592. An act granting a pension to Elizabeth J. Fields;

H. R. 9826. An act granting an increase of pension to Russell L. Moore;

H. R. 9424. An act granting an increase of pension to George Cronk;

H. R. 9236. An act granting an increase of pension to Herman S. Soules;

H. R. 1801. An act granting an increase of pension to Elijah Biddle;

H. R. 5929. An act granting an increase of pension to Barton Acuff;

H. R. 1570. An act granting a pension to Susie Margarite Landrum;

H. R. 1797. An act granting a pension to Jane Lucas;

H. R. 5695. An act granting a pension to Matilda Reeves;

H. R. 5549. An act granting an increase of pension to David H. Ingerson;

H. R. 1748. An act granting a pension to Ellen V. McCleery;

H. R. 4424. An act granting a pension to Isaac N. Jennings;

H. R. 5192. An act granting a pension to Louise Adams;

H. R. 852. An act granting an increase of pension to James Cooper;

H. R. 538. An act granting an increase of pension to Charles F. Winch;

H. R. 3869. An act granting a pension to Joseph H. Hamrick and Ella G. Hamrick; and

H. R. 8366. An act relating to the allowance of exceptions.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3598. An act to amend an act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama.

SENATE BILLS REFERRED.

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

S. 1736. An act granting an increase of pension to Mary Irene Rosenthal—to the Committee on Invalid Pensions.

S. 1278. An act granting an increase of pension to F. W. Baker—to the Committee on Invalid Pensions.

S. 1952. An act granting an increase of pension to Thomas J. Jackson—to the Committee on Invalid Pensions.

S. 3941. An act granting an increase of pension to John Blanchard—to the Committee on Pensions.

S. 63. An act granting a pension to Cyrus A. B. Fox—to the Committee on Invalid Pensions.

S. 2915. An act granting a pension to Samuel Z. Murphy—to the Committee on Invalid Pensions.

S. 2913. An act granting an increase of pension to William E. Ferree—to the Committee on Invalid Pensions.

S. 2163. An act granting a pension to Franklin Kersting—to the Committee on Invalid Pensions.

S. 4296. An act granting an increase of pension to Frances S. Childs—to the Committee on Invalid Pensions.

S. 2202. An act granting an increase of pension to Alvin N. Sabin—to the Committee on Invalid Pensions.

S. 4548. An act granting an increase of pension to Albert A. Roberts—to the Committee on Invalid Pensions.

S. 1269. An act granting a pension to Nancy J. Dunaway—to the Committee on Invalid Pensions.

S. 1588. An act granting a pension to Eva Clark—to the Committee on Invalid Pensions.

S. 1952. An act granting an increase of pension to Thomas J. Jackson—to the Committee on Invalid Pensions.

S. 1978. An act granting an increase of pension to Ellis P. Phipps—to the Committee on Invalid Pensions;

S. 2500. An act for the repeal of section 4716 of the Revised Statutes—to the Committee on Invalid Pensions;

S. 4178. An act granting a pension to Thomas White—to the Committee on Invalid Pensions;

S. 4191. An act granting a pension Anna E. Littlefield—to the Committee on Invalid Pensions.

Senate concurrent resolution No. 70:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the document known as Messages and Papers of the Presidents, of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives, the remainder, if any, to be held by the Superintendent of Documents, subject to the future action of Congress: *And resolved further*, That an edition of 10,000 copies be printed, to be held by the Superintendent of Documents, and by him sold at the actual cost of publication—

to the Committee on Printing.

Senate concurrent resolution 71:

Resolved by the Senate (the House of Representatives concurring), That there be printed 10,000 copies of the testimony and arguments of counsel of the investigation made by the Committee on Military Affairs of the House of Representatives as to the conduct of the United States Army in Idaho, under House resolution No. 31, Fifty-sixth Congress, first session, of which 4,000 copies shall be for the use of the Senate and 6,000 copies for the use of the House of Representatives—

to the Committee on Printing.

CHOCTAW ORPHAN FUND.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Whereas the House on May 7 passed House bill 9083, appropriating $2,696.40 to be placed to the credit of the Choctaw orphan fund; and

Whereas thereafter said appropriation was inserted as a Senate amendment to the Indian appropriation bill, and as such has become a law;

Whereas subsequent to the passage by the Senate of said Indian appropriation bill the said House bill 9083 had been passed by that body and sent to the President of the United States, which is a duplicate appropriation for the object contemplated: Now, therefore,

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is, respectfully requested to return to the House of Representatives House bill 9083.

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

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TALBERT, for the remainder of this session, on account of sickness in his family.

To Mr. SPIGHT, for the remainder of this session, on account of important business.

To Mr. COWHERD, for ten days, on account of important business.

And then, on motion of Mr. PAYNE (at 5 o'clock and 27 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BROWNLOW, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10305) to provide a home for aged and infirm colored people, reported the same without amendment, accompanied by a report (No. 1903); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill of the House (H. R. 12090) ratifying and confirming a lease made between the Tuscarora Indians and the National Contracting Company, a corporation organized and existing under and by virtue of the laws of the State of New York, accompanied by a report (No. 1907); which said bill and report were referred to the House Calendar.

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. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12061) granting an increase of pension to Henry S. Topping, reported the same without amendment, accompanied by a report (No. 1902); which said bill and report were referred to the Private Calendar.

Mr. MARSH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3825) to grant an honorable discharge to Frederick A. Noeller, reported the same with amendment, accompanied by a report (No. 1905); which said bill and report were referred to the Private Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, reported the joint resolution of the House (H. J. Res. 267) for the relief of the Mutual Life Insurance Company of New York, accompanied by a report (No. 1906); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2001) for the relief of Thomas H. Burns, reported the same adversely, accompanied by a report (No. 1904); which said bill and report were ordered to lie on the table.

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. FOSS: A bill (H. R. 12069) providing for certain employees in the preparation of plans and specifications for public works under the Bureau of Yards and Docks—to the Committee on Naval Affairs.

By Mr. SULLOWAY: A bill (H. R. 12070) construing the provisions of the act approved March 3, 1879, exempting from the limitations named therein the claims to pension by or in behalf of children under 16 years of age—to the Committee on Invalid Pensions.

By Mr. SHERMAN, from the Committtte on Indian Affairs: A bill (H. R. 12090) ratifying and confirming a lease made between the Tuscarora Nation of Indians and the National Contracting Company, a corporation organized and existing under and by virtue of the laws of the State of New York—to the House Calendar.

By Mr. MEYER of Louisiana: A bill (H. R. 12091) to authorize the employment of naval officers on the retired list for sea or shore duty—to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 12092) maintaining and further improving the harbor at the mouth of the Brazos River—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12093) for the improvement of a sheltered waterway 4 feet deep and 100 feet wide from Sabine Lake to the Bay of Corpus Christi, Tex.—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD of Massachusetts: A joint resolution (H. J. Res. 266) extending a welcome to inhabitants of South African Republics to the United States—to the Committee on Foreign Affairs.

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. BELLAMY: A bill (H. R. 12071) for relief of Will L. Miller, administrator of Washington Miller—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 12072) for the relief of the estate of William Burgess, deceased—to the Committe on War Claims.

Also, a bill (H. R. 12073) for the relief of James Leo Juge—to the Committee on War Claims.

Also, a bill (H. R. 12074) for the relief of J. B. Chippert—to the Committee on Claims.

Also, a bill (H. R. 12075) for the relief of Augustin Campo, administrator—to the Committee on Claims.

Also, a bill (H. R. 12076) for the relief of the estate of Henry Bauman, deceased—to the Committee on War Claims.

By Mr. DE VRIES: A bill (H. R. 12077) for the relief of J. P. Halford—to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 12078) granting a pension to Mrs. Frances R. Crocker—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12080) granting a pension to Charles S. F. Hilton—to the Committee on Invalid Pensions.

By Mr. McCLEARY: A bill (H. R. 12081) granting a pension to Sarah E. Fortier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12082) granting a pension to Andrew Good Thunder—to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 12083) granting a pension to William W. Prather—to the Committee on Invalid Pensions.

By Mr. REEVES: A bill (H. R. 12084) to remove the charge of desertion from the military record of B. Warren Taylor—to the Committee on Military Affairs.

By Mr. RIDGELY: A bill (H. R. 12085) granting a pension to John Young—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 12086) granting a pension to Mary E. Mahan—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 12087) for the relief of the heirs of William J. Ellison, deceased—to the Committee on War Claims.

By Mr. SNODGRASS: A bill (H. R. 12088) granting a pension to Henry T. Dawson—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 12089) for the relief of Thomas S. Gaskill—to the Committee on War Claims.

By Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce: A joint resolution (H. J. Res. 267) for the relief of the Mutual Life Insurance Company of New York—to the Private Calendar.

By Mr. GROW: A resolution (H. Res. 289) to place W. H. Smith on the rolls of the House—to the Committee on Accounts.

By Mr. SHERMAN: A resolution (H. Res. 290) to pay Daniel Weeden $60—to the Committee on Accounts.

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 citizens of Waukesha County, Wis., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. BERRY: Papers to accompany House bill relating to the case of Samuel Lee—to the Committee on Claims.

By Mr. COWHERD: Petition of H. C. Arnold, druggist, of Kansas City, Mo., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of Endeavor and Kendall, Wis., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: Resolutions of the twenty-ninth session of the Illinois Association of Mexican War Veterans, Taylorsville, Ill., for increase of pension for services in war with Mexico—to the Committee on Pensions.

By Mr. HALL: Papers to accompany House bill No. 11088, granting an increase of pension to Martin Funk, of Port Matilda, Pa.—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Union No. 97, United Mine Workers of America, Oskaloosa, Iowa, in relation to the convict-labor bill—to the Committee on Labor.

By Mr. LAMB: Petition of Woman's Christian Temperance Union of Centralia, Va., to prohibit the sale of intoxicants in our new possessions and in our Army—to the Committee on Military Affairs.

By Mr. NEEDHAM: Resolutions of the Chamber of Commerce of San Diego, Cal., favoring the passage of House bill No. 10374, amending the postal law relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: Petition of druggists of Waverly, N. Y., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. RIXEY (by request): Paper to accompany House bill for the relief of Albert S. Howard, of Fairfax County, Va.—to the Committee on War Claims.

By Mr. RUSSELL: Petition of Mary E. Mahan, to accompany House bill for pension—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: Paper to accompany House bill granting a pension to Henry T. Dawson, of Wilson County, Tenn., a soldier of the Mexican war—to the Committee on Pensions.

By Mr. SOUTHARD: Petition of wine producers of the United States, for a modification and reduction of the internal-revenue tax on wines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Gloucester Command, No. 17, National Army Spanish War Veterans, asking that preference in civil-service appointments be given to honorably discharged soldiers, sailors, and marines who served during the civil, Spanish, or Philippine wars—to the Committee on Reform in the Civil Service.

By Mr. THOMAS of North Carolina: Petition of Thomas S. Gaskell, for relief and for appropriation for property destroyed during the war of the rebellion—to the Committee on War Claims.

By Mr. ZENOR: Petition of James S. Brown and other druggists of Eckerty, Ind., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

SENATE.

MONDAY, *June 4, 1900.*

The Senate met at 10 o'clock a. m.

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

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

USELESS PAPERS IN THE POST-OFFICE DEPARTMENT.

The PRESIDENT pro tempore. The Chair is in receipt of a communication from the Postmaster-General stating that the files of his Department are burdened with an accumulation of old papers