Islands, Philippines, Porto Rico, and Cuba—to the Committee on the Territories.

By Mr. RIDGELY: Petition of Judge N. A. Brewster and 36 other citizens of Sedan, Kans., to accompany House bill No. 9622, granting a pension to Mrs. Mary Welch, widow of Charles Egerton, late of Company D, Ninth Kansas Cavalry—to the Committee on Invalid Pensions.

By Mr. RIXEY: Paper to accompany House bill No. 11611, for the relief of James W. Stone, of Stafford County, Va.—to the Committee on War Claims.

By Mr. TAYLOR of Alabama: Petition of citizens and druggists of Demopolis, Ala., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

SENATE.

TUESDAY, *June 5, 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 yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

DISPOSITION OF THE RENAULT GRANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, certain information relative to the proceeds in whole or in part of the sale to Lynn & Pratt, or any other person or persons, of the mine La Mott in the State of Missouri; which was ordered to lie on the table and be printed.

NORTH AMERICAN COMMERCIAL COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 24th ultimo, certain information relative to the disposition made of the appeal of the defendant in the case of The United States *vs.* The North American Commercial Company, made in the United States district court, southern district of New York, etc.; which was ordered to lie on the table and be printed.

CASUALTIES AMONG FILIPINOS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th ultimo, a copy of cablegram sent to the commanding general, Division of the Philippines, relative to the number of Filipinos killed and wounded since the breaking out of the present hostilities with them; etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

COMMISSIONS APPOINTED BY THE EXECUTIVE.

Mr. CULBERSON. Mr. President, I desire to make an inquiry of the Chair. On April 21 I introduced a resolution asking the President to furnish the Senate certain information with reference to the creation of commissions. That resolution was adopted by the Senate April 24, more than a month ago. I desire to know if any response has been made to the resolution?

The PRESIDENT pro tempore. The Chair is not informed that any has been.

PETITIONS.

Mr. BARD presented a petition of the congregation of the Presbyterian Church of Easton, Cal., and a petition of the Central Woman's Christian Temperance Union of San Diego, Cal., 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. WARREN presented a petition of sundry citizens of Basin, Wyo., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of the Department of Indiana, Grand Army of the Republic, praying for the appointment of a dental corps in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Audubon Society of Indianapolis, Ind., praying for the enactment of legislation providing for the protection of game and song birds; which was referred to the Committee on the Judiciary.

He also presented the petition of A. M. Wooley, Company B, Sixty-eighth Indiana Infantry, and the petition of Atwell George, Company G, Thirty-seventh Indiana Infantry Volunteers, praying for the passage of a service per diem pension bill; which were referred to the Committee on Pensions.

Mr. LODGE presented an address of the National Business Men's League to the President and Congress of the United States, sustaining the President's policy of strict neutrality in the present war between Great Britain and the South African States, indorsed by business men of Boston, Worcester, and Springfield, in the State of Massachusetts, and of New York, N. Y., Hartford, Conn., and other cities; which was referred to the Committee on Foreign Relations.

Mr. HOAR presented a petition of the congregation of Christ Church of Springfield, Mass., 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. ALLEN presented sundry papers to accompany the bill (S. 1793) granting a pension to Elizabeth McGaw; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (S. 97) for the relief of Edward Byrne, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3749) for the relief of Gustav A. Hesselberger, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4848) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4804) to regulate the production and sale of milk and cream in and for the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4816) to provide for the closing of part of an alley in square 169, in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington, reported it without amendment, and submitted a report thereon.

He also, 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. 10235) granting an increase of pension to George Friend;

A bill (H. R. 10742) granting a pension to Wilburn W. Testerman; and

A bill (H. R. 3767) granting an increase of pension to John W. Hartley.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 4756) directing the issue of a duplicate of lost check drawn by James B. Quinn, major, Corps of Engineers, United States Army, in favor of Henry L. Breneman, reported it with an amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (H. R. 737) granting a pension to Cyntha A. Middleton, reported it without amendment, and submitted a report thereon.

REPAIR OF DISTRICT ROADS AND BRIDGES.

Mr. MCMILLAN. I am directed by the Committee on the District of Columbia to report a joint resolution making an emergency appropriation for the repair of certain roads and bridges in the District of Columbia, and I ask for its immediate consideration.

Joint resolution (S. R. 130) making an emergency appropriation for the repair of certain roads and bridges in the District of Columbia was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the repair of county roads and bridges (including those in the Rock Creek and the Zoological parks) that were damaged by the storm of June 2, 1900, the same to be immediately available and to be expended under the Commissioners of the District of Columbia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ESTATE OF TILGHMAN WEAVER.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 4911) for the relief of the heirs of Tilghman Weaver, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4911) entitled "A bill for the relief of the heirs of Tilghman Weaver, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

PAYMENTS TO VOLUNTEERS.

Mr. HAWLEY. Mr. President, the Committee on Military Affairs, to whom was referred resolution No. 357, directing the Secretary of the Treasury to transmit to the Senate a statement showing whether the volunteer officers and soldiers who served in the late Spanish war have been paid more than one time, have had it under consideration, and recommend that it be adopted. I should like to have that done now, because I will follow it with some interesting information.

The PRESIDENT pro tempore. The Senator from Connecticut, from the Committee on Military Affairs, reports a resolution, which will be read.

The Secretary read the resolution submitted by Mr. SULLIVAN on the 21st ultimo, as follows:

Resolved by the United States Senate, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate, for its information, a statement showing whether the volunteer officers and soldiers serving in the late Spanish-American war have been paid more than one time for their service between the time of their enrollment and their muster in, or for any other service connected with said war, and if such payments have been made, what officers and soldiers have been so paid, and upon what authority.

Mr. HAWLEY. In the meantime, while that resolution has been pending, I have obtained the information from the Treasury Department. I do not know whether to print it as a separate document or to print it as a report upon the resolution. It comes in answer to an inquiry from the committee. I think perhaps it would be well to print it as a report upon the resolution.

The PRESIDENT pro tempore. What action does the Senator desire as to the resolution?

Mr. HAWLEY. I do not desire any action, the resolution having been adopted.

Mr. COCKRELL. Let the report be printed for the information of the Senate.

Mr. HAWLEY. Yes; I will print the information as a report.

The PRESIDENT pro tempore. The question is on agreeing to the resolution, which calls for the information which the Chair understands is contained in the report of the committee.

Mr. HAWLEY. The information happened to come in before the passage of the resolution, because, in accordance with the usual custom with the Committee on Military Affairs, upon receiving the resolution it immediately sent it down for an inquiry, and the inquiry has got here before I have been able to have the resolution passed.

Mr. COCKRELL. Just let the resolution be reported back from the committee and the committee submit a written report, and then let the committee be discharged from its further consideration, because the report is the answer to the resolution.

Mr. HAWLEY. Yes.

The PRESIDENT pro tempore. The report will be received and printed and the committee discharged from the further consideration of the resolution.

PORTO RICAN INVESTIGATION.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FORAKER on the 4th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico or any subcommittee thereof is hereby authorized and empowered to visit Porto Rico for the purpose of investigating and inquiring into conditions existing there bearing upon the relations of the United States with Porto Rico and its duty to the people thereof; and that the expenses of said committee or subcommittee, including necessary assistance, be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of the committee.

ESTATE OF ISADORE DAIGLE, ETC.

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

A bill (S. 572) for the relief of the estate of Isadore Daigle, deceased, late of West Baton Rouge Parish, La.;

A bill (S. 575) for the relief of A. E. and M. E. Goodrich;

A bill (S. 585) for the relief of Augustin Broussard, of Vermilion Parish, La.;

A bill (S. 689) for the relief of the estate of Samuel J. Jones, deceased;

A bill (S. 784) for the relief of the estate of William G. Birchett, deceased, late of Prince George County, Va.;

A bill (S. 893) for the relief of the heirs of J. Madison Wells;

A bill (S. 1892) for the relief of the estate of Robert Fishburne, sr., deceased;

A bill (S. 295) for the relief of those suffering from the destruction of the salt works near Manchester, Ky., pursuant to the orders of Maj. Gen. Carlos Buell;

A bill (S. 1093) for the relief of Mary E. Martin, of Tate County, Miss.;

A bill (S. 1107) for the relief of Archilles M. Haraway, of De Soto County, Miss.;

A bill (S. 1108) for the relief of Martha T. Davis, of Marshall County, Miss.;

A bill (S. 1109) for the relief of Jordon Broadway, of Marshall County, Miss.;

A bill (S. 1115) for the relief of A. W. McCauley;

A bill (S. 1142) for the relief of the estate of Fletcher Lane, deceased, late of Shelby County, Tenn.;

A bill (S. 2119) for the relief of Robert W. Renick;

A bill (S. 2120) for the relief of James W. Johnstone, administrator of Samuel McClung, deceased, late of Greenbrier County, W. Va., or his legal representative;

A bill (S. 2379) for the relief of Patrick G. Meath;

A bill (S. 2877) for the relief of the estate of William Harris;

A bill (S. 3016) for the relief of the estates of Celina M. Wright and Charles G. Wright, deceased;

A bill (S. 3026) for the relief of Sarah Jane Johnson;

A bill (S. 3611) for the relief of the estate of Stephen Barton;

A bill (S. 3612) for the relief of Samuel R. Barton;

A bill (S. 3820) for the relief of Henry M. Cobb;

A bill (S. 3913) for the relief of the heirs of James W. Bellah, deceased;

A bill (S. 4045) for the relief of the estate of James C. Mosby, deceased;

A bill (S. 4243) for the relief of Patrick Twohig;

A bill (S. 4246) for the relief of Simon Witkowski;

A bill (S. 4594) for the relief of Daniel Reid, W. R. S. Burbank, and the heirs of J. H. and E. H. Taft;

A bill (S. 4665) for the relief of the estate of Mary S. Porter, widow of Samuel Stafford, deceased, late of New Orleans, La.;

A bill (S. 4893) to refer the war claim of Felix Richards, deceased, late of Alexandria County, Va., to the Court of Claims;

A bill (S. 4815) to refer the claim of the estate of Richard Lay, deceased, late of the District of Columbia, to the Court of Claims;

A bill (S. 4851) for the relief of the legal representatives of Milton S. Shirk, deceased;

A bill (S. 4892) to refer the war claim of the estate of Jane Taylor, deceased, late of Fairfax County, Va., to the Court of Claims;

A bill (S. 1911) for the relief of the heirs and legal representatives of John Clemson and John C. Cookson; and

A bill (S. 4905) for the relief of Elizabeth Talbot Belt—

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

Resolved, That the claims represented by the following bills, to wit: S. 572, 575, 585, 689, 784, 893, 1892, 295, 1093, 1107, 1108, 1109, 1115, 1142, 2119, 2120, 2379, 2877, 3016, 3026, 3611, 3612, 3820, 3913, 4045, 4243, 4246, 4594, 4665, 4893, 4815, 4851, 4892, 1911 and 4905; for the relief of the estate of Isadore Daigle; for the relief of A. E and M. E. Goodrich; for the relief of Augustin Broussard; for the relief of the estate of Samuel J. Jones; for the relief of the estate of William G. Birchett; for the relief of the heirs of J. Madison Wells; for the relief of the estate of Robert Fishburne; for the relief of the sufferers by the destruction of the salt works near Manchester, Ky.; for the relief of Mary E. Martin; for the relief of Archilles M. Haraway; for the relief of Martha T. Davis; for the relief of Jordan Broadway; for the relief of A. W. McCauley; for the relief of the estate of Fletcher Lane; for the relief of Robert W. Rennick; for the relief of James W. Johnstone, administrator of Samuel McClung; for the relief of Patrick G. Meath; for the relief of the estate of William Harris; for the relief of the estates of Celina M. Wright and Charles G. Wright; for the relief of the estate of Sarah Jane Johnson; for the relief of the estate of Stephen Barton; for the relief of Samuel R. Barton; for the relief of Henry M. Cobb; for the relief of the heirs of James W. Bellah; for the relief of the estate of James C. Mosby; for the relief of Patrick Twohig; for the relief of Simon Witkowski; for the relief of Daniel Reid and others; for the relief of the estate of Mary S. Porter, widow of Samuel S. Tafford; for the relief of the estate of Felix Richards; for the relief of the estate of Richard Lay; for the relief of the legal representatives of Milton S. Shirk, deceased; for the relief of the estate of Jane Taylor; for the relief of the heirs and legal representatives of John Clemson and John C. Cookson; and for the relief of Elizabeth Talbot Belt, 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 of Claims shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

DAVID M. WHITNEY, DECEASED.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4948) for the relief of the estate of David M. Whitney, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4948) entitled "A bill for the relief of the estate of David M. Whitney, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court

of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

WILLIAM WOLFE.

Mr. TELLER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 5755) for the relief of William Wolfe, to report it back favorably without amendment, and I submit a report thereon.

Mr. COCKRELL. That bill is one of only eleven lines, and it is for the adjustment of a claim that in the last Congress was referred to the War Department for investigation and report. After an examination a report was made, and the committee have indorsed it for about one-half the amount the claimant thinks he ought to have. I ask for its present consideration.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. WOLCOTT. Is there a report connected with the bill?

Mr. COCKRELL. There is a report there.

Mr. WOLCOTT. I should like to have the report read.

Mr. TELLER. There is a House report and a report made by the Senate committee, but of course the latter is not printed.

Mr. COCKRELL. The amount was found by the Quartermaster's Department and reported then to the committee, and they have reported it. Here is the report.

Mr. WOLCOTT. I should like to have the report read.

Mr. COCKRELL. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report of the Committee on War Claims of the House of Representatives.

Mr. WOLCOTT. This is a House bill?

The PRESIDENT pro tempore. It is a House bill.

Mr. WOLCOTT. Let it go to the Calendar. I object.

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

PURLIC BUILDING AT MARBLEHEAD, MASS.

Mr. WARREN. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 246) for the erection of a public building at Marblehead, Mass., to report it favorably without amendment.

Mr. HOAR. That is a bill of about ten lines, and I ask that it may be put on its passage.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent for the present consideration of the bill just reported, which will be read in full for the information of the Senate.

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 the Treasury to acquire by gift, purchase, or condemnation, or otherwise, a site for and to cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices at the town of Marblehead, in the State of Massachusetts, the site and building thereon, with its appurtenances, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed in the aggregate $50,000.

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

COURT OF PENSION APPEALS.

Mr. TURNER. I introduce a bill, and desire to make some observations on the same.

The bill (S. 4949) to establish a court of pension appeals, and for other purposes, was read twice by its title.

Mr. TURNER. Mr. President, I introduce this bill at the request of the representative in this city of the Grand Army of the Republic, who addressed me this letter:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
Washington, D. C., June 2, 1900.

DEAR SENATOR: I am directed to hand you the inclosed draft of a bill to establish a court for the adjudication of appeals from the rulings and decisions of the Commissioner of Pensions, and to request you, for the Grand Army of the Republic, to introduce the same at the present session of Congress and to urge its substantial enactment into law at the earliest practicable date that may be consistent with conservative legislation.

Very recent events have demonstrated the extreme urgency of judicial supervision whereby the administration of the pension system should be made to conform to and not longer be permitted willfully to violate and nullify every law that a liberal and just Congress, wholly forgetful of party or sectional lines, can, by unanimous vote, place upon the statute books.

The unwarranted construction placed upon the act of June 27, 1890, since its amendment May 9, 1900, might seemingly justify an extension of the session until that wrong to perhaps half a million of invalids and their dead comrades' widows and orphans could be righted, for we did not hesitate, nearly forty years ago, when life was all before us, to hold a continuous session through the warm and rainy seasons alike, that those now in authority might enjoy incomes from the public purse beside which our little six to twelve dollars a month pension allowances—and I speak only for others, for the G. A. R. representatives are not on the pension roll of honor—are but as grains of sand to the desert.

I also hand you a copy of a letter addressed to His Excellency the President under date April 10, 1900, in furtherance of the instructions of our national encampment, as a better expression of the argument in support of the proposed legislation than I could write.

I beg to thank you in advance of your action in this behalf, and for the uniform attention during your long public life that you have freely given to every demand of the veterans and their families. It is because of your past kindnesses that we take the liberty to impose upon you this additional burden.

With renewed assurance of our consideration and esteem,

I remain, your obedient servant,

GEO. H. PATRICK,
For the Grand Army of the Republic.

HON. GEORGE TURNER,
United States Senator, Senate Committee on Pensions,
Washington, D C.

This letter incloses a letter addressed by the representatives of the Grand Army of the Republic, being Commander in Chief Shaw, General Sickles, and Captain Patrick, to the President of the United States, which I ask may be read at the desk in further explanation of the bill.

The PRESIDENT pro tempore. The letter will be read.

The Secretary proceeded to read the letter.

Mr. TELLER. I wish to inquire what is the purpose of this reading. Is it the purpose to pass the bill now with reference to this proposed court?

Mr. TURNER. I wish the Senate to understand the nature of the bill. I am doing this at the request of representatives of the Grand Army of the Republic.

Mr. TELLER. What I wish to inquire is whether the Senator expects to have the bill passed now?

Mr. TURNER. I do not.

Mr. TELLER. He is having the letter read merely for information?

Mr. TURNER. Yes, sir.

The Secretary resumed and concluded the reading of the letter, which is as follows:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
Washington, D. C., April 10, 1900.

To the President:

The undersigned, in behalf of the committee on pensions appointed by the last annual encampment of the Grand Army of the Republic, have the honor to present for your consideration the inclosed draft of an act for the establishment of a court to hear and determine appeals from the decisions of the Commissioner of Pensions.

Heretofore such appeals have been heard by a tribunal so constituted that its decisions could not possess the character of judicial determinations. An appeal is now taken from the Commissioner of Pensions to the Secretary of the Department of the Interior. By that official the papers are referred to an assistant secretary, who refers the matter to the chief of a division composed of clerks, some of whom are employed in the Pension Office detailed for such duties by the Commissioner.

These clerks make reports on the cases given to them which are forwarded to the chief of the division, who transmits them to the Assistant Secretary, by whom the appeals are formally decided. If the Commissioner be overruled, he may ask that the case be reviewed by the Secretary of the Interior in person. It is obvious that this procedure is not judicial. Many thousands of appeals are annually taken from the decisions of the Commissioner of Pensions. According to the last annual report of that official 8,845 appeals were taken during the year ending June 30, 1899, of which 4,941 were decided. In 3,836 of these cases the action of the Commissioner was affirmed, and in 371 cases his decisions were reversed. Twelve thousand and fifty-seven cases were appealed during the year ending June 30, 1898. The Commissioner's report (at page 18) further shows that a number (not stated) of the cases decided in 1899 were not appealed from the present organization; that is, that they had been pending in the Department since before your inauguration two and a half years earlier, and we are informed that, at the same date, an accumulation of more than 13,000 appealed cases awaited decision under the system then and now in vogue.

The board of pension appeals in the office of the Secretary of the Interior, as shown at page 895, Blue Book of 1899, volume 1, is composed of—

1 chairman of the board, at $2,000 per annum	$2,000
1 first vice-chairman of the board, at $2,000 per annum	2,000
1 second vice-chairman, at $2,000 per annum	2,000
10 members of the board, at $2,000 per annum	20,000
2 clerks, at $2,000 per annum	4,000
1 clerk, at $1,600 per annum	1,600
5 clerks, at $1,400 per annum	7,000
3 clerks, at $1,200 per annum	3,600
2 clerks, at $1,000 per annum	2,000
1 laborer, at $860 per annum	660
Total	44,860

The Commissioner of Pensions (at page 42 of his annual report for 1899) states that during the year ending June 30, 1899, there were detailed to the Secretary's office:

19 clerks at the annual compensation of	18,098.79
	62,958.79
2 clerks were detailed from the Pension Office to the pension committees of the House and Senate, at the annual compensation of	2,811.15
48 Total	65,769.94

It will readily be seen that the proposed court can not be more expensive after the business shall have become current, through the disposition of the congested accumulation of past years, which the classification and simpler and more judicial methods may be expected to permit quite within the time allowed in the proposed bill, even without the addition of the salary of the Assistant Secretary and a number of other proper charges against the item of appeals.

It is not to be expected that a reviewing tribunal composed largely of clerks appointed by the Secretary of the Interior, on the nomination of the Commissioner of Pensions, would have the necessary independence required for the adjudication of questions involving a review of the acts of their superiors in authority.

Clerks holding subordinate positions in a bureau and depending on its chief for their tenure of office would naturally be disposed to affirm his decisions.

Moreover, in view of the fact that 107,919 pension claims were rejected during the past year, it must be assumed that the great mass of these cases are disposed of by the clerks in the Pension Office. The appeals taken are likewise referred to clerks composing the board of pension appeals, so that, in practice, one group of clerks in the Department reviews the acts of other clerks, all subordinate to the same chief. Whatever may be said of the administrative advantage of this system of revision, and it is not our purpose to criticise it as a convenient method for the dispatch of business, we are persuaded that you will agree with us in affirming that the essential requirements of a judicial determination of questions of law and fact are not found in a tribunal so organized.

The present practice is objectionable both because of the lack of independent reviewers and because they do not, probably can not under their complicated system, review until after meritorious claimants may reasonably be supposed to have died from old age or disabilities.

The necessity for the establishment of such a court to interpret the pension laws and to define and settle their application to the multitude of cases in which appeals have been pending for a long period is demonstrated by the testimony of the Commissioner of Pensions before the Senate Committee on Pensions during the present session of Congress, from which the following are extracts:

Quoting from his annual report for 1898:

"Since the passage of the general law of July 14, 1862, there have been numerous laws amendatory, special and general, with the many rulings and decisions interpreting the laws, until the whole system is a most complex and wonderful network or labyrinth of laws and legal opinions, to the end that a precedent may be cited for any action of this Bureau."

Quoting from his annual report for 1899:

"With our present laws and established practice there can be no uniformity in pensioning. The beneficiaries are dissatisfied, and there is general criticism." (Page 9, Report No. 1, Senate, Fifty-sixth Congress, first session.)

For these and other reasons there is a widespread conviction among the veterans of the civil war that a court—a court of competent jurisdiction and authority—a court composed of judges of learning, ability, and character, should be established to hear and decide appeals from the decisions of the Commissioner of Pensions. Such a tribunal would likewise command the respect of all citizens, and secure for the administration of the pension laws the largest measure of public confidence. Under similar circumstances the Court of Claims was established for the purpose of affording those who made demands upon the Government an opportunity to be heard by a court, while the public interests were always guarded by the presence of the Attorney-General.

According to trustworthy computations there are now living a million of men who bore arms in the Union forces during the war of the rebellion, and probably not less than 500,000 widows and orphan children of deceased soldiers, all of whom are entitled to be heard in court if they, or any of them, feel aggrieved by a decision of the Commissioner of Pensions rejecting a claim for a pension or for an increase of pension. If the public creditors of the nation have been justly given a court for the adjudication of their claims, a like recognition is surely due to the surviving veterans of the civil war and to the widows and orphans of their deceased comrades.

In preparing the draft of an act for the adjudication of appeals in pension cases the undersigned have followed the provisions of the Revised Statutes establishing the Court of Claims and the circuit courts of appeals with such modifications as seemed necessary to meet the requirements of the large amount of business to be disposed of by a court of pension appeals. It is believed, however, that a court of competent jurisdiction equipped with adequate facilities would very soon classify the cases before it in such a manner as to reduce to comparatively narrow boundaries the number of appeals requiring special adjudication.

It will be observed that the bill provides for a codification and revision of the pension laws by the proposed court, thereby securing prompt action by a competent body of jurists and saving the large expenditure (very much greater, under the code commission bill that has passed the Senate and is pending in the House, than the gross salaries and expenses of the permanent establishment of the proposed court) that otherwise would be incurred by the appointment of a commission to perform that duty.

Although the undersigned have availed themselves of the best sources of information within their reach in drafting the act now submitted for your perusal, they respectfully suggest that it be referred to the Attorney-General for revision; and if, upon examination, the measure should be found to deserve your approval, we beg that you will recommend it to the favorable consideration of Congress.

Very respectfully, yours,

ALBERT D. SHAW,
Commander-in-Chief, Grand Army of the Republic.
D. E. SICKLES,
For Committee on Pensions, Grand Army of the Republic.
GEO. H. PATRICK,
Of Counsel for the Committee on Pensions and Legislation, Grand Army of the Republic.

On Monday, May 21, 1900, the honorable Secretary of the Interior stated to above named, in the presence of the Commissioner of Pensions, that the accumulated pension appeals at that date had reached the number of 15,000; a gain over current business of 2,000 appeals in six months.

Mr. TURNER. Mr. President, there were two points in the construction of the act of 1890 by the Commissioner of Pensions which the Grand Army of the Republic objected to. That act allowed a pension anywhere from two to twelve dollars a month, to be rated according to disability. The Pension Office took the position that only one disability could be considered in making this rating; and although a pensioner might have had several disabilities, all of which went to make up a total disability, his rating under the act of 1890 could only be predicated upon one of those disabilities, a manifestly absurd construction, which nobody who had any training in the law could come to, and which was only possible to a bureau officer acting under the direction of superiors, who desired to practice economy at the expense of the old soldiers of the Republic.

Another point to which the Grand Army took exception was the ruling of the Commissioner of Pensions that the widows of soldiers who had an income of $96 per annum were thereby debarred from the benefits of that act. It was an absolute ipse dixit on the part of the Commissioner of Pensions, having no warrant whatever in the statute granting pensions, and which, like the other construction mentioned, could only be predicated upon a desire to practice economy at the expense of the soldiers of the Republic and their widows.

In this state of affairs the Grand Army of the Republic drafted an act which lately passed both Houses of Congress and received the signature of the President. That act provided as an amendment to the act of 1890 that disabilities should be aggregated in determining the extent of pensions to be granted under the act of 1890. It further provided that any widow who did not have an income exceeding the sum of $250 per annum should be entitled to be pensioned under that act. The act of 1900, to which I referred, was merely declaratory of the act of 1890, and good faith would seem to have required that the Department of the Interior and the Commissioner of Pensions should have put it in force immediately, as was the evident purpose and intention of Congress in passing it, yet the Commissioner of Pensions immediately took the position that it was an entirely new law, that it kicked out from the Department the pending applications of those old soldiers and their widows, and required them to file new applications. The absurd construction was put forward that this act of 1900 was an entirely new law, and that its provisions were entirely prospective, when everybody who had anything to do with that act, from the committee on pensions of the Grand Army of the Republic, who drew it, to those who were in charge of it in both Houses of Congress, knew that it was intended to be a construction of the act of 1890, upon which the Interior Department was required to adjudicate the claims then pending before that Department.

Understanding that the Commissioner of Pensions was about to take that view, the committee on pensions of the Grand Army of the Republic came to this city and interviewed the Commissioner of Pensions and the President of the United States concerning it, and received the promises of both of them, I believe, that before any such construction as that should be placed upon the act of 1900 it would be referred to the Attorney-General for his construction, and likewise that it might be referred to the Court of Claims, under the Tucker Act, which permits, I think, reference by the heads of Departments to the Court of Claims of such cases for construction. They departed from the city expecting that course to be pursued; yet it is a fact that since that promise was made to this committee of the Grand Army of the Republic the Commissioner of Pensions has gone on rejecting these claims on the ground that, having been filed previously, they can not now be considered, and that these old soldiers and their widows have no status unless they file additional applications.

It is in this situation of affairs, Mr. President, that the committee of the Grand Army of the Republic send this bill to Congress and ask action upon it at the earliest practicable moment.

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

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. GALLINGER. I desire to inquire whether or not the Senator from Washington is proceeding by unanimous consent, and to suggest further that if such is the fact I desire a few minutes by unanimous consent in which to reply, and that unless that is granted in advance I think the discussion ought not to proceed.

Mr. TURNER. Mr. President, I am simply proceeding as I have seen Senators proceed heretofore a hundred times.

Mr. STEWART. I ask unanimous consent that the Senator from Washington may proceed, and that then the Senator from New Hampshire may be permitted to reply.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none.

Mr. TURNER. I say, Mr. President, in this posture of affairs the committee of the Grand Army of the Republic send this bill here and bring it to the attention of Congress and ask action on it at the earliest practicable moment. I am not surprised, in view of the treatment which has been accorded to the old soldiers of the Republic in this matter, that they should remind Congress that they themselves never adjourned through rain or shine until their work was done, and should make the suggestion that it would be a worthy act if Congress should remain in session, even at some inconvenience to its members perhaps, in order to right the wrongs which they have suffered and to give them some remedy against the perverse conduct of those who seem determined, whatever Congress may do, to deny them the benefits of the pension laws which a grateful Congress has put upon the statute book for their benefit.

There is work enough to do, Mr. President, to detain us here while a committee may consider the bill which I have presented in behalf of this great organization. We have the Nicaraguan Canal bill here, which was passed almost unanimously by the House of Representatives, a measure which has intensely stirred the American people, the necessity for which is known and recognized and admitted by every human being in this country; and yet, in the face of this bill, which has just come to us, we are

asked to agree to a resolution to adjourn to-morrow at 12 o'clock. We have before us an anti-trust bill just passed by the House of Representatives, which came to us yesterday, a bill which received the almost unanimous vote of the lower House of Congress, a subject upon which the feelings of the people of this country are intensely stirred, a subject concerning which legislation is imperatively demanded by the intelligent voice of the American people; and yet, almost contemporaneously with the sending to us of these two great measures, which are of sufficient importance in themselves to justify Congress in remaining here three months longer, we get a concurrent resolution providing for the adjournment of Congress to-morrow at 12 o'clock.

It suggests the idea to my mind, Mr. President, that the other House, passing these bills unanimously and then sending us a resolution of adjournment at so early a date, expect this body to pose in the character of the wicked partner, who is to defeat the just and generous intentions of the representatives of the American people. It would seem to suggest that the Republican majority in this body was expected to see to it that, whatever might be done looking toward relief with respect to the two subjects covered by the measures to which I have referred, no law giving relief to the people should be passed at this session of Congress; and, as my friend on my left [Mr. MALLORY] suggests, before the Nicaraguan bill passed the House of Representatives it was publicly announced that the Republican party intended to pass it in that House to serve its friends, but not to permit it to pass the Senate of the United States in order not to offend its enemies.

We had also presented to the country only a few days ago the most astonishing chapter of fraud and peculation and misdemeanor by officials of the United States in the island of Cuba. We have resolutions looking to an investigation of those frauds; we have various measures looking toward curing the situation there which makes these frauds on the part of officials of the United States possible; and yet, in the face of that, Congress is asked to adjourn to-morrow at 12 o'clock. We have General Otis, I believe, at San Francisco yesterday telling the American people that insurrection in the Philippines has been subdued and is now at an end, with the President of the United States still exercising imperialistic powers there through the military arm of the Government, and this situation imperatively demands, if the statement of General Otis be true, legislation on the part of Congress looking toward regular and constitutional government of the people of those islands.

In the face of these facts we are asked to adjourn Congress to-morrow at 12 o'clock. I say, Mr. President, that it is not surprising that the old soldiers of the Republic should come here and present their wrongs to their representatives in both branches of Congress and suggest that it is the duty of Congress to remain in session until those wrongs have been righted.

Mr. GALLINGER. Mr. President, as chairman of the Committee on Pensions, a position involving a great deal of labor and personal inconvenience, I have endeavored to discharge the duties of that position to the satisfaction of the Senate, and I have hoped without detriment to either the public Treasury or the interests of the men who fought to preserve the Union and to sustain our Government. I have scrupulously avoided, under all circumstances, introducing into the consideration of pension matters the least thing that could by any possibility be contorted into a political or partisan consideration; and it is to me a matter of the sincerest regret that in the closing hours of this session of Congress a member of the Committee on Pensions has felt it his duty to introduce into our deliberations an argument that is nothing if it is not political and partisan.

The Senator from Washington [Mr. TURNER] has this morning introduced a bill, which he says has the indorsement of the Grand Army of the Republic. It seems that the chief sponsor for this bill is a Captain Patrick, who has heretofore lived in Alabama, but who now, I believe, is a resident of the District of Columbia. It is possible that he is still a legal resident of the State of Alabama; indeed, I judge that to be so from the fact that one of the Senators from Alabama shook his head when I suggested that he was a resident of the District of Columbia.

Captain Patrick, as I understand, was a soldier in the Union Army. He now appears as the special representative of the Grand Army of the Republic. I doubt very much whether he has credentials that will entitle him to speak for that great organization, or to be sponsor for their wishes in the matter of legislation.

I know, Mr. President, that Captain Patrick has grossly misrepresented me in connection with a bill that was introduced and that passed the Senate during the present Congress. I took occasion to present a bill—realizing, as the Senator from Washington argues, that the laws of the United States regarding pensions are in a somewhat chaotic condition and very difficult of interpretation—to create a commission to revise and codify the pension laws. That bill was reported from the Committee on Pensions and passed the Senate. Immediately Captain Patrick, claiming to represent the Grand Army of the Republic, attacked the bill and represented to the other body and to men outside of Congress that it was written by the Secretary of the Interior and that it was intended to do harm to the best interests of the soldiers of the country. I saw Captain Patrick in person and stated to him that every line and word of the bill had been written by myself, without consultation with either the Commissioner of Pensions or the Secretary of the Interior; but, notwithstanding that fact, he has continued to state that the Secretary of the Interior is responsible for the bill and he has tied it up in the other House of Congress.

A little later on I presented a bill that I stated frankly had been written by the Secretary of the Interior, Senate bill 4251, providing for the adjudication by the Court of Claims and Supreme Court of pension claims involving difficult or important questions of law, as a means of establishing judicial precedents for the guidance of the Secretary of the Interior and the Commissioner of Pensions.

Mr. President, that bill provides that the Secretary of the Interior may, during any one calendar year, submit to the Court of Claims for adjudication not exceeding five pension claims which involve difficult questions of law for his guidance in determining certain lines of cases that may be giving trouble to the Secretary of the Interior and the Commissioner of Pensions. The bill provides for an appeal to the Supreme Court, and for the payment out of the public Treasury of a certain amount to enable the soldier to have competent counsel. Immediately Captain Patrick proceeded to say that the bill was intended to do harm to the interests of the soldiers, and that it ought not to be enacted into law, and when I asked for its consideration, representing the Committee on Pensions which reported it, the Senator from Washington objected to its consideration on the ground that it was opposed by the Grand Army of the Republic, and it remains on the Calendar of the Senate.

Now, Mr. President, I am not going to say anything that is not warranted by facts. The Senator from Washington finds fault with the manner in which the amended pension law, known as the act of June 27, 1890, is being administered. Representatives of the Grand Army of the Republic appeared before the Committee on Pensions during the present session of Congress and advocated two changes in the act of June 27, 1890. One was that the disabilities of soldiers under that act should be aggregated, and the other that in granting widows' pensions favorable action should be taken if the widow was not in receipt of a net income in excess of $250 in addition to the proceeds of her labor. That bill received prompt and favorable consideration. It passed the Senate and was slightly amended in the House of Representatives. The amendments were promptly concurred in by this body, and the bill received the immediate approval of the President of the United States.

The Senator from Washington complains that the Pension Bureau is not administering that amended law in a liberal spirit. In that respect, Mr. President, the Senator has the advantage of me for the reason that I have no knowledge as to what interpretation has been put upon that law by the Commissioner of Pensions; but I will venture to say this, that before that bill became a law certain gentlemen who were interested in pension claims visited me in person and insisted that I should put myself on record as interpreting the law so that all rejected claims for widows under the act that had been amended should be revived in the Pension Bureau without further application, and that if allowed they should carry arrears from the date of the original application. How large a sum of money it would take to pay such arrears I do not know, but very likely several millions of dollars would be required. I declined to do that, Mr. President, saying that I preferred that the Secretary of the Interior and the Commissioner of Pensions should place their own interpretation upon the law without any advice from me.

The Senator from Washington complains that the Commissioner of Pensions in administering the act of June 27, 1890, has heretofore, without warrant of law, arbitrarily decided that a widow should not receive pension if she was in receipt of an income of $96 per annum; and he says that such action was an unwarranted and arbitrary ruling on the part of the Commissioner. Well, now, Mr. President, the Senator is correct in so far as he asserts that it was an arbitrary ruling, but he is at fault in not saying that it was a matter of extremely liberal interpretation of the law on the part of the Commissioner of Pensions—liberal, I mean, to the widows of the soldiers pensioned under that act. I have the act in my hand, and find that section 3 reads as follows:

SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension roll from the date of the application therefor under this act, at the rate of $8 per month during her widowhood.

I want to repeat the language:

Leaving a widow without other means of support than her daily labor.

Had I been Commissioner of Pensions, entertaining the liberal views I do on this subject, I should have been compelled, under

that act, if I had construed it literally, to rule that the widow who was in receipt of any income outside of her daily labor was not pensionable; but the Commissioner of Pensions, desiring to construe it liberally, ruled that if the widow had an income not exceeding the amount of her pension, should pension be granted, she would be pensionable under the act.

The Grand Army of the Republic asked that that amount should be increased, and we enlarged it by amending the act so that if a widow has a net income not exceeding $250 a year she may be pensioned under the act of June 27, 1890. Hundreds and perhaps thousands of widows' claims were properly rejected under this act in its original form which will be revived and allowed because of the amendments recently made. But the contention of certain gentlemen, and especially of certain claim agents, is that the amendment shall be construed so as to revive all these rejected claims without further action on the part of the claimant, and if pension is granted under the amended act the allowance shall go back to the time the applications were originally made and arrears be paid to those widows notwithstanding their claims were properly rejected under the act as it was passed June 27, 1890.

Mr. President, I do not know whether the Secretary of the Interior or the Commissioner of Pensions has reached a conclusion as to the proper construction of this amended act, but I do say that it is in poor taste to arraign the Secretary of the Interior or the Commissioner of Pensions for any reasonable construction that may have been placed upon the statute, even though they may differ from a few gentlemen, Captain Patrick included, who are urging that the last possible cent that can be obtained from the Treasury of the United States shall be paid in the adjudication of pension claims. I am a friend of the soldier, but I do not approve of the unwarranted agitation that is being kept up by certain gentlemen on this subject.

Mr. President, I do not know that I care to say a word more. I have heretofore expressed the opinion that the Congress of the United States has been exceedingly liberal in dealing with the soldiers. The Republican party has been exceedingly liberal in its pension policy, and I think I may justly say the same thing in regard to the Democratic party of late years. On both sides of this Chamber and in both of the great political parties of this country there has been a disposition to deal not only justly, but liberally, with the soldiers and their dependents; and I am sorry that in the closing hours of this session the policy of the Republican party, as it has been administered by the present Administration in the matter of pensions, has been called to the attention of the country as being an illiberal, unjust, and a wicked policy.

I am satisfied that when this law has been interpreted by the proper officials and set in operation it will be found that it is being administered in no spirit of narrowness, and that it will result in great good to the soldiers and soldiers' widows, and that there will be no just complaints made when the facts are all known and the country understands them. For myself I am willing to rest upon the belief that the Senator from Washington has simply undertaken this morning to make political capital out of this question, and I predict that his efforts in that respect, when all the facts are known, will prove futile, and that no good result will come to the country, to the soldiers, or to the political party he represents, from the attack he has made upon the Republican policy, unwarranted as it certainly has been.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Pensions.

Mr. TURNER. Mr. President, I desire to say a few words in response to the Senator from New Hampshire.

The PRESIDENT pro tempore. The entire discussion is out of order. Is there objection to the Senator from Washington proceeding?

Mr. ALLEN. I ask unanimous consent that the Senator from Washington may proceed.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. TURNER. Mr. President, what I have done here was at the request of the representatives of the Grand Army of the Republic. What I have said here was in response to the suggestions in the letter transmitting this bill to me, which was read at the desk. If those suggestions have a political character and weigh strongly against the party of the Senator from New Hampshire, it is the fault of the facts and the fault of that party and not my fault.

Those soldiers, through that letter, called the attention of Congress to the fact that they were being harshly and illiberally treated by the Pension Department of this Government, and suggested that it ought to remain in session until legislation had been prepared and adopted which would cure the evils of which they were complaining. I simply went on to enumerate a number of other things upon which Congress might profitably employ its time while this legislation was in the preparatory stages through which all legislation must go.

The Senator from New Hampshire thinks I have been trying to make political capital because I have called these matters to the attention of Congress. I say again that if the facts I allude to have a political tinge and bear hardly on the party in power it is the fault of the facts and the fault of the party in power and not my fault, because I do what I have done and say what I have said pursuant to the duty devolved on me by the representatives of this great fraternal organization.

The Senator from New Hampshire seems to think that this matter is simply a complaint of claim agents. He says that Mr. Patrick is the sole sponsor of the bill, and he doubts if he has any credentials from this great organization, or if this bill is authorized by that organization. I had read from the desk a letter to the President of the United States dated the 10th day of April, signed by General Shaw, the commander in chief of the Grand Army of the Republic, by General Sickles, the chairman of the committee on pensions of the Grand Army of the Republic, and by Capt. George H. Patrick, of counsel in Washington for the Grand Army of the Republic in matters of legislation, urging this identical bill, and I leave it to the Senator from New Hampshire, who says that this bill is the product of claim agents and pension attorneys, to settle that matter between himself and these distinguished soldiers.

Mr. President, the Senator says that Mr. Patrick grossly misrepresented him, and in that manner he undertakes to cast discredit upon this bill. As I understood his statement, Mr. Patrick simply expressed the belief that the bill to which he referred and which he says he drew himself had been drawn in the office of the Secretary of the Interior.

Mr. GALLINGER. If the Senator will permit me, the offense Mr. Patrick committed was in repeating that after I had told him the facts.

Mr. TURNER. Yes. I do not wonder that the Grand Army of the Republic, in view of the treatment which they have received from the Interior Department, should be suspicious of legislation emanating from that quarter, and that when they find legislation which appears to be unfriendly to them and hostile to them they should attribute it to that quarter. The bill to which the Senator refers provides, I believe, for the appointment of five commissioners at a salary of $5,000 per annum to codify the pension laws of the United States.

The opposition of the Grand Army of the Republic to that bill was that it was simply providing fat jobs for a lot of political favorites without any necessity. I guarantee that any lawyer of respectable standing can take the pension laws and codify them in a week, so as to make them entirely consistent and harmonious and intelligible. Yet this bill, presented by the Senator from New Hampshire, on which he prides himself, and as to which he seems offended because the Grand Army of the Republic opposed it, proposes an unlimited job, so far as time is concerned, for five political favorites, at a salary of $5,000 a year, to do this work which could be done by any intelligent lawyer in a week.

He also complains that the Grand Army of the Republic, as represented by Mr. Patrick, opposed another bill introduced by him, a bill providing that the Secretary of the Interior might send five typical pension cases to the Court of Claims in any one year and have them adjudicated by the Court of Claims. There have been two laws upon the statute books for the last fifteen years under which the Secretary of the Interior might have exercised that identical power. There are two statutes under which he might at any time have sent pension claims to the Court of Claims without limit, to have an adjudication of that court upon them, and thus establish the principle which should govern other claims. If, having this unlimited power, a hundred and fifty thousand pension cases have piled up on the Secretary of the Interior in the last ten years, I should like to know how it is going to help relieve this press to limit the power to five cases. That is the proposition which the Secretary of the Interior embodied in the bill sent here to which the Senator from New Hampshire refers.

Mr. President, I am not surprised that these old soldiers feel aggrieved at the course which has been pursued toward them by this Administration, because when the Secretary of the Interior was drafting this bill to limit the right to five cases, when he already had the unlimited right, at the very moment that he sent that hostile bill here, this bill, drafted by the representatives of the Grand Army of the Republic, was in the possession of the President of the United States under a request that he submit it to the Attorney-General for his opinion and for any corrections that the latter thought ought to be made, and that then he recommend it to the Congress for passage.

I do not think, in view of the experience in the Interior Department in the last ten or fifteen years, that there is any system which will procure an intelligent and a just and an equitable administration of the pension laws of the United States in the interest of the veterans of our grand armies and of their widows except one which will place the adjudication of their claims in the hands of trained lawyers, who will decide them under the sanction of an oath, and after such judicial proceedings as are always had in the courts of justice.

Mr ALLEN. Did the President recommend this bill as the Grand Army requested?

Mr. TURNER. The President took no action in response to the request of the Grand Army of the Republic. Consequently they have sent the bill here for themselves.

I was calling attention to the fact that at the moment when this bill was in the possession of the President under the request of the Grand Army of the Republic, the Secretary of the Interior was drafting a claptrap bill and sending it to Congress, intending thereby to cut out the very thing which the Grand Army wanted, undertaking to give them, instead of a court to adjudicate pension cases the right to have five typical cases sent to the Court of Claims in any one year for adjudication.

Mr. President, I do not care to go into any discussion with the Senator from New Hampshire concerning the propriety and the correctness of the former rulings of the Interior Department on these pension cases. I do take issue with him concerning the propriety and correctness of its rulings on the late law passed by Congress at the present session. I say that the construction given to that act by the Commissioner of Pensions is at variance with the construction which any common-sense lawyer would give to it and at variance with the purpose which Congress had in passing it. But if there is any doubt about that, if the honorable Senator from New Hampshire be correct in suggesting that possibly this ruling may be correct under the peculiar phraseology of this amended bill, there is all the more reason for the Congress of the United States to remain in session until it has had opportunity to do justice to the meritorious class of persons who are now appealing to it for relief.

Mr. President, I have just had handed to me by Captain Patrick a copy of a disallowance by the Commissioner of Pensions of a claim of a pensioner, under the act of 1890, which would have been pensionable without further ado if the Commissioner of Pensions had given the proper construction to the amendatory act of 1900. I shall not read it, but I ask that it may be put in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., May 25, 1900.

SIR: In response to your request for information relative to the above-entitled claim for pension, you are advised that there has been no change in its condition since December 16, 1899, when full information as to its status was given you.

It is proper to add that if you desire to further prosecute a claim for pension under said act, it will be necessary for you to file a new formal declaration.

Very respectfully, H. CLAY EVANS,
Commissioner.

Mr. JOHN P. CAMPBELL, *No. 908 G street NW., City.*

NOTE.—This soldier was wounded by a bullet through left foot; his left arm was shot and is deformed; had a sword thrust through the body, wherefrom he walks and moves rather sideways, and his personal appearance indicates general weakness.

He was pensioned but $3 per month under the general law, because his material witnesses had died or were unattainable, but mainly because of the absence of medical treatment in the field.

He was advised to apply under the act of 1890, as his permanent and plainly apparent disabilities would permit a higher rating under that act. His claim was rejected, but the point to above notice is that new formal declarations are required under the act of June 27, 1890, since the amendment of May 9, 1900.

Mr. TURNER. One word further, as to Mr. Patrick. I have known him for the last thirty years. He was a brave soldier. He is an honorable man. He is not on the pension list, although he is entitled to be, if he cared to make application to become a pensioner of the United States. I have seen him in the company of General Sickles here as a representative of the Grand Army of the Republic, and have talked with both of them. He joined with General Sickles and with Commander in Chief Shaw in the letter to the President of the United States, and the intimation of the Senator from New Hampshire that he is not accredited by the Grand Army of the Republic in this matter is a gratuitous insult, which I feel he will withdraw upon reflection, because it is a great injustice to an honorable and a meritorious gentleman.

Mr. GALLINGER. Mr. President, I will say that I sat here last evening until 10.30 o'lock, hoping to pass the House pension bills that are on the Calendar, to give relief to certain old soldiers and their widows, and did not get an opportunity. They might all have been passed in the time which has been occupied by this discussion, which, I think, will be deemed unnecessary and fruitless by every thoughtful man. I desire simply to call attention to one observation just made by the Senator from Washington, and that is that the Secretary of the Interior has under existing law the power to send any number of pension cases that he may please to the Court of Claims for adjudication. My only reply to the Senator will be to ask to have inserted in the RECORD a report made by me on the bill to which allusion has been made, and a letter from Mr. William B. King, an attorney in the city of Washington, who takes the same position in this matter that the Senator from Washington does, and the reply of the Secretary of the Interior, in which he shows conclusively that he has no such authority. If I may be permitted to insert these in the RECORD, that is all I care to say on the subject.

Mr. ALLEN. Mr. President——

The PRESIDENT pro tempore. Without objection, the papers will be printed in the RECORD.

Mr. ALLEN. I object.

Mr. MCCOMAS. I ask unanimous consent that the vote by which the Senate passed the resolution referring the bill (S. 3985) for the relief of Curtis & Tilden to the Court of Claims be reconsidered, and that the bill go to the Calendar with the favorable report filed on June 2.

The PRESIDENT pro tempore. Is there objection?

Mr. ALLEN. I object. I rose before the Senator from New Hampshire got permission of the Chair to have the letter and documents printed, and I objected.

Mr. MCCOMAS. I hope the Senator from Nebraska will allow me to have this matter from the Committee on Claims attended to. That is all.

Mr. ALLEN. I do not care anything about that. I rose before the Senator from New Hampshire obtained permission to print Mr. King's letter and the accompanying papers. I did not get the attention of the Chair. I was on my feet. I now object.

Mr. GALLINGER. I withdraw the request.

Mr. ALLEN. I object to the publication of the papers and the letter accompanying them.

Mr. GALLINGER. I withdraw the request, Mr. President. I will content myself by reading the letter of the Secretary of the Interior. It is not very long, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1900.

The CHAIRMAN OF THE COMMITTEE ON PENSIONS,
United States Senate.

SIR: Under your reference I have considered the letter of William B. King, of April 25, 1900, relating to Senate bill 4251. In substance, Mr. King suggests that section 2 of the act of March 3, 1883 (22 Stat., 485), authorizes the reference by the Secretary of the Interior of pension claims to the Court of Claims, and that the pending bill (S. 4251), if enacted, would be, in some respects, a limitation upon the power of the Secretary of the Interior in this respect, rather than the conferring of a new power not hitherto possessed.

With entire respect for Mr. King's suggestion, I am unable to agree with him either from the law standpoint or from that of practicable administration. All of the statutes upon this subject were referred to in my communication of the 16th ultimo, transmitting a draft of what is now Senate bill 4251. Sections 1063 to 1065, inclusive, of the Revised Statutes relate to the reference to the Court of Claims of claims pending before the several Executive Departments, but section 1063 concludes with this proviso:

"*Provided*, That no case shall be referred by any head of a Department unless it belongs to one of the several classes of cases which, by reason of the subject-matter and character, the said court might, under existing laws, take jurisdiction of on such voluntary action of the claimant."

To determine whether under these sections a claim could be referred to the Court of Claims it would be necessary to ascertain whether it belongs to one of the several classes of which the court can take jurisdiction at the suit of the claimant. The act of March 3, 1887 (24 Stat., 505), begins with this general declaration:

"The Court of Claims shall have jurisdiction to hear and determine the following matters: First, all claims founded upon the Constitution of the United States, or any law of Congress, except for pensions."

Section 14 of the same act provides for the reference to the Court of Claims, by either House of Congress, of "any bill, except for a pension, * * * providing for the payment of a claim against the United States," and thereby further manifests the disposition to withhold jurisdiction of pension claims from the Court of Claims. The act of March 3, 1887, also contains the declaration that all laws and parts of laws inconsistent therewith are thereby repealed, so that if, as suggested by Mr. King, any prior statute submitted pension claims to the jurisdiction of that court it was repealed by that act.

As suggested by Mr. King, section 2 of the act of March 3, 1883, supra, provided for the reference by an Executive Department to the Court of Claims of claims or matters pending in any of the Executive Departments, but the entire subject-matter of that section is reenacted, with some slight changes in section 12 of the act of March 3, 1887, so that section 2 of the earlier act has probably been altogether superseded by section 12 of the later one.

Under section 12 of the act of 1887 a claim or matter pending in an Executive Department can only be referred to the Court of Claims "with the consent of the claimant." The general limitation in the act against the consideration of claims for pension by the Court of Claims probably applies to this section. See Court of Claims in Gordon *vs.* United States (26 C. Clms. R., 307); Cole *vs.* United States (29 C. Clms. R., 47). But apart from this, neither section 2 of the act of 1883 nor section 12 of the act of 1887 in terms provides for a judgment by the Court of Claims or an appeal to the Supreme Court, or for relieving the claimant from the expenses of the prosecution of the claim.

A statute providing for obtaining judicial decisions of pension claims as test cases for the guidance of the Commissioner of Pensions and the Secretary of the Interior in the disposition of similar claims ought not to be ambiguous, uncertain, or cumbersome, and ought not to impose upon any one claimant the expense of obtaining a test decision for the benefit and guidance of other pension claimants and of the officers charged with the administration of the pension laws.

Perhaps the highest evidence that section 2 of the act of 1883, to which Mr. King refers, can not be invoked for the judicial settlement of pension claims with benefit either to the Department or to pension claimants, is the fact that the Department has never considered, and no one has ever suggested that it ought to consider the propriety of referring a pension claim to the Court of Claims under that statute.

I beg to urge that the enactment of Senate bill 4251 will afford very great relief to pension claimants and to the Department. Mr. King's letter is herewith returned.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Mr. President, so far as I can see, that letter is conclusive on the subject, and I am fully satisfied that neither the Secretary of the Interior or the Commissioner of Pensions has authority under existing statutes to refer pension claims to the Court of Claims for adjudication. The Senator from Washington thinks differently, but possibly he has not carefully examined the subject.

Mr. TURNER. I desire to ask the Senator from New Hampshire a question. The Senator complains that during the time taken up by this discussion numerous pension bills might have been passed. I desire to ask the Senator if he will join me in urging upon the Senate that it remain in session long enough to pass all these pension bills?

Mr. GALLINGER. I am not making promises this morning to the Senator from Washington.

BILLS INTRODUCED.

Mr. FAIRBANKS introduced a bill (S. 4950) granting an increase of pension to James W. Barnes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SULLIVAN introduced a bill (S. 4951) for the relief of Mrs. Ina J. Peel; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 4952) making appropriation for payment of the salaries of certain officers in the district of Alaska for the fiscal year ending June 30, 1901, and for other purposes; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. MASON introduced a bill (S. 4953) for the proper labeling of wine purporting to be champagne; which was read twice by its title, and referred to the Committee on Manufactures.

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 4th instant approved and signed the following acts and joint resolution:

An act (S. 61) granting a pension to George Bunce;
An act (S. 78) granting a pension to Samuel W. Childs;
An act (S. 169) granting a pension to George E. Tuttle;
An act (S. 314) granting a pension to Rosa L. Couch;
An act (S. 716) granting a pension to Susan Buck;
An act (S. 756) granting a pension to Lydia F. Wiley;
An act (S. 1460) granting a pension to Charles A. Hutchins;
An act (S. 1533) granting a pension to David Carroll;
An act (S. 1569) granting a pension to Phœbe E. C. Priestly;
An act (S. 1608) granting a pension to Eleanor R. Sullivan;
An act (S. 1734) granting a pension to Mary S. Belding;
An act (S. 1776) granting a pension to John Carr;
An act (S. 1901) granting a pension to Elvira Hunter;
An act (S. 2008) granting a pension to Flavel H. Van Eaton;
An act (S. 2020) granting a pension to Sarah E. Fortier;
An act (S. 2280) granting a pension to Horatio N. Cornell;
An act (S. 2451) granting a pension to Jennie P. Stover;
An act (S. 2651) granting a pension to Henry Hill;
An act (S. 2900) granting a pension to Hannah G. Huff;
An act (S. 3062) granting a pension to Elizabeth F. Wolfley;
An act (S. 3183) granting a pension to George W. Newell;
An act (S. 3289) granting a pension to Isabella Underwood;
An act (S. 3294) granting a pension to Louesa Moulton;
An act (S. 3314) granting a pension to Mary I. Bradbury;
An act (S. 3407) granting a pension to Hellen Lang;
An act (S. 3527) granting a pension to Edwin M. Farnham;
An act (S. 3634) granting a pension to Mary P. Hunter;
An act (S. 3708) granting a pension to John H. Harrison;
An act (S. 3899) granting a pension to James Cook;
An act (S. 3900) granting a pension to Sarah Clark;
An act (S. 4077) granting a pension to Frances Horton Force;
An act (S. 4215) granting a pension to Belle Bean;
An act (S. 103) granting an increase of pension to Charles Critzer;
An act (S. 163) granting an increase of pension to Dwight D. Wilber;
An act (S. 258) granting an increase of pension to Coryden Bevens;
An act (S. 306) granting an increase of pension to Warren L. Eaton;
An act (S. 410) granting an increase of pension to Harriet V. Gridley;
An act (S. 539) granting an increase of pension to Fielding L. Rutherford;
An act (S. 825) granting an increase of pension to Joseph B. Coons;
An act (S. 847) granting an increase of pension to James B. Logan;
An act (S. 1207) granting an increase of pension to Levi Chandler;
An act (S. 1274) granting an increase of pension to Augustus C. Pyle;
An act (S. 1364) granting an increase of pension to Henry H. Blockson;
An act (S. 1441) granting an increase of pension to James G. Hartzell;
An act (S. 1548) granting an increase of pension to James Byrne;
An act (S. 1552) granting an increase of pension to Helen L. Dent;
An act (S. 1553) granting an increase of pension to Samantha Barnes;
An act (S. 1593) granting an increase of pension to Clara H. Inch;
An act (S. 1758) granting an increase of pension to Farnham J. Eastman;
An act (S. 1822) granting an increase of pension to Isaac N. Shup;
An act (S. 1831) granting an increase of pension to Henry H. Lewis;
An act (S. 1907) granting an increase of pension to Rebecca Paulding Meade;
An act (S. 1919) granting an increase of pension to Consolacion Victoria Kirkland;
An act (S. 1975) granting an increase of pension to Annie D. M. Wood;
An act (S. 2101) granting an increase of pension to George E. Scott;
An act (S. 2203) granting an increase of pension to William Taylor;
An act (S. 2215) granting an increase of pension to Robert J. Koonce;
An act (S. 2276) granting an increase of pension to George W. Ragland;
An act (S. 2286) granting an increase of pension to John W. Craig;
An act (S. 2296) granting an increase of pension to John J. Sears;
An act (S. 2539) granting an increase of pension to Milton H. Daniels;
An act (S. 2550) granting an increase of pension to Charles W. Hobart;
An act (S. 2795) granting an increase of pension to Christina Noll;
An act (S. 2938) granting an increase of pension to Joseph Longmire;
An act (S. 2941) granting an increase of pension to Robert Gamble, jr.;
An act (S. 2961) granting an increase of pension to Michael Lochard;
An act (S. 2977) granting an increase of pension to Jacob P. Fletcher;
An act (S. 2993) granting an increase of pension to Edward Madden;
An act (S. 3047) granting an increase of pension to William Mullevy;
An act (S. 3058) granting an increase of pension to Harriet E. Meylert;
An act (S. 3154) granting an increase of pension to Kate Cadwell;
An act (S. 3234) granting an increase of pension to Mary Yowell;
An act (S. 3268) granting an increase of pension to Elisha F. Barton;
An act (S. 3277) granting an increase of pension to Solon Cooper;
An act (S. 3293) granting an increase of pension to Helen Harlow;
An act (S. 3300) granting an increase of pension to Luke H. Monson;
An act (S. 3329) granting an increase of pension to Kate B. Warren;
An act (S. 3337) granting an increase of pension to Buren R. Sherman;
An act (S. 3418) granting an increase of pension to Eliza Adelaide Ball;
An act (S. 3549) granting an increase of pension to William A. Keyes;
An act (S. 3662) granting an increase of pension to Louise D. Smith;
An act (S. 3788) granting an increase of pension to James Williams;
An act (S. 4006) granting an increase of pension to Edward M. Tucker;
An act (S. 4007) granting an increase of pension to Bernard Dunn;
An act (S. 4040) granting an increase of pension to Mary C. Gage;
An act (S. 4087) granting an increase of pension to Ellen M. Mansur;
An act (S. 4421) granting an increase of pension to Albert Brown;
An act (S. 4716) granting an increase of pension to Robert G. Dyhrenfurth;
An act (S. 2142) for the relief of Anna Whitney Tarbell; and
A joint resolution (S. R. 121) for the appointment of first lieutenants of volunteers in the Signal Corps of the Army.

The message also announced that the President of the United States had on this day approved and signed the act (S. 3490) to amend sections 8, 9, and 15 of the act entitled "An act revising

and amending the various acts establishing and relating to the Reform School in the District of Columbia," approved May 3, 1876.

CURTIS & TILDEN.

Mr. McCOMAS. I ask unanimous consent to reconsider the vote by which the resolution referring the bill (S. 3985) for the relief of Curtis & Tilden to the Court of Claims was passed, and that the bill be placed on the Calendar with the favorable report filed on June 2.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The bill will be placed on the Calendar.

BETHUEL H. BRASTED.

Mr. HANSBROUGH. On behalf of my colleague [Mr. McCUMBER], who is absent, I am requested to make a favorable report from the Committee on Pensions of the bill (H. R. 2362) granting a pension to Bethuel H. Brasted. It is a very short bill, and I ask unanimous consent that it may be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Bethuel H. Brasted, late chaplain Eighth Regiment New York Volunteer Cavalry, and to pay him a pension of $12 per month.

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

LABOR LEGISLATION.

Mr. PETTIGREW. I offer a resolution, and ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from South Dakota offers a resolution and asks for its immediate consideration. The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on Education and Labor be discharged from further consideration of H. R. 6882, an act limiting the hours of daily services of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, and that said committee be also discharged from the further consideration of H. R. 5450, an act to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part manufactured by convict labor or in any prison or reformatory, and that both of said bills be placed upon the Calendar.

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

The PRESIDENT pro tempore. It will go over under the rule.

GROWTH OF THE UNITED STATES.

Mr. KYLE. I present a paper on the growth and prosperity of the United States from 1790 to date, and what has produced it. I think it will be of value to the Senate and the people, and I move that it be printed as a document.

The motion was agreed to.

Mr. KYLE. To accompany the paper I present a letter which explains it, and ask that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 29, 1900.*

MY DEAR SENATOR: From time to time since the Columbian Fair at Chicago, in which I was one of the judges of awards, I have been at work on a small volume of about 175 pages, in which I have attempted to make a condensed showing of the growth and prosperity of the United States from 1790 to date and what has produced it.

It begins with the acquisition of territory, giving date, area, and cost of each; then takes up every branch of national activity, including postal service, financial institutions, educational, national revenues, debt and credit, internal commerce, railroads, telegraphs, telephones, etc., productive capacity as compared with European nations, wealth and debt as compared with other nations, manufactures past and present, agricultural and mining products, exports, growth of the iron and tin-plate industries, etc., the conditions under which we began, with a synopsis of the laws passed by Great Britain for the suppression of colonial industries, the condition of our people then and now, the increase of wages, with lessening hours of labor and increased production per capita, etc.

Of course this is but a general idea of what it is. Now, what I want to ask you is, would it be possible to have it published by the Senate as a public document? There is nothing political in it. It contains information which every intelligent citizen ought to have, and which can not be found in any other publication. I have spent a vast amount of time and labor on it in gathering the data and putting it in shape.

My object is not to make money out of it, but to get the facts before the public, as I think the facts presented will do much to make the people more contented with their condition and tend to allay the antagonism which now prevails between labor and capital.

Yours, truly,

W. C. DODGE.

Hon. JAMES H. KYLE, *Washington, D. C.*

KANSAS PACIFIC RAILWAY COMPANY.

Mr. MORGAN. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary is instructed to examine and report whether any just right of the United States was lost or abandoned in the consent agreement made by counsel representing the Government in the decree confirming the report of the master in cases stated in the report of the Attorney-General, dated May 9, 1900, which is herewith referred to said committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HOAR. Let it be read again. My attention was diverted for the moment.

The PRESIDENT pro tempore. The resolution will again be read.

The Secretary again read the resolution.

Mr. HOAR. What are those cases, I will inquire of the Senator from Alabama?

Mr. MORGAN. They relate to the Kansas Pacific Railway.

Mr. HOAR. I suppose the Senator hardly expects the Judiciary Committee, in the crowded state of its business, to take up this matter at the present session?

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HOAR. I asked the Senator a question. I suppose he does not expect it to be possible for the committee to deal with a subject so important during the present session.

Mr. MORGAN. No; I do not think it possible, and further, I do not think the committee would do it.

Mr. HOAR. Very well. I make no objection.

The resolution was considered by unanimous consent, and agreed to.

LEWIS C. BEARD.

Mr. GALLINGER. I offer a concurrent resolution. The necessity for passing it will be evident when it is read.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate (S. 2483) granting an increase of pension to Lewis C. Beard.

Mr. GALLINGER. I will state that the beneficiary has died within a short time.

The concurrent resolution was considered by unanimous consent, and agreed to.

RESISTANCE TO MILITARY AUTHORITIES IN 1847 AND 1848.

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

Resolved, That the Secretary of War be directed to furnish the Senate such information as the files and records of the War Department may contain showing the nature and extent of the insurrection against the military authorities of the United States in New Mexico and California in the years 1847 and 1848.

RESOLUTIONS FOR SEATING AND UNSEATING A SENATOR.

Mr. CHANDLER. There is on the Calendar an order, or resolution, offered by me May 7, 1900, declaring that a resolution for seating or unseating a Senator, when once before the Senate, shall always be in order as a question of privilege. In order to save the time of the Senate, I have prepared a memorandum concerning the precedents on that subject, and I ask that the resolution itself may be referred to the Committee on Rules and that the memoranda which I present may be printed as a document and referred to the same committee.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from New Hampshire that the papers be printed as a document and that the resolution and papers be referred to the Committee on Rules.

WAR IN SOUTH AFRICA.

The PRESIDENT pro tempore. The morning business is closed. The Chair lays before the Senate a resolution coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. MASON, as follows:

Resolved, That the Senate of the United States hereby expresses the hope that the war in South Africa may cease at an early day upon terms satisfactory to those engaged therein, including independence for the South African States.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. MASON] asked that this resolution might lie on the table subject to his call. Is there objection? The Chair hears none.

ORDER OF BUSINESS.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. JONES] was recognized some time ago.

Mr. TELLER. Will the Senator from Arkansas yield to me for a moment?

Mr. JONES of Arkansas. I yield to the Senator from Colorado.

Mr. PETTIGREW. There is a bill from the House on the table—the anti-trust bill—that comes over from yesterday.

The PRESIDENT pro tempore. The Senator from Colorado is recognized. The Chair will see to that bill in a moment.

SAMUEL N. HOYT.

Mr. TELLER. I ask unanimous consent that the bill (S. 4447) granting a pension to Samuel N. Hoyt be put on its passage. It will take only a moment. The beneficiary is a very old man, and he was a soldier in both the Mexican war and the war of the rebellion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations

of the pension laws, the name of Samuel N. Hoyt, late of Company K, First Regiment Illinois Volunteer Infantry, war with Mexico, and captain Company K, Third Regiment California Volunteer Infantry, and Company G, Seventh Regiment Illinois Volunteer Infantry, war of the rebellion, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

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

CONSIDERATION OF PENSION BILLS.

Mr. HOAR. I desire to take the opportunity of the passage of the bill to inquire of the chairman of the Committee on Pensions whether he hopes to get the remaining pension bills disposed of to-day?

Mr. GALLINGER. I am glad the Senator has made that inquiry, because it enables me to say that I shall make no further request for the consideration of pension bills. If individual Senators have pension bills on the Calendar that they are interested in, they ought to endeavor to call them up.

PROPOSED ANTI-TRUST LEGISLATION.

The PRESIDENT pro tempore. The Senator from South Dakota calls from the table House bill 10539 for its second reading, I suppose by title, or does he wish to have it read in full?

Mr. PETTIGREW. Let it be read by title.

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, was read the second time by its title.

Mr. PETTIGREW. I now move that the Senate proceed to the consideration of the bill.

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

Mr. PLATT of Connecticut. I wish to make a parliamentary inquiry.

Mr. ALDRICH. There is a motion pending to refer the bill to the Committee on the Judiciary.

Mr. GALLINGER. I made that motion.

The PRESIDENT pro tempore. That motion was declared to be out of order, and therefore it could not be pending.

Mr. GALLINGER. I make it now.

Mr. PLATT of Connecticut. I suppose when made now it takes precedence of a motion to proceed to the consideration of the bill.

The PRESIDENT pro tempore. A motion to commit will take precedence of a motion to proceed to the consideration. The Senator from New Hampshire moves to commit the bill to the Judiciary Committee.

Mr. HOAR. Are those motions debatable?

The PRESIDENT pro tempore. The motion is debatable.

Mr. PETTIGREW. Mr. President, on that motion I wish to make a very few remarks.

Mr. STEWART. I think that bill——

Mr. PETTIGREW. I believe I have the floor.

The PRESIDENT pro tempore. The Senator from South Dakota was recognized.

Mr. PETTIGREW. Mr. President, this is a bill which, after a session lasting six months, has passed the House of Representatives almost unanimously. It is not much of a remedy, or much of a bill, but it can be amended so as to accomplish the purpose intended. Congress has ample power to legislate for the destruction of the trusts in this country, if it will only exercise it. Ample authority is given under the Constitution. We have the taxing power by which we may tax every trust out of existence. This bill does not exercise that power. Therefore it should be considered by the Senate and thus amended.

Congress has power to remove the protection of the tariff from every trust in existence, and many of the trusts would go out of existence if the tariff were removed under which they have been built up. All the great newspapers are complaining of the duty upon paper and wood pulp, because a combination has been created under the protection of the tariff which has enormously increased the price of those articles. So it would be with very nearly the whole list of those trusts which have been created since the present Administration came into power.

There are other trusts, such as the Standard Oil trust, that are not affected by the tariff, but a tax upon their gross products could be levied by Congress, and thereby those trusts would be compelled to dissolve, because the burden of taxation would give to the individual sufficient advantage so that he could compete with that great organization in the market and thus drive them out of business.

Therefore it seems to me that if we really mean to exercise the power given by the Constitution for the destruction of the trusts, it is our duty to consider this bill before we adjourn. Was the bill passed in the last days of the session with the intention that it should become a law? If it was, then the session must be continued until we can act upon it. Was it passed for the purpose of using it the coming summer as a club over the trusts of this country to compel contributions to a political campaign? Then everyone knows who will use the club and everyone knows who will get the contributions. I mistrust that this is the purpose of the bill, for there are other things which have happened to justify this suspicion.

Two labor bills passed the House of Representatives in the last few weeks. They were referred in this body on the 23d day of May to the Committee on Education and Labor, and there they sleep. The Committee on Education and Labor have reported bills since those bills went to that committee. But those bills have not been acted upon. No consideration has been given them whatever. The majority of that committee is in sympathy with the Administration.

Were those bills passed by the other House with the intention that they should become a law? Oh, no, Mr. President; they seem to have been passed by the other House for the purpose of holding them over labor during the coming summer, with the promise that their political course and conduct shall affect the legislation on those subjects next winter.

There has been a clamor to repeal the war taxes. Has anything been done? No; but the other House have passed a resolution that the Committee on Ways and Means may sit during the summer to take testimony and consider the proposition. An election is on hand. It is very convenient to have a committee composed of the majority in both Houses, pending a campaign, sit during the summer and either threaten that they will not take the tax off or promise to take it off; for instance, to promise to repeal the war tax upon beer, the tax being now $2 a barrel, $1 having been added to help defray the expenses of the war with Spain. So with the tax on the two great trusts, although small, yielding but little revenue; the special tax on the sugar trust and upon the Standard Oil trust can be held in the air and their contributions can be compelled. And so with regard to the tax upon inheritances.

And thus we are charged with playing politics! It seems that we have been outdone at the game. Under the circumstances all we can do is to show to the people of this country the situation and the facts and let them draw their own conclusions.

I submit, Mr. President, that, as far as I am concerned, I shall resist the passage of any motion to adjourn until the measure now before us is considered by this body.

The people of the United States have clamored for the election of Senators by a vote of the people. The other House, in response to this clamor, has submitted a constitutional amendment, and it comes to us and is referred to an unfriendly committee, a majority of whom are Republicans, and the joint resolution is reported to this body adversely. Why not submit that and submit it now? Because the Republicans in this body would defeat it, if it came to a vote; but they can go before the people in the coming campaign and say: "A Republican House passed this measure and, if we are reelected, we will put it through the Senate next year." There is time now. The summer is before us. We can stay here another month and dispose of these great questions. I insist that it is our duty to do so, and if you will not do it I propose to have the people of this country know that you are playing a game.

Mr. STEWART. Mr. President, I am somewhat surprised that any person should object to a reference of this bill to the Judiciary Committee. It is a bill creating high crimes under which people must be punished. I do not believe the language is sufficiently accurate for anybody to know what the crime is or whether he is a criminal or he is carrying on any unlawful business. I think the matter ought to be investigated. The question of trusts should not be played with as mere buncombe. If we are to legislate against them we ought to do it as honest men, as lawyers, and as legislators. Do Senators seriously propose to pass such a bill without reference to a committee, a bill under which men are liable to be prosecuted? Let us examine a few of the wonderful and extraordinary provisions of the bill:

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 crime, and, on conviction thereof, etc.

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade." What does that mean? Does it mean that you restrain trade if you produce an article in competition with somebody? I should like to see my honorable friend from Maryland [Mr. MCCOMAS] give a charge to a jury to convict somebody of a crime under this provision. How would he define it if he were on the bench again? I hope he will think about that seriously and see whether he would feel authorized to tell a jury that certain facts would in any case that could be proven render a man liable to criminal prosecution under this act. Then it goes on further:

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, etc.

It is impossible for a man to enter into a corporation to do any business without monopolizing a part of the trade. That is impossible if you are in a corporation at all, or any other kind of business or partnership, because you monopolize the trade that you yourself do. You do that exclusively, and to that extent you monopolize it, and the bill says in that case you are guilty of a crime. That provision would make every man engaged in trade a criminal, if carried out literally. Still, it is said the bill should not be examined by a committee. I do not want to vote on a measure like this until after it is examined. I think it needs examination.

SEC. 2. Every person who shall monopolize, or attempt to monopolize or combine or conspire with any person or persons to monopolize, or any part of the trade or commerce among the several States.

"Any part" of it. If he runs any kind of a business he monopolizes what he gets. What business he gets he monopolizes. If it means that he monopolizes any part of it, then, if he is engaged in the business, he is guilty of a crime.

Mr. ALLEN. Does not the Senator think that the Senate is just as competent to pass on this bill as a committee composed of thirteen persons?

Mr. STEWART. No, I do not. I do not think that a body of this kind can consider such a bill in the first instance. There must be some committee to take it up and frame the language. You could not frame the proper language here. It is an impossibility.

Mr. ALLEN. Then a committee of the Senate, the Senator thinks, has more knowledge than the Senate itself?

Mr. STEWART. There is no opportunity to change the language here, but you can offer amendments in committee to have it perfected.

Mr. ALLEN. You can change the language right here on the floor of the Senate.

Mr. STEWART. You could not get any two men to agree on the proper language. There would be a discussion that would last for four weeks over it.

Mr. ALLEN. Yes, you can.

Mr. STEWART. No; it must be done by a committee. That is the purpose for which committees are created. Then section 3 provides that—

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, etc.

It goes on in the same crude manner from beginning to end. However much there may be of buncombe in pretending to want to pass such bills I do not know. I do know, however, that this bill if passed would make Congress a laughingstock of the world. I hope it will be referred and put in shape so that it can be passed as other bills are passed. The framing of proper language for such a measure is one of the most difficult things to do. I do not know but that it is beyond the capacity of man to draw the line between legitimate combinations and partnerships and those monopolies which are oppressive and wrong. I suppose that line can be drawn, but at all events it can not be drawn haphazard for the purpose of making politics at the end of a session. Any attempt of that kind will do the party that attempts it no good. I hope the bill will be referred and that we will legislate on the subject in a business way, as we consider other measures. Let it be considered by the Judiciary Committee as we would have any other difficult question considered by the appropriate committee. If they can bring forward anything that ought to be passed, I am in favor of passing a law that will restrain oppressive monopolies or crush the combinations that are injurious.

I want it considered seriously by the committee and framed to meet the case if possible. But is it seriously proposed that we shall, in the last hours of the session, when other business is coming in, attempt to frame language to meet a case as difficult as this, where the House has made such a lamentable failure in the bill they have sent to us? I do not know what occurred in the other House, and if I did it is not proper to speak of it; but if a committee in the House made such a failure, certainly we must not try to do it in open session in the last hours without any deliberation whatever. I will vote to refer the bill, and take the responsibility, and I am willing that I may be criticised as advocating trusts just as much as you please. I do not think I must discard my common sense in order to be recognized as an honest man before the community.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on the motion to commit the bill to the Committee on the Judiciary.

Mr. BACON. Mr. President, this question is either an important one or else it has been unduly magnified by those who claim to be the friends of the bill. If it is a matter of importance it should be acted upon, and if we do not act upon it I do not know any other way in which we can more emphatically say that we do not regard it as a matter of importance. It will depend upon whether we give this a practical direction as to whether we shall be judged to be sincere when we say that we are in favor of anti-trust legislation.

Mr. President, we can not deceive the country, we can not even deceive ourselves into a belief that we are proceeding in good faith in carrying out the assertions which we make in this regard if we give such a direction to this measure as practically insures that it will not be acted upon at this session.

I have no objection to a reference of the bill to the Judiciary Committee if Congress intends, when referring it, to put itself into a position, or rather keep itself in a position where it can act upon the report of the committee; but in the face of the avowed purpose to adjourn this session on to-morrow a motion to refer means but one thing, and everybody knows it. The country will know it. It means simply that we do not intend to act upon it at this session of Congress. Therefore, upon the motion to refer, I say in all respect to those who vote for it, I think it will be regarded as an indirect way of defeating the bill. It is the same as if we had voted not to consider the bill, and the same as if we had voted, in case it were considered, not to pass it.

Now, Mr. President, a great outcry has been made in one branch of Congress as to the necessity of trust legislation. There has been a most vigorous attempt made to pass a constitutional amendment upon the subject, and failing in that, in the closing hours of this session (not necessarily the closing hours, but the hours in which the dominating party declare and have determined shall be the closing hours) with a great flourish of trumpets this bill has been passed in the other branch of Congress and sent here; and those who avow their opposition to trusts and who have it in their power, by the prolongation, if you please, of this session, to act upon it, intend that this bill shall stop here and not become a law by passing it in the Senate.

Now, what is the effect of that? By the passage of the bill through the House of Representatives it is intended that the great public demand that there shall be anti-trust legislation shall be appeased, and by the stoppage of it in the Senate it is intended that the friends of the trusts shall not be offended.

Mr. President, it is a very serious question for the American people, not simply in the effect upon the ordinary business of the country, but in the effect which is given to these powerful combinations to control the Government and to say who shall be its officers and what laws shall be enacted.

In this connection I want to call the attention of the Senate to the most remarkable thing I ever heard and the most remarkable thing I ever saw in the Senate. I fancy that the country has never been the witness to what we saw and heard in this Chamber two days ago.

A Senator in his place in this Chamber stated as a fact that the manufacturer of ships, a prominent, and the most prominent, firm engaged in the manufacture of war ships for the Government, had stated that in 1892 he was approached by the officers of the Republican party and induced to give $400,000 to the campaign fund of that party upon the assurance that that money would be returned to him or made good to him in the contracts which he should have in the building of war ships.

Now, Mr. President, the remarkable thing that I want to call the attention of the Senate to is this: I heard that statement. I did not doubt that it would then and there be promptly challenged. I did not believe that such a statement could be made in the Senate of the United States in the presence of the leaders of the Republican party and no one deny it or call it in question.

Now, that was not made in a thin Senate; it was made in a full Senate. It was made when the present chairman of the national committee of the Republican party was in his seat and heard it. It was made when the chairman of the national committee of the Republican party in the campign of 1892 was in his seat and heard it; and yet no one either challenged it or denied it.

Mr. President, in the absence of such a challenge and such a denial, the country must believe it is true.

Mr. HANNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I do, with pleasure.

Mr. HANNA. The Senator alludes to the fact that the chairman of the Republican committee was in his seat and did not deny the statement made.

Mr. BACON. If I am incorrect in that, I certainly made it in the utmost good faith. I think I saw the Senator present.

Mr. HANNA. If I undertook to reply to all such statements made upon this floor, I would occupy more time than the Senator from Georgia does in the Senate. I considered it unworthy of notice and declined to dignify it by a reply.

Aside from that, Mr. President, I have nothing to say as the manager of the campaign of 1892, but I did have the same interest that all good citizens feel in a contest of that kind, and I knew something about the conduct of it. I have as much right and as good authority to speak of that question as the Senator from

Georgia, and I say most emphatically and decidedly that I do not believe it is true, and I never did.

The chairman of the Republican committee of 1892 is present, and can speak for himself; but so far as any such insinuation extends to the campaign of 1896, I deny it. If it is made inferentially as connected with that campaign, and as concerning any part of the conduct of that campaign, I deny it. No such intimations were made, no threats were made, and no promises were made to any individual or any corporation for or in consideration of contributions made during that campaign. The Republican party do not do one thing that is indulged in by Senators upon the other side; they do not assess laboring men and mine workers a dollar a month for preliminary work in the campaign.

Mr. BACON. Mr. President, I understood the Senator to say that he desired to ask me a question. I have not heard him do so.

The PRESIDING OFFICER. The Senator from Georgia will please suspend. The hour of 12 o'clock having arrived, it is the duty of the Chair to lay 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.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered.

Mr. CARTER. Mr. President——

Mr. BACON. Before the Senator proceeds, one Senator having interrupted me, I prefer to reply to him before I again yield.

Mr. CARTER. I think it is probable that an answer can be made in both cases because the replies will not be dissimilar.

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. It depends on whether the Senator desires to make a speech. If so, I think he ought to wait for his own time.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield?

Mr. BACON. Yes.

Mr. CARTER. I desire to briefly reply to the suggestion, possibly it might be called a charge, made by the Senator from Georgia, that in 1892 the Republican party conducted a campaign——

Mr. BACON. The Senator will permit me to correct him before he goes on. I have simply stated a fact, which was that that charge had been made by another Senator in the Senate. Neither the Senator from Montana nor the Senator from Ohio can say that I have used any other words, but I expressed my astonishment that at the time the statement was made neither the Senator from Ohio nor the Senator from Montana had made a denial of it. I certainly did not make any charge myself. The remarkable fact, as it appeared to my mind, was that a denial had not been made.

Mr. CARTER. Mr. President, the statement of the Senator from Georgia now made, to the effect that at some other time some other person made a certain statement, is the first intimation I have had that any statement of the sort was made on this floor during this or any other session of Congress.

The Senator from Georgia in suggesting that some other person made a statement——

Mr. BACON. I have not suggested it. I stated it.

Mr. CARTER. Stated it as a fact?

Mr. BACON. Yes; made right here on this floor.

Mr. CARTER. The Senator stating that some person did make a statement to some extent regardless of the disclaimer, must assume some responsibility for the statement made. As I understand the statement said to have been made by some other person, it is that it was claimed that in 1892 the Republican campaign was conducted with funds collected from certain combinations, persons, or associations as the result of certain promises made that, in the event of success, definite things would be done. This is the first time that I have heard of any person anywhere making such a statement.

I have knowledge of what was done during that campaign, and there are other Senators upon this floor who know of each and every transaction connected with the conduct of the campaign of 1892, who will bear me out in the statement that the charge that a promise of any kind, character, or description was made during that campaign, pledging the Republican party or any member of it to any policy or anything not legitimately proclaimed in its platform, is absolutely false, and a statement that can only be branded as a lie, without one solitary iota of fact to justify even a suspicion that the proof exists.

There was no money received during the campaign of 1892, except the voluntary offerings of the people of the country who believed that in the triumph of Republican principles the country would be saved from the incubus of the Democratic party and continued in the enjoyment of the prosperous times such as the Harrison Administration had given us up to 1892. The party failed, notwithstanding unlimited prosperity existed at the time, and thereafter the country paid a severe penalty for the party's defeat.

Mr. President, I trust the Senator from Georgia, who had something to do with the conduct of the Democratic campaign in 1892, sufficient to do with the conduct of that campaign to know that the Republican organization conducted its affairs in a manly, honorable, and upright way, will be one of those ready to testify upon this floor to the fact that he does not believe the statement made by the gentleman to whom he refers as having made a statement for which the Senator from Georgia does not vouch.

Mr. BACON. Mr. President——

Mr. PETTIGREW. Will the Senator from Georgia yield to me?

Mr. BACON. I hope the Senator from South Dakota will forbear for a moment.

Mr. PETTIGREW. I think the Senator is rather bound to yield to me under the circumstances.

Mr. BACON. Before I do, I wish to say one thing.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. BACON. I will yield in a moment.

I simply desire to say one thing. Senators who have spoken have endeavored to withdraw attention from the issue to what might be regarded as a personal attack upon me. Each of the Senators who has spoken has taken occasion, at least indirectly, to make a reflection upon me personally. Each one of them knew that he was not speaking with candor; each one of them knew that the impression which he was trying to make, that I had made the charge, was, when he made that effort, not only insincere, but in doing it each one of them knew that it was untruthful, because there was no possibility that my language could be misunderstood.

There was no possibility that either of the Senators could have imputed to me responsibility for the charge. On the contrary, I had said that the charge had been made in this Chamber by a Senator, and that neither of the Senators who had spoken had denied it, and the thing which had astonished me and for which I expressed astonishment was that they had not denied it.

Mr. President, the Senators, if they had desired to be candid, if they had desired to be truthful in the impression which they wished to make, would not have attempted thus to attribute to me that which they knew was untrue, but would have addressed themselves particularly to the issue.

Before I take my seat, Mr. President, I desire those two Senators to say at the proper time, at such time as they shall choose, whether or not it is true that in the campaign of 1892 the Cramps paid $400,000 to the campaign fund of the Republican party, and whether, if it is true, they propose to make the American people believe that any man or any association or any corporation gave $400,000, or any approximate sum, to a political party without the expectation that they would be reimbursed through the agency of that party in the control of the Government.

Mr. President, while I should like to say more, I will yield to the Senator from South Dakota—I yield simply to him, but I do not yield the floor.

Mr. PETTIGREW. Mr. President, I stated a few days ago upon this floor that in 1892 the Cramps contributed $400,000 to the Republican campaign fund and expected to be recouped out of contracts for building ships for the Government. My authority for that statement is Mr. Cramp himself, who told me on a return trip from Europe on one of the ships of the American Line these facts. He did not make it private. He said he believed the money was not expended for the purpose for which it was collected; that he was assured that with that sum the Republican party could certainly win the election; that he was told where it would be expended; and that he had put detectives out and found the money had not been expended where it was promised it would be, and the result was disastrous; they had been beaten; and he consulted with me as to whether there was any possibility of his getting any portion of the money back from the committee. He intimated that it had been used for some other purpose than for campaign purposes.

Further than that, Mr. President, I stated these facts to the gentleman who was that year chairman of the Republican committee, and he smiled and said: "We did hit the old man pretty hard." [Laughter.] You can draw your own conclusions.

The Senator from Ohio [Mr. HANNA] says that if he spent his time in answering such charges as that he would take up more of the time of the Senate than the Senator from Georgia [Mr. BACON] consumes, as though that were an answer. No wonder that the Senator from Ohio makes that reply; no wonder that he gives that as his answer to the charge, for if he should spend his time in answering similar charges to those contained in the document which I hold in my hand, and if he spent time enough to convince the American people that the facts herein stated are untrue, he would spend a great deal more time in this body than is consumed by the Senator from Georgia.

I hold in my hand the report of the Committee on Privileges and Elections of the Senate on the election of M. A. HANNA to this body. The minority report of this committee is signed by Senators TURLEY, PETTUS, and CAFFERY. I will first read from the report of the majority:

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:

I have read that much from the report of the majority of the committee for the purpose of showing that they start off by saying that no one appeared in an authoritative way from the State of Ohio to prosecute the case, and so the majority report in favor of Mr. HANNA.

Now I will read from the report submitted by the Senator from Tennessee [Mr. TURLEY], from the minority of the Committee on Privileges and Elections, as follows:

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 quotation which I have just read is from the report of the majority of the committee. Now, we will see what the minority further say:

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—

This is the school in which Rathbone was educated, it appears [laughter], and became familiar with the ideas of "benevolent assimilation."

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.

Mr. CLARK. Read it all.

Mr. PETTIGREW. I will read it all.

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.'"—

This is getting a little closer than the communication of the Senator from Wisconsin [Mr. SPOONER] undertook to attribute to Aguinaldo. That seemed to be very satisfactory proof to the Republicans, and I hope this will be—

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—

I do not suppose they were talking about the post-office business in Cuba at this early day—

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—

You must remember that "1092" was the telephone in HANNA'S headquarters at Columbus, Ohio—

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—

It is not "H" this time, but "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—

Mr. TELLER. Who is writing this?

Mr. PETTIGREW. This is a conversation that occurred over the telephone between Mr. HANNA'S headquarters at Columbus and Mr. Boyce.

Mr. TELLER. Who else?

Mr. PETTIGREW. Major DICK—

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.

Now, I read from the minority report:

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 how, 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.

This Hollenbeck is said to be the "Mr. H." in this conversation.

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-by."

(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. Do not 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 do not 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. Do not 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.

This is a conversation, as I understand it, between Major Rathbone, at Columbus, and Mr. Boyce, the agent of Mr. HANNA, at Cincinnati, heard over the telephone. In fact, it is stated in the minority report to be a conversation between those two parties:

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 253 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.

Now, the minority of the committee say:

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.

This is what Major Rathbone said from Columbus:

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. Is not it wise for us to keep away and not come?

MAJOR. I do not 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.

The minority of the committee go on to say:

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 543 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.

Now, the report from the State senate of Ohio, which comes here, recites in substance the facts which are recited in the report of the minority of the Senate committee; and the minority who signed the report which I have read was composed of Senators TURLEY, PETTUS, and CAFFERY.

Mr. President, these things are known to the American people. It will not do for the Senator from Ohio to stand up here and say that charges of this sort—if he answered all that are made he would not do much else—are unworthy of his consideration or his notice. From the senate of his own State come these charges; from a minority of the committee of this body came these charges; and yet the Senator from Ohio says they are unworthy of his notice; that they are little things. I believe a member of the House of Representatives from Ohio stated that a vast sum of money was collected to carry on the campaign of 1892, and that it would take a bigger one next time. I think I can turn to the record where he states the sum; and it runs into the millions. Where was the money got?

Mr. Havemeyer testified that he contributed to the campaign fund of the political parties. It is hard to get this testimony, of course. Men make armor plate at a profit of millions upon millions, and the privilege is conferred upon them by a political party. Men build ships and say that they made vast contributions because of the enormous profits they expect to make. We deliberately pass a bill which allows this Administration, on the eve of a political campaign, to make contracts for 35,000 tons of armor plate, most of which is not to be used until long after the campaign is over, and we fix a price so that there is a profit of $7,000,000 in the contract. We let it out to two concerns which are known to be in collusion. We let it out to them without competition. There is no doubt in the mind of any man who is familiar with the last campaign that from those people will come vast contributions for the coming campaign. What other sources are there? As I stated this morning, the beer people want to get rid of the war tax on beer. They are ready to negotiate and they are negotiating. They will give their contribution with a promise of relief next year.

There are so many of these things that it would take the time of one member of this body to reply to them, if he tried to reply, and therefore he will not reply; and he then undertakes to escape the damaging facts by saying they are unworthy of his notice. Oh, Mr. President, men who are engaged in these things, when exposed, can make no other answer. They must say, "Oh, it is too small a matter in the course of my great life." Bribery and corruption, collection of funds for corrupt purposes, the securing of legislation in order that funds may be enlarged in quantity. A little matter of $400,000 is hardly worth the notice of men engaged in such transactions. So we are to be called upon to pass legislation, extravagant legislation, in order that funds may be collected.

It would be better if we would simply pass a bill saying that so many million dollars shall go to the Republican party out of the Treasury to conduct its campaign, and thus save the difference between the amount they get and the amount that goes in profit to the contractors in excess of what they are rightfully entitled to.

I did not care to get into this controversy, but there is more of it. I am not at all afraid of Senators staying here and discussing it just as long as they want to discuss it. There are many more things that can be said and told in regard to these transactions, but I do not care further to take the time of the Senate.

Mr. BACON. Mr. President——

Mr. HOAR. I rise to ask unanimous consent with reference to this matter, which will save some time, if the Senator from Georgia will allow me.

Mr. BACON. I have yielded to a great extent. I simply desire a few moments, and then I will be through. I had not yielded the floor.

Mr. HOAR. The Senator has no right——

Mr. HANNA. Mr. President, I rise to a question of personal privilege.

Mr. HOAR. A Senator has no right, under the rule, to parcel out the floor and then regain it.

Mr. BACON. In response to the inquiry of the Chair——

Mr. HOAR. I only rose to ask that the report of Mr. Garfield, which is about four pages long, be printed in the RECORD.

Mr. FORAKER. I do not understand that any Senator has been recognized.

The PRESIDING OFFICER. The junior Senator from Ohio rises to a question of personal privilege. The Chair will recognize him.

Mr. FORAKER. I think it is due to the Senator from Ohio, my colleague, or to myself, in part representing Ohio on the floor of this Chamber, to reply to that which has just been said by the Senator from South Dakota. We claim that as our privilege. This is a matter that I think we can take care of ourselves.

The PRESIDING OFFICER. The junior Senator from Ohio is recognized on a question of personal privilege.

Mr. HANNA. Mr. President, I feel like offering an apology to the Senate for pursuing this subject any further. The fact that the Senator from South Dakota [Mr. PETTIGREW] had the document upon his desk and the readiness with which he seemed to be prepared to take up these questions seriatim show that it is all a prearranged plan, that it is all a part of the tactics of the gentleman. So his statement that he has been forced into this discussion by any remarks of mine goes for nothing.

I wish to say only a few words with reference to the personality of this matter. Of course it is well known to the country that there was a pretty lively scrap in Columbus, and it is also known, because it was given the widest publicity, that it was a conspiracy on the part of the Democratic party and a few traitors in the Republican party, of the same nature and kind as the gentleman from South Dakota, who is determined, if possible, to prevent Ohio from having another Senator in the United States Senate.

This is the first time I have heard that report, and I was interested very much in the cunning devices that were concocted, as I believe, out of whole cloth. The first knowledge I had that anything of this kind was going on came to me in a publication in a Democratic evening paper in Columbus on the evening of the day when this conversation, so reported, was said to have taken place. I immediately sent for a reporter of the Associated Press of this country and dictated a few lines to the public, denying in toto the truth of any statement made that I had any connection with it or knew anything about it. That was my case, and there it has rested from that day to this.

As far as the instigators of this conspiracy are concerned, I have never seen or heard of them from that day to this, and as to the perpetrators of the deed, it was the Democratic party in the State of Ohio, through its agents in the State senate at Columbus and its allies and traitors, prominent among whom was this man Burke, from my native city, who upon every stump in that campaign pledged himself that if elected to the State senate it would be his first privilege and duty to vote for me for the United States Senate. He got to the senate through those promises.

Mr. President, with reference to the investigation in the legislature, Mr. Burke's vote was the balance of power in the Ohio Senate. He made the eleventh vote out of 21—10 Democrats and 10 Republicans. He was a traitor, a scoundrel; and he lent himself—I do not know for what—to this conspiracy. When that investigation was ordered there was one man in the Senate, James R. Garfield, who was conceded the privilege of being one of the investigating committee. The others composing the committee were three Democrats and this traitor, Burke. When Mr. Garfield made the request, or the demand rather, that I should be represented by counsel, it was denied, of course, by a bare majority vote. Every particle of testimony that was produced before that committee was arranged beforehand, and everything that looked to defense was stricken out or driven out.

Mr. President, let us look at the sequence. This man Burke, who was at the bottom of it, and wrote, as I understood, the majority report of that committee, has since been disbarred and disgraced in Cleveland as a blackmailer, and to-day he stands worse than a criminal before the public. I can better tell how his associate in this case is regarded at home by reading a little paragraph, which has been laid on my desk, from a paper in South Dakota. This is addressed to Senator PETTIGREW:

I am in receipt, under the Senatorial frank, of a copy of one of R. F. PETTIGREW's recent fulminations. In plain words, Mr. PETTIGREW, Dakota is ashamed of you; ashamed that a man so devoid of patriotism should misrepresent her sentiment and stain her honor; ashamed with the keen, humiliating repugnance the Apostles felt toward Judas, the patriots at Yorktown for Benedict Arnold.

If I cared to bring such things into the Senate, I could give that gentleman a few more instances that would not be very pleasant to him. I am not on my feet to-day to make any defense before the Senate, because when the Committee on Privileges and Elections had this matter before them, I went to the chairman and to individual members of the committee and begged the privilege of being called before them and put on the witness stand. I was told it was not necessary that any evidence should be produced.

Now, with reference to the political phase of this question, and that is all there is in it, I have no reason to believe, nor do I believe, that the Senator from South Dakota expects that such a harangue from him will produce any effect upon this country. I will not take the time to answer the Senator from South Dakota in placing before the country what he considers arguments to induce people to desert the principles of the Republican party and follow him as the Moses who expects to lead them out of the

wilderness of this Democratic-Populistic combination. I think he will fail in that. I have sat in my seat sometimes and wondered if the man was sane, to have the audacity to appeal to a patriotic and intelligent people with such rot as he has put into the RECORD.

Oh, no, Mr. President; the gentleman will find that he is mistaken in the people of the United States when he attempts, through mud slinging and accusations, to influence their decision when they are called upon at the polls next November to decide upon the principles that are at issue and not the men. When it comes to personality I will stand up against him and compare my character to his. I will let him tell what he knows; then I will tell what I know about him.

Mr. BACON. Mr. President——

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. BACON. Will the Senator from Montana pardon me for a few moments? Then I will yield the floor.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. BACON. I must insist on proceeding.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. CARTER. I rise to a question of personal privilege.

Mr. BACON. The Senator can certainly defer it for five minutes. I was entitled to the floor when the Senator from Ohio rose to address the Senate.

Mr. LODGE. Mr. President, I rise to a question of order.

Mr. CARTER. I think I have a right——

The PRESIDING OFFICER. The Senator from Massachusetts will state his point of order.

Mr. LODGE. My point of order is that a Senator can not take the floor and then dole it out to this Senator or that. When he leaves the floor he leaves the floor to the Presiding Officer to recognize whom he pleases.

Mr. BACON. I was——

The PRESIDING OFFICER. The Chair is of opinion that a Senator can temporarily yield to another Senator.

Mr. BACON. I rise——

Mr. CARTER. I rise to a question of personal privilege.

Mr. BACON. If the Senator from Montana insists, I will not interfere with his question of personal privilege.

The PRESIDING OFFICER. The Senator from Montana rises to a question of personal privilege. He will state it.

Mr. CARTER. Mr. President, in the course of the observations made a few minutes ago by the Senator from South Dakota [Mr. PETTIGREW] he thought proper to make the statement that a gentleman highly respected throughout the United States, not present in this Chamber and having no right to be here to defend himself, made to the Senator on board a steamship, in midocean, I suppose, certain statements relative to the contributions said to have been made by him to the campaign fund of 1892, and in that behalf suggesting as supplemental to the conversation alleged to have taken place on board of the steamship the statement that the chairman of the Republican national committee for the year 1892 had subsequently practically verified the statement said to have been made by Mr. Cramp on board the steamship in the course of a conversation alleged to have taken place between himself and the Senator from South Dakota. Inasmuch as this statement, put in the form the Senator from South Dakota chose to place it, reflects upon me, I assume it to be my privilege now to reply.

First, it is alleged that Mr. Cramp, a citizen of Pennsylvania, stated that he gave $400,000 to the Republican campaign fund of 1892. I do not believe that Mr. Cramp ever made that statement. Mr. Cramp could not have truthfully made that statement, and I believe him to be a truthful man. Such a contribution never was made.

From the Senator from South Dakota this morning came the first intimation that has ever reached me, directly or indirectly, that Mr. Cramp ever claimed to have made any such contribution. Through the eight long years that have passed since 1892 I have met Mr. Cramp repeatedly, and in no manner or form, by insinuation or direct statement, has Mr. Cramp intimated or suggested or stated that he had made any such contribution, or that any contribution made by him, if contribution was made, had been in any way diverted from the channel intended by him.

When a campaign is organized by the Democrats, the Republicans, or the Populists, it is a fact well known that the executive committee, appointed by the national committee to conduct the campaign, appoints, on its own motion and for its own convenience, what is known to each of the committees as an advisory committee. The executive committee does not pretend to make the collections, its work being confined to the conduct of the campaign.

The Republican committee of 1892 selected about fifteen gentlemen of the highest character and standing for the purpose of acting upon this advisory committee. That committee was not authorized to make any promise of any reward for any contribution, and the character of the men absolutely forbade indulgence of the suspicion that they would either accept or exercise such an authority if given.

I am led to believe that the supposed conversation on the steamship with Mr. Cramp was a pure creation of the imagination, precisely as the conversation assumed to have taken place with me at a later date. Eight years have passed since that campaign, and yet my memory concerning conversations is fairly tenacious. If this conversation with the Senator from South Dakota ever occurred, it would certainly have conveyed to me the information he pretends to convey to the Senate, that Mr. Cramp, a highly respected citizen of the State of Pennsylvania, had charged what the Senator assumes to-day that he charged in the conversation on the steamship, to wit, that having contributed $400,000 to that fund the contribution was diverted from its course and not applied as he thought it should be.

If the Senator from South Dakota had at any time between 1892 and this date suggested to me that such a statement had emanated from Mr. Cramp, due regard for my own honor and the honor and integrity of the eminent citizens of Pennsylvania who acted for the committee in that State would have impelled me forthwith to call upon Mr. Cramp for an explanation.

Can any Senator or honorable man anywhere believe that, being charged in a conversation with an illegal, unauthorized diversion of $400,000, nothing would be said about it; that Mr. Cramp would not mention it in the repeated conversations that have occurred since then, and that the committee, consisting of a member from every State of the Union, would be permitted to rest under the imputation of dishonorable dealing? The inference is too violent. It assumes corrupt purpose on the part of too many people.

The conversation alleged by the Senator from South Dakota to have taken place with me never took place on the face of this globe. That is a pure creation of his imagination; and I am at a loss to know why in the course of a debate, involving no personal controversy with me, because I am unconscious of having provoked the malice of the Senator from South Dakota, sensitive as his malice is, to any extent calculated to justify the assault made here to-day.

But, Mr. President, let me give a note of warning to the brethren on the other side of this Chamber. If these alleged conversations had ever occurred, they carried with them between gentlemen a tacit understanding which no gentleman anywhere would disregard. Brethren on the other side of this Chamber, you are henceforth to deal, God knows for how long, with the gyrating political career of the Senator from South Dakota.

Ever keep in mind the statements made by him to-day, statements which I brand, in so far as I am concerned, as untrue. The Senator was mistaken in the person with whom he talked; his memory is at fault; but if with Mr. Cramp the conversation did occur, I admonish those who manage political affairs on the other side to beware and constantly bear in mind the old adage, "Those who lie down with dogs may expect to get up with fleas."

Mr. PETTIGREW. Mr. President——

The PRESIDING OFFICER. The Chair desires to make a statement before the Senator proceeds.

Some time ago the junior Senator from Massachusetts [Mr. LODGE] raised a question of order, that a Senator can not take the floor and then parcel out the time to other Senators and still hold the floor. The Chair hurriedly made a suggestion that it was somewhat the custom of the Senate to do that. The present occupant of the chair desires to be understood as holding to the view that a Senator can not take the floor and then permit other Senators to make speeches in his time, and continue to hold the floor, because if that could be done the Senate might be held continuously in hearing one side of a question. A Senator can yield the floor for a question, for any interruption in the nature of a personal explanation, or matters of that kind, but in the case cited, the Senator from Georgia, after yielding to the Senator from South Dakota, who did make a speech, was first recognized by the Chair after the Senator from South Dakota had concluded.

The Chair has felt that it was his duty to make this explanation.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from West Virginia?

Mr. SCOTT. I rise to ask a question of the Chair.

The PRESIDING OFFICER. The Senator will make his inquiry.

Mr. SCOTT. The Calendar shows this morning that the Senator from Alabama [Mr. MORGAN] and the Senator from Illinois [Mr. MASON] are down for remarks on different subjects to-day, and that I was to follow after the morning hour. I should like to ask the Chair when I come in under the notice given yesterday?

The PRESIDING OFFICER. The Chair will suggest by way

of answer that the Senator from South Dakota moved to proceed to the consideration of a bill, and a motion was then made to commit the bill to the Committee on the Judiciary. That is a debatable question, and the debate is proceeding upon that motion.

Mr. PETTIGREW. Mr. President——

Mr. BACON. I hope the Senator from South Dakota will permit me——

Mr. PETTIGREW. I think I addressed the Chair first.

The PRESIDING OFFICER. The Senator from South Dakota was recognized.

Mr. PETTIGREW. Mr. President, as far as the conversation with Mr. Cramp is concerned, it occurred as I have stated. I did not charge that the funds of the campaign were diverted from the purpose for which they were intended. I said Mr. Cramp had suspicions of that sort in the conversation, and of course it is possible that by further investigation he found the money had been used in the manner in which he intended. Of that I know nothing.

Neither did I intend to intimate on my own motion that the Senator from Montana had diverted the funds in any way. The purpose for which they were subscribed was possibly sufficient in that connection.

As far as the conversation between myself and the Senator from Montana is concerned, it occurred in this Chamber at the time we reduced the price of armor plate to $300 a ton, and it occurred exactly as I stated, the Senator making the remark that "I guess we did hit the old man pretty hard." I reiterate that statement.

Of course anyone can stand on this floor and hurl personal abuse. If facts are damaging they are legitimate. Anyone you meet on the street can call names. If Senators desire to engage in that practice I shall not reply in kind or pay further attention to it.

Mr. FORAKER. Mr. President, I do not rise for the purpose of making any defense of my colleague [Mr. HANNA] as against the attacks that have been made upon him in this Chamber to-day, because, in the first place, and most particularly, it is not necessary for me or anybody else to make defense for him. He is capable at all times, and has demonstrated it over and over again, of taking care of himself; and never more conclusively has he demonstrated it than here to-day in repelling the assault that has been so unnecessarily and so unceremoniously and so without any justification whatever made upon him.

What I rise for, Mr. President, is simply to supplement with a calm, dispassionate statement that had effect with all the people of Ohio, and will have effect with all the people of the United States when they are familiar with it, as to the matters about which the Senator from South Dakota has spoken.

The statement to which I refer was made by a member of the committee that investigated these alleged charges on behalf of the senate of Ohio. That member was James R. Garfield. He is yet a young man, but, Mr. President, he is known all over Ohio, and I think I may say practically all over this country, as a son worthy of his illustrious father, a man of integrity, a man of character and high character in every sense of the word, a man who was competent to investigate the testimony that was offered, to make a judicial finding of it consistent with truth, and that is what he did.

The report made by Mr. Garfield was a minority report, but, Mr. President, it speaks for itself. I would be glad if I might have an opportunity to insert the whole of it in the RECORD without detaining the Senate to read it. I want, in any event, to read some passages from it.

He begins by depicting the character of the struggle we had in Ohio at that time. It was a struggle, of which my colleague has spoken as a bitter struggle. It was a bitter struggle, the bitterest political contest that we have ever had in our State. There was more excitement about it, more things were done that perhaps could be criticised than ever were done in connection with any other contest of a similar character, chiefly because of the peculiar situation out of which the transactions arose that were under investigation.

Mr. Garfield points out that the only testimony that had any tendency to convict or sustain the charges, I will say, that were made against my colleague was testimony that was gathered in an uncertain and surreptitious way by telephone. Parties were alleged to have been in use of the telephone and other parties were alleged to have had a cut-in wire, as it was called, over which they heard the conversation that passed, or claimed to have heard it; and then claimed to have made a stenographic report of it.

It is not necessary for me to comment harshly upon any of these witnesses. Their own statements are enough to show the uncertain character of their testimony. Mr. Garfield, after pointing all this out, then proceeds to state what was accepted by the great mass of the people of Ohio, if not by all the people of Ohio, as a fair presentation of the results of that investigation. He says:

> Upon this chain of so-called evidence—

I do not state more fully what it is, because the Senator from South Dakota has put into the RECORD in reading what he did, the details of it all—

> Upon this chain of so-called evidence those who have preferred these charges attempt to connect Mr. HANNA, through some unknown agent, with Boyce; but, as has been shown, they in no way, by either direction or indirection, have established such connection. The evidence offered is chiefly interesting in its omissions of the most important connecting links.
>
> First. Not only the failure but the lack of all attempts to connect Boyce with Mr. HANNA or any of his associates.
>
> Second. The failure to identify the persons who are supposed to have used telephone 1092 in Columbus.
>
> Third. The destruction of all the original notes of those pretended conversations.
>
> Fourth. The failure to show any connection between Hollenbeck and Boyce.
>
> Fifth. The failure to connect Boyce, while in Columbus on January 11, with Mr. HANNA or any agent of his.
>
> It will thus be seen by a careful review of all the testimony that there is absolutely no competent or credible testimony upon which to substantiate or confirm any portion of the charge that Mr. HANNA, either directly or indirectly, sought to obtain the vote of John C. Otis by the offer of any sum of money.
>
> On the other hand, the testimony bears out the supposition that there was 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. A close analysis of the facts presented establishes this supposition most clearly.

That is all, Mr. President, that I care to detain the Senate to read from this report, but in view of all that has been said and in view of its effect upon a member of this body, I ask unanimous consent that the whole of this minority report of Mr. Garfield may be inserted in the RECORD.

The PRESIDING OFFICER. Is there objection to the request made by the Senator Ohio?

Mr. PETTIGREW. I shall not object if the whole report is put in.

Mr. FORAKER. The minority report?

Mr. PETTIGREW. The whole report.

Mr. TELLER. The majority report?

Mr. PETTIGREW. The whole report. It is not a very large volume. If the Senator will publish the whole of it I shall have no objection. Otherwise I shall object.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Ohio?

Mr. PETTIGREW. I object unless it contains the whole report.

Mr. FORAKER. Does the Senator ask that the testimony also be inserted?

Mr. HOAR. If that is done, I think the brief report of the Committee on Privileges and Elections of the Senate should go with it.

Mr. PETTIGREW. Then take the whole report, the entire report.

Mr. FORAKER. I have no objection.

Mr. PETTIGREW. I have no objection.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Ohio?

Mr. TELLER. Let us understand what is to be done. Are there two reports, the report made to the Ohio legislature and the report made to this body, to be printed together?

Mr. PETTIGREW. I understand that they are all contained in that volume.

Mr. TELLER. If so, I do not object.

Mr. BERRY. The majority report and the views of the minority.

Mr. FORAKER. The majority report to this body on this case commences with a recitation of the fact that no citizen of Ohio came here to prosecute the charges that had been made against Mr. HANNA. The reason why no citizen of Ohio came here to prosecute these charges was because, as I have said, the people of Ohio accepted as a true result of all that testimony and all that investigation the statements made by Mr. Garfield to which I have called attention, and nobody in all the State of Ohio felt after that analysis of the testimony and that report had been made like coming here to prosecute the charges against Mr. HANNA.

Mr. President, I might detain the Senate to speak my mind as to the conduct of the Senator from South Dakota in at this time bringing a matter of this nature before the Senate, but I deem that unnecessary. I think what I have called attention to as a supplement to what my colleague has said is sufficient for the purposes of this case. The political features of it the country will understand, and the country will know how to appreciate, and the country will make response in November as Oregon made response yesterday.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Ohio, and the order is made.

The document is as follows:

[Senate Report No. 1859, Fifty-fifth Congress, third session.]

ELECTION OF HON. M. A. HANNA.

February 28, 1899.—Ordered to lie on the table and be printed.

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 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 justified 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. 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 its 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 someone 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 the 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 torrow. 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 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.

Mr. ALLEN, from the minority of the Committee on Privileges and Elections, submitted the following views on the charges of bribery in the election of Hon. M. A. HANNA to the Senate of the United States:

In view of the fact that this Congress will expire within the next three days and that the term of service of Mr. HANNA will expire with it, it is apparent that there is not time within which to consider the case and it will perforce of circumstances fall with the close of the session. My term of office expires with this Congress, and I do not, under such circumstances, deem it wise to express an opinion as to what a future Congress should do, to which Mr. HANNA has been elected.

Respectfully submitted.

WILLIAM V. ALLEN.

CERTIFIED COPY OF THE REPORT OF THE COMMITTEE APPOINTED BY THE SENATE OF OHIO, PURSUANT TO S. R. NO. 21, TO INVESTIGATE THE CHARGES OF BRIBERY IN THE ELECTION OF HON. MARCUS A. HANNA TO THE SENATE OF THE UNITED STATES.

GENERAL ASSEMBLY OF OHIO,
OFFICE CLERK OF THE SENATE,
Columbus, May 26, 1898.

Hon. GARRET A. HOBART,
United States Senate, Washington, D. C.

MY DEAR SIR: I have this day forwarded to you, by the United States Express Company, a certified copy of the report of the committee appointed by the Senate of Ohio, pursuant to S. R. No. 21, to investigate the charges of bribery in the election of Hon. MARCUS A. HANNA to the Senate of the United States, together with the testimony taken therein, which was ordered to be sent to you by the Ohio senate.

Kindly acknowledge receipt of the same.

I have the honor to be, very truly, yours,

D. O. CASTLE,
Chief Clerk Ohio Senate.

[Copy of indorsement on back of letter from D. O. Castle, chief clerk of Ohio senate, transmitting certified copy of report of committee appointed by the Ohio senate to investigate HANNA bribery charges.]

Letter from D. O. Castle, clerk of the Ohio senate, transmitting a certified copy of the report of the committee appointed by the senate of Ohio, pursuant to S. R. No. 21, to investigate the charges of bribery in the election of Hon. MARCUS A. HANNA to the United States Senate.

CLERK'S CERTIFICATE.

I hereby certify that the following is a true and correct copy of the report of the committee appointed, pursuant to senate resolution No. 21, to investigate the charges of bribery in the election of Hon. MARCUS A. HANNA to the United States Senate from Ohio by the Seventy-third general assembly, and adopted by the Ohio senate; and also a verbatim transcript of the testimony taken by the committee and submitted to the senate, the original of which report and testimony is on file in my office.

D. O. CASTLE,
Chief Clerk Ohio Senate.

REPORT OF SELECT COMMITTEE APPOINTED UNDER SENATE RESOLUTION NO. 21.

The select committee appointed in pursuance of senate resolution No. 21, adopted by the senate January 13, 1898, relating to the charge of attempted bribery of John C. Otis, a member of the house of representatives, in connection with the election of MARCUS A. HANNA as United States Senator by the Seventy-third general assembly of the State of Ohio, submit the following report, and therewith for reference a copy of said resolution:

Your committee limited its investigation and inquiry to the matters specified in the said resolution, and in executing the direction of the senate examined quite a large number of witnesses. The testimony was taken by a stenographer, and a transcript thereof is submitted with and as a part of this report.

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.

Your committee present, as a part of this their report, the following analysis of the testimony, viz:

John C. Otis testified that the first time he ever heard from Boyce was on Friday forenoon of January 7, 1898. He was at his drug store, in Cincinnati. Boyce called him from the Great Southern Hotel in Columbus, Ohio, by the long-distance telephone, saying he would like to see him on important business. Otis agreed to meet Boyce at the Gibson House that evening. On his way from Columbus to Cincinnati Boyce telegraphed to Otis from Springfield, and this telegram is in evidence.

Otis testified that he and Boyce met that evening at the Gibson House. Among other statements made by Boyce was one that "Mr. C. C. Shane, of New York, who was a friend of his and close to the President, on that or the following night was to have an interview with the President; that they were both very anxious about the Ohio situation, the President in particular," * * * and he "hoped that Mr. HANNA would be elected." They agreed to meet the next day at 3 o'clock in the afternoon. The first conversation occurred about 6 o'clock in the evening, lasting only a few minutes.

A digression to the evidence of another witness is necessary to point out a corroborating fact. Just after 6.55 on the same evening Myers, one of the clerks of the Gibson House, heard Boyce say on the long-distance telephone: "Hello, Major DICK," and then he said something about Shane meeting the President in Washington to-morrow. Thus it is that these two witnesses corroborated each other. There was nothing to show any collusion between Myers and Otis.

Those two pieces of testimony throw some light on the query as to who was originally responsible for Boyce's invasion of Ohio to commit the crime of bribery. Shane may have sent Boyce out here in the first instance.

Boyce told Campbell Shane has "something to do with his coming." (See Campbell's evidence.)

When Boyce reached here he was used by Rathbone, as will be shown by an analysis of other evidence.

After the first conversation of Otis with Boyce the former suspected that Boyce would attempt to bribe him. Then he saw Campbell, told him of his suspicions, and suggested that he would not meet Boyce on the next day. (Page 164 of the evidence.) But afterwards he concluded to and did meet Boyce on Saturday afternoon of January 8, 1898, at 3 p. m. Much of that conversation was a repetition of the former; but he also told Otis that if Otis "could see it in that light"—that is, vote for HANNA—"he could make it extraordinarily profitable for him (Otis) in the way of emoluments, for the President had great power in the way of making appointments." And then Otis said that Boyce repeated that "he could make it profitable if I could only see it in that way." (Page 165 of the evidence.)

During the same evening Boyce called Otis by telephone to come to the Gibson House. After consultation he went. He told Boyce that he didn't care to talk further about it, but that if he would go with him to the Hotel Emery he would introduce him to Col. T. C. Campbell, and let him discuss the matter with him; and he would abide by it. (Page 165 of the evidence.) They went to the Emery House, where Otis introduced him to Campbell. The subsequent stages of the offer to give Otis money for his vote were conducted by Boyce, with Campbell acting for Otis.

Otis also testified that on Sunday evening, January 9, Campbell showed him a telegram addressed to the President, announcing his determination to vote for HANNA, and which Campbell said Boyce had written and desired him (Otis) to sign. He refused to sign it, but told Mr. Bliss to sign it, which the latter did. (Page 168 of the evidence.) Mr. Bliss, however, was authorized by Mr. Otis to write and sign in his own hand the entire telegram. That enabled them to keep the draft of the telegram drawn by Boyce. It was a trap set for Boyce. He fell into it. The paper in his own hand was preserved and was put in evidence, and it is corroborating evidence of the truth of the charge made against Boyce.

The evidence circumstantially shows that Boyce sent the telegram written and signed by Bliss. He was seen going into the telegraph office between 10 and 11 o'clock p. m. January 9, 1898.

The manager of the telegraph company was subpœnaed to bring this telegram before the committee. He testified that the files containing messages sent during that period had been taken away. He said their absence was "peculiar;" that he was surprised by it; that they might have been stolen; that they might have been audited, though it was contrary to custom to have it done so soon, and he had no information that this was done; that he had no theory by which to account for their absence, and that, in short, he was in the "dark." (Pages 156, 157, 158 of the evidence.) These circumstances give countenance to the theory that those who are interested in keeping the fact that this telegram was sent from your committee were instrumental in abstracting it from the telegraph company's files.

T. C. Campbell testified that in his first talk with Boyce at the Emery the latter said he would pay Otis $2,500 for his vote for HANNA. Campbell replied that he would tell Otis, "but he felt confident nothing would come of it." (Page 177 of the evidence.) Campbell also testified that on the afternoon of January 9 he received a message from Boyce asking him to come to the Gibson House. That message is in evidence. Campbell testified that it was in the handwriting of Boyce. Before he went to the place of meeting, Campbell showed this message to several persons.

Boyce then told him his offer of $2,500 was "munificent," considering the fact that Otis's vote was not needed. Campbell said that Otis would not hear of it. Then Boyce said: "Well, now I want you as an attorney in this matter. I want you to present this argument to Otis. I want him, and if you can get him I will pay you $1,000." Campbell said there would be no objections to the $1,000, but that he had no idea he could succeed with Otis. Boyce pulled out $1,000 and gave it to Campbell. Immediately upon going from the meeting with Boyce, Campbell showed the money to Otis and Bliss, as the testimony of Otis and Campbell proves.

In a very short time after this conversation Campbell and Boyce met again. Campbell told him $2,500 was too small, being "entirely beneath the dignity of a member of the house of representatives," and that "a man of Boyce's standing should not think of offering less than $10,000." At first Boyce said the suggestion was nonsense; that four other votes had been got at an average of less than $1,500 apiece, and that a fifth one had been "gotten for $600."

Here another digression is pertinent. Under some technical rule of evidence it might be questioned whether these declarations, admissions, of Boyce can be considered against Rathbone, DICK, and HANNA. But a consideration of the whole evidence taken by the committee will satisfy anyone that HANNA, Rathbone, DICK, Boyce, and Hollenbeck were all striving for the accomplishment of the same end—the election of the former; that they were intimate with each other; that they were together; and that there was a common desire on the part of HANNA, Rathbone, DICK, Hollenbeck, and Boyce to further Boyce's scheme of buying votes, and especially the vote of Otis.

Campbell testified that in his third talk with Boyce the latter finally said: "I will tell you what I will do. I will give him $3,500, $1,750 now and $1,750 to-morrow" * * * "as soon as we get to Columbus." (Page 179 of the evidence.) Afterwards, in another connection, Campbell said Boyce offered to pay the remaining $6,500 when HANNA was elected. (Page 180 of the evidence.) Boyce gave some address in Columbus where the second $1,750 was to be paid, but the witness, Campbell, could not recall it.

It is hardly probable that any other person was so generous as to offer $10,000 of his own money to buy Otis's vote for Mr. HANNA. The latter was to be the chief beneficiary of Otis's purchased vote. How unnatural and improbable, then, it was for anyone to put up the $10,000.

Boyce paid over to Campbell $750, Campbell having "pretended," as he testified, "that Otis had acquiesced in his offer." When the $750 was counted out, Campbell told him that would not make $1,750, to which Boyce replied: "You have got $1,000, and $750 makes $1,750." Campbell said, "I thought the $1,000 was a fee." "Well," said Boyce, "I couldn't let this cost us more than $3,500. The rest you get if Mr. HANNA is elected."

Campbell testified that Boyce wrote the receipt which he wanted Otis to sign. Campbell exhibited the additional $750 to Otis and Bliss a very short time after receiving it.

The foregoing is in substance the testimony against Boyce, and, in the opinion of your committee, is conclusive of criminal attempt on his part to bribe Mr. Otis in the interest of Mr. HANNA'S election.

The evidence of a positive character is not the only evidence against Boyce. There is a large volume of circumstantial evidence proving his guilt which was taken by your committee, and some of which will appear as this review of the evidence proceeds.

As bearing on the relation existing between Boyce and Messrs. Rathbone, DICK, and HANNA in working to a common end and in accounting for the conduct and acts of Boyce, the testimony is in substance as follows:

In the Gibson House in Cincinnatti the evidence shows there was, on January 7, 8, and 9, 1898, a long-distance telephone. There were two places in the hotel where it could be used, one in the usual box near the clerk's office and one in the private office on the second floor. The evidence shows that when one person was at the former place, with the receiver at his ear, he could hear the conversation between the other person in the private office and anyone at any distant point who had the necessary connection. There is nothing improbable or unscientific in this fact.

Your committee experimented with the two telephones in a talk between a person at Columbus and one in the private office, and verified the truth of the witnesses' statements of their ability to hear conversation thus held.

Mr. Horace Dunbar was the proprietor of the Gibson House. A short time after January 9, 1898, the telephone company rendered a bill to Mr. Dunbar containing charges for the use of the long-distance telephone at the Gibson House by various persons in talking with persons at Columbus, Ohio, between January 6 and 10, 1898. That bill definitely stated the names of the persons who used the telephone at the Gibson House and the names of the persons whom they called at Columbus. That bill shows that Boyce used the long-distance telephone in the Gibson at the following times: At 11.20 p. m. of January 7, 1898, and that he called for Rathbone in Columbus; at 6.52 p. m., January 8, 1898, and that he called for Rathbone, and at 11.18 of January 9, 1898, and that he called for Rathbone. (See page 66 of the evidence.) The first time he talked eleven minutes, the second thirteen minutes, and the third time ten minutes.

Myers, jr., testified that shortly after Boyce reached the Gibson on January 7 Columbus called for Boyce to talk over the telephone. He talked with Major DICK. The testimony of Myers, who overheard the conversation, has already been quoted in this report. Myers again overheard a second conversation between Boyce and Columbus later in the same evening, after Boyce returned from the theater. Boyce was in the private office and Myers at the telephone on the lower floor. Then Boyce only used the term "Major" in addressing the person at Columbus. But he called for telephone No. 1092, the telephone at Senator HANNA'S headquarters in the Neil House. Myers repeated the conversation, and Mr. Seegar, another clerk, took it down in writing. Boyce said he had "seen Mr. O.," and he had "arranged matters and fixed them up," and stated that "it would take $20,000 down;" to which the Major said, "No; they did not know about that; they would see H." After an interval of five minutes the "Major" said to Boyce "that they would give $10,000 down and $10,000 when it was over."

Otis and Boyce, as Otis swore, had a conversation just a few hours before this, so that "Mr. O." manifestly meant John C. Otis.

If money was to be paid for Otis's vote, naturally Mr. HANNA was the only person who would pay it. Telephone No. 1092 was located in HANNA'S headquarters. The testimony shows that there were two persons at Mr. HANNA'S headquarters—two of his supporters—who were distinguished by the title of "Major"—Rathbone and DICK.

From these circumstances it is obvious that "H." was nobody but Senator HANNA; that the "Major" who was talking was either DICK or Rathbone. Mr. Seegar was here and took the conversation down as Myers repeated it. (Page 77 of the evidence.)

In addition to this corroborating evidence of Seegar, there is the statement in the telephone company's bill that Boyce used the long-distance telephone at about the same time when Myers and Seegar say this conversation occurred. Not long after this conversation Boyce was again called by Columbus to the long-distance telephone. Boyce was again in the private office and Myers at the telephone below. Pryor, another clerk of the Gibson House, took down in writing the conversation between Boyce and Columbus. Boyce addressed his fellow-colloquist at Columbus as "Major," while the latter called the former "Colonel" or "General." In that conversation a man named "Hollenbeck" was mentioned. The "Major" said he (Hollenbeck) would come to Cincinnati, and he would have a package.

This narrative of Myers is also corroborated by other evidence. It is corroborated by Mr. Pryor, who testified that he took down what Myers repeated. It is also corroborated by the fact that Hollenbeck did go from Columbus to Cincinnati the next day; that when he reached the Gibson House he met Boyce, and that afterwards Boyce deposited a package with the clerk of the Gibson House, remarking at the time that it was of much larger value than $5.

It makes a case against HANNA, Rathbone, and DICK for procuring, aiding, and abetting Boyce in his crime of attempted bribery.

In the first conversation referred to, Major DICK was doubtful whether the $20,000 should be paid for Otis's vote. He said he would consult with Mr. HANNA. After the conversation he agreed to give the $20,000.

That evidence proved the combination, the conspiracy, between DICK, Rathbone, HANNA, and Boyce. That connection—the connection of conspiracy—having thus been shown, every act and declaration afterwards done and made by either of them in pursuance of the original, concerted plan, and in reference to and in furtherance of the common object, was the act and declaration of all of them. Therefore, every act and declaration done and made by Boyce or Hollenbeck after the first conversation overheard by Myers, and up to the time the last money was paid to Campbell, was the act and declaration of Senator HANNA and of Rathbone and DICK, and every declaration and act of Rathbone and DICK was the act and declaration of MARCUS A. HANNA. Such is the law.

Mr. Thomas H. Miller, a detective, testified that at about 6.45 in the evening of January 8, 1898, he took the receiver at the lower telephone in the Gibson House. He heard a voice at the telephone in the private office say: "Hello, exchange; I want 1092, Columbus, Ohio. I want to speak to Major Rathbone." The response from Columbus was: "Who is it wants to speak to Major Rathbone?" To that the voice in the private office replied: "This is General Boyce; but don't use any name at Columbus. Just say a gentleman at the Gibson House." Miller then turned the receiver over to Miss Jacobs. Miller's testimony dovetails with the evidence furnished by the unwilling witness—the telephone company.

The bill of charges shows that Boyce used the long-distance telephone for a talk with Rathbone in Columbus at 6.52 p. m. of that same day, being a discrepancy of only seven minutes from the time given by the witness, Miller, which is accounted for by Miller's statement that it was about 6.45 p. m.

The witness, Miss Jacobs, took a shorthand report of the conversation between Boyce and Rathbone, which was begun in Miller's hearing, and the transcript of her notes is in evidence. (Pages 98, 99, and 100 of the evidence.) That fits in with and corroborates Campbell's, Bliss's, and Otis's evidence in regard to the telegram which Boyce desired Otis to sign. He also reported to Rathbone that Otis was all right. Rathbone told him that if Otis signed a statement announcing his purpose to vote for HANNA that would be sufficient. He likewise expressed great concern about the telegram. Boyce expressed his belief that the recruit of Otis for the HANNA side would drive Mason over.

But the most important part, perhaps, of this conference was Rathbone's direction to Boyce to go to 263 Broad street, Columbus, when he should arrive, so that they could have a conference.

No unbiased mind can doubt for one moment that this conversation was held between Rathbone and Boyce, as Miss Jacobs reported it, and that Miss Jacobs correctly reported it. She had no inducement of interest, or other motive, to falsify. That the conversation could be heard was demonstrated by an experiment made by the committee with persons at both of the telephones in the Gibson House and from which one of them conversed with a person at Columbus, Ohio.

Miss Jacobs testified to taking a shorthand report of another colloquy between Boyce and Rathbone at 11.55 Sunday morning of January 9, 1898. That was the time fixed by her, and differs in only seventeen minutes from the time fixed by the telephone company's bill, when a conversation occurred between Boyce and Rathbone. The details of this conversation, according to Miss Jacobs's transcript of her notes, are found on pages 100 and 101 of the evidence. Its chief features are a report to Rathbone of the progress he (Boyce) had been making with Otis, and that Boyce desired to make advances on Droste and Lane.

This witness testifies to another conversation between Boyce and Rathbone which occurred about 1.15 Sunday morning, January 9, 1898. Boyce wanted to know whether Hollenbeck had returned; and Rathbone informed Boyce that Droste and Lane should "be left to us."

There is a most important series of events shown by the evidence which corroborates Miss Jacobs's testimony in regard to the conversation in which Rathbone appointed 263 Broad street as the meeting place with Boyce when he returned to Columbus.

Mr. John Taylor testified that 263 was his residence, and that his wife was a relative of Rathbone's wife; that the latter was at his home on a visit during part, and especially the latter part, of the Senatorial contest, and that Rathbone went out to his house several times during the contest for recreation. Who else than Rathbone, at Senator's headquarters, would have appointed that as a meeting place for Boyce?

Boyce came to Columbus. Charles Steitz, a hackman, testified that he hauled a man from the Neil House to the Union Depot, and thence to a point nearly opposite 263 Broad street, about 12 o'clock noon, on January 10, 1898, and when he was told by his passenger that when a cab came up on the other side of the street to go and tell the man inside to come over to him. The evidence shows that Boyce left Cincinnati at 9 o'clock on a Big Four train; and this witness said a train on that road reached Columbus from Cincinnati about 12.25 or 12.35. That would have brought Boyce to Columbus at that time.

The cab came up in front of 263 after Steitz and his passenger had been at their place of waiting about fifteen or twenty minutes. When the cab arrived the passenger, on being notified of Steitz's passenger's desire, came over with his baggage and joined the latter in his hack. They drove around till it was discovered that some one, who proved to be Miller, the detective, was in pursuit, when the Neil House passenger directed Steitz to "lose us." A consciousness that their business was unlawful was the only reason that could have prompted such a direction. It is not necessary to pursue the devious course of these two confederates any further. Can any honest mind, after considering the chain of circumstances, come to any other conclusion than that Rathbone and Boyce were the two who had this meeting and took this drive? And the meeting was pursuant to the appointment made by Rathbone.

It may be true that the major who held the conversations with Boyce, after the second one, was Major Rathbone and not Maj. CHARLES DICK; but the first two conversations locates Major DICK as aiding in the attempt to buy Mr. Otis's vote.

For the same reason that Senator HANNA must share in the guilt of the crime committed by Boyce, DICK is responsible.

The evidence against Hollenbeck tends to show that he aided and abetted Boyce. He was delegated to carry the money or its equivalent to Boyce. Archer and Mulvihill followed him from Columbus to the Gibson House. The personation of Hollenbeck by one of these witnesses at London, in order to obtain a telegram addressed to him by "H. D.," and their answering it, has excited comment in some quarters. The mere statement of what they did is enough to justify it. They were following and watching a man alleged to be bent on aiding in the commission of a great crime, to buy a legislator to vote against his own opinion and judgment and against the wishes of his constituents. They had an undoubted right to trap him. It is the everyday practice of detectives, for which they are praised by law-abiding people. Hollenbeck met Boyce at the Gibson House. The evidence of the detectives, Miller, Schlessinger, Archer, and Armstrong, shows how they followed Boyce and Hollenbeck, and it corroborates other witnesses.

Miss Jacobs reported a conversation between Hollenbeck at the Gibson House with some one at 1092, at the headquarters of Mr. HANNA in the Neil House. Hollenbeck reported that he did not find Schmidlapp, the president of the bank, in Cincinnati, but that he found "another man who got the matter," a man who was "all right," who was one of the "friends" of the man at 1092.

Hollenbeck was also asked what he did with the draft, and his reply was that it was returned. He also reported that the General (Boyce) "felt very well over the outlook." This tends to prove that Hollenbeck carried money or its equivalent to Cincinnati, and that Boyce got it from him. Then Hollenbeck was asked about the telegram to him which was intercepted by Mulvihill and Archer, the telegram being quoted just as it was given by Archer in his testimony.

One of the detectives followed him back to Columbus and right into the Neil House and up the elevator toward the HANNA "headquarters."

About 9.30 a. m. of January 8, 1898, Hollenbeck went into Schmidlapp's bank. He stayed ten minutes; went back to the Gibson House, and then returned to the bank. Afterwards he and Koehler, the cashier, went out of the rear door, through Baker's alley, to Vorheis, Miller & Co., where Koehler introduced Hollenbeck to Vorheis, the vice-president of the bank. After being with Vorheis fifteen minutes, Hollenbeck returned to the bank. From there he went to the Baltimore and Ohio depot, thence to the Gibson House. There he went to his dinner; but before finishing his dinner he returned to the bank, which he found closed. He was let in by a back door, and, after remaining five minutes, he returned to the hotel.

Within the next two hours Boyce deposited with the clerk of the hotel a package which he significantly said contained more than $5. Boyce had no package to deposit on Friday; he had none to deposit until after Hollenbeck arrived, and after the latter was through with his business at the bank.

The telephone message which Hollenbeck sent to Boyce from the Grand Central Station just before he left, to wit, "To make things safe destroy all traces of letter I gave you," demolishes the supposition that Hollenbeck was in Cincinnati on lawful business. Hollenbeck did not know Boyce, for when he came to the hotel he told the head porter, Maxwell, to "call attention" to Boyce when the latter should come in the hotel. The letter he desired destroyed was merely a letter of introduction to Boyce. If Boyce and he were there on innocent business there was no reason for its destruction. If Hollenbeck was there on legitimate business, there was no reason for his having a letter to a man who was engaged in committing a crime.

After Hollenbeck had been at the bank he went to the telephone in the Gibson House and called for the telephone at HANNA'S headquarters in the Neil House, No. 1092. He reported that he did not find Mr. Schmidlapp, which is corroborated by other evidence showing that Mr. Schmidlapp was then out of the city, but that another man had got the matter, which has before been referred to in this report. He asked the HANNA headquarters whether he should use the letter to Boyce, and was told to do as he thought best. He also reported that he had been "careful not to be seen;" that he "went down dark alleys and byways;" and then he was asked about the "General" (Boyce), and cautioned "to be watchful." To this Hollenbeck replied: "I am not supposed to know about him."

The refusal of the bank officers, Vorheis, Koehler, and Schaeffer, to be sworn and give testimony in regard to the business of Hollenbeck with the bank supports the conclusions of your committee.

The bank officers talked freely on every subject except Hollenbeck and his business with the bank; and when these were mentioned they would go behind the challenge that the senate and committee were without jurisdiction. The natural inference is that their answers on these subjects would have shown the criminal character of Hollenbeck's business.

In the opinion of your committee additional evidence was not necessary to prove the charge against Hollenbeck. Additional evidence could not have made more conclusive the complicity of this man in the wicked and villainous business of the attempted bribery of Otis.

The testimony of Dunbar, Bliss, and others, although not to the principal facts, is strongly corroborative of the testimony of other witnesses.

An intelligent and unprejudiced consideration of all the evidence taken by your committee will prove that the four facts stated in the first part of this report have been proved.

Your committee, in this investigation, encountered considerable obstruction from the telephone companies and the telegraph companies. Important evidence was presumed to be in the possession of the agents of these companies, but, in obedience to their superior officers and attorneys, they refused to answer. That the senate committee had no jurisdiction to make the inquiry was the chief reason given by them for their refusal.

The monotonous unanimity of the answers and of the advice and instructions received from attorneys and superior officers suggest the inference that there was a preconcerted plan among them to thwart and obstruct this committee in the discovery of the truth.

The testimony of the witnesses who overheard these conversations between Rathbone and Boyce, Boyce and DICK, Boyce and Hollenbeck, and Hollenbeck and Rathbone was admissible.

It was proved that Boyce did the talking at one end of the line. It was, therefore, unnecessary to prove that the witnesses recognized his voice.

He was seen going into the private telephone office. Immediately a voice at the telephone there was heard in the office below. Proof that his voice was recognized was, therefore, unnecessary.

The witnesses before the committee, Miss Jacobs, Messrs. Miller and Myers, heard the men at the other end of the line, at 1092 in the Neil House, talking with Boyce. They did not identify them by their voices, but they heard Boyce call for and address them by the names of Rathbone and DICK. They heard these men respond to these names. They heard Rathbone call for Boyce. The telephone bill shows that, in three instances, the conversations were between Rathbone and Boyce. These calls for Boyce and Rathbone and DICK, and the charges made in the bill that they did the talking, were in accordance with telephone usages.

These facts and circumstances made the testimony of these witnesses legally competent, notwithstanding they were unable to recognize and swear to the voices of those who engaged in the conversation.

After the taking of the testimony hereinbefore referred to Mr. Ross, the agent of the telephone company in Columbus, receded from his refusal to answer the questions put to him and testified more fully; and his testimony is strong, both as proof of new facts and as corroborative proof of the testimony of other witnesses. His testimony conclusively proved that telephone No. 1092 in the Neil House was paid for by Maj. CHARLES F. DICK, and was located in Mr. HANNA'S headquarters during the Senatorial contest.

The telephone company sent to Major DICK a bill showing charges for the use of this telephone, which contained, as did the bill of the Cincinnati Telephone Company, the times when the telephone was used, when calls were made from that telephone, what telephones, by number, were called for out of the city, and also what calls were made for telephone No. 1092 from telephones in Cincinnati, and the numbers of those telephones. For instance, it shows that at 1.30 p. m. on the 8th day of January, 1898, there was a call from 1092 for telephone No. 548 in Cincinnati. No. 548, according to the testimony, was the number of the telephone in the private office of the Gibson House, Cincinnati. That corresponds exactly with the time when, according to the testimony of Miss Jacobs she took down a request, made by Hollenbeck at telephone 548 to the central office there, for the latter to notify 1092 that he was at the Gibson House. A few minutes afterwards she took down a conversation between Hollenbeck, at No. 548, and some person at No. 1092.

This bill itemizes a call for No. 548 from 1092 at 6.50 p. m. of January 8, 1898. Miss Jacobs, it will be remembered, testified that she took down a conversation between Boyce, at No. 548, and Rathbone, at 1092, "about 6.45 p. m." of January 8, 1898. The Cincinnati Telephone Company's bill, furnished Mr. Dunbar, showed that Boyce called from 548 for Rathbone at 1092 at 6.52 p. m. of January 8, 1898. This evidence is a complete demonstration of the truth of Miss Jacobs's testimony.

This bill also itemizes a call from 1974 for 1092 at 9.55 p. m. of January 9, 1898. Telephone No. 1974 was, according to the testimony, located in the office of the Ohio Messenger and Telegraph Company in Cincinnati. Detective Miller testified that he saw Boyce go into that office about 10.15 p. m. of January 9, 1898. The two pieces of testimony support and corroborate each other.

A further analysis of this testimony on these points would protract this report too much.

Your committee desires to impress upon the senate that the evidence that Rathbone, DICK, and Hollenbeck were representatives of Mr. HANNA in the Senatorial contest is of the most persuasive character. It was elicited from witnesses Archer, Bliss, Taylor, O'Myers, Ross, and others. It is abundantly satisfactory in the proof of the fact that these men were in and about his headquarters during that contest; that they were managing his campaign; that they were soliciting members of the legislature to vote for him; that they were doing all in their power to accomplish his election to the Senate, and that Mr. HANNA was near them all of that time and was in frequent conference with them. It would be a most violent presumption that Mr. HANNA knew nothing of what DICK, Rathbone, Hollenbeck, and Boyce were doing to obtain Mr. Otis's vote; it would be a most violent presumption that DICK and Rathbone conferred with, instructed, and procured Boyce to do the criminal acts, which the evidence shows he did to get Otis's vote, without Mr. HANNA'S consent, concurrence, advice, and direction.

It is not fair to them as men of sense and anxious for their own safety to say that they would engage in such criminal transactions, as the evidence develops they did, without HANNA'S fullest knowledge and sanction. They were his immediate representatives—his agents—and he ought to be held, as the law does hold him, to the fullest responsibility for every act of which they were guilty in that connection.

Your committee was anxious from the beginning of this investigation that HANNA, DICK, Rathbone, Boyce, and Hollenbeck should be heard; that they should offer evidence, and that they should make a complete vindication of themselves. To this end subpœnas were sent out for Hollenbeck, and Boyce was inquired after. Both of them fled from the country, going beyond the jurisdiction of the senate and of your committee.

Your committee sent subpœnas and respectful invitations to HANNA, DICK, and Rathbone to appear before the committee. They were sent by registered letters, and the evidence returned herewith shows that those for DICK and Rathbone were receipted for by J. A. Hanna, and that the one sent to Senator HANNA was received and receipted for by the postmaster of the United States Senate. Your committee waited for several weeks and kept the investigation open to give these men the utmost opportunity to furnish evidence, which they not only neglected and refused to do, but purposely absented themselves from this State and are now in the city of Washington and within the jurisdiction of the United States Senate, which can effectively compel their attendance for evidential purposes.

Your committee believes, from the evidence taken, that the authorized agents and representatives of MARCUS A. HANNA attempted to bribe John C. Otis, a member of the house of representatives, to vote for him for United States Senator.

Your committee respectfully submit that such a man as MARCUS A. HANNA, if guilty, as hereby indicated, is not fit to represent the great State of Ohio in the United States Senate, and that he should be expelled from that august body. To permit him to hold his seat there would go far toward legalizing corruption and bribery. It will menace the very existence and security of everything that is dear to the people of this country. It will inflame the minds of some people and make them believe that, in the election of United States Senators, the fascination and power of bribe money have superseded the legislative will. It will produce a sense of grievance and injustice in their minds that may in time threaten the very existence of our Government and the "beautiful fabric" of our Constitution with destruction. It will discredit and dishonor the nation in the judgment of foreigners, whose good opinions we should covet. It will disgrace the State of Ohio in the judgment of people of our sister States.

If found guilty by the United States Senate, the expulsion of Mr. HANNA from the United States Senate is demanded by public justice.

It is necessary to strengthen the confidence of the people in the honesty of the Republic and in the purity of Senatorial elections. It is necessary to the preservation of our institutions. It is necessary to the preservation of the fame and good name of this State. It is necessary to the security, peace, and tranquillity of the whole country.

Your committee recommends that the senate adopt this report; that an authenticated copy thereof, together with the testimony taken by your committee, be transmitted to the President of the Senate of the United States, of which Senator MARCUS A. HANNA is a member, for such action as it may deem advisable; that 500 copies of this report and said testimony be printed, and this report printed in the appendix of the senate journal.

Respectfully submitted.

VERNON H. BURKE,
Chairman.
C. D. ROBERTSON.
GEO. S. LONG.
W. E. FINCK, JR.

THE STATE OF OHIO, SENATE CHAMBER,
Columbus, Ohio, January 12, 1898.

Be it remembered that on the 12th day of January, A. D. 1898, the senate of the general assembly of the State of Ohio adopted the following resolution, known as Senate resolution No. 21:

"Whereas it has been openly charged that the sum of $1,750 has been paid to a member of this legislature to secure his vote for M. A. HANNA for United States Senator; and

"Whereas there have been countercharges made to distract public attention: Therefore,

"*Be it resolved*, That we owe it to the honest people of Ohio to make a full, thorough, and immediate investigation of all these charges.

"*Resolved*, That a committee of five, consisting of Senators Burke, Robertson, Finck, Long, and Garfield, be appointed to conduct such investigation.

"*Resolved*, That said committee shall proceed with said investigation at once, and shall continue its sessions during the sessions of the senate until such investigation is completed.

"*Resolved*, That said committee shall have power to send for persons and papers and exercise all powers as provided by law, and that a stenographer shall be employed to take a verbatim report of all testimony.

"Said investigation shall cover any and all charges relating to the present election of a United States Senator, and said committee shall report its findings to the senate, together with the testimony, for its action, at as early a time as practicable.

"And also to inquire whether any member of this senate has been approached

with offers of office or other consideration in order to influence his vote for United States Senator."

And thereupon, to wit, on Wednesday, January 12, 1898, at 7 o'clock p. m., pursuant to and by authority of the above resolution, Senators Burke, Robertson, Finck, and Long, according to agreement, assembled at the office of the chief clerk of the senate, and the following proceedings were had:

Upon motion of Mr. Finck, seconded by Mr. Robertson, the following resolution was unanimously agreed to:

"*Resolved*, That Mr. Burke act as chairman of this committee and Mr. Long as secretary."

Upon motion of Mr. Finck, seconded by Mr. Robertson, the following resolution was agreed to:

"*Resolved*, That Walter H. Allensworth be employed as the stenographer of this committee, and that he be immediately sworn in."

Upon motion of Mr. Finck, seconded by Mr. Robertson, the following resolution was unanimously agreed to:

"*Resolved*, That the sergeant-at-arms detail Mr. Alonzo A. Shetler to aid this committee in carrying out the investigations under Senate Resolution No. 21."

Upon motion of Mr. Finck, seconded by Mr. Long, the following resolution was agreed to:

"*Resolved*, That subpœnas be issued for the following witnesses: Col. T. C. Campbell, Maj. CHARLES DICK, H. H. Hollenbeck, and such other witnesses from time to time as this committee may order subpœnaed, and that the secretary of the committee keep a record of all witnesses subpœnaed before this committee, with the date and time whereupon they are summoned to appear before this committee."

And thereupon subpœnas were issued for Col. T. C. Campbell, of Cincinnati; Maj. CHARLES DICK, of Akron, and S. D. Hollenbeck and H. H. Hollenbeck, both of Chardon, summoning said gentlemen to appear before said committee at 6.30 o'clock p. m. Tuesday, January 18, 1898; and that the sergeant-at-arms make due return of his proceedings thereunder.

And thereupon Mr. Walter H. Allensworth was, by Mr. Burke, duly sworn to discharge the duties of his said office honestly and impartially, and to make true, accurate, and verbatim reports of the testimony and proceedings of this committee.

Upon motion of Mr. Finck, seconded by Mr. Long, the said committee adjourned to meet at 6.30 o'clock p. m. Tuesday, January 18, 1898.

GEORGE S. LONG, *Secretary.*

[Memorandum.]

JANUARY 18, 1898—*12.30 p. m.*

Subpœnas for the following persons were issued to the sergeant-at-arms, returnable January 18, 1898, at 6.30 p. m.:

Sam Pentland, Columbus, Ohio.

Shepherd M. Dunlap, manager of the Western Union Telegraph Company, Columbus, Ohio.

Will L. Truesdell, manager of the Postal Telegraph Cable Company, Columbus, Ohio.

F. P. Ross, of the Central Union Telephone Company, Columbus, Ohio.

And thereupon the said sergeant-at-arms of the senate, to whom said subpœnas were issued, made return of the same, with indorsements thereon that said parties had each been served with true copies of the subpœnas January 18, 1898.

SENATE CHAMBER,
Columbus, Ohio, January 18, 1898—6.30 p. m.

Pursuant to the order of adjournment of the said committee all of the members were present at the office of the clerk of the senate, with Mr. Burke in the chair.

The minutes of the previous meeting were read and approved.

Mr. Garfield requested that the minutes show that he had had no notice of the former meeting, and for that reason was not present.

Mr. Finck offered the following resolution:

Whereas each of the five (5) members of the committee is an attorney:

Therefore, I move that no outside attorneys be allowed to appear before the committee in the course of this investigation, but that all examinations of witnesses be made first by Judge C. D. Robertson, and after he is through any member of the committee may ask any additional questions.

After discussion and consideration of the same, the resolution was put to a vote and carried.

And thereupon Mr. Finck offered the following resolution, which was seconded by Mr. Long and adopted:

I move that the chairman shall decide all points of order and all other questions to be determined by the committee during the progress of the investigation, subject to appeal by any member of the committee; but all such appeals, and all questions of procedure by the committee, shall be considered by the committee only in executive session.

And thereupon Mr. Finck offered the following resolution, which was seconded by Mr. Long, put to a vote, and carried:

I move, when the senate is not in session, unless otherwise ordered by a majority of the committee, all sessions of this investigating committee be open and held in the senate chamber, and when the senate is in session during meetings of this committee that the sessions of this committee be held and had in the judiciary committee room, executive sessions excepted.

Mr. Long, seconded by Mr. Garfield, moved that the committee go into executive session, and that the sergeant-at-arms clear the room. The same was put to a vote and carried. And thereupon, the committee having resolved itself into executive session, matters pertaining to the examination of and procedure of the investigation by the committee were discussed.

The chair read the following communication, which was received from the investigating committee of the house:

To the investigating committee of the senate:

GENTLEMEN: The committee appointed in the house to investigate charges of bribery relative to the election of the United States Senator respectfully request that it may be present at all of the meetings of the senate committee, may take part in their deliberations, and be accorded all the privileges which the members of said senate committee themselves enjoy.

D. O. RUTAN, *Chairman.*
GEORGE H. SPELLMIRE, *Secretary.*

After discussion of the said communication, upon motion of Mr. Robertson, the chair was instructed to communicate with the house committee that this committee can not accede to the request made in said communication, but that they should be permitted to suggest to members and have asked such questions as they may desire during the examination of witnesses, and that the members of said committee shall be free to inquire of matters pertainfng to the case.

It was agreed among the members that the meetings of the said committee should be held in the senate chamber between the hours of 7.30 and 10 p. m.

And thereupon, after discussion of various matters pertaining to the investigation committee to the said committee, upon motion of Mr. Burke, the committee arose from executive session at 8.15 p. m.

GEO. S. LONG, *Secretary.*

OPEN SESSION.

SENATE CHAMBER,
Columbus, Ohio, January 18, 1898—8.15 p. m.

The CHAIR. The select committee known as the bribery investigating committee will now come to order.

The Chair is authorized to say with respect to the application made by the investigating committee appointed by the house of representatives, that they are invited to sit with this committee at this investigation, and such questions as they desire asked may be suggested to any member of the senate committee, and those questions will be propounded.

The Chair requests that those who are here as listeners neither approve nor disapprove by applause or otherwise anything that may be done or said during the progress of this investigation, to the end that we may have absolute quiet here and that the investigation may proceed in an orderly manner.

The witnesses, such as are subpœnaed here, will come forward and receive the oath.

The Chair called for the following witnesses: Shepherd M. Dunlap, W. L. Truesdell, Sam Pentland, F. P. Ross.

And thereupon the Chair (Mr. Burke) administered the oath to F. P. Ross, W. L. Truesdell, and Shepherd M. Dunlap.

The CHAIR. The Chair requests the sergeant-at-arms to telephone Mr. Pentland.

Mr. JOHN J. SULLIVAN (senator). I wish to make an inquiry. Do I understand that the committee has adopted a resolution prohibiting attorneys from taking part? I would say that I am here representing the interests of Senator HANNA, and some other persons against whom these resolutions seem to be directed; and am I right in understanding that a resolution has been passed forbidding us the right of examination or cross-examination as we may desire?

The CHAIR. Such a resolution has been passed.

Mr. SULLIVAN. Does the resolution, Mr. Chairman, prevent us from asking questions through the committee?

The CHAIR. No; any questions that are desired to be asked may be asked through a member of this committee. There is no doubt upon that proposition.

Mr. SULLIVAN. I would then like to say, Mr. Chairman, that I am done, and wish to make request for protest on the record.

The CHAIR. The Chair will state to Senator Sullivan that it is not the unanimous vote of the committee that his protest be entered.

Mr. CYRUS HULING. Like Mr. Sullivan, I also appear here as counsel for Mr. DICK and some others who seem to be charged here, including Mr. HANNA. Of course, I presumed I had a right to take part under the rule of practice by the courts, which we understand usually governs bodies of this kind in an investigation. Of course, if under an order of the committee I am excluded, I desire that my protest and the protest of Mr. DICK shall be entered upon the record of the committee. That is all, of course, that I can do.

The CHAIR. The same ruling undoubtedly may be made with reference to this statement as to the application of protest of Mr. Sullivan. I desire to state that a number of applications have been made, in fact numerous applications have been made by various parties whose names have been connected with this investigation, for an opportunity to appear in person and be represented by counsel. All of which, under the resolution adopted by the committee, have been refused.

At such time, Senator Robertson, as you desire to proceed, we are ready.

(The committee awaited the arrival of Mr. Pentland.)

The CHAIR. Is Mr. Pentland present?

The gentleman named came forward, and the oath was administered by the chair (Mr. Burke).

Mr. ROBERTSON (conducting the examination):

And thereupon SAM. PENTLAND took the stand and testified as follows:

Q. The committee have requested me to ask you some questions, Mr. Pentland. Will you state your name?—A. Sam. Pentland.

Q. Your age?—A. Forty-four.

Q. Residence?—A. Columbus.

Q. Your occupation?—A. Hotel keeper.

Q. What hotel?—A. Neil House.

Q. Mr. Pentland, will you state whether or not during any part of the three weeks preceding January 12 you had as guests of your hotel Senator HANNA, Major DICK, Mr. Dougherty, and Mr. Rathbone?—A. Yes, sir.

Q. During what portion of those three weeks were they at your hotel?—A. They were there up to about—Mr. HANNA left Thursday morning.

Q. And the others—Major DICK?—A. He left Thursday morning.

Q. Mr. Dougherty?—A. He left about the same time.

Q. Mr. Rathbone?—A. He left the next day, I think Friday morning.

Q. (The CHAIR.) Last week?—A. [Witness nodded his head affirmatively.]

Q. (Mr. ROBERTSON.) Mr. Pentland, can you state to this committee the rooms that were occupied in your hotel by these gentlemen?—A. Well, Senator HANNA had 124, and Major DICK had 16, and Mr. Rathbone 14, and Mr. Dougherty had No. 8.

Q. How were these rooms situated—on what floor?—A. First floor and second floor.

Q. How are they situated with reference to being connected or adjoining?—A. They were not connected.

Q. Did any open into any other?—A. All were separate.

Q. How many rooms were on the first floor?—A. All except 124.

Q. That was Senator HANNA's room?—A. Yes, sir.

Q. Had he only one room?—A. He had only one room that he occupied.

Q. Did he have the use or privileges of any other room?—A. I presume he did.

Q. Can you state what rooms?—A. I think the only room I saw him in other than 124 was in 16—the only room I ever saw him in. I saw him in 16 and saw him in 8—only saw him there the day they were taking the ballot.

Q. The room occupied by Mr. Dougherty?—A. Yes.

Q. Did he have any other room but these four that you mentioned?—A. He had a couple of rooms for headquarters—two or three.

Q. On what floor were they situated?—A. The parlor floor.

Q. How near to the other rooms?—A. Quite a distance.

Q. They were not adjoining rooms?—A. No, sir.

Q. Does your hotel register show that three gentlemen occupied these rooms?—A. I think it does.

Q. You have the register, have you?—A. I think so. I think it is in the hotel now.

Q. Can it be produced for the inspection of the committee?—A. We never allow our books to go out of the office.

Q. Would you have any objection to our committee seeing your books?—A. We object to any person seeing our books. They can not be seen by other than ourselves. When the register leaves the counter it is a private book, but when on the marble it is a public book. When it leaves the counter it is private property. I wish you to understand that that book is full and another is in its place.

Q. That book is in your possession?—A. Yes.

Q. It is in your possession as manager?—A. Yes.

Q. Do I understand that you refuse to allow this committee to see this book?—A. Yes.

Q. Why will you not allow the committee of this senate, duly and properly authorized by law and sitting as a court of justice, to inspect your books?—A. I would refuse the committee or anybody else to see our books.

Q. Will you give us any reason?—A. That is my own private business.
Q. You impose your private business to the prejudice of this committee?—A. The books are mine and nobody else's.
Q. Then I understand that you absolutely refuse the committee the inspection of your hotel register?—A. Yes; or anyone, after the register has left the marble counter.
Q. The ones containing the names of Senator HANNA, Major DICK, and Mr. Rathbone?—A. Yes; this is not other than I have done during any other appearance before a court.
Q. Mr. Pentland, was there a telephone in any of these rooms?—A. Not that I know of.
Q. If there had been a telephone in these rooms, would you have known it?—A. Well, not necessarily.
Q. You would see it if you were there?—A. Might, and might not.
Q. Your eyesight is good?—A. I don't remember of a telephone at all.
Q. Have you at any time authorized the placing of a telephone in any of these rooms?—A. No.
Q. Had you any knowledge of any other person placing a telephone in any of these rooms?—A. Not in those rooms. There was a telephone in room 24.
Q. Who occupied that room?—A. Mr. Boxwell.
Q. When was the telephone put in that room?—A. During the last three weeks, up to a few days after Christmas.
Q. Who put it in?—A. Why, the Telephone Company.
Q. At whose instigation or request?—A. I don't know.
Q. Who paid for it?—A. I don't know anything about it.
Q. Was it a long-distance or short-distance telephone?—A. Can't tell you.
Q. Did it have a box around it or a cabinet case about it?—A. No, sir.
Q. Did you see it?—A. No.
Q. When was it removed?—A. Can't tell you.
Q. Was you here in Columbus?—A. Yes, sir.
Q. And staying at the hotel all the time?—A. Yes, sir.
Q. And you don't know when it was removed?—A. No, sir.
Q. Who has charge of your hotel?—A. I do, but I don't know when it was removed. I am not there all the time.
Q. Do you know the number of that telephone?—A. No, sir.
Q. Do you know any person that used it?—A. No, sir.
Q. Did you ever use it?—A. No, sir.
Q. Is there any other telephone in your hotel?—A. Yes, sir; down in the office.
Q. That the only one?—A. There is one upstairs in the private room of a guest.
Q. Who is the private guest?—A. People who stay there.
Q. Give the name.—A. Mr. Bowland's room.
Q. What is the number of that room?—A. 300.
Q. Do you know of the number of that telephone?—A. No, sir.
Q. It is maintained and paid for by the boarder himself?—A. I don't know. I know it is there.
Q. I think that is all that I want to ask of you. Have you any telegraph line into your house?—A. Yes, sir.
Q. In what rooms does that telegraph line go?—A. It is downstairs.
Q. Is there any upstairs?—A. Yes, sir; during the Senatorial contest there was a telegraph line in room 25.
Q. Who occupied room 25?—A. I don't recall his name. I just forgot his name.
Q. Will your register show that?—A. Yes.
Q. Will you promptly say who occupied that room?—A. I can remember directly; it just slipped my memory.
Q. What company put that wire into that room?—A. The Postal.
Q. When was it put in?—A. Some time during the contest for Senator.
Q. Was it put in there during the three weeks preceding the 12th of January?—A. Yes; some time.
Q. Is it there now?—A. No, sir.
Q. When was it taken out?—A. I don't know; I didn't see them.
Q. Who took it out?—A. I presume they did.
Q. Who, the Postal Telegraph Company?—A. Yes.
Q. Who paid for putting it in and taking it out?—A. I don't know.
Q. When did the gentlemen who occupied room 25 leave that room?—A. A couple of days ago.
Q. That would be on the 16th?—A. Within a few days, only two or three days ago.
Q. It is only two or three days since he left your hotel. Why can't you recall his name?—A. It just slipped my memory.
Q. How long had he been a guest of your hotel?—A. Three weeks.
Q. Have you seen him frequently?—A. Yes.
Q. Do you know where he came from?—A. No; I don't know where he came from.
Q. Was his name—Austin?—A. Yes, sir.
Q. What was his business, if you know?—A. I don't know.
Q. Do you know where he came from?—A. I don't know where he came from.
Q. Do you know what he was here for?—A. No, sir.
Q. Do you know who he was visiting here, or calling upon?—A. No, sir.
Q. Who paid his bill at your hotel?—A. Paid his own bill.
Q. Did he pay it to you?—A. He has not gone. He has changed from one room to another. That room he had did not have a bath; he changed to a room with bath.
Q. Now, Mr. Pentland, may I ask you who paid the bills for those rooms occupied by the gentlemen whom we have been discussing—the four gentlemen whose rooms you described?—A. I will not answer that question.
Q. Who paid the bill for the room that was occupied by Major DICK?—A. Would not answer that.
Q. Who paid the bill for the room occupied by Mr. Dougherty?—A. Would not answer that question.
Q. Who paid the bill for the room occupied by Mr. Rathbone?—A. Can not answer that question.
Q. You decline to answer all these questions?—A. Yes.
Q. Who paid Senator HANNA's bill?—A. Would not answer any of those questions. Every man's bill is his own private business transaction.
Q. Now, Mr. Pentland, will you state to me whether you have any reason for refusing to answer these questions?—A. Always do.
Q. Other than your custom?—A. That is our custom.
Q. Is there anything in answering these questions that would in any way incriminate you?—A. No, sir.
Q. And still you refuse to answer these questions?—A. Yes, sir.
Q. And yet you state that in answering them you would not incriminate or disgrace yourself?—A. Yes, sir.
Q. You absolutely refuse to answer our questions?—A. Same as I always do.
Q. Let me ask you whether those accounts that went on the books of your hotel were kept in one bill?—A. There were several accounts.
Q. Charges made, then, to each of the individuals on your books?—A. Yes, sir.
Q. Will you allow the committee to examine your books, or give us a copy of those accounts?—A. No, sir.
Q. Now, in refusing us access to these accounts, or books, is there anything that would tend to criminate you?—A. No, sir.
Q. You do not put your refusal on the ground that it would disgrace or criminate you?—A. Not me.
Q. But it is simply your stubborn determination not to accede to the request of this committee?—A. I always refuse and have refused to do so when appearing before a court.

The CHAIR. Are there any other questions?

By Mr. LONG:

Q. I understand you to say that there was no telephone in room 124?—A. Not in room 124; no, sir; I never saw one.
Q. Who has charge of the hotel in your absence?—A. I have charge of the hotel. I have not been absent.
Q. No one has authority to act when you happen to be out of the house?—A, No, sir.
Q. There was no other telephone in the house that you know of, except in room 25?—A. The only one I know of.

By Judge ROBERTSON:

Q. Mr. Pentland, being in charge of your own house, and there all of the time, it would not be permissible for people to put in telegraph or telephones without your permission into their rooms?—A. No.
Q. In this instance the telegraph and telephone lines that went into these rooms—was that by your permission?—A. I knew the telephone was going in room 24, but I did not know about the telegraph line.
Q. How did you know that?—A. They asked me where to put it.
Q. Who?—A. One of the telephone men.
Q. You have only one telephone company here?—A. Yes.
Q. What is the name?—A. I don't know; don't remember.
Q. I believe that is all.

By Mr. LONG:

Q. Do you decline to answer these questions in accordance with your practice as a hotel man, or do you decline under special advice from counsel?—A. As a hotel keeper.
Q. I understand that you haven't taken any special advice with reference to your examination in this committee?—A. No, sir.

The CHAIR. Mr. Pentland, as to the questions which you have refused to answer, with the consent of the committee, the chair suggests to you that for a refusal to answer questions which might be legitimate in this examination, and which would not tend to criminate you, even though it tended to disgrace you, the committee might order you brought before the bar of the senate and dealt with for contempt.

The chair suggests to the committee that it would probably be advisable for the witness to report here, and the chair so requests that you report here to-morrow night at 7.30 o'clock p. m., and if the witness so desires he may consult with an attorney as to the questions he has refused to answer. As to the particular questions which the witness has refused to answer, I would suggest to the witness that if he so desires the stenographer will furnish him with copies of the questions he has refused to answer for his better assistance and for the enlightenment of any attorney he desires to consult.

With that I think we will excuse you until to-morrow night.

And thereupon F. P. Ross, having been first duly sworn, took the stand and testified as follows:

Mr. ROBERTSON (conducting the examination):

Q. You have been sworn?—A. Yes, sir.
Q. Please state your name.—A. F. P. Ross.
Q. Age.—A. 44.
Q. Residence.—A. 715 East Broad street, Columbus, Ohio.
Q. Occupation.—A. Manager of the Central Union Telephone Company.
Q. Mr. Ross, do you know whether there was a telephone in any room at the Neil House during the three weeks prior to January 12?—A. Yes, sir.
Q. How many did you put in during that time?—A. One.
Q. In what room?—A. Room 24, I believe.
Q. At whose instigation did you place that telephone there?—A. I received orders from our superintendent.
Q. Was that order in writing?—A. Verbal order only.
Q. Who is your superintendent?—A. Mr. Lloyd.
Q. And resides in this city?—A. Yes, sir.
Q. What is his first name?—A. B. F. Lloyd.
Q. May he be found at your office?—A. Yes, sir.
Q. When was it, if you know, when that telephone was put in?—A. I can not give the exact date without looking up the records.
Q. Approximately?—A. I think about the 27th; possibly the 26th or 27th of December.
Q. Is it there now?—A. No, sir.
Q. When was it removed?—A. Three or four days ago.
Q. After or before the Senatorial election?—A. After, I think.
Q. Now, you are unable to say who ordered that telephone?—A. All I know of it was my order to put it in.
Q. Do you know who paid for it?—A. No, sir.
Q. Do you know who ordered it taken out?—A. No; it was taken out on telephone order from there. I don't know from whom.
Q. Do you know the number of that telephone?—A. 1092; yes, sir.
Q. Was that a long-distance or short-distance 'phone?—A. Long distance.
Q. Where was that long-distance telephone No. 1092 located in the room?—A. I can't say that. I was never in the room.
Q. It was put in by one of your workmen?—A. Yes, sir.
Q. Mr. Ross, do you keep a record of telephone messages with the number of the telephone from which they are received?—A. Yes, sir.
Q. A daily record?—A. Yes, sir.
Q. You have a blank for that purpose, I believe?—A. Yes, sir.
Q. In which all details with reference to the time of the call, its duration, and the connecting line is recorded?—A. Yes, sir.
Q. Who keeps that schedule?—A. The operator making the connection at the central station.
Q. So that at the central station when they receive a call it is immediately recorded as against that number of telephone, or put to that telephone number, and then the connecting number that they are calling for is also put on that slip?—A. Not the connecting number, simply the name of the party called for; either that, or the number, which ever it was the party calls.
Q. Now, have you in your office the record of the calls made over telephone 1092?—A. Yes, sir.
Q. Have you a record of every telephone call made by 1092?—A. Not in the city, we haven't. We don't keep any record of city or local calls.
Q. Only outside of the city, when long-distance telephone is used?—A. Yes, sir.
Q. Then, all long-distance messages going to 1092 you will have recorded in your office, showing the persons or telephone from which it came?—A. Yes, sir.
Q. Will it show the person and telephone?—A. Not necessarily both. It might show either one or the other.
Q. You say you have these records in your office now?—A. Yes, sir.
Q. Mr. Ross, have you any objection to producing those records before this committee?—A. Well, for that the committee would have to refer to higher authority than myself.
Q. You would not feel at liberty at present to exercise that authority?—A. No, sir.
Q. Will you come back here to-morrow night, at half past 7, and bring with you such records as you have, if permitted by your superiors or the parties that you may desire to consult?—A. Yes, sir.

Q. Now, we would ask you to bring the records of the telephone used by either Mr. HANNA, or Mr. DICK, or Mr. Dougherty, or Mr. Rathbone, or Mr. Austin; and if you can bring with you, Mr. Ross—in the event that you are permitted to do so—a record, if you will, of all connecting numbers or names of the parties calling by long-distance telephone for telephone 1092.—A. I think I understand.

Q. I don't know that I express it properly, as I am not very familiar with your terms. You understand, what we want is a record of messages going out and coming in through telephone No. 1092, if you are permitted to give us that record.—A. Yes, sir.

Q. It is a rule of your company, I understand, that all persons calling by long-distance telephones, or for the long-distance telephone, are required to give their names and the name of the persons they desire to communicate with?—A. As a rule.

Q. Might that be varied?—A. Yes, sir.

Q. How would it be?—A. Well, in case they knew the parties using the telephone they might not inquire for particular names; if we had orders to give connection for anybody for that telephone, we would not be particular about asking the individual name of the user.

Q. If the number of the telephone was given you might excuse the name?—A. Yes, sir.

Q. If that was so, the number of the telephone wanted would be recorded?—A. Yes, sir.

Q. Well, Mr. Ross, until we get an answer as to whether you will disclose to us these records I presume we had better suspend any further questioning. We will be in session to-morrow night, at half past 7 o'clock.

By Mr. LONG:

Q. What is your official connection with the telephone company?—A. I am the manager of the Central Union Telephone Company.

Q. In whose custody and control are the records of the various telephones in this station at Columbus, including telephone 1092?—A. In mine; they are in my custody, not my control.

Q. Whose control?—A. The American Telephone and Telegraph Company, commonly known as the Long Distance Telephone Company.

Q. What person do you recognize as your superior officer?—A. I would have to inquire of and refer to our superintendent, Mr. Lloyd—B. F. Lloyd.

Q. Where does he reside?—A. Columbus.

Q. Is there any record made of the location of the telephone that is put in a hotel room, other than its location in a certain room and the person to whom chargeable?—A. It is not made a matter of record; it is noted that the telephone was delivered to the room and the person to whom chargeable.

By Mr. ROBERTSON:

Q. Mr. Ross, do you know who paid for the use of telephone No. 1092?—A. No, sir; I do not.

Q. Who would know that—you have a cashier?—A. Yes, sir.

Q. How could we ascertain that fact?—A. I might give you that information to-morrow night.

Q. If you please—including that with the other information, if you consent to answer our questions.

By the CHAIR:

Q. Mr. Ross, you received a subpœna to produce and have before this committee records of all telephone messages sent over the long-distance telephones, together with the number of the telephone used by Major DICK, M. A. HANNA, in this city, and the names of all parties calling for this telephone from a distance or using it in the city of Columbus, between the dates of December 27, 1897, and January 12, 1898, inclusive?—A. Yes, sir.

Q. Do I understand that you were unable to produce these records, or that you desire to consult with some of your superior officers?—A. The subpœna was not served on me until 3 o'clock this afternoon, and we haven't had time to prepare the records.

Q. You will endeavor to produce these records?—A. Yes, sir.

Q. Kindly report your attendance here to-morrow evening.

And thereupon SHEPHERD M. DUNLAP, having been first duly sworn, took the stand and testified as follows:

Mr. ROBERTSON conducted the examination:

Q. You received a subpœna to come here Mr. Dunlap?—A. Yes, sir.

Q. Please state your name.—A. S. M. Dunlap.

Q. Your age?—A. 48.

Q. Your residence?—A. 651 Franklin avenue, Columbus.

Q. Your occupation?—A. Manager of the Western Union.

Q. Are you the principal officer of the Western Union Telegraph Company here?—A. Yes, sir.

Q. Are you the highest authority for that company in this city?—A. Yes, sir.

Q. I notice that the subpœna that was served upon you asked you to bring with you certain documents, telegrams, and copies of telegrams. Did you bring them with you?—A. No; I would not be permitted to do that without advice from higher authority. It was too late, too, when I received the service.

Q. It was too late?—A. Yes, sir.

Q. You have these telegrams and copies here?—A. I don't know what telegrams you wished. None were specified, so that I don't know whether there are such messages.

Q. How long do you keep your copies?—A. Six months.

Q. Does that apply to all received and all dispatched?—A. Yes, sir; both ways.

Q. (Mr. ROBERTSON reading from subpœna.) "You are hereby commanded to summon Shepherd M. Dunlap, manager of the Western Union Telegraph Company, of Columbus, Franklin County, Ohio, and also command him, the said Shepherd M. Dunlap, to produce and have before the said committee original telegrams sent between the 27th day of December, 1897, and the 12th day of January, 1898, inclusive, by or to M. A. HANNA, Harry Dougherty, Maj. CHARLES DICK, and Major Rathbone"—these are the telegrams that the committee have called for. Now, you say that you haven't had time this evening to look them up.—A. I didn't look for them. I would not look for them under that service. Messages would have to be specified. I would not search the pile for messages passing between parties so idefinitely stated as that. You must specify the messages that you wish, so as to be identified.

Q. Mr. Dunlap, how would you specify a message? Suppose we call for a message sent on the 27th day of December, addressed to M. A. HANNA, would that be definite enough?—A. Hardly; you should say who the message is from and the contents of the message.

Q. But, Mr. Dunlap, if we had that information we would not be asking it from you—if we had the contents of the telegram, from whom and when sent, we would not have to ask the manager of the Western Union Telegraph Company to produce them.—A. You might want its authenticity certified to.

Q. Don't you think the information you have received in these summonses is definite enough to bring those telegrams?—A. I am under instructions not to obey a summons of that kind.

Q. Who gave these instructions?—A. The book of rules.

Q. Where is that book of rules?—A. I have it in my pocket.

Q. Please call our attention to the rule under which you act in that regard.—A. (The witness reading.) "Note. A subpœna, to be regular and valid, must describe the desired messages by such specific reference to the names, dates, or subject-matter concerned as will enable such messages to be readily found and identified in the file; but a subpœna which only calls in general terms for such messages as may be found after a search through the files (for example, all messages passing between John Smith and Richard Brown between the 1st day of July and the 5th day of August, etc.) is irregular and unlawful, as being in the nature of a search warrant and not founded on messages known to have existed." (The witness, continuing:) That is a note under rule 100.

Q. Under that you assume to determine whether or not a subpœna issued by a judicial tribunal is in order or not?—A. For the present; yes, sir.

Q. If, in your judgment, the subpœna is not in proper form, you propose to disregard it?—A. No; not my own judgment, but instructions from superior officers.

Q. And whose judgment would you take?—A. That of our general attorney in New York.

Q. Then you would have to communicate with him?—A. Yes, sir.

Q. Have you communicated with him?—A. Yes, sir; through my superintendent at Cincinnati, Mr. I. N. Milller—I. for Isaac and N. for Newton—Miller.

Q. He is the superintendent of your district?—A. Yes, sir.

Q. Superintendent for the Western Union Telegraph Company in Cincinnati?—A. Yes, sir.

Q. Has he instructed you to refuse to produce these records and telegrams?—A. Yes; until we are advised through our general attorney. He told me it would be too late to do so to-day, since the summons was not served until the afternoon.

Q. Who is your attorney?—A. George H. Ferons.

Q. You were present and heard the conversation between Mr. Ross and myself with reference to coming back to-morrow evening. Would you be willing, after getting your instructions, to come back here to-morrow night?—A. Yes.

Q. And if you are not prohibited by your superior officers, will you bring the messages which we have called for?—A. Yes, sir; I will do what I am instructed to do.

Q. Those running from the 27th day of December up to the 12th day of January, that we have called for—the telegrams received by you for the four gentlemen whose names we have given to you, and we have called for the originals sent by these gentlemen to whomsoever they may have been sent during the period about which we have been discussing, the three weeks preceding January 12. Did you have any telegraph wire into the Neil House?—A. No.

Q. Had you any line or private or special line connected with the hotel?—A. Only for messenger service.

Q. Was that put in by you?—A. Well, it was put in by the Messenger District Company under my direction.

Q. One of these little call bells?—A. Yes.

Q. They had no telegraph instrument there?—A. No; not of ours.

Q. Any instrument governed by your company for the use of these gentlemen in that room?—A. No.

Q. Do you know whether you have any telegram or copies of the telegrams over the signature of, or as a signature, "H. D.," the letters H. D.?—A. I do not think I ought to answer that question.

Q. I am only asking you for your knowledge, Mr. Dunlap; I am asking you if you know it.—A. Can't you describe it more definitely than that?

Q. Is it not a sufficient description if I ask you if you have in your files, to your knowledge, a telegram with the signature, or that takes the place of a signature, signed "H. D.," either sent from Columbus to Cincinnati or sent from Cincinnati to Columbus, or both ways?—A. I think we have such a message as that, a message bearing that signature. I don't know of but one.

Q. Do you know when that was received, or was it sent?—A. I would prefer that you compel me to show that message, if there is such a message.

Q. You say you have seen it?—A. I don't believe I said I saw it.

Q. Do you say to this committee that you have not seen such a telegram?—A. I don't know what message you are referring to exactly.

Q. I am referring to a message—it makes no difference what was in it, or who sent it, or who received by—with the initials "H. D." signed to it.—A. I have no inclination to be petulant, but that message might be described and you could compel me to bring it here. It is questionable in my mind whether I ought to answer that question or not.

Q. We do not wish to embarrass you with your superiors.—A. Then I better refuse to discuss about that message and request you to compel me to bring it here.

Q. But you have already testified that there was such a message signed by such a signature.—A. I do not want to be held down to that.

Q. Then we will leave that if you wish to ask advice of whomever you please; but let me suggest that the committee agree with me that you may advise with your superior officers, and that we may insist upon a definite answer to these questions to-morrow night, or we shall invoke the power of the senate to punish for refusal. We don't wish to embarrass witnesses who come here without advice of counsel or of their superiors. I have made the statement before from my own point of view; it may not be in accordance with the judgment of the committee that these descriptions are definite enough—and that we should invoke the power of the senate. I haven't consulted the other members of the committee.—A. You may not do that then. I would like to know whether that is intended or not, so that I may let my people know the position I am in.

Mr. ROBERTSON. The chairman will instruct you about that in a moment.

Mr. LONG. If there is such a message signed "H. D.," that has been sent during the three weeks prior to January 12, it is preserved here in your files. I understand these messages are preserved for a period of six months at least?—A. Yes, sir.

The CHAIR. Are there any other questions?

For the information of the witness the Chair will say to him that the committee will probably insist upon a thorough investigation of this matter and will probably by proper process get before the committee any message that may be material to this investigation, and in the event that this committee is legally entitled to any messages which are refused, and which are sought in any way to be kept from this committee, it is within the power of the committee to report to the State and the senate to take action against the witness for contempt. That, of course, lies with the senate. This committee, as I understand it, has no inherent power to find for contempt. I would suggest to the witness in all fairness that he consult with his advisers and determine as to the best course to pursue.

There is nothing that this committee desires to do that will in any way reflect upon or injure any witness. But we desire the witness to understand the relations that they sustain toward us. We do not wish to embarrass the witness and insist upon his testifying without the advice of counsel and ascertaining from his superiors as to the best way to proceed.

You will be excused until to-morrow night at 7.30.

And thereupon W. L. Truesdell, having been first duly sworn, took the stand and testified as follows:

Mr. ROBERTSON (conducting the examination):

Q. You have been sworn?—A. Yes, sir.

Q. Will you please state your name?—A. W. L. Truesdell.

Q. And your age?—A. 31.

Q. Your residence?—A. Columbus.

Q. Place of residence?—A. 102 Wilson avenue.

Q. Occupation?—A. I am manager of the Postal Telegraph Company.

Q. Have you any superior officer in this city?—A. Not in Columbus.

Q. Where is your next superior officer?—A. In Cincinnati.

Q. His name?—A. W. I. Capen.

Q. The name of the company which you are employed with?—A. Postal Telegraph Cable Company.

Q. Mr. Truesdell, do you have in your office at Columbus copies of the telegrams received and the telegrams sent out during the three weeks preceding January 12, 1898—from the 27th day of December, 1897, to the 12th day of January?—A. Yes, sir; we have complete files for six months.

Q. They are here and under your control?—A. Yes, sir; as manager.

Q. You have been served with a subpœna and ordered to bring certain telegrams here to-day, have you not?—A. I was served with a subpœna; yes, sir.

Q. Did you bring the telegrams with you?—A. I did not. In the first place I didn't have time since being served, and in the next place no particular telegrams were specified.

Q. The specification contained in this writ which has been served upon you was for telegrams by or to M. A. HANNA, Harry Dougherty, Maj. CHARLES DICK, and Major Rathbone during the period mentioned.—A. That is the way my subpœna reads; yes, sir.

Q. You say that is not definite enough?—A. Not under the general instructions of the company.

Q. Independent of the general instructions you could find these telegrams, I suppose?—A. Yes; under a drag-net proceeding, I suppose we could go through the files and find anything that we have in that.

Q. What do I understand by a drag-net proceeding?—A. Well, a subpœna of that kind is generally termed a drag net.

Q. Does that apply as an epithet to characterize it?—A. No, sir; it simply means that the particular telegrams wanted are not specified.

Q. How are they to be specified?—A. I should give the address of each telegram wanted, and should contain the substance of the dispatch.

Q. Then, if a telegram had come to me at your office, and I had lost it, and I had come to you to see if such a telegram had been received by me, giving the date, you say that would be too indefinite to find a copy of the telegram?—A. It would not be too indefinite to hunt for it, but it would require hunting through the telegrams of that day.

Q. Do you now keep a record of the telegrams received and in the order received?—A. No, sir.

Q. When is your record made up?—A. I don't understand.

Q. Do you keep a record or book of the telegrams received?—A. Not a seriatim one.

Q. Please explain.—A. The record of telegrams are chargeable under each office of which they originate, and in case of sent messages the office to which they are destined.

Q. You have a register in which you register all telegrams sent out and delivered in the city of Columbus?—A. We have various report forms for the various branch offices; yes, sir.

Q. It would not be very much trouble, then, to produce copies and all telegrams received to-day?—A. It would be about as difficult as to produce the messages themselves.

Q. Neither would be very difficult.—A. No; if time were given up to it.

Q. Probably a few minutes?—A. A great deal longer than that.

Q. How much time would you think it would take to ascertain how many telegrams were received at your office to-day?—A. Why, in all probability, if we were fortunate enough to find the telegram we are looking for at the bottom of the heap, it might be found in thirty minutes.

Q. How many telegrams do you receive a day, approximately?—A. I don't think that question is pertinent to this examination. I have no disposition to be obstreperous at all, but I prefer not to answer it.

Q. Have you had any instruction about testifying here?—A. None; only the general instruction as read by Mr. Dunlap.

Q. Did you communicate with your superior officers?—A. Yes, sir.

Q. By wire or letter?—A. By letter; it was too late to reach the superintendent by wire.

Q. You have had no communication with him?—A. No, sir.

Q. You don't know what his disposition will be with reference to producing these telegrams?—A. No, sir.

Q. Now, do you have any telegrams, either sent out or received, signed "H. D."?—A. I don't think so. I have handled scarcely any telegrams during the last month. They have been handled by the clerks and operators.

Q. How many are there?—A. We have been working eight operators, and I have two clerks in the main office.

Q. Have you any private wire in the Neil House?—A. Yes, sir; we have a regular branch office there.

Q. Any ramification of your wire into private rooms?—A. We have had; yes, sir.

Q. What date did you have these wires there?—A. I don't recall the date. I think it was somewhere in the neighborhood of the 27th of December.

Q. What room?—A. Room 25.

Q. Do you know who occupied that room?—A. I believe it was Mr. Austin's room.

Q. Do you know what Mr. Austin's business was?—A. I am not positive as to that.

Q. Do you know where he came from?—A. I understand from Washington.

Q. Was that a special wire?—A. Yes, sir; an independent wire.

Q. Where did it run to?—A. From room 25, Neil House, to the main office.

Q. And from there anywhere, an independent wire?—A. We had it there arranged subject to our own convenience; the place wherever we wanted it.

Q. Is the wire there yet?—A. I believe it is on the building; the instrument is not there.

Q. When was it taken out—the instrument?—A. I think it was the day following the Senatorial election.

Q. It was put in on the 27th of December?—A. Approximately, about the 1st of January.

Q. At whose instigation did you put it in?—A. I don't recall positively, but I believe Mr. Austin asked to have it put in his room.

Q. Are you personally acquainted with Mr. Austin?—A. I met him during the last few days, but didn't know him before.

Q. When he applied for a wire in his room were you acquainted with him?—A. No, sir.

Q. How is that paid for?—A. That is a matter that I would prefer advice on before answering.

Q. Do your books show, if you are permitted to exhibit them to us, the facts and transactions pertaining to that line?—A. There is very little matter of record; I don't believe the books will show anything.

Q. Have you no record there to show the extent and use that line was put to, and that instrument?—A. Merely as a branch office; and the reports with the various branch offices are filed in our offices.

Q. Did you have an operator in that room?—A. Yes, sir.

Q. He is here?—A. He is. There were two—one by the name of Allensworth, part of the time, and the rest of the time an operator by the name of Wright.

Q. They made their headquarters in room No. 25?—A. I think 25, at the Neil House.

Q. They had your instrument and special wire there from the 27th day of December up until the 12th of January?—A. Yes, sir.

Q. When was the instrument removed from there?—A. I think it was the day following the Senatorial nomination.

Q. And since that time the operators have resumed their ordinary operations in your office?—A. Why, those that are regularly employed.

Q. They were your regular employees?—A. One regular and one an extra.

Q. Do you know where that extra man came from?—A. He is a resident of Columbus, and he is now at work there.

Q. They are both residents of Columbus?—A. Yes, sir.

Q. Now, will you come back here to see us to-morrow night prepared to answer our questions one way or another?—A. I will come back after consulting with my superior officers.

Q. We wish you would consult with them and receive their instructions, and if you find you are at liberty to answer our questions and produce the telegrams and copies we have asked for, you know what we want.—A. Yes, I do.

Q. I don't catch the relation of the special wire running to your office—that is, in Columbus. It would be put in communication with any point outside of Columbus?—A. Yes.

Q. When it came into your office in Columbus (to your central office), every time that wire was put in communication with your numerous wires running from Columbus, would not that be recorded?—A. If the wire was stopped at the main office, then the message received from there would have to be relayed and a record would be made, but if the wire was put on to any one of the wires leading out of the city we would not have a relay copy, but the operator in the Neil House would have a copy and they would turn in the required report at night.

Q. Do you require a copy to be kept?—A. Yes; the company requires that.

Q. You would have the number of every message that went out of the Neil House, whether passed through the relay or connected with the special wire running anywhere else?—A. Yes.

The CHAIR. Does any other member desire to ask any questions?

Mr. GARFIELD. Mr. Austin that you refer to, did you know whether he is a newspaper man?—A. I do not; only by general report.

Q. (Mr. GARFIELD.) You have heard that he was?—A. I have heard that he was.

Q. (Mr. LONG.) What is Allenworth's first name?—A. I think they call him Harry.

Q. (Mr. LONG.) Where does he live?—A. I can't tell you. I think in the east part of the city.

Q. (Mr. LONG.) Do you know of anybody who knows where he lives?—A. We have his address at my office.

Q. (Mr. LONG.) Does anybody else have it, if it should be desired?—A. That could be gotten out of the directory.

Q. (Mr. LONG.) What is Wright's first name?—A. Just.

Q. (Mr. LONG.) Do you know his city address?—A. No, sir; I do not.

Q. (Mr. LONG.) Who paid for the installation of that instrument and wire in room 25, Mr. Truesdell?—A. The installation of that—well, I do not wish to answer that; it is a question I would prefer to consult about.

The CHAIR. I should like to inquire of you at what time Mr. Allensworth acted as operator; was he day operator or night operator?

A. Well, it was not a change of that nature. The change was from Allensworth working a few days there and then Mr. Wright a few days.

Q. (Mr. ROBERTSON.) Were they at work day and night?—A. Well, if I recall, a part of each.

Q. (The CHAIR.) Can you tell us which man worked there first?—A. Mr. Allensworth.

Q. (The CHAIR.) About how long did he work?—A. Well, I don't know; possibly a week; then after that Mr. Wright continued to work until the office was abandoned.

Q. (The CHAIR.) Do you know whether or not Mr. Austin was an Associated Press reporter?—A. I do not.

Q. (Mr. LONG.) You decline to state who paid for that instrument, from which I infer that you know who paid for it, but that you are not certain as to whether you could answer it or not?—A. I don't want to put it that way; I merely wish to consult to find out with reference to the opening up of the office at the Neil House.

Q. Do you know who paid for it?—A. Why, no; I don't.

Q. Have you any information from any of your subordinates who paid for the instrument there and its use and the messages that went over that private wire?—A. That is a question I should prefer to consult about before answering.

Q. (Mr. LONG.) I think the witness is possibly a little unusually careful about answering these questions. There is no reason, as I understand it, for refusing to answer whether he knows, either of his own knowledge or from his subordinates, who paid for it.

Q. (The CHAIR.) If you don't know who paid for the use of that wire why do you desire to consult your superiors before telling who paid for it?—A. That is a question that I would prefer to answer to-morrow night, also.

Q. Do you know whether you know who paid for the use of that wire or not?—A. No, sir; I don't know whether I know or not.

Q. Do you know whether you do know, either of your own knowledge or your subordinates, who paid for it?—A. Well, I know that some of the messages, and a great many of them, were paid for by parties who sent them. Anyone, as I understand, going into that room could send messages over that wire.

Q. You have suggested that someone made arrangements for putting that wire in there and paying for it. Do you know who that was?—A. Well, as to paying for the wire, I don't think I said anything of the kind. I think I stated in the former of my testimony that we opened a branch office.

Q. If you don't know who paid for that wire, there is not any necessity as to consulting your superiors as to whether you do or do not know, is there?—A. That is one of the points on which I wish to consult them.

Q. We are asking the question as to whether you know; do you or don't you? Or don't you know if you do or if you don't?—A. I know that the use of the wire was paid for by the messages contributed to the wire. It was not a leased wire; there was no contract as to leasing the wire, because I haven't the leasing of the wires, and I put that instrument in there myself.

The CHAIR. You will consult your superiors and report here to-morrow night at 7.30.

And thereupon the committee adjourned to meet at 7.30 o'clock Wednesday evening, January 18, 1898, in open session.

The following resolution adopted by the committee is intended as a substitute for the instruction given the chair as to the communication this committee wished made in reply to the one received from the house committee, noted in the minutes of the executive session January 18, 1898:

At a called meeting of the investigating committee of the senate, under resolution No. 21, there being present Chairman Burke, Senators Robertson, Garfield, and Long, on motion of Senator Long, seconded by Senator Robertson, and by unanimous vote, it was resolved that the house committee of investigation touching the United States Senatorial election of January, 1898, be invited to sit with the senate committee with the privilege of examining or cross-examining any witnesses before the investigation begun by the senate committee on January 18, 1898; the said house committee to be subject to the charge and direction of the chairman of said senate committee in their method and subject of examination in like manner as the members of said senate committee are under such charge and direction.

[Memorandum.]

JANUARY 19, 1898.

Summonses were issued for Maj. CHARLES DICK, of Akron; S. D. Hollenbeck and H. H. Hollenbeck, both of Chardon, Ohio, and Col. T. C. Campbell, of Cincinnati, January 13, 1898 (see minutes of meeting January 12, 1898), to appear before the committee January 18, 1898, at 6.30 o'clock p. m.

The said sergeant-at-arms made due return of his proceedings under said writs, and the indorsements on said writs certify:

That Maj. CHARLES DICK was served personally at Cleveland, Ohio, January 15, 1898.

That S. D. Hollenbeck was served personally at Chardon, Ohio, January 15, 1898.

That H. H. Hollenbeck was not found within the jurisdiction of the State, and the sergeant-at-arms made return that a true copy of subpœna was left at his usual place of residence at Chardon, Ohio.

That Col. T. C. Campbell has not at this date been served.

[Memorandum.]

JANUARY 19, 1898.

A subpœna was issued for Sam. Pentland, of the city of Columbus, Franklin County, Ohio, commanding him to produce certain books and records and to appear before the committee at 7.30 o'clock p. m., January 19, 1898.

And thereupon the said sergeant-at-arms made due return of his said writ with the indorsement thereon that the same has been served personally upon the above-named party.

[Memorandum.]

JANUARY 19, 1898.

Subpœnas were issued for the following witnesses: Harry R. Allesworth and Just Wright, both of the city of Columbus, Franklin County, Ohio; and the said sergeant-at-arms made due return of said writs with the indorsements thereon that the same had been served personally upon said above-named parties.

OPEN SESSION.

SENATE CHAMBER, *January 19, 1898—7.30 p. m.*

The Chair called the committee to order. All members were present.

The Chair desires to say to those who are present that we want to maintain order here, and we want nothing done by way of applause or approval or disapproval of anything that may transpire at this investigation. We desire and hope that those who are interested in this investigation, because it is practically an investigation of the people through their representatives, that we desire and hope that each one may lend his assistance, so far as he is able, to discovering the truth. We hope that there will be no effort to secrete anything that may lead to a thorough and honest investigation of the subject of bribery which is before the committee, because we believe that if there is guilt it should be discovered. If there is no guilt that should be known, and it should be known definitely that a wrong has been perpetrated upon those who are the subject of investigation here. I hope that everyone will refrain from in any way interfering with this investigation.

To the members of the house committee, if they are present, I am authorized by this committee to say that they are invited to sit with us and take part in this investigation by asking such questions as they may deem important for them to ask.

I will ask if the following witnesses are present in the chamber. They will come forward as their names are called: Mr. Pentland, F. P. Ross, W. L. Truesdell, S. M. Dunlap, S. D. Hollenbeck.

(All of the witnesses presented themselves before the bar of the senate.)

The CHAIR. I believe these witnesses have all been sworn, with the exception of Mr. Hollenbeck.

And thereupon Mr. S. D. Hollenbeck arose from his seat, and the chairman (Mr. Burke) administered the oath.

And thereupon S. D. Hollenbeck took the stand and testified as follows:

Mr. ROBERTSON conducting the examination:

Q. Mr. Hollenbeck, please state your full name.—A. My name is S. D. Hollenbeck—Sylvester D.

Q. Your age?—A. I am 47 years of age—48 next month.

Q. You reside where?—A. In Chardon, Ohio.

Q. Your business or occupation?—A. County auditor.

Q. Mr. Hollenbeck, how long have you held that position?—A. Ten years.

Q. Mr. Hollenbeck, have you been a member of the Republican State central committee or the Republican State executive committee?—A. I refuse to answer the question.

Q. You refuse to answer the question?—A. I do.

Q. Whether you have been a member of that committee within the past year?—A. I do.

Q. Or at any time?—A. I do.

Q. Have you any reason to advance to us for refusing to answer?—A. I have—the authority of the committee here to ask me anything about it.

Q. You deny the authority?—A. By advice of my attorney.

Q. Will you tell us who your attorney is?—A. Mr. Sullivan.

Q. Did he advise you to deny the right of this committee to ask you that question or any other?—A. He advised me that I do not have to answer this committee.

Q. Mr. Hollenbeck, in refusing to answer this committee any questions, do I understand you to refuse to answer any questions relating to this investigation?—A. I do.

Q. Is that because it would incriminate you?—A. Not any.

Q. Because it would incriminate any other person?—A. No, sir.

Q. Is it because it would cast any moral stain upon you?—A. No, sir.

Q. Upon your family?—A. No, sir.

Q. It is purely and entirely upon the advice of Senator Sullivan?—A. That is it.

Q. When did he give you that advice?—A. This evening.

Q. Here in this chamber?—A. Yes, sir.

Q. At this time?—A. He did.

Q. Did he assign any reason to you why you should take that position to refuse to testify?—A. No, sir.

Q. Had you consulted with him prior to consulting with him here?—A. Yes, sir; I talked with him this evening.

Q. Have you a son?—A. Yes, sir.

Q. Where is he?—A. I don't know.

Q. How old is your son?—A. I refuse to answer.

Q. Is your son in the confidential employ of MARK A. HANNA?—A. I refuse to answer the question.

Q. Why do you refuse to answer that question?—A. I have assigned that reason already.

Q. Were you advised not to answer that question by Senator Sullivan?—A. I was advised that I am not required to answer any questions. There are several attorneys who have advised me that way. Mr. Dougherty, Mr. Huling, Mr. Thompkins, and Judge Stewart told me I did not need to answer any of them.

Q. The gentlemen attorneys who have advised you to refuse to answer questions to this committee?—A. Whose attorneys?

Q. I simply wanted to know what your position is. Then do I understand that you broadly and completely refuse to answer any question or questions put to you touching this investigation of the alleged bribery or corrupt practices in reference to the election of a United States Senator?—A. Under the advice of my attorneys, I do.

Q. (The CHAIR.) I want to ask one question: Have you had a talk with any other witnesses who have been subpœnaed here?—A. I refuse to answer.

Q. You don't refuse to answer that question because it would in any way criminate you?—A. I do not.

Q. You refuse to answer for the purpose of preventing an investigation here, do you?—A. I refuse upon the advice of my attorneys, as I have said.

Q. You have no other ground for refusing?—A. No, sir.

Q. (Mr. ROBERTSON, continuing.) I will ask you if you know that your son has left this State with the intent and purpose of evading the service of summons of this committee?—A. I refuse to answer any questions.

Q. Is your son now in Washington City?—A. I refuse to answer.

Q. And these answers are refused by advice of counsel?—A. Yes, sir.

The CHAIR. You have no personal reason of your own for not answering these questions, have you, Mr. Hollenbeck?

A. No, sir.

Q. Except that Senator Sullivan has informed you not to answer them?—A. Yes, sir; as I have stated before.

Q. (Mr. ROBERTSON, continuing.) I wish to ask you one more question. I wish to ask you if you are not personally cognizant of the fact that your son carried from this city of Columbus a large package of money within a few days preceding the election of United States Senator to Cincinnati—carried it to Cincinnati?—A. I refuse to answer, for the reason that the committee has not jurisdiction to ask me that question.

Q. If you don't know that fact you can not be purged by answering, could you?—A. (Witness did not answer.)

Q. You refuse to answer that?—A. I do.

Q. Do you refuse to answer that because it would tend to criminate yourself or your son?—A. No, sir.

Q. You will not say to this committee that you don't know that fact, as a fact?—A. I refuse to answer.

By Mr. GARFIELD:

Q. As I understand, you refuse to answer all these questions under advice of counsel, and for no other reason?—A. For no other reason.

Mr. LONG. Who is your attorney, Mr. Hollenbeck?—A. Senator Sullivan.

Q. Your attorney and under your employ?—A. Yes, sir.

Q. Why do you counsel with other attorneys outside of him?—A. I refuse to answer that question.

Q. Will the answer to that question incriminate you in any way?—A. No, sir.

Q. When did you employ Senator Sullivan?—A. I refuse to answer.

Q. Would answering that question incriminate you in any way?—A. No, sir.

Q. Is Mr. Sullivan employed by you, or is he provided for you?—A. I refuse to answer that.

Q. The answer to that would not incriminate you in any way?—A. No, sir.

By Mr. FINCK:

Q. Mr. Hollenbeck, I want to ask one question: Is there not sitting behind you four attorneys who are telling you not to answer these questions? (Mr. Finck referring to Messrs. Dougherty, Huling, Sullivan, and Thompkins, gentlemen sitting in the rear of the witness.)—A. I refuse to answer that question.

Q. Who advised you not to answer that last question?—A. I refuse to answer that question.

The CHAIR. Mr. Hollenbeck, you are requested by this committee to appear before it to-morrow night, at 7.30 o'clock p. m., unless you are sent for in the meantime. With that you are excused.

Mr. Sullivan addressed the committee: May I make a statement?

Mr. Finck objected.

The CHAIR. I doubt very much, Senator Sullivan, inasmuch as the committee has rules, as I suggested to the Senator yesterday, that no persons will be permitted to address the committee on behalf of any party, whether his statement may be heard.

Mr. Sullivan informed the Chair that Mr. Hollenbeck was under the care of a physician, that he was a sick man, and that he had only been in Columbus once since January 6. For that reason he wished that the committee might permit him to go home, Mr. Sullivan vouching for the return of the witness when he was wanted to again appear before the committee.

The CHAIR. I wish to say to Mr. Hollenbeck——

The WITNESS. I will come back at any time.

The CHAIR. You understand, of course, Mr. Hollenbeck, that you are still under the process of this committee, subject to its call at any time. With the suggestion that Senator Sullivan has made (with consent of the committee), you may go home. You will be notified when to return here.

The witness was excused.

And thereupon Sam Pentland was recalled to the stand and testified as follows:

Mr. ROBERTSON (conducting the examination):

Q. Mr. Pentland, at the hour of our adjournment last night, or when you were here last night, we had reached the point where you declined, for the time being, to give us other information in regard to your books, or access to them, until you should have advised with counsel or with your friends about it; are you now prepared to answer our questions, or will you give us access to or opportunity to examine your register?—A. No, sir.

Q. Or any part of it?—A. No, sir.

Q. Any part of your books?—A. No, sir.

Q. Will you produce them or bring them here at our subpœna?—A. No, sir.

Q. You refuse to do that?—A. Yes, sir.

Q. Or give us any information with reference to this investigation that we are making here; is that it?—A. In regard to any of the questions you ask me I haven't changed any from last evening.

Q. Have you consulted or had any meeting with any parties to-day with reference to that?—A. Yes, sir.

Q. Have you had a meeting of the witnesses who were here before us last night?—A. No, sir.

Q. Any of them?—A. Spoke to them during the day, but nothing was said about what we would do; no, sir; met the gentlemen.

Q. Was there any agreement that you would one and all refuse to answer any questions propounded by this senate committee?—A. No, sir.

Q. You consulted your attorney?—A. Yes, sir.

Q. You are advised as to what the law is?—A. Yes, sir.

Q. And as to contempt proceedings?—A. Yes, sir.

Q. And the reason for that?—A. Yes, sir.

Q. By the advice of your counsel?—A. Yes, sir.

Q. May I ask you who your counsel is?—A. I shall not answer.

Q. Is it your counsel?—A. Yes, sir.

Q. Retained by you?—A. Decline to answer the question.

Q. Why that?—A. That is all there is to it.

Q. Would that in any way tend to disgrace or criminate you?—A. Not at all.

Q. Have you personally been guilty of any wrong in these matters, or cognizant of them?—A. No, sir.

Q. But you simply propose to block this examination?—A. I never have produced my books and will not now.

Q. Neither your books nor accounts?—A. No, sir.

Q. Last night you gave us the names of four or five gentlemen we spoke of whom you gave the name and the number of their rooms. I will ask you if their bill was presented in one bill or several bills?—A. I decline to answer that question.

Q. I will ask you if these bills were paid by M. A. HANNA or his immediate representative?—A. I decline to answer the question.

Q. Will ask you if it is not a fact that all of these bills were kept and rendered in one account and paid for by MARK A. HANNA, or his representative?—A. I

decline to answer those questions, for the same reasons given last night; I do not give any person's bill to the public. We stand between the public and the guest.

Q. In answering these questions it would not in any way tend to criminate you or disgrace you?—A. It would not.

Q. Won't disgrace you?—A. Not at all.

Q. Yet you decline to answer this simple question?—A. Yes, sir.

Q. Is that by advice of counsel?—A. Yes; my own responsibility.

Q. If these refusals are on your own responsibility, why do you say they are by advice of counsel?—A. I consider that this committee has no jurisdiction over me.

Q. Who told you?—A. My attorneys.

Q. Your attorneys?—A. Yes, sir.

Q. Now let me ask you, jurisdiction or no jurisdiction, you told me yesterday that there was a telephone in room 24 and a telegraph in room 25?—A. Telegraph instrument; yes, sir.

Q. And a line connected with it, of course?—A. All that I know about that is that I heard the instrument going.

Q. Were these rooms connected?—A. Refuse to answer that question.

Q. Refuse to answer that?—A. Yes, sir.

Q. Are there doors opening between those two rooms?—A. Refuse to answer it.

Q. And you refuse to tell us who advised you in this matter?—A. Yes, sir.

Q. I will ask you to say to us now whether or not it is not counsel and adviser of MARK A. HANNA who advised you to refuse to answer these questions?—A. I refuse to answer that question.

Q. You refuse to answer that question if it would show that he was interested in this investigation?—A. I refuse to answer that question.

Q. Not because it would incriminate you?—A. Not me.

Q. Or the attorneys who are prompting you in this examination?—A. No persons prompting me.

The CHAIR. You remember, I take it, when the Senatorial contest was in full force in this city, do you not?

A. Yes, sir.

Q. Did you during that time request any of the detectives of the city of Columbus to leave your house?—A. Refuse to answer the question.

Q. Is your refusal based on the ground that it would tend to incriminate you?—A. Not in the least.

Q. On what ground?—A. That this committee has no jurisdiction over it.

Q. That on the advice of your attorney?—A. Yes, sir.

Q. Whose identity you refuse to disclose?—A. Yes, sir.

Q. That refusal is not based on the ground that the disclosing of his identity would criminate you?—A. Not in the least.

Q. I will ask you whether or not Mr. HANNA or any of Mr. HANNA's representatives requested you to remove any detective of the city of Columbus from your house?—A. Refuse to answer the question.

Q. Your answer would not in any way criminate you?—A. Not at all.

Q. Did you order a man by the name of Garner out of your house during the Senatorial contest?—A. Refuse to answer the question.

Q. Your answer to that question would not criminate you?—A. Not at all.

Q. If you had so ordered will you tell us here?—A. Refuse to answer.

Q. That answer would not criminate you?—A. Not at all.

Q. Have you had a conference with any of the witnesses who are subpœnaed here to-night?—A. Refuse to answer.

Q. That answer would not criminate you?—A. Not at all.

Q. Have you consulted with any of the attorneys who sit behind you to-night?—A. Refuse to answer.

Q. That answer would not criminate you?—A. No, sir.

Q. Why do you refuse to answer those questions?—A. Because I refuse to answer all questions.

Q. Your refusal to answer all questions is based upon what ground?—A. That this committee has no authority to ask me these questions.

Q. You have no other ground upon which you base your conclusions?—A. No, sir.

Q. (The Chair continuing.) Any other questions?

The CHAIR. You will probably be in the city to-morrow?—A. I dare say so.

Q. You will report your attendance here to-morrow night, unless sooner called for?—A. Yes.

The CHAIR. You are under the process of this committee?—A. Yes, sir.

The CHAIR. Ready to respond at any time subject to the call of the committee?—A. Yes, sir.

The CHAIR. With that understanding you are excused until this committee sends for you.

And thereupon SHEPHERD M. DUNLAP was recalled, took the stand, and testified as follows:

Mr. ROBERTSON (conducting the examination):

Q. Mr. Dunlap, when you were excused last night it was for the purpose of consulting your superior officers as to whether or not you would give us access to or copies of original telegrams and copies of telegrams received at your office, I believe. Have you consulted your officers?—A. Yes, sir.

Q. And are you ready now to answer the questions that were propounded to you last night?—A. I think I can answer them all by giving the chairman of the committee my written statement in this matter.

(Witness handed to chairman a paper).

Mr. DUNLAP (the witness). Will the Chair read that letter?

The CHAIR. You desire to make it your answer to the question?—A. Yes, sir.

Q. The Chair will read it if you so desire, or you may read it, just as you desire.—A. (Witness reading letter.) (Filed and marked ——.)

COLUMBUS, OHIO, *January 19, 1898.*

To the Select Committee of the Senate of Ohio, under Senate Resolution No. 21.

GENTLEMEN: As manager of the Western Union Telegraph Company I have been served with a subpœna duces tecum, issued by this committee, to appear before it and produce a number of telegrams. A copy of said subpœna is hereto attached and marked Exhibit A, and made a part of this statement, the same as if herein set out at length.

With all due respect for this committee, I decline to obey said writ for the following reasons:

First. By my attorney and counselor I am advised that this committee is without jurisdiction of the subject-matter of its attempted inquiry; that it has no authority whatever under the constitution or laws of the State to send for either persons or papers, and that all such writs are void.

Second. Because, as will be seen upon inspection, the subpœna duces tecum is so uncertain and indefinite that it is not possible for me to determine what telegrams are meant. A search through the vast number of telegrams in my office would not only be laborious, but useless.

Respectfully submitted.

SHEPHERD M. DUNLAP.

Q. (Mr. ROBERTSON.) Shifting from the principal part of this—the first part of it—Mr. Dunlap, we were speaking last night about a telegram which we designated as having been signed "H. D.," and which you remembered having received. Have you that telegram with you?—A. I don't want to shift from the first part; my first part covers that question, being the right of the committee to call for any telegram or to ask any questions.

Q. The point I was trying to get at is whether you have that telegram with you here,—A. I decline to answer that. I haven't the telegram, though.

Q. Mr. Dunlap, if a crime has been committed, are you here in the position of suppressing testimony that would disclose a crime?—A. My answer is right there. I decline to answer that question.

(Witness referred to answer written above, which was in Mr. Robertson's hand.)

Q. May I not infer that you are taking it upon yourself, simply by reason of your claiming that this committee has not jurisdiction, that you are aiding in the suppression of a crime, to your knowledge?—A. No, sir. I am relying upon the judgment of my counsel in the matter.

Q. Independent of jurisdiction, and as a matter of integrity and honesty between citizens, do you not recognize it your duty to make known the fact that a crime has been committed, if you have knowledge of it?—A. I do not lose sight of my communication.

Q. If you give us that telegram, sir, that one signed "H. D.," and which you testified last night you thought you had seen, would that incriminate you?—A. My answer is in your hand.

Q. Your answer is that you decline to answer that?—A. My answer is in your hand. You have it.

Q. That is in this written paper here you have presented to us?—A. (Witness did not answer.)

Q. Do you refuse to give this committee any other answer to that question?—A. I do.

Q. Need we put any further question to you with reference to this investigation?—A. No, sir.

Q. You decline to answer any and all questions?—A. Yes; any and all.

Q. That is your position after advising with counsel?—A. It is.

Q. Whether it would disclose a crime or not?—A. You have my answer in your hand.

Q. Who is your counsel?—A. Mr. Thompkins.

Q. When did he so advise you?—A. To-day.

Q. Is he the counsel for your company?—A. Yes, sir.

Q. Have you had a conference to-day with any of the other witnesses who are here to night?—A. No; only Mr. Thompkins. He has always served us here, and we look to him to serve us under all such occasions.

Q. Will you answer the other question, please, or decline to answer it?—A. I decline to answer it.

Q. Because it would incriminate you?—A. No, sir.

Q. Is MARK A. HANN a stockholder or director in your company?—A. I decline to answer.

Q. Did he pay for, with his frank, all telegrams which passed through your office?—A. I decline to answer that.

Q. Why do you decline to answer these questions?—A. On the ground of jurisdiction.

Mr. GARFIELD. In reply to the questions that have been asked you, your general ground for refusing to answer is that your counsel has advised you that the committee has no jurisdiction to compel answers to any questions?

A. That is my answer.

The CHAIR. Mr. Dunlap, you are the general manager, did you say, of the Western Union Telegraph Company in this city?

A. My title is office manager.

Q. That is, you are the highest officer of the company located in the city of Columbus?—A. Yes, sir.

Q. The Western Union Telegraph Company is a corporation, I suppose. Do you know?—A. I decline to answer that.

Q. Would that in any way criminate you?—A. No.

Q. Is your attorney present in this room?—A. Yes, sir.

Q. Have you consulted with any other of the witnesses?—A. No, sir.

Q. Have you been in consultation with any other attorneys in connection with your own?—A. No, sir.

Q. When you refer to your attorney, do you refer to Mr. Thompkins, sitting immediately back of you?—A. Yes, sir.

Q. The gentleman who has made suggestions to you during your examination as a witness?—A. I decline to answer that.

Q. Would that in any way incriminate you?—A. No, sir.

Q. Your refusal to answer the questions put to you are not based on the fact that the answers would in any way incriminate you?—A. No, sir.

Q. Are you acquainted with Mr. Hollenbeck?—A. I decline to answer that.

Q. Would the answer to that question incriminate you?—A. No, sir.

Q. Why do you decline to answer that question?—A. On the same ground that all my previous refusals have been based.

Q. On the grounds stated in your communication sent to this committee?—A. Yes, sir.

Q. The answer to that question does not involve the production of any records in your office, does it?—A. I decline to answer.

Q. You decline to answer that question?—A. Yes, sir.

Q. Would that incriminate you?—A. No, sir.

Q. Has anyone outside of your attorney requested you to refuse to answer questions here?—A. No, sir.

Q. How long is it since you have seen Major DICK?—A. I can't tell.

Q. How long since you have received any communication from him?—A. I have received one that I know of.

Q. How long since you have seen Mr. HANNA?—A. Several weeks ago.

Q. Have you received any communication from him lately?—A. No, sir.

Q. Either directly from him or through any other person representing him?—A. I decline to answer that.

Q. Would that in any way incriminate you?—A. No, sir.

Q. Did that have anything to do with your refusing to answer questions here?—A. No, sir.

Q. Have you talked with any other of the attorneys here?—A. I decline to answer that.

Q. Would that incriminate you?—A. No, sir.

Q. Is it not a fact, sir, that you have had a conference with the other witnesses here, and that you and the other witnesses have entered into an agreement by which you arranged to refuse to answer any and all questions that might be submitted to you by this committee?—A. I decline to answer.

Q. Would that criminate you in any way?—A. Decline to answer that.

Q. Would the answer to that question criminate you in any way?—A. Decline to answer that.

Q. On what ground?—A. On the ground of jurisdiction.

Q. Do you think that it would criminate you?—A. I decline to answer that.

Q. You are not willing to say to this committee whether that answer would or would not involve you criminally?—A. I decline to answer these questions.

Q. That is why you decline to answer, then, whether you are willing to say it would or would not incriminate you?—A. I will say that it would not criminate me, but I refuse on the ground of jurisdiction. That is the ground.

Q. Would the answer to any one of these questions incriminate you?—A. I decline to answer that.

Q. Do you refuse to answer that on the ground that you do think it would criminate you?—A. No, sir.

Q. Then the answers to these questions would not criminate you?—A. They would not.

Mr. LONG. Mr. Dunlap, immediately in the rear of you are Attorneys Sullivan, Harry Dougherty, Thompkins, and Huling and Judge Stewart. Are you recognizing any of them as your attorneys in this matter except Mr. Thompkins?

A. Only Mr. Thompkins.

Q. Only one attorney under whose instructions you are acting and who you consulted with with reference to your acts and duties here?—A. Yes, sir.

The CHAIR. Mr. Dunlap, you are not as yet excused. You are still under the process of this committee. Report your attendance here to-morrow night at 7.30 p. m., unless you are before that time requested to appear before the committee at an earlier time.

And thereupon F. P. Ross was recalled, took the stand, and testified as follows:

Mr. ROBERTSON (conducting the examination):

Q. Mr. Ross, you are connected with what company?—A. The Central Union Telephone Company.

Q. Last night when you were examined you desired an opportunity to advise with counsel and superior officers of your company before going further with answers to interrogatories.

(The Chair here called for order in the chamber.)

Q. Will you state, Mr. Ross, whether you are ready or willing to answer the questions propounded to you?—A. Yes, sir; I am ready.

Q. Ready and willing?—A. I am ready.

Q. We asked for some data from your office—I forget how they were described—with reference to a telephone, number 1092, the daily record of calls we asked for that. Are you ready to give me that information?—A. No, sir; I am not.

Q. Have you consulted with the superior officers of your company?—A. Yes, sir.

Q. Do they direct you to refuse to answer?—A. By direction of the company's counsel.

Q. Not from your company officers, then?—A. Well, I got my instructions from my attorney—the company's counsel.

Q. And he directs you not to give us access to those records, or to give us any information as to the matters we inquired about last night?—A. Yes, sir.

Q. Your attorney is whom, Mr. Ross?—A. Judge Stewart.

Q. He has advised you?—A. Yes, sir.

Q. Not to give us any information?—A. Yes, sir.

Q. Well, when did you consult him?—A. This afternoon.

Q. In company with anyone else?—A. No, sir; alone.

Q. Have you had any conversation or talking with any of the other witnesses that were here last night?—A. None whatever.

Q. So you consulted Judge Stewart, and he gave you the direction to give us no information with reference to this matter?—A. Yes, sir.

Q. No matter whether it was covering up a crime or not?—A. That question did not enter into it.

Q. He was willing to advise you that if you had any information that would conceal a crime, if a crime had been committed, and he was willing to advise you to refuse to give that information?—A. I can not answer that question.

Q. Well, would you as a man and a citizen be willing to conceal information that you had that would disclose a crime?—A. I don't answer that question.

Q. Why can you not?—A. My instructions are not to answer questions.

Q. Now, we are asking you for telephone records with reference to messages from Major DICK, from Mr. HANNA, from Mr. Rathbone, from Mr. Austin, and from Mr. Hollenbeck, or any other person that was in room No. 24 or room No. 25 of the Neil House; and we wish to ask you if there was any telephone communication with one man named Boyce in Cincinnati that emanated from that room, Boyce in Cincinnati, Boyce in Springfield, Ohio, or Boyce in any other place?—A. I must decline to answer that question.

Q. And is that on the ground that it would include you in the crime itself, or any crime? It would not criminate you?—A. No, sir.

Q. It would not degrade you if you did answer that question, I believe?—A. No.

Q. So you refuse to give us any information whether or not you are cognizant of telephonic communications between these men named—Boyce and Mr. HANNA, or between Boyce and Mr. DICK, or between Boyce and Mr. Rathbone, or between Boyce and Austin?—A. Yes; I do.

Q. Or between Boyce and headquarters of Mr. HANNA or any other person?—A. Yes; I do.

Q. You refuse to give us any other information with reference to that?—A. Yes, sir.

(The chair called for order in the chamber.)

Q. Do you know this man Boyce?—A. No, sir.

Q. Have you seen him?—A. No, sir.

Q. Have you spoken to him by telephone?—A. No, sir.

Q. Or any man purporting to be Boyce?—A. No, sir.

Q. It has been charged openly in the house of representatives here that Mr. Boyce has been guilty of a crime in this State. Now, if you have any information that would lead to the conviction of such a crime, I ask you, as a man and a citizen, will you give it to us?—A. I decline to answer that question.

Q. And you do that by instruction of your counsel?—A. Yes, sir.

Q. Even if it is for the purpose of suppressing an alleged crime?—A. I decline to answer.

Q. And that extends, I suppose, to all further questions that we may put to you on this subject?—A. Yes, sir.

The CHAIR. One or two questions, Mr. Ross. The records of the different telephone communications referred to by Judge Robertson are in your possession and under your control, are they not?—A. Yes, sir.

Q. Your refusals to answer the questions put to you by Judge Robertson and the members of this committee are not based upon the fact that the answers would in any way criminate you, are they?—A. No, sir.

Q. You are the highest official, are you not, in the city of Columbus, of the Postal Telegraph Company—of the Central Union Telephone Company, I mean?—A. No, sir; I am not.

Q. Who is the highest official in the city of Columbus?—A. B. F. Lloyd, superintendent of the company.

Q. You are the official having the care and custody of the records of the different telephonic communications passing over the lines in Columbus?—A. Yes, sir.

Q. B. F. Lloyd occupies what position in your company?—A. Superintendent.

Q. Have you consulted with Mr. Lloyd as to whether you would or whether you should or should not answer the questions put to you by this investigating committee?—A. I have talked with him about it.

Q. Did he instruct you to refuse to answer all questions touching the matter of inquiry?—A. My instructions in that regard come from my attorney.

Q. Did Mr. Lloyd instruct you?—A. No, sir.

Q. How long has Judge Stewart been your attorney?—A. I can't answer that question.

Q. Well, about how long?—A. I have only been with the company since the 1st of July. He was their attorney then.

Q. Is Judge Stewart the authorized attorney of the corporation known as the Central Union Telephone Company?—A. Yes, sir.

Mr. GARFIELD. Do I understand that you decline to answer all questions on the ground that this committee has no jurisdiction?

A. Yes, sir.

Q. That covers the ground of the refusal you have given to-night?—A. Yes, sir.

The CHAIR. You are not finally excused, but you are still under the process of this committee. Report your attendance here at 7.30 o'clock to-morrow night, if not sent for in the meantime. You are excused in the meantime.

And thereupon W. L. Truesdell was recalled, took the stand, and testified as follows:

Mr. ROBERTSON (conducting the examination):

Q. When we adjourned last night you desired to ask the advice of your superior officers in the matter of answering certain questions asked of you?—A. Yes, sir.

Q. Have you consulted them?—A. I have consulted with our general counsel through our superintendent.

Q. Are you now ready to give the committee answers to the questions that were propounded last night?—A. I am.

Q. Mr. Truesdell, your company—I have got a little mixed about the companies—which company is it that you represent?—A. The Postal Telegraph Cable Company.

Q. We were asking you about some telegrams and copies of telegrams that may have passed through your office at certain dates specified in the examination last night. Are you willing to give us access to or the copies of these telegrams?—A. Our general counsel in Chicago has instructed me to refuse to answer all questions, on the ground of jurisdiction and lack of authority of this committee.

Q. Did he do that by wire?—A. Yes; through our superintendent.

Q. Where is he?—A. To-day he is at the city of Sandusky. His headquarters is at Cincinnati, Ohio.

Q. Did he communicate by wire?—A. Yes; he communicated Mr. Loech's communication to me.

Q. These instructions, including the objections to jurisdiction?—A. Yes, sir.

Q. Is jurisdiction mentioned in this instruction?—A. Yes, sir; I believe it is.

Q. Have you got those instructions with you?—A. I decline to answer that question.

Q. Why do you decline to answer that?—A. On the grounds that this committee has no jurisdiction.

Q. Who told you that?—A. The instructions which I got from our general counsel.

Q. The point I am trying to get at is whether the instructions that came had reference to the jurisdiction of this committee.—A. They have.

Q. You decline to let us see these instructions?—A. I do so.

Q. And on your own responsibility you refuse to answer?—A. Yes, sir.

Q. And decline to give the committee access to the fact?—A. Yes, sir.

Q. No matter if it is covering up a crime?—A. The question of crime is not recognized; it is a question of authority of the committee.

Q. Have you had any consultation to-day with legal counsel?—A. Not any.

Q. With any of the witnesses here to-night?—A. I refuse to answer that question.

Q. Is it not a fact that you did have a meeting with the witnesses that were here last night and an agreement was had that you would all refuse to answer questions?—A. I did instruct those employees of mine what the general instructions were from our general counsel, and instructed them that they were to refuse to answer any and all questions on the grounds of jurisdiction and authority.

Q. So it would be a waste of time to ask any further questions?—A. Yes, sir.

Q. You would decline to answer any and all questions propounded to you with reference to any parties who might have been in any way connected with a crime?—A. I decline to answer.

Q. You deny that this committee has any right to ask you any questions whatever?—A. Yes, sir.

Q. Relating to the election of a United States Senator?—A. Relating to any questions whatever.

Q. Any questions within the scope of this committee's instructions?—A. Yes; yes, sir.

By Mr. LONG:

Q. Any questions whatever?—A. Yes, sir.

Q. I don't see that we need to waste much time on that.

The CHAIR. Mr. Truesdell, when did you communicate with the attorney, the general attorney, of the Postal Telegraph Cable Company?—A. I didn't communicate with him; all my communications have been through our superintendent.

Q. Where was your superintendent at the time you communicated with him?—A. As I said, he was in Sandusky.

Q. When did you communicate with him?—A. This morning.

Q. How long after you had communicated with him did you receive a reply from him?—A. I don't recollect.

Q. It would not be a day?—A. No, sir; a very short time.

Q. And how long?—A. In fact, I communicated with him personally over the wire; that is the way, but it was some time before I received a reply from our counsel in Chicago.

Q. Did you tell him that you were instructed by anyone in Columbus, or by anyone anywhere last night not to answer any of the questions propounded to you by this committee?—A. No, sir.

Q. The general counsel of the Postal Telegraph Company is who?—A. The general counsel of this division, his name is Loesch—I believe it is Loesch, of Loesch Brothers & Howell.

Q. Located in Chicago?—A. Yes, sir.

Q. Do you know whether anyone had communicated with your general attorney or the attorney of the Postal Telegraph Cable Company prior to your communication with your superintendent?—A. I have no means of knowing.

Q. You are highest officer of the Postal Telegraph Cable Company located at the city of Columbus?—A. Yes, sir.

Q. How long have you been connected with that corporation?—A. About thirteen years.

Q. The records and telegrams referred to by Judge Robertson in his examination of you are in your custody and control?—A. I decline to answer the question.

Q. Would the answer to that question in any way criminate you?—A. I decline to answer that question or any question.

Q. Then you don't know whether it would criminate you or not?—A. I decline to answer that.

Q. You decline to say to this committee whether your answer would involve you in a crime or not?—A. I decline to answer it.

Q. You desire to leave that question in that way?—A. Yes, sir.

Q. You decline to say as to whether or not any of the questions propounded to you, and the answers to them, would involve you criminally or not?—A. I will decline.

Q. You don't offer as a reason for refusing to answer these questions that the answers would incriminate you?—A. I decline to answer.

Q. You refuse, then, to say whether or not the answers to these questions would lead to your conviction of a crime?—A. I decline to answer any questions along that line or any other line.

Q. (Mr. GARFIELD.) You give as your same reason for declining these last questions, that you are acting under advice of counsel with reference and authority of the committee?—A. Yes, sir.

The CHAIR. You are not finally excused by this committee. You are still under its process, and will report your attendance here at 7.30 o'clock to-morrow night, if not called for before that time. The committee wish you to remember, however, that you are still under the process of the committee.

And thereupon the witness was excused.

The committee adjourned to meet in open session January 20, 1898, at 7.30, p. m., and at 9 o'clock p. m. this day went into executive session.

EXECUTIVE SESSION.

OFFICE OF THE CLERK OF THE SENATE,
January 19, 1898—9 p. m.

Pursuant to the order of adjournment of the open session of the committee, all members of the committee met in the office of the clerk of the senate in executive session.

And thereupon, after discussion of matters relating to the said investigation and of the conduct of witnesses called before said committee, upon motion of Mr. Burke, seconded by Mr. Finck, the following resolution was adopted:

"Whereas Sam Pentland, Shepherd M. Dunlap, F. P. Ross, W. L. Truesdell, and S. D. Hollenbeck have refused to obey the lawful summons of the senate investigating committee, appointed under senate resolution No. 21, and under the authority of law, and having been duly served with subpœnas lawfully issued and served under the lawful direction of this committee, and having submitted themselves as witnesses before said committee, and as such witnesses been duly sworn by said committee, did refuse to answer various questions pertinent to the investigation and inquiry being conducted by said committee, and refused to produce and bring before said committee books, records, and papers in their possession and under their control, ordered to be produced by said witnesses at the hearing before said committee when said witnesses were lawfully subpœnaed to appear: Therefore,

"*Be it resolved*, That the chairman of this committee is hereby directed to report said persons to the senate of the general assembly of the State of Ohio for contempt, for such action as it may deem necessary to uphold its authority.

"And thereupon, upon motion of Mr. Finck, seconded by Mr. Robertson, the following resolution was put to a vote and carried. (Mr. Garfield voting in the negative.)

"*Resolved*, That the chairman of this committee is hereby ordered to issue warrants for the arrest of said Sam Pentland, Shepherd M. Dunlap, F. P. Ross, W. L. Truesdell, and S. D. Hollenbeck, and said persons shall be conveyed by the sergeant-at-arms to the bar of the senate at 11 o'clock a. m. on the 20th day of January, A. D. 1898, and there to answer for contempt."

Upon motion of Mr. Finck, seconded by Mr. Long, the committee rose from executive session and adjourned, to meet at the call of the Chair.

GEO. S. LONG, *Secretary.*

EXECUTIVE SESSION.

JANUARY 20, 1898—7.30 p. m.

At a called meeting (all members present), upon motion of Mr. Burke, seconded by Mr. Finck, the committee adjourned to meet at 9.30 o'clock a. m. January 21, 1898, in the senate chamber.

GEO. S. LONG, *Secretary.*

OPEN SESSION.

SENATE CHAMBER,
January 20, 1898—7.30 p. m.

The CHAIR. Gentlemen, the committee will now come to order. The witnesses heretofore subpœnaed will take their places at the witness stand as they are called.

And thereupon the following-named witnesses came forward as their names were called: Sam Pentland, F. P. Ross, Shepherd M. Dunlap, W. L. Truesdell.

The CHAIR. Is Major DICK present?

(The gentleman did not respond to the call.)

The CHAIR. The chair is authorized to say to the witnesses who are now present that there will not be any further examination to-night; that they are still under the process of this committee, and that the committee will call them at such time as they will be needed.

The committee will adjourn until to-morrow morning at 9.30 o'clock. Gentlemen will hold yourselves in readiness to appear before the committee at such time as you are called. With that provision, gentlemen, you are excused.

And thereupon the committee adjourned to meet at 9.30 o'clock a. m. January 21, 1898.

EXECUTIVE SESSION.

OFFICE OF THE CLERK OF THE SENATE,
January 21, 1898—9.30 a. m.

The committee met in executive session. All members were present.

And thereupon the question of the committee proceeding to Cincinnati to hear testimony that it was thought would be material to the investigation was discussed. The sense of the committee was ascertained, and thereupon, upon a motion of Mr. Long, seconded by Mr. Finck, the following resolution was carried:

"*Resolved*, That the committee proceed to Cincinnati, on the 2.20 p. m. train, Big Four Railroad, this date, to meet at the Gibson House at 8 o'clock p. m., to hear such testimony that might come before it material to the investigation."

The chair then read the following communication from Mr. Allen O. Myers, which was ordered filed:

EIGHTH OF JANUARY CELEBRATION BY THE
OHIO DEMOCRACY, COLUMBUS, OHIO, *January 18, 1898.*

Hon. VERNON H. BURKE,
Chairman Senate Investigating Committee in the Matter of the Hanna Bribery Case.

DEAR SIR: For the purpose of further investigating the charges of bribery made by John C. Otis and others against M. A. HANNA, you are hereby authorized to have the originals of all telegrams sent by me or received by me through the Western Union and the Postal Telegraph companies' offices in this city.

This I do for the purpose of facilitating the investigation, and as a citizen of Ohio interested in seeing the truth and the whole truth made public and the property of the people as soon as possible.

Respectfully, ALLEN O. MYERS, SR.

The chair read the following communication from Mr. Charles Kurtz, which was ordered filed:

COLUMBUS, OHIO, *January 19, 1898.*

Hon. VERNON H. BURKE,
Chairman Senate Investigating Committee, City.

DEAR SIR: I hereby authorize and request the Western Union Telegraph Company and the Postal Telegraph Cable Company to release, deliver, and furnish to your committee copies of any and all telegrams sent by or received by me that may in any way relate to the matter under investigation by your committee.

And I also authorize and request the Central Union Telephone Company to furnish and deliver to your committee the records of any and all calls made by or to me in any way relating to the matters aforesaid.

Very truly, yours, C. L. KURTZ.

The following communication from J. P. Bliss was also read by the chair and ordered filed:

GREAT SOUTHERN FIREPROOF HOTEL,
Columbus, Ohio, January 17, 1898.

Hon. VERNON H. BURKE,
Chairman Senate Investigating Committee, etc.

DEAR SIR: Having been informed that the local representatives of the telegraph and telephone companies have declined to produce telegrams or copies thereof, and records of long-distance telephone calls which might be evidence of attempted or actual bribery in connection with the recent Senatorial election; and having also been informed that my name has been used in connection with certain alleged improper influences in connection with said election, I desire to say to you, and through you to the managers of both of the telegraph companies doing business in this city and to the manager of the telephone company, that I shall be very glad to have them produce and deliver to your committee all telegrams sent by me, and copies of all telegrams received by me in any manner relating to the subject of your investigation, and also full and complete records of all telephone messages sent or received by me in any way bearing on said subject. I do this with the consciousness that he who has acted from pure motives and has not been a party to any wrongdoing has nothing to fear, while the guilty seek to cover up their acts and flee, even when "no man pursueth."

Yours, truly, J. P. BLISS.

And thereupon the committee adjourned.

GEO. S. LONG, *Secretary.*

OPEN SESSION.

SENATE CHAMBER, *January 21, 1898—9.30 a. m.*

The CHAIR. The Chair is authorized to say to the witnesses who have appeared here this morning in response to the subpœnas issued by the select investigating committee, that they will not be required to stay longer to-day, and that we will notify them when to come again, either by telephone or through some other means.

The committee will leave for Cincinnati this afternoon, and take testimony there.

And thereupon the said committee adjourned to meet at the Gibson House, Cincinnati, Ohio, January 21, 1898, at 8 o'clock p. m., to hear such testimony as might come before them.

[Memorandum.]

JANUARY 21, 1898.

Subpœnas were issued for the following-named persons, all residents of Cincinnati, Hamilton County, Ohio, summoning them to appear before the said committee, at the Gibson House, in said city of Cincinnati, at 8 o'clock p. m., January 21, 1898: Horace B. Dunbar, Allen O. Myers, jr., John B. Ryland, Hattie Jacobs, Russell S. Pryor, George C. Seeger, Edward Clark, Albert C. Maxwell, Thos. H. Miller.

And thereupon, to wit, on said January 21, 1898, the sergeant-at-arms made due return of his proceedings under said writs, the indorsements therein certifying that each of the said parties had been served personally with copies of said subpœnas.

OPEN SESSION.

GIBSON HOUSE, CINCINNATI, OHIO.
January 21, 1898—8 o'clock p. m.

Pursuant to the order of adjournment of the meeting of the committee held in the senate chamber January 21, 1898, at 9.30 o'clock a. m., the said committee (all members present) met at the Gibson House, Cincinnati, Ohio, to hear such testimony as might come before it in the matter under investigation.

The Chair called the meeting to order.

And thereupon the said committee retired to the private office of Horace Dunbar, manager of the said Gibson House (office on the second floor), for the purpose of determining as to whether or not communications or conversations had over the long-distance telephone in said private office to offices outside of the city could be heard by a listener at the telephone in the general office of the hotel on the first floor, it being related that these two telephones were on the same line and that these conversations could be so heard; and further, that certain conversations had been overheard and had been noted, and that the same would be presented to the committee.

And thereupon the chairman, Mr. Burke, called through the telephone to the local exchange for long-distance connection and asked the operator for certain parties at the Great Southern Hotel, Columbus, Ohio. Subsequently Mr. Burke had a conversation with a Mr. Watson, clerk of the Great Southern Hotel at Columbus.

Mr. Walter H. Allensworth, the stenographer of the committee, was at the office telephone on the first floor and made notes of the conversation which he heard and reported immediately to the committee and read the conversation which he heard from his notes, and the committee unanimously agreed that his report was a correct one of the conversation had by Mr. Burke with the telephone exchange and with the party at Columbus, and the committee were entirely satisfied that conversations could be so noted from the office telephone.

The CHAIR. The investigating committee are here about to take some evidence. I hope there will be no applause of approval or disapproval on the part of anyone who is here to-night, so that we may be able to take this evidence without interruption.

And thereupon Horace B. Dunbar was called as a witness; being first duly sworn, testified as follows:

Mr. LONG (conducting the examination):

Q. What, Mr. Dunbar, is your first name?—A. Gentlemen, I would like to say that I object to testifying in this case.

Q. Have you any reason, Mr. Dunbar, for your refusal?—A. Well, I am in the hotel business, and I can't afford to testify against the guests of the hotel unless compelled to do so.

Q. Mr. Dunbar, is there anything that suggests itself to your mind that would in any wise incriminate you if you testified to any matter connected with the recent Senatorial election in this State?—A. No, sir.

Q. Anything that would involve you in any disgrace, or anything of that sort?—A. No, sir; not anything that I know of.

Q. You put it on the ground that you are in the hotel business?—A. Yes, sir.

Q. Well, it is possibly courtesy for us to say that you ought to feel, Mr. Dunbar (as the committee understand their rights and duties under the legislative power by which they are here), that that is not a ground which excuses you from answering questions touching the inquiries which the committee is seeking to make.—A. Is there any law which compels me to testify?

The CHAIR. The law under which this committee operates and which would compel you to testify is as follows:

"Whoever willfully fails to appear in obedience to such subpœna, or appears and refuses to answer any question pertinent to the matter of inquiry, or who declines to produce any paper in his possession or control shall be liable to the pain and penalty of contempt of the authority of the general assembly, if the committee be a joint committee, or a proper branch of the general assembly if the committee be appointed by only one branch, and shall be dealt with by the general assembly, or such branch thereof, according to the parliamentary rules and usages in cases of contempt; and the chairman of the committee before which such person fails to appear or refuses to answer or produce a paper or record as aforesaid, on the order of the committee or subcommittee, shall report the fact to the proper branch of the general assembly, and on like order issue a warrant for the arrest and conveyance of the witness before that branch to answer for contempt."

(The Chair having read the foregoing from section 52, Revised Statutes of Ohio,)

The CHAIR. I will say to you, Mr. Dunbar, in the event you refuse to answer questions pertinent to the inquiry before this committee it is the duty of the committee to pass a resolution and report the matter to the bar of the senate, and

upon a like resolution to instruct the chairman to issue a warrant to the sergeant-at-arms commanding him to take you under arrest and bring you before the bar of the senate of the State of Ohio, and there to be dealt with for contempt. That is the duty of the committee.—A. If that is the law, I will testify in this case, but in justice to myself and my business I wish to make this statement to you, that I am in the hotel business, dealing with first-class trade, and that in no instance will I permit any employee to watch or spy upon any man who came to this hotel, except it be some man that we suspect was crooked in some way. That is the reason I am here to-night.

Q. (Mr. LONG.) You will please state your first name.—A. Horace B.

Q. Age?—A. 45.

Q. What is your occupation?—A. Hotel keeper; president of the Gibson House Company.

Q. That company is located and doing business where?—A. In the Gibson House, on Walnut street, city of Cincinnati, Ohio.

Q. You are the manager of that hotel?—A. I am.

Q. State if you were such manager, and if you were during the month of January, 1898?—A. I was.

Q. And theretofore?—A. Yes, sir.

Q. How long have you been manager of the hotel, Mr. Dunbar?—A. About ten or eleven years.

Q. Have you the register of the arrivals at your hotel and the guests of your hotel, covering the date of January 8, 1898, Mr. Dunbar?—A. I have.

Q. And also of January 7, 1898?—A. Yes.

Q. Where is that register?—A. I can send for it if necessary.

Q. I wish you would produce it here.

The CHAIR. You say your first name was Horace Dunbar?

A. Yes, sir; Horace B.

Q. (Mr. LONG.) Mr. Dunbar, you were served with a summons issued by the chairman, sent by Vernon H. Burke, to appear here this day?—A. Yes, sir.

And thereupon the witness produced the hotel register of the Gibson House, covering the date of January 7 and 8, 1898, and turned to those pages of the said register bearing date January 7, showing the arrivals at the Gibson House that day.

Q. Have you there the register of the guests at the Gibson House, January 7 and 8, at your hotel?—A. I have; yes, sir.

Q. I will ask you if the register of that date shows the names of Henry Harrison Boyce, or H. H. Boyce, or Henry H. Boyce?—A. Yes, sir.

Q. What does your register show?—A. Henry H. Boyce arrived at supper; was assigned to room 226.

Q. From what place is that individual registered from?—A. New York.

Q. Now, Mr. Dunbar, will you please read the registry of the name complete with the place from which he registered and the room assigned to Henry H. Boyce?—A. (Witness reading from register:) "Tuesday, January 7, Henry H. Boyce, New York, supper, 226."

Q. Quite a number of other guests registered the same day?—A. Oh, yes.'

Q. The number you read is the number of the room to which he was assigned?—A. Yes, sir; 226.

Q. There are guests registering both above and below the name of Mr. Boyce in the handwriting of those guests?—A. Yes, sir.

Q. About how many names above and how many names after on the same day?—A. I would say—yes, sir—31 lines.

Q. How many guests registering following?—A. 21.

Q. Was your attention in any manner directed to Mr. Boyce?—A. It was.

Q. On the day of his registry here?—A. It was.

Q. In what way and what was it?—A. By Allen O. Myers, jr. He is the key clerk at the Gibson House; he came and told me this gentleman had called up Columbus by long-distance telephone and was in communication with the Hanna headquarters, and says that he called up Major DICK; and do you want the conversation as near as I can remember it?

Q. Yes.—A. And said to me that he had said Shane and the President would arrange matters in Washington on Saturday. Wanted to know if HANNA was sore, and said that there would be hell to pay in Washington.

Q. What time in the day was this, Mr. Dunbar?—A. About 7 o'clock at night.

Q. What did you direct Mr. Allen O. Myers, jr., then to do, if anything, in connection with Mr. Boyce and his telephoning?—A. He also said that he was going (the party in Columbus, Major DICK) to see the party later. I instructed him (leaving my key to my private office with him) to let Mr. Boyce into the private office to use the telephone there, and I told him to make a record of what was said over our telephone by the man Boyce, and let me see it.

Q. Where is you private office?—A. On the parlor floor of the Gibson House; what was formerly room 111, on the first floor of the hotel.

Q. What telephones are there in your hotel office, Mr. Dunbar?—A. There are three telephones in the hotel office; one is directly under it and connected with the telephone by the same wire—when one rings the other rings.

Q. In what position is the telephone with reference to the register counter, and is that telephone connected with the wire leading to the telephone in the private office?—A. Yes, sir.

Q. How far from the register counter that this book lays on? [Mr. Long pointing to hotel register lying on the table.]—A. Twelve or fourteen feet back; it is a part of the office—inside of the inclosure of the office used by the clerk; yes, sir.

Q. Is that the telephone through which Mr. Boyce had been talking, and which had been referred to by Mr. Myers, jr.?—A. Yes, sir.

Q. Do you know where young Myers was at the time he heard this conversation which he reported to you as having occurred between Mr. Boyce and Major DICK at Columbus?—A. He was standing back on his side of the office a few feet back of Mr. Boyce, and heard Major DICK's name, and he made a pencil copy of what was said at this time.

Q. The duty of young Myers is at the key counter, a few feet from the telephone where Boyce was talking?—A. Yes, sir.

Q. Now, you say the telephone in the private office on the second floor and the telephone at the general office near the key counter are so connected that conversations going through the one can be heard at the other?—A. Yes, sir.

Q. How did you happen to become interested upon young Myers reporting this matter to you, Mr. Dunbar?—A. Knowing there was talk of bribery and reports that certain people were in Cincinnati for the purpose of buying votes for Senator, I thought the talk was significant, and that it was policy to find out what was going on, if possible.

Q. Now, what next transpired, Mr. Dunbar, in connection with Mr. Boyce and other matters touching the Senatorial election?—A. I was awakened between 11 and 12 o'clock by Allen O. Myers, who told me that this gentleman had been talking with Columbus, and told me what the conversation was.

Q. This was 11 to 12 o'clock of the same night?—A. Yes.

Q. You are speaking now of young Allen O. Myers?—A. Yes; Allen O. Myers, jr.

Q. Well, what did you learn, if anything, touching a communication at that time?—A. I don't know that I can repeat the conversation. He called up Major—without giving his name, except Major—and spoke. He said that he had seen one of the parties, and that he wanted to know how he was to arrange for the money to handle him, and the man said that he had better handle him with notes, and then said "I will speak to H." After some delay he came back and said H. thought that they had better exchange notes. He said he would prefer handling him by money. The party in Columbus wanted to know what it would cost, and he said $10,000 down and $10,000 after the vote was cast. And he says: "Suppose Mr. O. betrays you?" "I will kill him," the party in Columbus laughingly said; "dead men tell no tales." The party at Columbus told him also that he could draw on the First National Bank without limit. That is all that I can remember of the conversation.

Q. That is all that you can remember of the conversation late that night?—A. Yes, sir.

Q. Now, Mr. Boyce was occupying room 226, as the register shows?—A. Yes, sir.

Q. What next, if anything, came to your knowledge connected with the Senatorial controversy in which Mr. Boyce was interested?—A. I immediately dressed, went to the private office, and called up Allen O. Myers, at Columbus. There was some delay in getting him. Before I got him Columbus called long-distance telephone, and the operator of the long-distance telephone told me that they wanted to talk to Mr. Boyce. I immediately left the office and sent for Mr. Boyce.

Q. And he used the telephone?—A. Yes. (Witness continuing.) Young Allen O. Myers was in the main office listening to the conversation, and talked it off to the night clerk.

Q. You don't know what the conversation was?—A. I know portions of it.

Q. That was taken down by the night clerk from dictation?—A. Yes, sir.

Q. Was that preserved?—A. It was.

Q. During the night conversation of January 7, when Mr. Boyce was calling for the Major or talked with the Major and spoke of having seen H., from what office was he talking at that time, Mr. Dunbar?—A. In the private office.

Q. Who do I understand you?—A. Boyce, from the private office.

Q. Were all these conversations touching the Senatorial matter from the first conducted from the private office?—A. They were.

Q. And through that telephone?—A. Yes, sir.

Q. Now, did you come in contact with Mr. Boyce any more after this night of January 7?—A. I did not come in contact with him that night at all.

Q. Did you get Allen O. Myers, sr., at Columbus?—A. No, sir; I did not. Just as I called up for Columbus, Jerry Bliss came in.

Q. Into your private office?—A. Yes, sir.

Q. And talked to Allen O. Myers, of Columbus?—A. Yes, sir.

Q. Did you hear that conversation?—A. Yes, sir.

Q. What did it cover—what was said?—A. I remember a part of it was to say that that man Boyce was here and had been talking with Major Rathbone at Columbus, and said that a man by the name of Hollenbeck would leave Columbus Saturday morning, January 8, for Cincinnati, and to have him followed or watched.

Q. Anything more that you remember?—A. No, sir; nothing more that I remember, except that there was something said about a package of money that was to be brought.

Q. Who? Was Hollenbeck to bring a package of money?—A. That is as my memory serves me.

Q. You can't say as to how that money was to be used in connection with the Senatorial matter?—A. Can't say.

Q. Now, what was done by you and Mr. Bliss, if anything, or any arrangements made afterwards preparing for Mr. Hollenbeck's reception or keeping watch on him?—A. I did not know what might occur the succeeding day, in face of what had been telephoned about Hollenbeck's coming. Mr. Bliss and I talked about the advisability of employing detectives, and in the morning did employ the Miller Detective Agency to watch Mr. Hollenbeck when he arrived, and Mr. Boyce.

Q. Do you know whether a detective was employed to watch these gentlemen subsequently?—A. No, sir.

Q. Now, when did Mr. Hollenbeck appear, if he did appear, in your hotel, Mr. Dunbar?—A. I think he arrived about 7 o'clock in the morning of the 8th.

Q. On what morning?—A. On the morning of the 8th.

Q. Referring now to the register there [pointing to hotel register on table], upon which Mr. Boyce's name appears, please state if Mr. Hollenbeck registered at the hotel; and if so, on what date.—A. He registered on the 8th of January, 1898.

Q. Please read now for the reporters the full record, indicating Mr. Hollenbeck's registration there?—A. H. H. Hollenbeck, Chardon, Ohio. Breakfast. (B) crossed off as paid.

Q. Boyce is there indicated your guest for breakfast?—A. Yes, sir.

Q. Was Mr. Hollenbeck assigned to any room, Mr. Dunbar?—A. No, sir.

Q. There are other names recorded on the register immediately preceding and following Mr. Hollenbeck's name, Mr. Dunbar?—A. Surely.

Q. What is the name immediately preceding it?—A. Preceding, Frank T. Okell, Scranton, Pa. Breakfast. 332.

Q. How many preceding Mr. Hollenbeck's name on that date?—A. Eleven.

Q. How many names following that date?—A. Thirty-five.

Q. What is the name immediately preceding Mr. Hollenbeck's?—A. E. H. Archer, Columbus, Ohio.

Q. Do you know Mr. Archer?—A. Evidently no.

Q. His signature is not there. Was a hotel courtesy extended to him?—A. Evidently our books will show; it is not in my own handwriting.

Q. Now, did you see Mr. Hollenbeck on the day that he registered at your hotel, or elsewhere?—A. He was pointed out to me by Mr. Mulvihill between 7 and 8 o'clock, sitting right at the office.

Q. Which Mr. Mulvihill?—A. T. J.

Q. Where does T. J. Mulvihill live and what is his business?—A. He lives in Walnut Hills, Cincinnati; his business is an undertaker.

Q. Now, what, if anything, do you know of Hollenbeck's connection with Boyce or with any of the matters about which it was telephoned down here that he was going to Cincinnati for?—A. Do I understand you what I know before he arrived at Cincinnati.

Q. No; after he arrived?—A. We knew where he came from from the telephones we had received, and had detectives watch him, and their reports will show that. You want me to give his movements as I have it?

Q. Yes, sir.—A. He went out to the Union Savings Bank and Trust Company and then to Mr. Schmidlapp's bank, and from there, as I understand it, to the Big Four road.

Mr. HULING. I know we have been held as outlaws and thereupon wish to enter an objection to the hearsay evidence related by the witness.

The CHAIR. As attorney for whom?

Mr. HULING. As attorney for Mr. DICK.

The WITNESS. Then I understand he went through Baker street—don't know from where—don't know what the records show as to his preceding movements.

Q. Now, was there any telephoning done by Mr. Hollenbeck as you know of?—A. While he was out he was called up by Columbus, and I instructed the clerk to give him the key to the private office. When he came in he went to the private office and telephoned to Columbus. A record was made of all that was said by our stenographer, the stenographer having an office in the hotel—Miss Jacobs.

Q. Was that record preserved?—A. Yes; it was.

Q. But you did not hear that, of course, yourself?—A. No, sir.

Q. Now, what was done, if anything, looking toward the observation of Mr. Hollenbeck's or Mr. Boyce's movements about the hotel?—A. In the morning I made arrangements with the housekeeper, at the suggestion of Mr. Bliss, to have Mr. Boyce's room, 226, watched. She watched it and also put a chambermaid named Searles in No. 215, nearly opposite to his room, so as to keep an eye on his movements while upstairs and to make note of those who came to the room and those reports were sent to me every time a movement was made.

Q. Did Mr. Hollenbeck, so far as you know, in using the telephone here from the house use the telephone in the private office entirely?—A. Yes, sir.

Q. That was by your direction, as I understand it?—A. Yes, sir.
Q. Now, was Mr. Bliss down here Saturday afternoon or Saturday night?—A. He came down Friday night about half past 12 and remained here.
Q. Until when?—A. Until in the morning—Tuesday morning, I think. Can't say just the day. I know he was there Monday.
Q. Were you in the elevator at any time either coming up or going down with Mr. Boyce or Mr. Hollenbeck during the time that either or both of them were at the hotel?—A. I was in the elevator that was going down and Mr. Boyce came from the second floor and asked me if I was manager of the hotel. He wanted to thank me for the courtesy of allowing him to use my private office for telephoning.
Q. Was there anyone else in there at that time that you know of?—A. Not that I can say. The elevator boy, of course.
Q. You do not know whether Mr. Bliss was on the elevator at the time or not?—A. He may have been; I do not remember.
Q. Now, what talk, if any, did you have with Mr. Boyce upon Sunday night?—A. Mr. Boyce came in Sunday night; can't give the hour—perhaps in the vicinity of 11 or half past 11, and said to me that he wished to have a private conversation with me in my private office or private room. I told him we could go into the café, there was nobody in there, which we did. He commenced by saying that he wanted to show me who he was and produced a blue envelope addressed to Henry H. Boyce, Twenty-sixth street, New York; called my attention to it, and said he was here representing the President; that he had completed his business and wanted to make a statement, not in the way of complaint, but to tell me what had occurred. He said he had been followed and watched evidently by two detectives, that he had got on to that fact during the day, and that they evidently were in collusion with a couple of men employed at the Gibson House office.
I told him that we did not permit anything of that kind, and if he would point out the men and show me that they had done anything wrong that I would discharge them immediately. He said he did not care to do that; that he had finished his business in Cincinnati; the result of the work was very satisfactory and he left it as it was. After some conversation he told me that he would leave in the morning. After he had settled the bill, he called me over to one side and said he would like to give me something to bet on. If you will give me a card I will write the name of the next United States Seator on it. I told him I would like to know, and passed him out a card, on which he wrote "M. A. H." I thanked him and he went on.
Q. Did he say anything about having outwitted the people who were watching him?—A. Yes; he said there had been a man watching him in 215. He said that he wanted to go out and that he was too smooth for the party watching him, as he simply rang the bell for a bell boy (a mulatto, remembered him but could not tell who he was). He simply told him to get his coat from the check room, and as he went down the hall to the elevator to close the door at room 215. The bell boy left the room; he stood with his hat and coat in one hand and the bell boy closed the door, then he immediately slipped down the back entrance and got away from the detectives.
Q. Now, is there anything else, Mr. Dunbar, that you may know in connection with Mr. Hollenbeck or in connection with this matter to which I may not have directed your attention?—A. I do not—with the exception of the two men who could be very easily identified, especially Mr. Boyce—I do not think a man could forget his countenance; he had evidently been shot under the right eye and the blood in the wound left a little spot.
Q. (Mr. ROBERTSON.) What was the size of this man Boyce?—A. He was about 5 feet in height and weighed about 180 pounds—a man very hard to guess in weight—rather round faced, rather high forehead, and, as I remember, light hair and inclined to be sandy.
Q. Did you ever see that card [Mr. Long handing card to witness]?—A. Yes, sir; those letters on the card are in the handwriting of Mr. Boyce, which he gave me Sunday night.
Q. In response to being asked to give you the name of the next United States Senator?—A. Yes, sir.
Q. Then he made that card?—A. Yes, sir.
(And thereupon the card referred to was offered in evidence and marked Exhibit —.)
The CHAIR. Any questions any other members desire to ask the witness?
Q. (Mr. ROBERTSON.) Had you ever seen this man Boyce before?—A. Not to my recollection. I am told he stopped at the Gibson House several times before, but I might possibly find his name by looking upon the transient register which we kept for a great many years.
Q. He paid his bill?—A. All but the long-distance telephone.
Q. That is still uncollected?—A. Yes, sir. That brings to my mind one fact. On the morning of the 10th I sent Mr. Kimball to the office of the telephone company to ask for a bill for the use of telephone 548, which is my private office number, and told him also to give me the parties that called up from the other end, as I wanted to make the collection. He reported that he would send it up right away. But he didn't send it that day and Mr. Seeger also telephoned and went to the telephone office afterwards, and in the afternoon, I think, I asked them if I could have it or a copy of that bill if I would come down to the office. They said that I could. I immediately went down to the office on Vine street, between Third and Fourth, and they referred me to a gentleman by the name of Elstin who gave me the bill and also copy of the long-distance telephone charges, and the hour and the minute, and the data for the use of this telephone.
Q. The CHAIR. Where is that bill?—A. That bill is among the papers connected with this case. I did not have it with me.
Q. Can you get it?—A. Yes, sir; I think so. I can produce it in the morning.
Q. You can produce it in the morning?—A. Yes, sir.
Q. (Mr. LONG.) Would like to have you produce it for our examination.
Q. (The CHAIR.) You will produce it in the morning?—A. Yes, sir.
Q. (Mr. FINCK.) Mr. Dunbar, what is the name of the night clerk who wa present and took down the telephone communication?—A. Russell Pryor.
Q. Is he still there?—A. He is.
Q. Prior?—A. No; Pryor.
Q. (Mr. ROBERTSON.) And young Mr. Myers is here?—A. Yes, sir.
Q. Also in your employ?—A. (Witness did not answer. Affirmative nod of the head.)
Q. (Mr. GARFIELD.) When did you see Mr. Boyce leave?—A. Nine o'clock train Monday morning.
Q. When did he leave?—A. Nine o'clock, I think, Monday.
Q. That is the time he gave you his card?—A. No, sir. That was the night before, but he paid his bill in advance.
Q. You say Monday morning he left?—A. That is my recollection.
Q. What date?—A. The record will show.
Q. The 10th?—A. The 10th is correct, I believe.
Q. I believe you stated Mr. Bliss arrived on the evening of the 8th?—A. Morning of the 8th, I think; on the morning of the 8th, somewhere between 11 and 12 o'clock.
Q. Do you know how he happened to be here at that time?—A. I do not; I was very much surprised to see him.
Q. How long before or prior to that date had you seen Mr. Bliss?—A. I think several days.
Q. How many days?—A. That would be impossible for me to tell without looking up memorandum. I think I saw him a few days before at Columbus.
Q. You were at Columbus?—A. Yes, sir.
Q. Whom did you see at Columbus?—A. Saw a number of persons; I was there arranging for the Jackson banquet, and I believe once afterwards.
Q. What was the date, probably, of the date afterwards?—A. That would be impossible for me to tell now. I have memorandum in my pocket that I could tell. You could find it on the Hotel Southern register.
Q. You stopped at the Southern?—A. Yes, sir; I think I did.
Q. Did you see Mr. Bliss?—A. Yes, sir.
Q. Whom else did you see?—A. Kurtz, Allen O. Myers, Mr. Avery, and people we usually see there.
Q. These, then, are the men whom you usually see at Columbus?—A. No, sir; not always; no. But on this particular occasion.
Q. You were with them at that time?—A. Yes, sir; talked with them at that time.
Q. Were they stopping at the Southern at that time?—A. think Allen O. Myers was; can not say as to the rest.
Q. You saw Myers at the Southern Hotel?—A. Yes, sir.
Q. Were any other persons present at the time?—A. What do you mean?
Q. When you saw Allen O. Myers.—A. Yes, sir.
Q. Where was it you saw him?—A. Saw him there in the office.
Q. Any other place?—A. No, sir.
Q. Any other persons present in hearing?—A. Yes, sir.
Q. Who?—A. That I can not say; probably his stenographer and Judge Ditty, I think.
Q. When was that date, do you think?—A. Can not give the date, as I tell you.
Q. You stated that was prior to the Jackson banquet, I believe?—A. It must have been, because I was here on that date.
Q. How many days before that?—A. I can not tell. The register of the Southern Hotel will show.
Q. Three or four times probably?—A. Might have been.
Q. One day?—A. Might have been one day and might have been four.
Q. Were you there any other time?—A. Several times during the last six months.
Q. You know Allen O. Myers well?—A. Yes, sir; I have known him for a number of years.
Q. You have known Charles Kurtz well?—A. Yes, sir; quite well. He has been a patron of mine for several years.
Q. And Jerry Bliss?—A. I have known Jerry Bliss, I think, for about four months.
Q. Four months; how many times have you seen him in that four months?—A. Hard to say. Might be three times or twenty-three times.
Q. At any rate, a good many times?—A. Well, I could hardly say a good many times; I have not had any particular business with Jerry Bliss until we had business with reference to the Jackson banquet question.
Q. You say it might have been twenty-three times?—A. Yes, sir; it might have been, and might have been only three.
Q. How many times do you think you met him in Columbus?—A. Well, indeed, that would be very difficult to say, Senator.
Q. Probably every time you were there?—A. No, sir; I was there a great many times that I didn't see him.
Q. You were there in Columbus during the campaign, so called, for the United States Senatorship election?—A. I was not.
Q. These dates were prior to that date?—A. Prior to the campaign?
Q. Yes, sir; I mean in Columbus before the legislature?—A. What dates do you refer to?
Q. Prior to the Jackson banquet.—A. I was. The times I remember of meeting Jerry Bliss was when I went to Columbus with reference to the Jackson banquet. I can not tell the date; the Southern Hotel register will show.
Q. How many times after the first time did you meet him in Columbus?—A. I have answered that question, that it is impossible for me to state the number of times.
Q. I understand you didn't attend the Jackson banquet?—A. I was here on January 8, Saturday night; it was impossible for me to be in both places. I think that is all.
The CHAIR. One question, Mr. Dunbar. You spoke about the Jackson banquet at this hotel.
A. At the Great Southern Hotel. I was chairman of the committee on the banquet and made arrangements with the hotel company.
That is all.
By Mr. LONG:
Q. That duty brought you in connection with Myers, Judge Ditty, Jim Ross, and other members of the committee, who had charge of the arrangements of the banquet?—A. Yes, sir.
Q. What is the destination of that train on the Big Four that Mr. Boyce took at 9 a. m. Monday, the 10th?—A. I understand it was a through eastern train that arrives in Cincinnati at 6.50 in the morning and leaves Columbus about 2.50, eastward. It is from east-west.
Q. (Mr. FINCK.) Which way was the train going?—A. Going from Cincinnati.
Q. What time did it leave?—A. Nine o'clock, Big Four train, Cincinnati to Columbus.
Q. I understood you meant Mr. Hollenbeck?—A. No, sir; Mr. Boyce.
Q. (The CHAIR.) Mr. Boyce left upon what road, do you know?—A. I know simply from hearsay; the Big Four road.
Q. Leaving Cincinnati at what time?—A. About 9 o'clock in the morning.
Q. Do you know what time that train arrives in Columbus?—A. No; I do not know. It must arrive somewhere in the vicinity of 1 o'clock.
Q. (Mr. GARFIELD.) I judge from your statement of the Jackson banquet that you are a Democrat?—A. Well, is it absolutely necessary?
Q. (The CHAIR.) You must answer that.—A. Then I am a Democrat.
Q. (Mr. GARFIELD.) Were you a candidate on the Democratic ticket?—A. No, sir.
Q. (The CHAIR.) Mr. Dunbar, you will produce that record, the telephone record, to-morrow morning?—A. Yes, sir.
Q. Then, with the consent of the committee, Mr. Dunbar, you will be excused until to-morrow morning. You are still under the process of this committee.
Q. (Mr. GARFIELD.) Mr. Allen O. Myers, jr., is the son of Allen O. Myers?—A. I can not swear as to that.
Q. I didn't ask for a definite answer, but as to the best of your belief?—A. Yes, sir.
Q. (Mr. FINCK.) Mr. Dunbar, how long has Mr. Allen O. Myers, jr., been employed by you?—A. I should think three or four months.
Q. (Mr. GARFIELD.) How did you happen to employ Allen O. Myers, jr.?—A. I think his father asked me to give him a position.
Q. What position did he hold there?—A. Key clerk.
Q. (Mr. FINCK.) Was he employed by you previous to the election?—A. Of whom?
Q. November 2 or November 3.—A. No, sir; I think not.
Q. (Mr. ROBERTSON.) I move that we now adjourn until 9 o'clock to-morrow morning (January 29).
And thereupon the committee adjourned.

OPEN SESSION.

THE GIBSON HOUSE,
Cincinnati, Ohio, January 22, 1898—9 o'clock a. m.

The Chair called the meeting to order. All members were present.
The CHAIR. We will now proceed with the testimony. Mr. Dunbar was on the stand at the time we adjourned last night. He will now take the stand again.

And thereupon HORACE B. DUNBAR was recalled, took the stand, and testified as follows:

The CHAIR. Mr. Dunbar, at the time of adjournment last evening you stated to this committee that you would be able to bring a paper showing the number of telephone calls passing between Mr. Boyce at Cincinnati and different parties at Columbus. Have you that paper in your possession?—A. I have.

Q. Will you show it to us?—A. (Witness handing paper to the Chair.)

Q. This is the paper to which you referred?—A. Yes, sir. Marked Exhibit L; yes, sir.

Q. Where did you get this paper marked Exhibit L, Mr. Dunbar?—A. At the telephone office.

Q. What telephone office?—A. Bell telephone office.

Q. That is, the local Bell telephone office?—A. The general office.

Q. For the city of Cincinnati?—A. Yes, sir.

Q. From whom did you get this paper?—A. A gentleman by the name of Elstin.

Q. Elstin or Ewell?—A. Elstin.

Q. What is his position?—A. That I can not say; I can't say as to his position.

Q. He is in the general office, is he?—A. Yes, sir.

Q. How long do you know of his being connected with that office?—A. This is the first time I met the gentleman.

Q. As I understand you, you went to the telephone company the day before or on that day to get a bill?—A. Upon that day.

Q. How long after you got there did you receive this paper marked Exhibit L?—A. A couple of minutes; he had it made out for me.

Q. You had, prior to that time, telephoned him in connection with it?—A. Yes, sir.

Q. The bill attached to Exhibit L and marked Exhibit N, I will inquire of you as to where you got that bill?—A. The same place. These papers were all together.

Q. Got them from the same man?—A. Yes, sir.

Q. On the same day?—A. Yes, sir.

Q. And the letter marked Exhibit N, you also received that upon the same day?—A. Yes, sir.

Q. From the same man?—A. Same man.

Q. The letter is signed by G. N. Stone. Do you know anything about his connection with the City and Suburban Telegraph Association?—A. I believe he is the president of the association.

Q. He signs here as general manager?—A. General manager.

Q. I will refer to his letter, the one marked "Exhibit N." First read the letter in full, then the two bills.—A. (Witness reading from the letter:)

CINCINNATI, *January 11, 1898.*

THE GIBSON HOUSE, HORACE DUNBAR, Esq., *Cincinnati, Ohio.*

DEAR SIR: Inclosed we hand you bill for long-distance service from telephone No. 548 from January 1 to 10, inclusive, as requested. In this connection permit me to suggest that you save all the annoyance of making a pay station of your private telephone and also afford the convenience of long-distance telephone use to the guests of your hotel by having an automatic telephone placed in the Gibson House.

There is seldom a day passes that we are not compelled to refer your guests, calling from telephone No. 988 for toll connections, to the Burnet House or St. Nicholas, where they can get this service.

Respectfully, G. W. STONE, *General Manager.*

Q. Follow by reading the bill from Mr. Elstin.—A. (Witness reading:)

CINCINNATI, *January 11, 1898.*

H. B. Dunbar, to the City and Suburban Telegraph Association, Dr.

Jan. 6. 548, to Seymour W. L. Wallack, 1.42 p. m	$0.90
Jan. 7. Columbus, Mr. Boyce, 11.20 p. m	1.43
Jan. 8. Columbus, Mr. Dunbar, 12.25 a. m	2.60
Jan. 8. Columbus, Mr. Dunbar, 5.35 p. m	1.25
Jan. 8. Columbus, Mr. Dunbar, 9.28 a. m	1.25
Jan. 8. Columbus, Mr. Boyce, 6.52 p. m	1.69
Jan. 9. Columbus, Mr. Boyce, 11.18 a. m	2.50
Jan. 9. Columbus, Mr. Boyce, 11.32 a. m	1.25
Jan. 9. Columbus, Mr. Dunbar, 10.10 p. m	.65
Jan. 10. Columbus, Bliss, 4.09 a. m	.91
Jan. 10. Columbus, Bliss, 11.12 a. m	1.25
Total	15.68

Q. Now read the bill marked "Exhibit L."—A. (Witness reading:)

Mr. ELSTIN: Following is list of messages from 548 (Mr. Dunbar) from January 6 to January 10, inclusive:

Jan. 6. 548, W. L. Wallack, 1.42 p. m., Seymour, 5 min., Lou. Wallack	$0.90
Jan. 7. 548, Boyce, 11.20 p. m., Columbus, Ohio, 11 min., Rathbone	1.43
Jan. 8. 548, Dunbar, 12.25 a. m., Columbus, Ohio, 11 min., Myers	2.60
Jan. 8. 548, Dunbar, 5.35 p. m., Columbus, Ohio, 5 min., Kurtz	1.25
Jan. 8. 548, Dunbar, 9.28 a. m., Columbus, Ohio, 5 min., A. O. Myers	1.35
Jan. 8. 548, Boyce, 6.52 p. m., Columbus, Ohio, 13 min., Rathbone	1.69
Jan. 9. 548, Boyce, 11.18 a. m., Columbus, Ohio, 10 min., Rathbone	2.50
Jan. 9. 548, Boyce, 11.32 a. m., Columbus, Ohio, 5 min., clerk, Great Southern	1.25
Jan. 9. 548, Dunbar, 10.10 p. m., Columbus, Ohio, 5 min., Kurtz	.65
Jan. 10. 548, Bliss, 4.09 a. m., Columbus, Ohio, 7 min., Kurtz	.91
Jan. 10. 548, Bliss, 11.12 a. m., Columbus, Ohio, 5 min., Kurtz	1.25

Q. E. ELWELL.

Q. Who is Q. E. Elwell?—A. I don't know Mr. Elwell.

Q. Mr. Dunbar, you stated you would ascertain when Allen O. Myers, jr., began working for you at this hotel; have you ascertained?—A. I have.

Q. When did he begin working for you?—A. November 17, according to our daybook.

Q. (Mr. GARFIELD.) These various bills and letters which are marked L, N, and M, what do these letters refer to?—A. They refer to the papers they are with.

Q. How do they happen to have the letters on them marked as exhibits?—A. I can't tell you. I suppose they will be brought up.

Q. Who arranged them in that order?—A. They were arranged by my attorney, Mr. Cobell.

Q. When was that done?—A. Can't give you the date. I should judge about——

Q. At whose instigation?—A. At the instigation of Mr. Bliss.

Q. So you have gone over this case with Mr. Bliss?—A. Yes, sir.

Q. These papers were arranged by him?—A. Arranged by an attorney.

Q. At Mr. Bliss's request?—A. Yes, sir.

Q. Do you know what the papers are preceding the letter L?—A. I can't tell you exactly.

Q. In whose possession, if you know, are these papers?—A. I can't say.

Q. Not in your possession?—A. Not in my possession; no, sir.

And thereupon the witness was excused.

And thereupon the three exhibits referred to by the witnesses, designated as Exhibits L, N, and M, were offered in evidence, to be marked and known as exhibits.

(Following recall of Mr. Dunbar.)

The CHAIR. Is Mr. Seeger present? Mr. Sergeant, will you get Mr. Seeger, if he is in the hotel?

The sergeant reports that Seeger has not arrived at the hotel this morning.

Thereupon the Chair asks for Allen O. Myers, jr.

The sergeant was dispatched for the witness, and reported that Allen O. Myers, jr., was at the hotel, and would be present in five minutes.

Q. (The CHAIR.) Your name is Allen O. Myers?—A. Allen O. Myers, jr.

And thereupon Allen O. Myers, jr., being first duly sworn, took the stand and testified as follows:

Mr. FINCK (conducting the examination):

Q. Mr. Myers, state your name, age, present residence.—A. 21 years the 2d of last November; Allen O. Myers, jr.; reside at room 520 of the Gibson House.

Q. Are you employed at the Gibson House?—A. Yes, sir.

Q. In what capacity?—A. As key clerk.

Q. What hours does your work require you to be on duty?—A. It is varied; one day from 6.30 to 12.30 in the morning, and 6.30 in the evening to 11.30; the next day 12.30 to 6.30.

Q. Were you on duty January 7, 1898?—A. Yes, sir; went on duty at 6.30 in the evening.

Q. If you remember, who was on duty with you at that time?—A. Mr. George Seeger.

Q. As clerk?—A. Clerk.

Q. Anybody else?—A. Why, there might have been. I am not sure who, if any, were there. The cashier should have been on duty. I don't remember.

Q. Did you see a gentleman named or called Mr. Boyce that night?—A. The gentleman stepped up to the desk and stated his name to be that, and asked if there were any telegrams for him that evening.

Q. At what time?—A. About 6.35—right after I came on watch.

Q. Was there a telegram for him?—A. No, sir.

Q. Had you ever seen this gentleman before; and if so, with whom, and when?—A. I saw the gentleman between—somewhere between—the 10th of November and the 1st of December, in the lobby, talking to a gentleman who was pointed out to me to be Mr. Boxwell by a newspaper man, and to whom I afterwards handed a letter addressed to Mr. Boxwell.

Q. I will ask you to state whether, in connection with your duties, it is one of your duties to answer the long-distance calls when you are in the office day or night—to answer the telephone when it is required?—A. Yes, sir.

Q. How is the telephone arranged in the office—that is, where is it located?—A. It is located in the back of the office, opposite the safe.

Q. Where is the telephone located with reference to where you perform your duties?—A. I don't understand that question.

Q. How many feet, about, do you stand from the telephone when you are in the performance of your duties?—A. Anywhere from 1 to 10 feet.

Q. State whether or not Mr. Boyce was called for at the telephone that night, and all about it, if so.—A. Mr. Boyce was called up, yes; it might have been 6.40, won't say as to the moment, but I couldn't find him. He left word that if he was called by long-distance to call him. I thought he might be in the dining room, and went there, but he had left. Shortly afterwards he was called again, and I saw him standing in the lobby and called out to him that he was wanted at the telephone.

Q. What place or office called for him?—A. Columbus.

Q. Do you know who in Columbus called for him?—A. No, sir; I do not, not at that time; I didn't know when they called.

Q. Did you hear the conversation of Mr. Boyce over the telephone?—A. I did.

Q. Tell us as nearly as you can what that conversation was?—A. Well, to tell that, to start in the first part of it—do you want to hear that?

Q. Yes, we want to hear all you know.—A. Well, in the first place, right after I came on watch, Mr. Kinkade of the Enquirer was talking to me and Seeger, and asked if we had any notes for him, and while we were talking to him this man Boyce came up and asked for the telegram. I told him there was nothing for him, and told him about the long-distance telephone, and when they called him up the second time we thought we would kid Kinkade, and told him that we would get him a newspaper story that would probably be interesting to him; and Mr. Seeger told me to go ahead and hear what he said. Our intention was to make Kinkade think I was hearing him. It was just in a joking way, and we were going to make up a fake story and tell him. I then went over to the key counter, and the first thing I heard, I heard Boyce say, "Hello, Major DICK." He said something about Shane meeting the President in Washington to-morrow. I wrote the words down. He said HANNA was sore; and then the other end must have talked to him some time, and then he said, "There will be hell in Washington." He rung off and instructed me to call him up later.

Q. Immediately following this, did you have any conversation with Mr. Dunbar? If so, relate what it was.—A. Mr. Dunbar was standing outside of the key box—I could see him through the glass—and I stepped out and showed the conversation to Mr. Dunbar. Then Mr. Dunbar said that if he wanted to use the telephone again to fix it so he could use the one in the private office.

Q. Did you arrange it so he could use the one in the private office?—A. I did.

Q. Where is the private office?—A. It is situated right over the office downstairs; room 111.

Q. When did you next see Mr. Boyce, if at all?—A. I saw Mr. Boyce shortly after he got through telephoning. He stepped to the front of the desk and asked me of a good show to go to, and I recommended him to the Grand Theater, and he instructed me if anybody called him up again to say that he would be back at 10.30. He went over to a couple of gentlemen, locked arms with them, went out of the hotel, up Walnut street, the last I saw of him until 10.45, somewhere in there.

Q. Well, what occurred when you did see him again?—A. There was another telephone message for him, and I sent him up to the private office, and he talked to Columbus.

Q. Where was this telephone call from?—A. Columbus, Ohio.

Q. He went up to the private office?—A. Yes, sir; Columbus wanted him; he called Columbus, telephone 1092.

Q. What occurred then?—A. I stepped up to the office telephone, took down the ear piece, and plugged the mouthpiece, put the earpiece to my ear, and talked to Mr. Seeger—he was on duty—and he took it down.

Q. Can't you tell in substance what this conversation was?—A. Well, I can give you an idea; I can't tell word for word.

Q. Well, please tell it?—A. He opened the conversation saying he was talking to Major; then didn't mention any last name. Said he had seen Mr. O., and he had arranged matters—had fixed them up, and stated it would take $20,000 down, and the other said, "No, they didn't know about that; they would see H." Thereupon an intermission of about five minutes occurred. Then Columbus stated that they would give 10,000 down and 10,000 when it was over. The conversation went on concerning Mr. O. and the price they would pay him for his vote.

The CHAIR. Did you say Mr. Rowe, or Mr. O.?

A. Mr. O.

Q. (Mr. LONG.) At that time he was talking to 1092?—A. Boyce was talking to 1092 from the private office.

Q. In Columbus, 1092 in Columbus?—A. Yes, sir.

Q. Anything said in that telephone talk about notes, about exchanging notes?—A. Notes—well, I won't say just now; I haven't noticed the case since I turned my notes over—whether it was that one or the next one, when Boyce wanted protection—to exchange accommodation papers with Otis that would protect both of them.

Q. There was another conversation?—A. Yes, sir. After they got through with this conversation I took that up and showed it to Mr. Dunbar, and Mr. Dunbar

thought it was something of importance, and he called Columbus, and while he was waiting to get the party called at Columbus, Columbus rang up and called for Boyce. I sent upstairs to room 226, sent Clark, a bell boy, to wake Boyce up and tell him that the long-distance telephone wanted him. I told the long distance that Mr. Dunbar didn't want his call then, and to cut him off and give Boyce the preference, which they did. And then Boyce came down to the telephone and the Major talked to him this time again; no last names mentioned. Columbus called Boyce Colonel, and Boyce called him Major. In that telephone message they mentioned a party by the name of Hollenbeck. He was to come to Cincinnati in the morning, and he would have a package. He went on and stated to Boyce what would be in it, the money that would be in it; that Hollenbeck was not to know what he was doing in that respect. I went up and told Mr. Dunbar the conversation. Mr. Dunbar has the notes.

Q. After this, what did you do in regard to Columbus?—A. I took the notes of the conversations I had taken down, and left at 3.25 over the Baltimore and Ohio to Columbus, and arrived there at 7.10. Went to the Great Southern Hotel, and went to Allen O. Myers's room, woke him up, read the notes to him. He took me to Mr. Kurtz's room, woke him up, and I read the notes to Mr. Kurtz; took the train at 2.25 for Cincinnati, and came right back here.

Q. Where were you about noon Sunday, January 9, 1898, do you remember; between 11 and 12 o'clock?—A. I don't know.

Q. Let me refresh your memory.—A. All right.

Q. Were you in the office downstairs on Sunday during the daytime when Miss Jacobs was called into the office?—A. Well, I won't say whether that was Sunday noon or not. I was there when Miss Jacobs was called to the telephone.

Q. Was Mr. Boyce still in Cincinnati at that time?—A. I can't say that.

Q. Do you know Miss Jacobs?—A. I do.

Q. Is she employed at this hotel?—A. I would not say whether she is employed at the hotel; she has a desk at the hotel—a stenographer.

Q. What does she do?—A. Stenographer.

Q. If you saw Miss Jacobs doing anything at a certain hour of the day (that you may relate yourself, the time of day), please tell what it was and the time, as near as you can?—A. I won't commit myself there. I don't understand the drift of the question.

Q. Did Miss Jacobs take any stenographic notes from the telephone in your presence?—A. She did.

Q. State all that took place at that time.—A. That was after I came back from Columbus.

Q. Yes, sir.—A. I think it was the night I came back, about somewhere between 10 and 11 o'clock. Boyce was called up at Columbus, and Miss Jacobs was sleeping in the hotel that night, and I sent the bell boy to let Mr. Boyce in the private office, and sent for Miss Jacobs. She was so long in getting down that Boyce had got in the private office and rang the telephone. I took the telephone down and heard him open the conversation again. He called 1092, Columbus, Ohio. That is as far as I heard of that conversation. Miss Jacobs came then, and I turned it over to her.

Q. What did she do then?—A. I can not say what she did. She held the telephone to her ear, the receiver, and took down some conversation in shorthand.

Q. On different sheets of paper?—A. No, sir; in a shorthand book.

Q. Can the telephone in the office be used for local as well as long-distance service?—A. Yes, sir.

Q. Did anything occur after Miss Jacobs left the office; if so, when and what was it?—A. She had hardly left the office until the telephone rang off, and then it rang again. I thought it was another call, and stepped to the telephone, and he called up a party here in town.

Q. Who called the party?—A. Boyce did.

Q. Who was the party?—A. Otis's drug store; and asked for Mr. Otis, and they told him that he was not in. He said he would like to see him. Whoever answered at the other end of the telephone said they would send him over as soon as he came in. They asked who wanted to see him. He did not give his name, just said a party at the Gibson House, he will know who it is.

Q. Did you reduce that conversation to writing at the time—have you the memorandum?—A. Mr. Dunbar has, or Mr. Bliss.

Q. What was your object, Mr. Myers, in going to Columbus, and under whose direction, if anyone, did you go?—A. I went under my own in one sense and under Mr. Dunbar's in another.

Q. What was your object in going to Columbus?—A. Simply wished to give this story to Allen O. Myers.

Q. (Mr. LONG.) What date was that when you went to Columbus?—A. On the 8th of January, 3.25 in the morning.

Q. (Mr. LONG, continuing.) Did you hear Mr. Boyce call for a particular office in Columbus by number; and if so, what was the number?—A. He called for telephone No. 1092.

Q. Now, the title that was applied to Boyce, was it colonel or general, as you remember it?—A. It was General Boyce; he never mentioned the name Boyce, simply general.

Q. You stated in your examination with Senator Finck that it was colonel, and for that reason I wished to inquire as to that point.—A. I won't be sure; the telephone message will show.

Q. Is Miss Hattie Jacobs the stenographer to the management of the house, or is she a stenographer doing work for the public, or both?—A. Well, I can't say that; I don't know whether she is employed directly by Mr. Dunbar or not; I don't think she is. As far as I know she is doing work for the public, and when she does work for Mr. Dunbar he pays her for it.

Q. Fix the date, Mr. Myers, when you entered into the employ and the service of the hotel company.—A. November 16, 10 o'clock in the morning, 1897.

The CHAIR. Senator Garfield, have you any questions?

Q. (Mr. GARFIELD.) Is it your ordinary custom to ask newspaper men to listen to conversations of guests in your office at the telephone?—A. I don't know whether I did that.

Q. Is it your ordinary custom to do that?—A. Far from it.

Q. What was your special interest in listening to this special conversation?—A. I didn't ask any newspaper man to listen to this conversation. When I stated that I would listen to it myself, I stated the reason; it was done in a joke.

Q. How did you happen to select General Boyce to perpetrate this joke upon?—A. For the reason that I had heard him speak to Mr. Boxwell, and he had had two different telephone calls from Columbus, and I thought it was something important that was on.

Q. Was he stopping at the hotel when he was with Mr. Boxwell?—A. No, sir; not a guest.

Q. That was the only reason you had for giving?—A. Simply a joke; that was all.

Q. You say there had been two or three conversations with Columbus prior to this?—A. No; that was the one when he answered the telephone for the second call.

Q. Then there had been only one call?—A. I couldn't find him for the first call.

Q. Do you know from whom that call came?—A. Yes; it came from Columbus by the long-distance telephone.

Q. Had anybody ever spoken to you about General Boyce prior to that time?—A. No, sir.

Q. Have you ever seen General Boyce since then?—A. How do you mean since?

Q. Since that time; since the night you listened to the first conversation?—A. Yes; I saw him when I came back from Columbus, Saturday night.

Q. Did you have any conversation with General Boyce?—A. None that I remember of, except the first night that I met him and he spoke to me concerning the theater and the use of the telephone.

Q. Did you have any other conversation?—A. I think the last time I saw Mr. Boyce—I think it was Saturday night, rather late. He came down in the elevator with Mr. Dunbar and walked back to the barroom as I was going upstairs.

Q. You had no conversation with him?—A. None whatever.

Q. Can you fix the date the time you saw General Boyce with Mr. Boxwell?—A. No; I can not state any nearer than between the 1st and the 16th of November.

Q. Is there any way to fix the date in your mind?—A. No, sir; none in the world, for I didn't take notice of it at the time.

Q. You have no possible way of fixing it?—A. None whatever.

Q. Do I understand that they were alone at that date?—A. Yes, sir; they stood at the corner of the key box, to the front.

Q. (The CHAIR.) I would like to ask you one or two questions, Mr. Myers. When was the first conversation you ever had with your father with reference to the matter about which you have testified?—A. It was on the morning of January 8, about 7.30.

Q. Where did that conversation occur?—A. At the Great Southern Hotel, at Columbus, in his room.

Q. Did you ever have a talk with him of a man named Boyce, prior to that time?—A. Never. In fact, I had no conversation with him there on it. I simply read the notes and told the story, and he asked no questions, and he took me over to Mr. Kurtz.

Q. Did you receive any instructions there?—A. None whatever, except that I should hold on to the notes—keep the notes I had taken down.

Q. Did he tell you to tell anybody else?—A. He took me over to Mr. Kurtz and told me to read the story to him.

Q. Now, the last time you saw Mr. Boyce, do I understand you it was at the time he came out of the elevator with Mr. Dunbar?—A. Yes; I saw him come down in the elevator. They had walked out to the space leading from the elevator just as I came in from the outside. Mr. Boyce and Mr. Dunbar walked to the barroom together.

Q. Was that Saturday or Sunday night?—A. I think that was Saturday night.

Q. Did you ever have any conversation with Mr. Kurtz prior to the time you went to Columbus?—A. No, sir.

Q. Have you ever seen Mr. Boxwell before or since you saw him—have you become acquainted with him?—A. Never saw him before nor since.

Q. Did I understand that you had a letter for Mr. Boxwell?—A. Yes, sir.

Q. Was that letter delivered to him?—A. It was; I delivered it to him.

Q. Did he open it?—A. No; he shoved it in his pocket. The letter was, on the outside, from the secretary of state.

Q. Do I understand you that he was talking at that time with Boyce?—A. He had been talking with Mr. Boyce. He was at the front end of the key box. At the time, the way my attention was called to them, a newspaper man called my attention to them, and inquired who was talking to Mr. Boxwell.

Q. (Mr. GARFIELD.) Do I understand that you took these notes that you refer to, after listening to the telephone, in shorthand or longhand?—A. In longhand.

Q. That is, after the conversation was finished you wrote them down?—A. I dictated them to Mr. Seeger and to Mr. Pryor.

Q. All of them?—A. Well, the first one, I took that down in longhand.

Q. When you went to Columbus did you see anybody else besides your father, Allen O. Myers, and Mr. Kurtz?—A. Yes; I saw lots of people.

Q. That were present in the room at the time your father was there?—A. Only one present in the room.

Q. Did you tell it to anyone else?—A. I don't remember whether I did or not.

Q. Well, in such an important matter, seems to me that you would remember it. You say definitely that you didn't communicate it to anyone else?—A. I don't care to answer that question.

Q. For what reason?—A. I don't care to answer that question.

Q. Would it tend to disgrace you in any way?

The CHAIR. That question, Mr. Myers, you will have to answer.

A. Well, I can't say whether I did or didn't. There might have been people in the other rooms that overheard the conversation.

Q. You spoke, then, in such a loud tone of voice that they might have heard if they were there?—A. I simply read it over in my usual tone of voice. I don't know whether I did or didn't.

Q. Why don't you want to answer it?—A. Well, I don't know. How can I answer a question that I don't know anything about? I heard voices in the other room.

Q. Did you subsequently communicate this to anyone else?—A. No.

Q. Are you positive of that?—A. Yes; only Mr. Kurtz and Mr. Myers.

Q. And you say that no one else was present at either of those conversations?—A. No one present in the room.

Q. Can't you refresh your recollection as to who was present in the outer room to which you refer?—A. They were perfect strangers to me.

Q. Did you ever see them after that?—A. I didn't know them.

Q. What time did you arrive here?—A. About 7.30 in the morning.

Q. How many men were present at that time?—A. I heard several voices in the next room; I couldn't say how many; I don't think more than two.

Q. What were they talking about?—A. I don't know. I didn't understand the conversation. I heard the murmur of voices. I don't just remember, but I told Jim Ross—I don't think I did; I may have said something on the subject to him after I saw Mr. Kurtz.

Q. Who is Jim Ross?—A. I simply know him by the name of Mr. James Ross. He and father were sitting there talking, and father was telling him about that matter. I may have said something about it, but didn't discuss it. I think no one else was present. Later on I went to visit an aunt, and owing to the difference in the time I missed the train back to Cincinnati, by remaining there so long.

Q. Then you did discuss this matter afterwards with Mr. Ross when your father was present?—A. No; I didn't exactly discuss it. He and father were discussing it, and I may have put in a word here and there.

Q. Anybody else present at that time?—A. That was all.

Q. How did they happen to be discussing the matter at that time, if you know?—A. I can't say that.

Q. Were you with your father all that forenoon?—A. No.

Q. Were you with Mr. Kurtz?—A. Not after I read the story to him; I didn't see Mr. Kurtz after that.

Q. Now, what other people do you think may have heard it?—A. There is no other person that I know of that I could mention their names.

Q. You think there may have been others?—A. I don't know; that is the reason I say I can't answer the question.

Q. That is all.

The CHAIR. You were assuming, I suppose, that these questions you are asked were confined to the people who heard it at Columbus?—A. Yes, sir.

Q. You have already testified that you reported it to others here?—A. Yes; Mr. Bliss and Mr. Dunbar here.

Q. Anything else? That is all, Mr. Myers.

And thereupon George C. Seeger was called as a witness, and, being first duly sworn, testified as follows:

Examination conducted by Mr. FINCK:

Q. State your name, age, residence, and occupation.—A. George C. Seeger; 33; hotel clerk.

Q. You reside where?—A. I reside on Walnut Hills, Gibson House office; room clerk.
Q. How long?—A. Since 1882, with the exception of a year and a half.
Q. Were you employed here January 7, 1898?—A. I was on duty the evening of the 7th—of January 7—from 6.30 until 11 o'clock.
Q. When did you first see Henry H. Boyce on that day, if you saw him?—A. I think about 7.30 in the evening, about a half an hour after I came on duty.
Q. Had you ever seen him before?—A. I had; yes.
Q. When and where?—A. I can't state that exactly; several years back.
Q. Did you have any conversation with him that evening?—A. Just to say simply good evening to him.
Q. Later on did you have any further conversation with him?—A. I simply remarked to Mr. Myers, the young man in the office with me, I said, "I think that gentleman is a politician." He stepped up to the desk and asked if there was anything in his box for room 226. I was a little doubtful about his name. He asked if there was anything in the box for him. He then asked if he could use the private office telephone.
Q. Well, what did you do?—A. I told him he could use—he said he preferred to use the long-distance telephone. I told him he could step upstairs in the private office and use the telephone there. I told Myers that I thought he was a politician, and he said at the time—Mr. Boyce said—he wanted to talk to Columbus.
Q. That was before he went upstairs?—A. Yes; he remarked that he wanted to use the long-distance telephone to Columbus, and we directed him to the private office. I suggested Myers to take down the 'phone in the general office, which he did, to hear what Mr. Boyce had to say. He called up Columbus. I don't remember the conversation exactly. I stepped away from the telephone and Mr. Myers copied the conversation down.
Q. Did you see him writing it?—A. Yes, sir.
Q. Did he show you the memorandum made by him?—A. He did; yes, sir.
Q. If you remember, what was it?—A. Well, I don't recall it exactly; I didn't pay sufficient attention to that part.
Q. As nearly as you can answer?—A. Well, for the first part I remember of stepping to the front of the counter to attend to some other duties and remember about him calling up Major D.
Q. What, if anything, did Myers do then?—A. Why, Mr. Myers simply copied off the conversation that was transmitted by Mr. Boyce to Columbus; copied it off from the telephone below in the office and stepped out from the office and saw Mr. Dunbar. Mr. Boyce came downstairs directly afterwards—it was somewhere along 8.30—came down a few minutes after 7 and then about an hour afterwards, and wanted to know what was going on at the theater. He said he was expecting a long-distance telephone and would be back about 10.30 or 11 o'clock.
Q. What did he do then?—A. Came back and found a couple of gentlemen waiting at the front door for him.
Q. Did you see him again that night?—A. About half past 10 or a quarter to 11.
Q. What did he do, if anything?—A. He used the telephone again at the private office. Mr. Myers took the conversation and I wrote it down.
Q. Did you—who has that memorandum?—A. I can't say about that.
Q. What place did he call up when he came back that night?—A. He called up Columbus again.
Q. What 'phone?—A. I forgot to mention the fact that he called up Washington, D. C., during the evening.
Q. Down in the office?—A. In the private office.
Q. Did he call Washington, or did Washington call him?—A. He called Washington. Who he spoke to, I could not say about that. I don't remember that part.
Q. After he came back from the theater that night he called up Columbus, Ohio?—A. Well, he called up Columbus again.
Q. Do you know the number of the 'phone?—A. No, sir; I couldn't remember that. Mr. Myers was taking the conversation and I was simply writing it down.
Q. Could you identify the memorandum if it was produced and shown to you?—A. I could identify my own handwriting. The first part of the conversation was taken down by Mr. Myers.
Q. Have you your memorandum?—A. Have I my memorandum? No, sir.
Q. What did you do with your memorandum of it?—A. I turned it over to Mr. Myers. It was taken down in making the deposition. I turned it over to Mr. Cobell, the lawyer, as far as I could remember; in fact, I didn't retain it. I never retained it. Young Mr. Myers got it after I had copied it.
Q. What was the next thing that occurred, if anything, with Mr. Boyce?—A. The next thing that occurred after getting through that call, he came downstairs and said he expected a call from Columbus again that night and to call him at any hour of the night. A call came between 11.12 to 12.30. It was taken down by Mr. Myers. Mr. Boyce had returned and came downstairs and went to the private office and received a telephone call from Columbus.
Q. Did you send anyone to his room to announce that he was called?—A. Yes, sir; that Columbus had called him to speak to him.
Q. Who did you send?—A. The bell boy, I think; Edward Clark. He came downstairs, went into the private office, and spoke to Columbus, and the conversation was taken down by Mr. Myers and copied by Russell Pryor at the office.
Q. Did you see it done?—A. I wasn't in the office at the time. I simply sent upstairs for Mr. Boyce.
Q. Who is Mr. Russell A. Pryor?—A. He is the night clerk.
Q. When did you next see Mr. Boyce?—A. I saw Mr. Boyce the next afternoon calling up—as near as I can remember, called up No. 286. I looked in the telephone directory and saw that it was the number of John C. Otis's drug store. I think it was 286. It seemed that Mr. Otis was not in at the time. I didn't see him then until later in the afternoon, until Mr. Hollenbeck came up to the counter and wanted to know what time the dining room closed. I told him the time, 3 o'clock, and he went into dinner and came out about somewhere near 4 o'clock and asked about the train to Cleveland, Ohio. I told him 6.30 and 9.15. He took his valise and went out.
Q. Were you in when Hollenbeck came and registered?—A. No, sir; Mr. Ryland was on duty. He was there when Mr. Hollenbeck stepped to the counter. He was then at the elevator entrance, 10 or 15 feet from the counter, when Mr. Hollenbeck asked for a train to Cleveland.
Q. Do you know H. Hollenbeck?—A. I would know him if I would see him.
Q. Do you know Miss Hattie Jacobs?—A. Yes, sir.
Q. What does she do about the hotel?—A. She is the stenographer and typewriter.
Q. Was she in such capacity previous to January 7, 1898?—A. Yes, sir.
Q. Is she still here?—A. Yes, sir.
Q. How long has she been in the office?—A. Can't say about that.
Q. You say that Mr. Hollenbeck and Mr. Boyce were here together at the hotel?—A. Well, Mr. Hollenbeck took his valise and went out and Mr. Boyce went out from the ladies' entrance. That is the last I saw of them. I couldn't say whether they met on the outside or not; I couldn't say.
Q. Previous to that time, at any time during that day, had you seen Mr. Hollenbeck and Mr. Boyce together?—A. No, sir.
Q. (Mr. GARFIELD.) Your only reason for listening to this conversation, as you testified, that occurred between Mr. Boyce and someone at Columbus was that you thought he was a politician?—A. Yes, sir.
Q. Do you ordinarily listen to all political conversations that might occur over your telephone?—A. No, sir.
Q. What reason had you for listening to this conversation?—A. Nothing but a little curiosity.
Q. That is all. Do the guests of the hotel ordinarily use the telephone in the hotel or in the private office?—A. General office.
Q. A great many telephone calls occur during the day?—A. Yes; the private telephone in the back of the office—a great many in the general office.
Q. This is the only one you listened to?—A. Yes, sir; this is the only one of the conversations I heard.
Q. (Mr. LONG.) Mr. Seeger, you have still another telephone that is stationed in the little hallway leading from your general office to the barber shop, that you say is used generally by the public?—A. Yes, sir.
Q. And you have that one in the counter inclosure?—A. Yes, sir.
Q. And you have one in the private office of the hotel?—A. One up in the private office of the hotel.
And thereupon the witness was excused.
And thereupon Russell H. Pryor was called as a witness, and being first duly sworn, testified as follows:

Mr. FINCK (conducting the examination):

Q. State your name, residence, and occupation.—A. Age, 28; Russell H. Pryor; Cincinnati. I am living here at the Gibson House now. Occupation, night clerk.
Q. What hours does your employment require you to be on duty?—A. From 11 to 6.30 in the morning.
Q. Were you on duty on the night of January 7, or the morning of January 8, 1898; and if so, who, if anyone, was working with you?—A. I worked alone from 11.30 to 6.30.
Q. Where were you on the evening of January 7, 1898?—A. I don't remember where I was before I came on duty.
Q. Was Mr. Myers on duty when you came on?—A. Yes, sir.
Q. Tell all us about what happened that evening.—A. He asked me to copy down a few notes for him while he was listening to the telephone when a party was talking to Columbus. I just simply wrote them down while he called the matter off to me. I did nothing there but write it; I was copying it down on the desk.
Q. Telephone is rather high?—A. Yes, sir.
Q. Did you keep a memorandum of the conversation?—A. I did not keep any for myself.
Q. Did you you reduce it to writing as it was dictated to you?—A. Yes, sir.
Q. What did you do with the memorandum?—A. I think Mr. Cobell has it now.
And thereupon the said witness was excused.
And thereupon Thomas H. Miller was called as a witness, and, being first duly sworn, testified as follows:

Examination conducted by Mr. FINCK:

Q. State your name, age, occupation, and residence.—A. Thomas H. Miller; age, 37 years; occupation, detective; reside at Walnut Hills.
Q. You live in Cincinnati, Ohio?—A. Yes, sir.
Q. Where were you on January 8, 1898, about 4.30 o'clock or between 4 and 5 p. m.?—A. Here at the Gibson House.
Q. Did you have any conversation over the long-distance telephone about that time?—A. I overheard a conversation; yes, sir.
Q. State fully who the parties were and what the conversation was as you recall it.—A. My recollection is that when I took hold of the receiver Mr. Hollenbeck was talking to the Gibson House, and said, "Is that General Boyce?" He said, "Yes." He then said, "This is Hollenbeck; I am at the Grand Central Station about to leave for headquarters."
Q. Is that all you heard?—A. He then said—General Boyce said—"I have Otis here and have had him here all night. I think I can get something out of him." He said, "Oh, you know who I mean." And then came in Otis. He said, "Otis tells me that neither Droste nor Lane will vote for H. We were counting on them, and this leaves us one short. Droste will nominate Gerrard, and is now trying to get Mason to appoint him on good committees." That is the main part of the conversation; made a memorandum at the time; I have it here.
(The witness produced memorandum and read as follows:)
"Hollenbeck to Boyce over telephone: To make things safe destroy all traces of letter I gave you. All right.
"Boyce to Hollenbeck: O. is still here and says neither Dorste nor Lane will vote for HANNA. Dorste will nominate Gerrard and is trying to have Mason put him on good committees. I will hold Otis here and think I can get something on him. Will hold him all evening if possible. This makes us one short, as they were connted with us."
(And thereupon the memorandum which was read by the witness was offered in evidence and marked Exhibit XX.)
Q. (Mr. LONG.) Mr. Miller, where were you when you overheard this conversation?—A. In the hotel office.
Q. (Mr. FINCK.) Of the Gibson House?—A. Yes, sir.
Q. (Mr. GARFIELD.) How did you happen to be there at that time?—A. I was engaged at the time to shadow Hollenbeck.
Q. Who employed you?—A. J. P. Bliss, Columbus.
Q. How did you happen to know the telephone communication?—A. I was notified to go to the telephone either by Mr. Ryland or Mr. Dunbar.
Q. When did you make this memorandum?—A. At the telephone.
Q. Part of it I see is in ink and part in pencil.—A. The pencil point broke and then I wrote it in ink.
Q. What detective agency are you connected with?—A. I own the Miller Detective Agency.
Q. Did you make this memorandum while the conversation was going on?—A. Yes, sir.
Q. How did you happen to know Mr. Hollenbeck was at one end and Boyce at the other?—A. He stated: "This is Hollenbeck at the Grand Central Station. Is this General Boyce?" And the reply I heard was "Yes."
Q. Your pen evidently broke at the end, as you changed to pencil again?—A. I put that in from memory immediately afterwards.
Q. You are quite confident that the whole thing was not made up from memory?—A. I am positive it is not.

By the CHAIR:

Q. You spoke about the Grand Central Station; where is it located?—A. Third and Central avenue.
Q. In this city?—A. Cincinnati; the city of Cincinnati.
Q. Can you tell the day upon which you were engaged by Mr. Bliss to shadow Mr. Hollenbeck?—A. On the 6th of January I was sent for at my residence. I came down town, and was engaged to shadow both Boyce and Hollenbeck, and put two operators on each man,
Q. When did you first see Boyce?—A. On my arrival at the hotel, when he came out from breakfast.
Q. Where did he then go?—A. He left the hotel and was shadowed by one of my operatives, who informed where he went.
Q. When did you first see Hollenbeck?—A. About the same time, in the corridor of the hotel.
Q. Did you see these two men together at any time?—A. I saw them go up in the elevator together, but I did not see them speak to one another.
Q. So they got in the elevator together?—A. Hollenbeck was evidently a stranger to Boyce, or Boyce didn't seem to know him. I asked the operator what he said to him. The operator said that he had asked for Boyce. The clerk stated that he went out for a while, and Hollenbeck sat down in the south corridor of

the hotel, and when Boyce came back Hollenbeck immediately got up and both walked to the elevator and went upstairs.

Q. You saw them go upstairs?—A. Yes, sir; they went up in the elevator.

Q. Did they go down together?—A. No, sir.

Q. Which came down first?—A. I do not recollect that.

Q. What next occurred after that?—A. The operator tracked—E. S. report will show all about that shadow. I didn't make but very little of the shadow. Hollenbeck went out first, left the hotel, and went to Schmidlapp's bank, and from there to Vorheis, Miller & Co.

Q. What is the name of Schmidlapp's bank?—A. Union Savings Bank and Trust Company.

By Mr. LONG:

Q. Where is that Union Savings Bank and Trust Company located?—A. On Vine street below Fourth, in the Chamber of Commerce building. He made two visits there.

Q. On the west side of Vine street between Third and Fourth? And Vorheis, Miller & Co.'s store is where?—A. Third and Race. They are wholesale clothiers. They went out Baker street. He was accompanied by Koehler.

Q. Who?—A. Mr. Hollenbeck.

Q. You say he went to the bank; which of them do you refer to?—A. Hollenbeck.

Q. Mr. Koehler is the confidential man of Schmidlapp's?—A. I can not say as to that; he is the cashier.

Q. The man in charge of Mr. Schmidlapp's business?—A. Yes, sir.

By the CHAIR:

Q. Mr. Miller, you are not finally discharged, but are to report this afternoon at such time as we may adjourn to. Remember you are still under the process of this committee.

By Mr. GARFIELD:

Q. Where was Boyce at the time of this telephone message you testified to?—A. Upstairs in the private office. I saw him go into the elevator.

Q. He was using the long-distance telephone?—A. It was both a long-distance and a local telephone.

Q. Who told you?—A. Mr. Dunbar.

Q. He then arranged for you to catch this message?—A. I did not ask him whether he did or not. I simply followed out their orders.

Q. Do you happen to know when the Gibson is called up by telephone which one will answer?—A. If the general public were calling, the general telephone at the barber shop would ring. The one in the private office is a private telephone.

The CHAIR. This is all until this afternoon, Mr. Miller.

And thereupon John B. Ryland was called as a witness, and, being first duly sworn, testified as follows:

Mr. FINCK (conducted the examination):

Q. State your name, age, residence, and occupation.—A. John B. Ryland; room clerk, Gibson House; 35 September 30.

Q. Where were you employed Friday, January 7, 1898?—A. Room clerk, Gibson House.

Q. Where were you on that day in the evening about 4 or 5 o'clock?—A. I can't say whether I was on duty or not.

Q. Do you know one H. H. Boyce?—A. Yes, sir.

Q. When did you first see him, if at all, on that day, the 7th?—A. Roomed the gentleman when he arrived.

Q. And the date of the arrival is on the register?—A. Yes, sir.

Q. What room was assigned to him; do you remember?—A. 226.

Q. What time did you leave off duty that day—the date of the arrival?—A. 12.30.

Q. Did you see Mr. Boyce any more after he registered that day?—A. Probably so; I don't remember.

Q. What time did you go on duty the next day, January 8, Saturday?—A. At 12.30.

Q. Do you know one H. H. Hollenbeck?—A. Yes, sir.

Q. Did you see him on that date; and if so, about what time?—A. He registered with me for breakfast. It may have been on the 8th, the morning that he arrived. I was on duty.

Q. The register shows the date of arrival?—A. Yes, sir.

Q. Let me refresh your memory. On the afternoon of the 8th of January, about 2 o'clock in the afternoon, did you not see Mr. Boyce about that time on the 8th of January, on Saturday?—A. I saw him several times during the time he was here, but do not know just what day.

Q. Did he make any requests of you on any of the occasions that you did see him?—A. Nothing more than to hand me an envelope to put in the safe. I don't remember what date that was.

Q. State the circumstances. Relate all about it.—A. He simply handed me a large-sized envelope to place in a deposit box. The conversation that took place was that I made the remark: "Don't lose the key, as it will cost you five for a duplicate." "There is more than five in there," he smilingly remarked as he went away.

Q. What kind of a package was that?—A. A legal envelope—large-sized envelope.

Q. (Mr. LONG.) How was it as to being filled or otherwise?—A. It seemed to be full of something.

Q. About how thick was the package?—A. Well, I should say about 1¼ inches thick.

Q. It was a large legal envelope?—A. (Affirmative nod of the head.)

Q. (Mr. FINCK.) Did you see Mr. Boyce on Sunday, the next day?—A. I delivered the package to him the next day.

Q. Did he return the key?—A. He certainly did.

Q. Did you ask him anything as to whether he was through with the box?—A. Yes, sir; he said he was.

Q. I understand you to say that the package was in a legal envelope. About how thick?—A. About an inch, I should think. I am not a carpenter.

Q. (Mr. LONG.) And have you any judgment, Mr. Ryland, as to the contents of the package from the handling of it—in taking it from his hands to the deposit boxes in your office?—A. No, sir; I can't say.

Q. (Mr. GARFIELD.) What time was it, you say, that he handed you this package first?—A. It was the day I was on duty here, in the afternoon or the morning.

Q. Which day of the week?—A. Saturday, I think.

Q. You do not know what hour of the day?—A. No, sir.

Q. I suppose there are guests constantly leaving packages here at the office and taking keys away?—A. Yes, sir.

Q. What especially called your attention to this package Mr. Boyce left?—A. Knowing that he was shadowed by Mr. Miller, it was only natural I was wondering what it was.

Q. By the facts you knew Mr. Boyce was being shadowed?—A. Yes, sir.

Q. General talk among the employees?—A. Don't know as to that.

Q. When did you give him back that letter or envelope?—A. Next day.

Q. What hour?—A. Next afternoon about 2.30 or 3 o'clock.

Q. Now, may I ask you if you have made any memorandum of any sort regarding this transaction?—A. Certainly not.

Q. You speak now entirely from your recollection. Have you made an affidavit?—A. Yes, sir.

Q. So you have gone over this matter prior to this time?—A. A portion of it.

Q. Senator Finck, you refreshed his memory from certain notes?

Senator FINCK. No, sir; these notes that I have are questions that I have prepared to ask witnesses, taken from their affidavits. There is not a witness that I have examined to-day that I have seen or talked to. I have certain evidence in my hands which I have been using in the cross-examination of these witnesses.

Q. (The CHAIR.) I would like to ask what the key you referred to belonged to?—A. To the deposit vault belonging to the Gibson House Hotel Company.

Q. Deposit boxes in your safe?—A. Yes, sir.

Q. You have a safe with deposit boxes in it?—A. Yes.

Q. When you take valuables from any of your customers or guests and put the valuables in the deposit box you hand them the key?—A. Yes, sir.

Q. You stated to Mr. Boyce that if he lost that key it would cost him $5?—A. Yes.

Q. What was his reply?—A. He laughingly remarked, "There is more than five there," and walked away.

And thereupon, on motion of Mr. Finck, the meeting of the committee took a recess until 2 p. m. this day, January 22, 1898.

AFTERNOON SESSION.

GIBSON HOUSE,
Cincinnati, Ohio, January 22, 1898.

And thereupon Russell H. Pryor was recalled, took the stand, and testified as follows:

The CHAIR. Mr. Pryor, I wish to ascertain of you whether or not you have obtained possession of the documents or writings that you spoke of this forenoon?—A. Have I got it? No, sir: I haven't.

Q. Can you go and get it?—A. I can, if Mr. Cobell is here, or whatever his name is, the lawyer.

Q. Will you make an effort to get it right away?—A. Yes, sir.

And thereupon the witness was excused.

And thereupon Edward Clark was called as a witness, and, being first duly sworn, testified as follows:

Examination conducted by Mr. FINCK:

Q. What is your name?—A. Edward Clark.

Q. Age?—A. 19.

Q. What is your occupation now? What are you doing?—A. Bell boy in the Gibson House.

Q. How long?—A. Couple of years; about a year and a half.

Q. You were here, then, January 7, 1898?—A. Yes, sir.

Q. Were you on duty on the night of January 7, Friday night?—A. Yes, sir.

Q. About midnight?—A. Yes, sir.

Q. Do you know Mr. H. H. Boyce?—A. No, sir; I don't know him.

Q. Did you ever have a man by that name pointed out to you?—A. Yes, sir.

Q. He was a guest at the hotel?—A. Yes, sir.

Q. What room did he occupy?—A. 226.

Q. Did you call him at any time during that night; and if so, about what time?—A. About 12 o'clock, that night.

Q. Who directed you to call him?—A. The clerk.

Q. What clerk? What is the clerk's name?—A. Mr. Seeger.

Q. What information did you convey to him, to Mr. Boyce, when you went to his room?—A. To tell him he was wanted at the telephone, at the private telephone—that Columbus wanted to talk to him.

Q. What did Boyce say?—A. Said he was in bed, but would be down in about five minutes.

Q. How long after you called him was it before he came down?—A. About five minutes.

Q. When he came downstairs did you get anything for him?—A. Yes, sir; got the key to the private office. I opened the door myself and let him in.

Q. Did you see him any more that night?—A. Yes; I saw him.

Q. What occurred then?—A. Saw him go back to his room.

Q. Did you see him any more that night after that?—A. I think I called him again; I don't know for certain. Yes; I think I called him and told him they wanted to talk to him again.

Q. Who wanted to talk to him?—A. Columbus, at the private-office telephone.

Q. About what time was that, if you remember?—A. Was about a quarter after 12, or half past.

Q. Then you brought him down?—A. Yes, sir.

Q. Convey him back to his room?—A. No, sir; I went on down to the office.

Q. Did you see him any more?—A. No, sir.

Q. (Mr. GARFIELD.) How do you happen to remember specially about Mr. Boyce?—A. Because they had me here the other day.

Q. Who had you here the other day?—A. Had a notice to come here, and they asked me what you did.

Q. Who did?—I don't know who they were.

Q. What did they ask you at that time?—A. They asked me if I called a gentleman from 226, and asked me of the time. I told them. Asked me what I told him.

Q. But who was it?—A. I don't know his name.

Q. Anyone here in the room?—A. I don't see any of the gentlemen.

Q. Only one man present?—A. Three or four.

Q. Who were the others?—A. Mr. Dunbar was one; I don't know who else.

Q. Anybody that lives in Cincinnati?—A. I don't know whether they live here or not.

Q. Ever see them before?—A. Yes, sir.

Q. Where?—A. About at the office.

Q. Was a lawyer here at that time?—A. Yes, sir; I think there was.

Q. And the stenographer; somebody to take down what you said?—A. Yes, sir.

Q. Well, after your statement had been taken down was it read over to you?—A. No, sir; it wasn't read to me; they gave me something to sign, and I read it myself.

Q. And you signed it? You don't know what it was? Have you read it all and know what it was?—A. Yes, sir.

Q. Well, did it contain a statement of the facts as they occurred? Was it true?—A. It was just as I stated.

And thereupon the witness was excused.

And thereupon Allen O. Myers, jr., was recalled, took the stand, and testified as follows:

The CHAIR. At the time you left the stand this morning I requested you to get the paper containing the writing as made by you upon hearing these telephone communications. Have you obtained that?

A. I have; copies of them. Mr. Dunbar has the originals.

Q. Can you get the originals?—A. As soon as I see Mr. Dunbar; yes, sir.

Q. One more question I desire to ask you, and that is, when did you come back from Columbus?—A. I left Columbus at 12.25 on the Big Four.

Q. Daytime or night?—A. Daytime; afternoon.

Q. You say that in the morning you had a conversation with your father and Mr. Kurtz?—A. Yes, sir.

Q. And said something about missing the train?—A. I said I missed the train at 9 something on account of the time. I visited an aunt of mine until 11 o'clock.

Q. Who did you see when you came back to the hotel?—A. Saw father and other gentlemen.

Q. Did you have any talk with anybody?—A. Yes, sir; I talked——

Q. In your conversation this morning you related the conversation you had

with Mr. Kurtz and Mr. Myers?—A. They are the only ones that I had a conversation with. Mr. Ross was there; I didn't have a direct conversation with him.

Q. Could any other person have heard the conversation?—A. Yes; the gentlemen in the other room might have heard it.

Q. Did you have any conversation with anybody after that?—A. Well, I gave the story to a newspaper man after I came back.

Q. After you came back to the hotel?—A. I returned to the hotel shortly after 9 o'clock.

Q. After you came back to the Great Southern Hotel, you mean?—A. After I went to my aunt's, and after I came back there I then saw a newspaper man, Mr. Allison, I think?

Q. Did you relate this affair to him?—A. Yes, sir.

Q. These copies of the originals which you have, did you make them yourself?—A. I dictated it to the stenographer from my original notes; yes, sir.

Q. Let me see your copy.—A. These copies are all affidavits. I swore to all these. [Witness handing paper to the chairman.]

Q. These are copies of the telephone conversations?—A. Yes, sir; those are original copies.

Q. And you swore to these after they were attached to the affidavit?—A. Yes, sir; I swore to them before Mr. Cobell.

Q. Mr. Dunbar's attorney?—A. Yes, sir.

Q. They are marked exhibits?—A. Mr. Bliss made those out; he didn't know the turn the case would take, and so as to have them in some order to present to the senate, which was his intention here, he had them fixed out and marked exhibits, and these were attached to the affidavits.

Q. Can you get the originals?—A. Yes, sir; as soon as I can see Mr. Dunbar.

Q. (Mr. LONG.) Mr. Myers, one question. You dictated this from your original notes?—A. Yes, sir.

Q. After you looked them over, and you swore to them?—A. Yes, sir.

Q. Are they exact copies?—A. Yes, sir.

And thereupon the witness was excused.

And thereupon G. N. Stone was called as a witness, and being first duly sworn, testified as follows:

Mr. FINCK conducting the examination:

Q. You reside, I believe, in Cincinnati. What business are you engaged in?—A. I am general manager of the City and Suburban Telegraph Association.

Q. What is the business of that company?—A. We are conducting a telephone business.

Q. Do you have control of the long-distance telephone also?—A. No, sir.

Q. How are you connected with the long distance?—A. We have an arrangement with the long-distance company by which any of our subscribers may be called up; many call up and ask to be connected with the long-distance exchange. That connection is made by our operator, who states who is calling, and the long-distance operator asks who is wanted and completes the connection.

Q. And takes note of the place and the name of the party?—A. Yes; must make note of the telephone over which the message originated and the party or the number of the telephone where the message goes, sometimes both, and sometimes only one.

Q. Have you a gentlemen in your employ by the name of Elstin; your local department?—A. Yes, sir.

Q. What does he do in connection with your business?—A. He is assistant secretary of the company and has charge of keeping the daily register, and renders bills to subscribers for daily messages.

Q. Had you, about January 7, a clerk in your employ by the name of O. E. Elwell?—A. No, sir.

Q. Do you know a man by that name?—A. I am not positive, but I have been informed this morning that such a man has been employed by the Ohio Long-Distance Telephone Company.

Q. You sent a communication about January 11, 1898, addressed to one Horace Dunbar, esq. The communication now handed to you, marked Exhibit N, is the one you sent Mr. Dunbar?—A. Yes, sir; that is my signature.

Q. Were these Exhibits L and N attached to your letter when you sent it?—A. This was the bill rendered—Exhibit M—rendered by Mr. Elstin by request of Mr. Dunbar for long-distance message over his private telephone from a certain town.

Q. Then it was that this conversation of Mr. Dunbar was with Mr. Elstin?—A. Yes; you ought to get this information from him. The letter was written by my stenographer, and it was turned over to Mr. Elstin; delivered to him.

Where is telephone No. 548 located?—A. Telephone 548, our records show, is Horace Dunbar, private office, Gibson House, Cincinnati, Ohio.

Q. That exhibit there, marked M, is a bill for the use of telephone No. 548 in the Gibson House, is it?—A. Yes; a bill for long-distance messages sent over that telephone; yes, sir.

Q. Did you now keep a similar list for calls made to telephone 548; those for that number?—A. No, sir. I will have to explain a little in order to make you familiar with the situation. If a party comes to 548 and asks for Columbus our operator switches that party to the long-distance exchange, and that operator asks who they want, and they give the name or firm in Columbus or the telephone number. If the call is from Columbus the long-distance operator connects with our exchange and asks for whoever is wanted, and our office has nothing to do with it except to connect the parties. This is a long-distance bill. The other is a memorandum that is sent to our office to be entered upon our daily register, from which we make up these bills.

The CHAIR. Do you know whether or not Exhibit 8, attached to your letter, came to your office from the long-distance office?

A. I can't answer that; that didn't come through me, but to Mr. Elstin. Mr. Elstin knows about it.

And thereupon the witness was excused.

And thereupon Volney Elstin was called as a witness, and being first duly sworn, testified as follows:

Examined by Mr. FINCK:

Q. What is your name?—A. Volney Elstin.

Q. What is your occupation?—A. I am an employee of the telephone company—the City and Suburban Telegraph Association.

Q. Were you employed about January 7, 1898, by this company?—A. Yes, sir.

Q. How long prior to that time were you in their employ?—A. I have been there a number of years—ten years.

Q. In what occupation?—A. Assistant secretary.

Q. I hand you an exhibit marked L. Please tell in whose handwriting it is, and explain it to us that we may understand it.—A. This is in the handwriting of Mr. Elwell, a long-distance employee. Mr. Dunbar wished to have information about these messages so that we could collect the bill, and asked for this information, and we got it from the long-distance company.

Q. Is that the usual form of the bills they render from the long-distance to you?—A. No, sir.

Q. (The CHAIR.) Why is this out of the usual form?—A. The bills for long-distance services are rendered about the 1st of each month, between the 1st and 10th, and these bills should not have reached Mr. Dunbar until the 10th of February. But he wished to identify these messages so that we got it up in this shape for him.

Q. Q. E. Elwell is a clerk in the long-distance department?—A. Yes, sir.

Q. And this Exhibit L is in his handwriting?—A. Part of it is in mine; there are some names in the statement which I got from the long-distance telephone people and put in there for Mr. Dunbar.

Q. And Exhibit L is a correct statement of the account?—A. I presume it is.

Q. (Mr. LONG.) Is this your original form so far as the dates and the name of the calling-up party and the name of the called-up party is concerned, and the time and the charges, Mr. Elstin?—A. No, sir; it is not the form we generally got from the long distance. We generally got a toll ticker, a little ticket that has certain information on it.

Q. This is the information that is taken from the ticket, is it not?—A. I presume it is.

Q. Well, then, it conveys the facts correctly, does it not?—A. As we got them; yes, sir.

Q. When you speak of a form—about a particular printed memorandum of account that is made out?—A. The bill made out in Exhibit L is the account we rendered.

Q. Well, I am speaking of long-distance Exhibit L.—A. This they rendered was an account from which—well, this is a compilation of their various telephone records for 548. Yes, sir.

Q. Now, Mr. Elstin, the first party named in these various items after the date and after the number of the telephone is the name of the individual calling up, is it not? For instance, January 6, No. 548, W. L. Wallack?—A. Yes, sir.

Q. Is the date of the telephone, 548, the number of the telephone, and W. L. Wallack the individual called up?—A. Yes, sir.

Q. The next item, January 7, 548, Boyce, indicates the calling-up party?—A. Yes, sir.

Q. Then you set the time, 11.20?—A. Yes, sir.

Q. Columbus, Ohio, is what?—A. The destination of the message.

Q. And eleven minutes indicates the number of minutes the line was used?—A. Yes, sir.

Q. Then the word Rathbone, written immediately above that line, indicates the name of party, whoever the originating and asked for?—A. Yes, sir.

Q. And $1.43 is the charge?—A. Yes, sir.

Q. (Mr. GARFIELD.) You say it would indicate. Does it indicate?—A. Yes, sir; it indicates.

Q. How do you know that?—A. Only from the operator furnishing it.

And thereupon the witness was excused.

And thereupon Q. E. Elwell was called as a witness, and being first duly sworn, testified as follows:

Examination conducted by Mr. FINCK:

Q. Please give us your name, place of residence, and occupation.—A. Quinn E. Elwell; resident of Cincinnati; employed by the American Telephone and Telegraph Company; 21 years.

Q. Were you employed by this company on the 7th, 8th, and 9th of January last?—A. I was.

Q. How long have you been in their employ?—A. A little over two years.

Q. Has this company a line running from here to Columbus?—A. Yes, sir.

Q. What official position did you occupy?—A. Employed as clerk.

Q. I hand you an exhibit marked L. In whose handwriting is that?—A. Most of it is in my handwriting.

Q. Will you please explain that exhibit to the committee—what it means, all about it, so as to make it clear?—A. It is a record of calls from telephone No. 548 to points mentioned here under the dates given. It gives the time and the amount of charges under each message, and the names of the parties using the telephone.

Q. (The CHAIR.) It is a report which you sent to the City and Suburban Telegraph Association here?—A. Yes, sir.

Q. That is your signature, Mr. Elwell?—A. Yes, sir.

Q. (The CHAIR.) You are authorized to make these reports when so requested?—A. Yes, sir.

And thereupon the witness was excused.

And thereupon Albert C. Maxwell was called as a witness, and, being first duly sworn, testified as follows:

Examination conducted by Mr. FINCK:

Q. What is your name?—A. Albert C. Maxwell.

Q. Age?—A. 53.

Q. Residence?—A. Cincinnati.

Q. What occupation?—A. Head porter.

Q. At what hotel?—A. Gibson House.

Q. Were you employed at the Gibson House on or about January 7, 8, 9, and 10 of this year?—A. Yes, sir.

Q. How long at the Gibson House?—A. Since the 1st day of March, 1883.

Q. On the morning of January 7 did you see one H. H. Hollenbeck?—A. Yes, sir.

Q. About what time in the morning?—A. About 9.30 in the morning.

Q. You saw him that day?—A. Yes, sir.

Q. Did you have any conversation with him?—A. Yes. He stepped up to me and asked me if I knew Mr. Boyce. He wanted to know if he was in the hotel, and I told him "No;" that he just left the hotel, and told him I thought he would shortly be back. He then took a seat on the right hand of the office and asked me to call attention to him when he came in, and I told him I would. Mr. Boyce came in while I was in the back part of the office.

Q. Do you know H. H. Boyce?—A. My attention was called to him that morning by Mr. Russell Pryor.

Q. Did you see Mr. Boyce or have your atttention called to him as Mr. Boyce?—A. I did not; no, sir.

Q. How did you happen to know Mr. Hollenbeck?—A. Mr. Miller, the detective, told me it was Mr. Hollenbeck.

And thereupon Miss Hattie Jacobs was called as a witness, and, being first duly sworn, testified as follows:

By the CHAIR:

Q. Miss Jacobs, what is your first name?—A. Hattie.

Q. How long have you been a resident of Cincinnati?—A. Twenty-one years.

Q. You have resided in Cincinnati pretty nearly all your life?—A. All but two years—two years and ten months.

Q. How are you at present occupied, so far as having a position is concerned?—A. How am I occupied?

Q. In the manner of employment.—A. I am a stenographer by profession.

Q. Are you employed at any particular place?—A. My office is in the lobby of the Gibson House.

Q. I take it you are not employed by anyone at the Gibson House, but that you have an office and place of business there?—A. You mean that I am not particularly employed—of course there is an agreement.

Q. Yes; but you do general work for the public?—A. Yes, sir.

Q. Your office is in the lobby of the Gibson House?—A. Yes, sir.

Q. How long have you had your office in the Gibson House?—A. It will be two years the coming 1st of April.

Q. I will ask you whether or not during the early part of this month you listened to a conversation and took stenographic notes of a conversation which took place over the long-distance telephone which runs into the Gibson House?—A. I did take some conversations.

Q. Did you afterwards transcribe your notes of that conversation?—A. I did; yes, sir.

Q. Wrote out a correct copy?—A. Yes, sir.

Q. Where were you when that conversation was taken by you?—A. At the long-distance telephone in the office of the Gibson House.

Q. That is the general office?—A. The general office in the lobby of the Gibson House.

Q. You don't refer to the one in the hallway near the barber shop?—A. No, sir; I was at the 'phone in the office of the lobby.

Q. The notes which you took of that telephone communication, you still have them, have you?—A. No, sir; I haven't.

Q. What did you do with those?—A. I destroyed them.

Q. And when did you destroy them?—A. On Monday morning, in the regular course of business—that was the Monday morning following the time I took them.

Q. Do you remember the day on which you took the notes?—A. On Saturday, January 8, and Sunday, January 9.

Q. And about what time was the first conversation?—A. The first I remember very distinctly was about 1.30 on Saturday, just after my return from lunch.

Q. You took more than one conversation?—A. Yes, sir.

Q. And in doing that you were at the telephone in the general office?—A. In the general office; yes, sir.

Q. Listening to what was going on over the telephone wire?—A. Yes, sir.

Q. I will ask you to look at these notes attached to that affidavit and state whether or not these notes are a correct report of what was taken by you over the telephone.—A. Well, that I can't say now, but undoubtedly this is my work [witness examines papers]. Yes, this is mine; the transcript of my notes; the first I took was on Saturday at 1.30 o'clock p. m. and the second on Sunday at 5.30.

"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.

"1.35.

"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's 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."

"COLUMBUS. 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.)

Q. That was the first conversation?—A. Yes, sir.

Q. Now, you have the second conversation there, have you?—A. I took the next one at 6.45 Saturday.

"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 wanted 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 he goes to Mason and says 'The thing is all up, I am going with the others'—wouldn'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 the 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 up 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-bye."

(And telephone rang off.)

Q. Do you know whether that is Gray or Gerrard?—A. That is what I have in my notes. This is an exact copy of my notes.

Q. There is attached to this one a memorandum: "1092, Columbus, Ohio, Major Rathbone; General Boyce." What does that mean?—A. The receiver of the telephone was taken down before I reached there, and the gentleman who took this wrote it down, giving me the names, and I put down Major Rathbone and General Boyce. Nothing but Major and General were communicated after I took the 'phone.

Q. Who was the gentleman who gave you the names of General Boyce and General Rathbone?—A. It was—it was a gentleman that I afterwards learned was Mr. Miller, a detective.

Q. Is there another conversation?—A. That was on Saturday. Sunday morning, January 9, 1898, about 11.35.

"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 two (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 latter and then we will see what is to be done. I will let you know. Good-bye."

(Telephone rings off.)

Q. Are these all of the conversations?—A. There is one more I took on Sunday morning about 1.15 a. m.

"SUNDAY MORNING, *January 9, 1898—about 1.15 a. m.*

"BOYCE. This is Boyce.

"MAJOR. Yes. Do you feel happy?

"BOYCE. Very.

"MAJOR. They are happy up here.

"BOYCE. Have you seen Hollenbeck?

"MAJOR. Yes; he got in last night.

"BOYCE. Good-looking boy.

"MAJOR. Yes; he is that. We have had a conference.

"BOYCE. What was the outcome?

"MAJOR. That Droste and Lane be left to us.

"BOYCE. Yes. Try and get Droste by all means. Otis thinkshe is the stronger of the two.

"MAJOR. I know that.

"BOYCE. I think you will be able to get Lane more easily.

"MAJOR. I think so.

"BOYCE. My own judgment so far as the—my anxiety is for Jones. I think that is going to be the great victory. These men are all pinned in their faith to Jones. He would not believe, for instance, that Manuel had gone there, and would not give up Griffith until the Enquirer came out with the statement this morning. I think the matter is in pretty good shape. I do not care for myself, but want to see Mr. HANNA victorious; and then, too, I am thinking of Washington. I will not leave here, then, before to-morrow morning, unless something new turns up. I will leave Droste and Lane to you.

"MAJOR. All right. Will let you know if anything new. Good-bye."

(And telephone rang off.)

Q. That is all of the conversation that you took?—A. That I took; yes, sir.
Q. (Mr. GARFIELD.) At whose request?—A. At Mr. Dunbar's.
Q. Who employed you for that purpose?—A. He employed me to take the conversations from the telephone.
Q. He employed you to take these conversations?—A. Yes.
Q. How did you take your notes while listening?—A. How did I take them?
Q. How did you stand?—A. I stood at the telephone with my book on, if you notice; or, rather, downstairs in the office. There is a board on which I took my notes.
Q. How far away from the telephone?—A. I stood there with the receiver to my ear.
Q. You didn't have to stretch your arm?—A. It wasn't an exceedingly comfortable position, but I managed to get along very nicely.
Q. (The CHAIR.) That is your affidavit that you have got there, is it? Examine the last portion of it.—A. Yes; that is my signature.
Q. Those facts as therein stated are true, are they?—A. Yes, sir.

And thereupon Jerry P. Bliss was called as a witness, and, being first duly sworn, testified as follows:

By the CHAIR:

Q. Your full name is what?—A. Jerry P. Bliss.
Q. Where is your residence?—A. Columbus, Ohio.
Q. What is your business?—A. Bakery business.
Q. I will ask you whether or not you were somewhat interested in the Senatorial controversy that was on in Columbus?—A. Yes, sir.
Q. You were acquainted with Major Rathbone?—A. Yes, sir.
Q. State whether or not you know whether he was interested in the Senatorial fight or not.—A. Yes, sir.
Q. On which side was he interested?—A. I met him at the HANNA headquarters about 4 o'clock one morning when we were after Mr. and Mrs. Griffith, of Union.
Q. Do you know S. D. Hollenbeck?—A. No, sir.
Q. Do you know H. H. Hollenbeck?—A. I saw H. H. Hollenbeck: yes, sir. He was pointed out to me.
Q. Did you ever see him at the HANNA headquarters?—A. No, sir.
Q. Do you know there is an S. D. Hollenbeck a member of the State executive committee?—A. Only by hearsay.
Q. Do you know one Boyce—Henry Harrison Boyce?—A. Only by sight; was just pointed out to me.
Q. I will ask you whether or not, on or about the 8th day of January, you were in Cincinnati?—A. I arrived here 10.10 p. m., January 7.
Q. What was your mission to Cincinnati?—A. To see Mr. Ed Eshelby and have a conversation with him in regard to Mr. Droste and Lane.
Q. In what respect?—A. I understood that—the information that had reached me was that he was doing what he could to get them to vote for Senator HANNA, an the experience I had had with them in the speakership fight for Mr. Boxwell clearly demonstrated to me that Mr. Eshelby was the power behind the throne that would likely get them away from us. Although Mr. Droste said to me that he wouldn't under any circumstances vote for Mr. HANNA, but it seemed there was a drifting away from us, and I came down to meet Ed Eshelby and Droste and Lane, to keep those votes against Mr. HANNA, if possible.
Q. Well, when you got here did you see Mr. Boyce?—A. Not on Friday evening—no, sir; not until Saturday morning.
Q. When did you first become connected with some knowledge about this telephoning passing between Cincinnati and Columbus?—A. I arrived here Friday evening. I went and got Mr. Otis, to have a conversation. I arranged for a meeting at Mr. Campbell's office Saturday morinng. I arranged for a meeting for Otis, Campbell, and myself, looking forward to taking up the Senatorial question. And after getting through that, about midnight, probably 11.30, I went to Mr. Otis's drug store and made arrangements to meet Eshelby at Campbell's office next morning. About 12.20 I got through with this arrangement, and I then came to the Gibson House, and as I came in Mr. Pryor was there making notes, and Mr. Allen O. Myers, jr., was in the office taking off the conversation, and they said they had something pretty rich, and said to go up into room 145—to Mr. Dunbar's room—and they said they would come up with all the notes.

And I went into the private office and had Mr. Dunbar call up Columbus and inquire from where, and got in conversation with Mr. Kurtz over the long-distance 'phone, and said that a message had been taken off the wires which indicated that a man by the name of Hollenbeck would leave Columbus in the morning, coming to Cincinnati to help carry the deal through, and for him to send up someone and find out if there was such a man as Hollenbeck at the HANNA headquarters. The next thing I got was, a little later in the night, a message that one H. H. Hollenbeck had left Columbus on the — o'clock train and would be here in the morning. I then went to bed, and left a call for 6 o'clock; and I got up and went down to the depot, the Central, to meet Mr. Hollenbeck.

Q. Did you meet him?—A. I did, and followed him up and came to the Gibson House with him—he was a little ahead of me—and followed him into the Gibson House. The train was about fifty minutes late. It was about 7.40 when it arrived.
Q. Now, to retrace your steps, the report of the conversation that had been taken from the line was a conversation between whom?—A. The conversation as given to me was between Mr. Boyce and Mr. DICK, and I think that in that conversation Rathbone's name appears.
Q. Was the first knowledge you had of the fact that there was anything suspicious on that?—A. Yes, sir.
Q. Now, to begin right where you left off, what next occurred, following Mr. Hollenbeck back up to the hotel? What next occurred?—A. Well, preceding that, I had left word with Mr. Dunbar to secure me the services of a stenographer, so as to take down any other conversation that might come over the telephone; also the services of some well-known detective agency in town, and a sufficient number of men to keep track of Hollenbeck and Mr. Boyce, or any other that might appear on the scene; and when we got to the hotel I pointed out Mr. Hollenbeck to Mr. Miller, the gentleman in charge of the detective agency that was secured for me, and told him to make a shadow of Mr. Hollenbeck's movements, also of Mr. Boyce, and to make detailed reports of their movements.
Q. And a stenographer was arranged for as you say?—A. Yes.
Q. When was that done?—A. After I had got through arranging with Mr. Kurtz to look after Hollenbeck, I went back to the Emery Hotel and asked for Mr. Campbell, and said to him I had learned enough of the deal that was going on to satisfy me that there would be an attempt to buy Otis's vote for Mr. HANNA, and notified him of what I had learned in a general way, and told him that it would be a case that would bear watching. After I had followed Mr. Hollenbeck up to the hotel and went to Otis's home on Seventh street and said to him, "Otis, from what I can learn you have a meeting at 3 o'clock this afternoon with General Boyce at the Gibson House." He told me yes. I told him that I had learned some of the particulars, and wanted to know what he was going to do with us. He said, "I am going down to see him and have nothing more to do with it. I am satisfied the fellow is here to try to bribe me. The whole matter is repulsive to me, and I want nothing to do with him."

I prevailed on him to go to the 3 o'clock meeting and see how far he could get Mr. Boyce to go, and to get all the particulars in the matter, and then I went on. That was about 8.40 or 8.45. I came back here, ate some breakfast, and at 9.30 kept my appointment at Mr. Campbell's office with Mr. Eshelby. I had a talk with them. He said, "This is pay day and I haven't time to go into detail in this matter, and I will see you this afternoon—later in the day. In the meantime I will see Droste, Campbell, and Lane, and see if we can come to an understanding." I told him he had gotten into the speakership fight and got the hot end from what he supposed would be the winner at that time. He said he would be busy after 1 o'clock with his business affairs, but after that time he would see me. I then had nothing to do until 3 o'clock, until this meeting took place between Boyce and Mr. Otis. I went over to the Turkish bath house and put in the time. I then came back here and found Mr. Otis in the lobby and stationed myself in room 224, in a room close to Mr. Boyce, and kept track of the movements of Boyce and Mr. Hollenbeck; and as telephone messages were taken off Miss Jacobs made copies and sent them to me.

Q. Well, now, what was going on at the time you were up there at your room?—A. Well, the first report I had was Dr. Otis going up to Mr. Boyce's room, and that he was there. Really the first report was the copy of the conversation with Hollenbeck in answer to the telephone call at Columbus. That was dated about 1.35 p. m. If I remember rightly, it appears in Miss Jacob's affidavit. Then the next information I had was Mr. Otis being in the room with Mr. Boyce until long after 4 o'clock. A copy of the conversation between Mr. Boyce and Mr. Hollenbeck was sent to my room. I stayed in the room until 6.40 or 6.45, or until 7 o'clock, probably as late as 7, in the room, when another copy of the conversation taken place between Boyce and Major Rathbone was sent to my room, which appears in Miss Jacobs's affidavit. That was on Saturday evening. After Mr. Otis had left the hotel I had seen a copy of the conversation. I took that copy and went over to the Hotel Emery, to Mr. Campbell's room.

Mr. Otis was there. He related what had taken place between General Boyce at the conference that afternoon. He said he had gone in the thing as far as he cared to go, and said he didn't want to have anything further to do with it. It was then talked who we could get to carry the thing on through, and it was agreed that Mr. Campbell should take his place as his attorney to close up the negotiation. It was agreed that Mr. Otis should find Mr. Boyce that evening along about 9 o'clock, when we had another appointment with him, and he did, and brought Mr. Boyce from the Gibson House to the Emery Hotel. After that meeting between Mr. Campbell, Mr. Boyce—just a general talk took place between Mr. Boyce—that is Campbell and Boyce—no money was passed or nothing of a definite shape came out of it except the general discussion. The next thing that happened was Sunday noon. Another reported conversation came to me from Miss Jacobs. Along about 2.30 in the afternoon the clerk sent me word that Mr. Boyce had taken a package of money, that he had left in safety deposit box, out.

I immediately wrote a note to Mr. Campbell that Mr. Boyce had the money and probably would be ready for business at the 3 o'clock meeting between he and Boyce. After 3 o'clock meeting I went over to Mr. Campbell's room. He laid down a roll of bills—$1,000—said he had succeeded in getting that much out of Boyce; and Mr. Otis was there and talked over the matter and said that Boyce was coming back again in the afternoon, and Mr. Campbell showed me a form of telegram that Boyce had written out on the Western Union blank and he wanted Otis to send. Mr. Otis declined to send any telegram or write anything of the kind, or have anything to do with it. To accommodate Mr. Boyce and furnish him the kind of telegram that he wanted, I copied that—not his handwriting, but a copy of the form he had written, addressed to the President—and for the good of the Republican party I will vote for M. A. HANNA, and signed John C. Otis's name to it.

Q. You signed that?—A. Yes; I did, and turned that copy over in my own writing to Mr. Campbell to give to Mr. Boyce when he would come again Sunday night. Mr. Campbell informed me that he came back Sunday evening, and Mr. Campbell told me that he gave him that telegram. After that meeting Mr. Campbell had $750 more of the money, and then produced a copy of the receipt which Mr. Boyce was going to have signed, which Mr. Campbell again produced. The question then came about taking action. Mr. Boyce had said that when they got to Columbus he would give $1,750 more toward making the $3,500; and instead of taking action at the time, the matter was delayed, with the hope of getting him up in Franklin County and have him pay more money, if possible, and get him in Franklin County, where we would have jurisdiction of Mr. Boyce. The understanding was between Mr. Campbell and Mr. Otis and myself that Mr. Otis should notify Mr. Boyce that he was not ready to go to Columbus that night, but would go on the 9 a. m. train on the Big Four. Mr. Otis went and informed Mr. Boyce to that effect. The next morning I saw Boyce here in the lobby about 8 o'clock. The next I knew was we had a report from the detective that he had left the hotel and had gone to take the train. Then Mr. Otis, Campbell, and myself took the train, leaving here about noon and arriving in Columbus about 4.10.

Q. When you got to Columbus did you find as to where Boyce was?—A. I got the report from Mr. Miller that Mr. Boyce had left there, and he can, I presume, give you that testimony as to Mr. Boyce's movements; took a coupé to 263 East Broad, and being transferred from the cab to a hack, and driving around over the streets until the cab was lost, and finally landed up at the corner of Broad and Third streets, where Major Rathbone left the carriage; the carriage then went to the corner of Naghten and High, where Boyce got out of the carriage and went to the depot; he walked the rest of the way.
Q. The carriage had Major Rathbone and Boyce in it?—A. Yes.
Q. Was the $1,750 delivered in Columbus, or wasn't it?—A. Mr. Campbell took it to Columbus with him; yes.
Q. Was the $1,750 that was to be delivered to Mr. Otis, in Columbus, ever delivered?—A. No, sir; that was not.
Q. Now, is there anything else, Mr. Bliss, that you know with reference to this matter?—A. I think that is in substance my connection with it.
Q. With reference to the management of anyone's campaign, I will ask you in what way Major DICK was connected with the Senatorial fight?—A. All I know about that is—what I know is Major Rathbone having met him that morning. We went to the Neil House to get Representative Griffith, and having met him there at the HANNA headquarters.
Q. I will ask you what was generally known or understood in and about Columbus as to who was managing Senator HANNA's campaign for the United States Senatorship?—A. Had charge of the office? Different ones connected with it. Major DICK, John Malloy, Rathbone, my friend Harry Dougherty, and Judge Nash.
Q. Who was regarded as the chief manager, if you know?—A. I always considered that Major DICK—that is the general report—that Major DICK and Major Rathbone were the leading managers of his campaign.

By Mr. GARFIELD:

Q. I believe you said you didn't know Hollenbeck until he was pointed out to you?—A. Never saw him until Mr. Archer pointed him out.
Q. Which Archer?—A. In the railroad commissioner's office; he is a clerk in one of the railroad offices.
Q. How did he happen to be here?—A. When we telephoned Mr. Kurtz about putting somebody on Hollenbeck's train, we understood Mr. Kurtz would send Mr. Archer to follow him,
Q. Why didn't you report these facts to the grand jury of Hamilton County?—A. We would have preferred to have had the case in Franklin County; but so far as reporting to any grand jury, the thing has been going on—it all took place in forty-eight hours, and in gathering the evidence together there wasn't time to report to any grand jury.
Q. I would like to know generally if there is any other point generally in this matter that Mr. Bliss knows about?—A. Not that I know of. I haven't tried to get all the little details——
Q. You have been working this case up for the last two weeks?—A. Yes; there

is another point, on Tuesday—let's see, I think it was about that day—that Tuesday—that Tuesday I came down to Cincinnati. I engaged an attorney by the name of Cobell to get these different witnesses while all the incidents were fresh in their minds, and have them put their evidence in affidavit form, and have him prepare to hold the affidavits so that when the things were fresh in these men they could be gotten up in shipshape.

Q. So you have gone over these things with great care, and have recorded all the things you know about—nothing that you know about personally?—A. No, sir; nothing that I can recall now.

Q. If you do recall anything you will notify the Chair?—A. Yes, sir.

Q. Cobell—is that Mr. Dunbar's attorney?—A. Yes; Mr. Dunbar said he attended to his legal matters, and through him I got Mr. Cobell.

Q. The stenographer that was employed says she destroyed her notes. Do you know anything about that?—A. Only as Mr. Dunbar telephoned me on Tuesday.

Q. Telephoned you to that effect?—A. Yes, sir.

Q. Do you know whether any effort has been made to secure those notes?—A. Only as I am told by Mr. Dunbar that they were looking for those notes after she had destroyed them.

Q. Did they get any of them?—A. I don't know.

By Mr. LONG:

Q. Mr. Bliss, do you know of any attempt by the use of bribery or any known improper methods, or any effort being made by any individual, through individual effort in the interest of Senator HANNA or against him, being used in connection with the late election of United States Senator by the legislature?—A. Not to my knowledge. Only by hearsay. That is all.

Q. I want to particularly direct your attention as to whether or not you know of any other effort by bribery or other improper methods, any efforts that you know of on behalf of anybody as against Senator HANNA in the interest of any other candidate?—A. I know nothing.

Q. You understand the scope and desire of this committee is not only to get charges made against Senator HANNA, but as against anybody else?—A. So far as I am concerned anything that I know about anybody else I would be glad to aid the committee in uncovering.

Q. (The CHAIR.) Mr. Bliss, one other question: At the time that you came down here were Droste and Lane in the city of Cincinnati?—A. Yes, sir.

Q. Did you have any conversation with them about the Senator matter?—A. No, sir; not in Cincinnati. I did with Mr. Droste before he left Columbus.

Q. What was the nature of that conversation?—A. How he felt on the Senatorial question. He said at no time would he vote for Senator HANNA. He felt like he had got the worst of it in the speakership fight, but he said that was past now.

Q. Are you willing that your connection with the Senatorial matter, so far as any conduct of your own is concerned, be thoroughly investigated by this committee?—A. Yes.

Q. You sent telegrams?—A. Yes, sir; and some telephoning.

Q. Are you willing that the telephone and telegraph company of this city and of Columbus give us all the information they can with reference to your telegrams?—A. Yes; they can give copies of any received or sent; and as to the telephone company, they can give records of who called me and who I called.

The CHAIR. The witness is to hold himself subject to the order of the committee.

And thereupon the witness was excused.

EXECUTIVE SESSION.

And thereupon (5 o'clock p. m., January 22, 1898) the committee resolved itself in executive session; and, upon motion of Mr. Finck, an adjournment was taken to 8.30 o'clock a. m., Monday, January 24, to meet at the Gibson House, Cincinnati, Ohio, and it was further agreed that the committee adjourn at 5 o'clock p. m., January 24, 1898, to meet at Columbus at the call of the Chair.

GEO. S. LONG, *Secretary.*

OPEN SESSION.

GIBSON HOUSE,
Cincinnati, Ohio, January 24, 1898—9 a. m.

All members present.

The Chair called the committee to order.

And thereupon Allen O. Myers was called as a witness, and, being first duly sworn, testified as follows:

Examination conducted by Mr. LONG:

Q. Mr. Myers, please give the stenographers your full name, age, place of residence, and occupation.—A. 49 years of age; my name is Allen O. Myers.

Q. Senior?—A. My name is Allen O. Myers. I live at 922 Moore street, Cincinnati. I am a newspaper man by occupation; not a journalist, a writer.

Q. (Mr. ROBERTSON.) What city?—A. City of Cincinnati.

Q. Who is Allen O. Myers, the young man who is the key clerk in the Gibson House?—A. His mother says he is my son.

Q. Mr. Myers, are you acquainted with Maj. CHARLES DICK?—A. Yes, sir; that is, I know who he is.

Q. Who is Major DICK?—A. Major DICK is the secretary of the National Republican executive committee, and he is the personal manager of Mr. M. A. HANNA in Ohio politics.

Q. What his been his business, if you know, and in what has he been engaged and occupied during the last month, the month of January, 1898?—A. Well, my knowledge of Major DICK begins along last July or August. When I was connected with the Democratic executive committee I first learned who and what he was and how engaged in doing as the personal manager of Mr. HANNA, with his office located at Cleveland.

Q. Well, coming on now through the fall and to January, 1898, what do you know of his occupation and relation to Senator HANNA, or any other person who was a Senatorial aspirant?—A. I heard of Mr. DICK, from time to time, through personal sources of information, as conducting Mr. HANNA's campaign at Columbus, until up to within the holiday week, when he came to Columbus and took rooms at the Neil House and assumed the management of Mr. HANNA's and Mr. Boxwell's campaign—one for Senator and one for speaker.

Q. Do you know Maj. E. G. Rathbone?—A. Yes, sir.

Q. What has been his occupation during the last—what do you know of his occupation, Mr. Myers?—A. Mr. E. G. Rathbone—I have known him in Ohio politics off and on for the last ten or twelve years. When there is any political dirty work to be done Mr. Rathbone is called in to manage it.

Q. What do you know as to his being engaged in in the city of Columbus during the present month of January, 1898, and in part of December, 1897?—A. In my position as one of the gentlemen who had charge of the Democratic campaign in the Senatorial contest, I located Mr. Rathbone at the Neil House the latter part of December as one of Mr. HANNA's managers. I learned through telephone and telegraph communications and from persons we had at Republican headquarters what Mr. Rathbone was doing. One of his special occupations seemed to have been to secure Democratic votes for cash to remain away from the Democratic caucus.

Q. Do you know Harry M. Dougherty?—A. Yes, sir; I have known Mr. Dougherty for some time.

Q. What has been his occupation during the past year, and particularly during the month of December, 1897, and January, 1898?—A. Mr. Dougherty has been chairman of the Republican State central committee, and as such he has, from what information I have been able to learn, been one of the personal managers for Mr. M. A. HANNA in this late contest at Columbus. The reports made to me by people we had assisting us was that he had charge of the detective and the special secret-service men of Mr. HANNA's campaign.

Q. Going back a minute to Mr. DICK—where was Major DICK located during the campaign of 1897 in Columbus, and upon what lines of duty was the political management of that campaign?—A. Major DICK was located at Cleveland for some time, but my attention was first called to him through the purchase of the Populist convention which was held in Columbus, and the exposure of the celebrated check to Mr. Pryor, by which he paid Mr. Pryor $25 to induce the Populist convention to nominate a ticket.

Q. When was that?—A. That was along either late in July or late in August.

Q. Well, what, if anything, did you know of his locating at Columbus, and what duties were taken up that were of more or less prominence in connection with the management of the political campaign at Columbus?—A. After the campaign had progressed for some time Mr. DICK came from Cleveland and leased some rooms at the Y. M. C. A. Building, next door to the Republican headquarters, and Mr. DICK called to his assistance Major Rathbone, Harry Dougherty, O. P. Austin, and that class of people to assist him in the management of the personal campaign—the campaign they were conducting was entirely outside of the duly appointed executive committee.

Q. Is Mr. Dougherty chairman of the Republican State central committee?—A. I believe so.

Q. Mr. Myers, are you acquainted with a man by the name of H. H. Hollenbeck?—A. Not personally acquainted with him.

Q. Did you ever see him?—A. Never saw him.

Q. Do you know Gen. Harrison, H. or H. H. Boyce?—A. No, sir.

Q. Did you ever see the person?—A. Never saw him, and never heard of him until this case came up.

Q. Do you know S. D. Hollenbeck?—A. No, sir.

Q. Do you know who Mr. S. D. Hollenbeck is?—A. Yes, sir.

Q. Who is he?—A. He is the auditor of Geauga County and a member of the State executive committee, and as such issued the call for this mass convention that was held in Columbus January 3, and instructed the legislature what to do.

Q. State whether or not you had ever heard of H. H. Hollenbeck.—A. I heard of H. H. Hollenbeck after I got information that an attempt was being made to buy John C. Otis's vote.

Q. When did you first hear of the name—of such a person by the name of H. H. Hollenbeck?—A. I think Friday night, January 7. I had a long-distance call over the telephone from Cincinnati to me at the Southern Hotel through my son or Horace Dunbar, after the first telephone message that Boyce had sent to Columbus and after the second call that night at 11 o'clock.

Q. Call on who?—A. Boyce. They started to tell me that a man named Hollenbeck would leave Columbus at 7.15 in the morning for Cincinnati with the money for Boyce to buy Otis.

Q. Who started to tell you that?—A. Mr. Dunbar and Mr. Jerry Bliss—they came to the telephone. When they said that I stopped them, as it involved Republicans; that I had nothing to do with it, and I called Mr. Kurtz to the telephone and turned the whole matter over to him. After Mr. Kurtz got through at the telephone he came to my room and told me that Hollenbeck was going to leave in the morning for Cincinnati to buy Otis. We all thought, in our conversation, that it was S. D. Hollenbeck. I got to thinking over the matter and said it is not possible that that man is going down in the morning to carry that money—he is going to-night. I said the thing to do was to get some man at the Neil House to locate Hollenbeck and if he goes to Cincinnati on this early train to have some man accompany him. He said he had a man he could recommend that he thought knew Hollenbeck. I said I could get a man to accompany him, and sent for T. J. Mulvehill, told him briefly what was wanted, and turned him over to Judge Ditty, who went with Kurtz to find Archer.

Q. What Archer?—A. Ed. Archer.

Q. Do you know what for?—A. To identify Hollenbeck and to follow him to Cincinnati if he left on the early train.

Q. Bliss and Dunbar were talking to you from what place?—A. Over this telephone in the Gibson House.

Q. Cincinnati? State whether or not you knew where Bliss was that night until he telephoned to you.—A. I did not know where he was until he began to talk to me over the telephone. I did not know where he had gone.

Q. What information was brought to your attention, Mr. Myers, on the succeeding day? If this was all you know about Boyce or Hollenbeck on the night of the 7th, did you learn anything upon the next day? If so, relate what it was.—A. The next morning, before I was out of bed, my boy came to Columbus with the notes of the two conversations that had been held over the telephone, and he told the story to me while I was dressing, and I cautioned him not to talk about it generally or to be seen there, so as not to arouse suspicion, and then I took him to Mr. Kurtz's room on the same floor, woke him up, left the boy with Mr. Kurtz to tell the story to him. After he had told the story to Mr. Kurtz he came back and said he wanted to go to see some friends of his or relatives, and I told him it would be just as well that he should do so. I thought then that they had secured all the evidence they could in the Cincinnati matter and my idea was to make the matter public if anything of that kind was going on, as soon as possible, and I called Mr. Allison, of the Enquirer, and sent my son upstairs with him to show him the papers and let him see the story as he had learned it by the two telephone communications at the Gibson House the night before.

At noon Mr. Mulvehill took the train for Cincinnati and reported that they had followed H. H. Hollenbeck on the Pullman car. They had secured a telegram sent by H. D. warning Hollenbeck that they were being followed by those gentlemen. This telegram gave a personal description of Archer and Mulvehill to put Hollenbeck on his guard. He reported to me that they followed Mr. H. H. Hollenbeck after he got off the train until he was located at the Gibson House and taken care of, and being watched by other people, and he took the 9 o'clock train and came right back to Columbus. That was Saturday noon. That night, at the 8th of January banquet, one of the detectives, Schlessinger, sent word into the banquet that he had a report to make about Hollenbeck, and I sent Mr. Ditty or Mr. Allison out to tell him to take the detective to Mr. Kurtz's room and let him make the report to him.

Q. Mr. Myers, did anything come to your knowledge upon the succeeding day, Sunday, the 9th day of January, 1898, touching the matter about which you are now talking?—A. Yes, sir.

Q. State what it was.—A. Mr. Kurtz told me he had a telegram from Jerry saying that the patient was very sick, but that they thought they would land him all right, and cautioned him to silence because Boyce, in talking to DICK over the telephone, or DICK, in talking to Hollenbeck, had stated that the telegram stated to be sent by Dougherty had fallen into somebody's hands and asked him about the answer he sent. This answer seemed to arouse the suspicions of these persons.

Q. What answer was this?—A. I do not know the contents of the answer, but Mr. Archer and Mr. Mulvehill sent a telegram to Major DICK from Springfield, if I understand it, to Major DICK. This aroused DICK's suspicions, and he was telephoning Hollenbeck to know if he had sent a telegram. And the word he got was that he would have to be careful so that these people could not get onto the fact as to what we were doing, or it would destroy the whole business. They expected the matter to reach a culmination on Sunday afternoon or night, but it was absolutely important that nothing be said.

Q. Was that an answer telegram to the telegram to H. H. Hollenbeck signed by H. D.?—A. Yes, sir.

Q. Now, if there was nothing further that came to your knowledge upon the night of Sunday, what further came to your knowledge?—A. About 1 or 2 o'clock Miller, the detective, came to me and reported that he had been sent from Cincinnati to follow Boyce. Boyce had got off about noon at Columbus and had taken a hack. He had attempted to follow him with a cab and Boyce had changed carriages on him and lost him somewhere.

Q. He attempted to follow him?—A. Miller had attempted to follow Boyce and lost him. He came to me and I told him he had made a nice job of it, as detectives usually do. He said, "I might as well be frank with you," and told about their changing carriages and said, "I had lost them." He then went to find who the driver of the carriage was. I told him to find out who was in the carriage with Boyce and who met him. He came back later in the day and made the report to me that the name of the driver of the cab was Stecker, or some such name. I do not recollect exactly the name, and you will get that report from another detective who located the house at 263 East Broadway.

Q. What Broadway?—A. East Broad, in Columbus.

Q. Who was in the hack with Boyce, who had met him, and where did he come from?—A. John Taylor lives at 263 East Broad. He married a Campbell. Major Rathbone's wife is a Campbell; she was stopping at this house.

Q. Who was?—A. Major Rathbone's wife.

Q. At what time?—A. At that time, when Boyce came to Columbus, this hackman, whose name will be made known by another witness, was called by Major Rathbone, who got into the carriage and drove to 263 East Broad street, opposite the house where his wife was stopping, and waited for Boyce. Mr. Rathbone sent for Boyce and took him in his carriage, and drove away until about 4 o'clock, and Boyce was then located about Naghten street and followed to the depot, and in company with Hollenbeck he left the city.

Q. Going which way?—A. Going north.

Q. Train leaving Columbus about 4 or 5 o'clock?—A. No; it was later than that. Boyce was afterwards there with young Hollenbeck, just before the train on the Big Four left.

Q. What else, Mr. Myers, do you know, touching the transaction of any of these gentlemen you have mentioned here in your testimony?—A. Well, that gives me an all-day job.

Q. I mean, Mr. Myers, things which are simply pertinent to the inquiry here touching the actions or things done by Hollenbeck, Boyce, Major DICK, or Mr. Dougherty?—A. I took occasion to find who young Hollenbeck was. I had never heard of him; never knew such a person was in existence. I had supposed that it was S. D. Hollenbeck. I find young Hollenbeck was chairman of the Republican executive committee of Geauga County, and during the campaign was located in Mr. DICK's office as one of the confidential agents and useful men about the establishment.

Q. Now, if there is anything else, Mr. Myers, that you know of these gentlemen that is pertaining to the question of influencing legislative votes, you will please detail it. If not, I am done with the examination.—A. I have a great deal of information which I think this committee ought to have, but if this is not the place to give it they can call me when they want me.

Q. (Mr. GARFIELD.) I understand all this you have given this morning is what you have received from detectives and others that gave it to you, regarding the action in Cincinnati and the following the carriage in Columbus—you do not know this personally?—A. That is the way you understand it, is it? You tell me you understand it.

Q. That is the way you understand it, is it?—A. I don't care to testify to what you understand.

Q. There would be some difficulty about that?—A. I think so.

Q. Did you obtain this information regarding the actions in Cincinnati and the carriage in Columbus from your personal knowledge?—A. My testimony shows where I got it.

Q. (Mr. GARFIELD to the gentlemen other than the committee.) Do you gentlemen desire to ask this man anything?—A. Those gentlemen can not ask this man anything.

The CHAIR. Now, Mr. Myers, one moment. I desire to ask you a few questions. There has been some talk about your being in one way or another engaged in securing votes against Mr. HANNA; some talk about undue influences on your part. I want to ask you with reference to that, and I want you to state, if you will, what, if anything, was done by you by way of influencing votes against Mr. HANNA, and what was done by you by way of using undue influences or corrupt practices.

Q. (Mr. GARFIELD.) I would suggest that you advise the witness that he need not say anything that would tend to incriminate him.—A. The witness is not afraid of anything, and that is an insult. That is intended as an insult. I want this committee to protect me from the insults from this committee. I am a citizen of the State of Ohio, and have as many rights as Jim Garfield has, and don't propose to be insulted, and I will see that this man knows his business. The witness will see that Mr. Garfield treats him respectfully if the chair does not. I will not be insulted by him or any other member of this committee.

The CHAIR. Just one moment. The chair will say to the witness that the committee is treating the witness respectfully.

A. The witness will not be insulted by him.

The CHAIR. The committee so far has been treating the witness with respect.

A. There are exceptions to that, Mr. Chairman.

Q. Just one moment. Please answer my question as to what, if anything, you did in regard to the Senatorial question which in any way can be considered corrupt in its practices.—A. Everything that I have done in connection with this Senatorial contest, every letter I have written, every telegram I have sent, every letter I have received, every telegram I have received, every cent of money that has been expended, with a detailed statement of the money and what it was expended for, is at the command of this committee whenever they want it. I have not spent a cent—one dollar—in any shape, form, or number, to influence any member's vote in the legislature on the vote of United States Senatorship, and any man that states that here, or insinuates that I have, is a liar.

Q. You did have some telephone communications?—A. Yes, sir.

Q. Some suggestions have been made that this matter, which is the subject of this inquiry, was instigated by you. What have you to say about that?—A. I have had nothing to do with instigating it in any shape, form, or manner. Never knew the parties that are interested in it as principals—Hollenbeck, Boyce—until my attention was called over the telephone and I got reports. And in this connection I want to say that Senator J. J. Sullivan, in a resolution that was being—took occasion to insult and insinuate that Allen O. Myers, who, we all know, had doubtless prepared this conspiracy against Senator HANNA. I want to say that any statement by any of HANNA's friends in that respect is a lie, and I want them to be given ample opportunity to cross-examine me and produce evidence to disprove it. I want to prove who the conspirators were and who the liars are in this case.

Q. Did you ever see Boyce?—A. Never in my life.

Q. Did you ever have any communication with him?—A. Never in my life.

Q. Are you willing that the telephone company—the long-distance telephone company—produce any records of telegrams sent or received by you?—A. Yes; and thank them to do it. I would like to have the Western Union Company and the Postal Telegraph Company produce the telegrams that I sent or were sent to me during this contest, or before or after.

Q. Are you a member of the State executive committee?—A. No, sir.

The CHAIR. If anyone desires to suggest any questions to be asked the witness they may do so. I will say to the witness that there is no disposition on the part of the committee to mistreat him in any way, and if there is anyone here who desires to suggest any questions to the committee they may do so. Suggest them to some member, and the question will be put as a suggestion.

Mr. Meyers, there being no questions suggested, some information may come to the committee at some other time, and there may be some questions that the members may desire to ask you.

The WITNESS. Mr. Chairman, I hold myself subject to your call. I have been under a strain for seven or eight weeks, and am tired, but I have some information that I think this committee ought to have, and it will be interesting to some gentlemen, and I want to say that I won't incriminate myself either.

The CHAIR. You are excused.

And thereupon Edward H. Archer was called as a witness, and, being first duly sworn, testified as follows:

Examined by Mr. LONG:

Q. Please state your name in full.—A. Edward Harry Archer.

Q. What is your age, occupation, and place of residence?—A. Born July 2, 1856, and therefore am in my forty-second year; attorney at law by profession, at the present time chief clerk to the commissioner of railroads and telegraphs of the State of Ohio.

Q. You live where?—A. Columbus, Ohio.

Q. Mr. Archer, do you know one S. D. Hollenbeck?—A. I do not know S. D. Hollenbeck.

Q. Do you know who S. D. Hollenbeck is?—A. He is a member of the Republican State executive committee.

Q. Do you know H. H. Hollenbeck?—A. I do by sight.

Q. When did you first learn to know him by sight?—A. I think about two years ago. He was pointed out to me at the Neil House, Columbus, Ohio, during the meeting of the Republican State central committee.

Q. How old a man is he, as you can judge?—A. I should say somewhere about 28 or 32.

Q. Do you know Maj. CHARLES DICK?—A. I do, quite intimately.

Q. What was Major DICK's occupation in political work during the year 1897 and January, 1898?—A. January, 1897, and January, 1898?

Q. The year of 1897 and the month of January, 1898.—A. He was manager in the interest of one M. A. HANNA of his campaign for United States Senator. In 1898 he was occupied in the exalted position as secretary of the national Republican committee by appointment of M. A. HANNA.

Q. Where was he located while conducting his political work during the fall and summer of 1897?—A. I never was there at the headquarters. That was managed by Mr. DICK at Cleveland; but from such sources of information as were entirely satisfactory to me, I am sure he was the manager, under the direct direction of Mr. HANNA, in his contest and canvass for the United States Senatorship, from the first moment to secure his appointment up to the change of headquarters from Cleveland to Columbus, Ohio.

Q. When were those headquarters changed by Major DICK from Cleveland to Columbus?—A. He came to Columbus either on the 27th of December or the 28th.

Q. Do you know if Major DICK was looking after Mr. HANNA's interests at Columbus, Ohio, prior to the election of November, 1898?—A. Prior to the election of November, 1897?

Q. Yes; prior to the last election?—A. He was.

Q. Now, how long did Major DICK remain in charge of Mr. HANNA's political interests at Columbus, beginning with December, 1897?—A. He remained there until the close.

Q. Whereabouts—until the close of what?—A. Until the close of the contest—until the 11th day of January, the day on which the ballot was taken.

Q. Until the United States Senatorship election was over in the legislature?—A. Yes, sir.

Q. Whereabouts were his headquarters, Mr. Archer?—A. On the second floor of the Neil House.

Q. Do you know Maj. E. G. Rathbone?—A. I know Estes G. Rathbone; yes, sir.

Q. What do you know of his part, if any, in the Senatorial interests of any candidate?—A. He was engaged as an assistant manager to do the fine detective work.

Q. Where was he located?—A. Located at the Neil House.

Q. How long was he there and during what days, if you know?—A. He came there early in December.

Q. How long did he remain, if you know?—A. The last that I could testify of having seen him was on the 10th of January.

Q. The last you saw of him was on the 10th of January?—A. The 10th of January.

Q. Are you acquainted with Harry Dougherty?—A. Quite well and intimately.

Q. What is his official position in connection with the Republican party of the State of Ohio, and what was it during the year of 1897 and January, 1898?—A. Chairman of the Republican State central committee.

Q. Do you know of your own knowledge of his being connected with the management of the candidacy of any individual for United States Senatorship?—A. I can say yes.

Q. Whose candidacy was he connected with?—A. M. A. HANNA.

Q. Where?—A. Neil House.

Q. (Mr. FINCK.) Columbus, Ohio?—A. Neil House, Columbus, Ohio.

Q. (Mr. LONG.) Mr. Archer, do you know Harrison H. Boyce or Gen. H. H. Boyce?—A. I know nothing of him except hearsay and what has been told me by other people.

Q. I am wrong about General Boyce's initials. Gen. Henry Harrison Boyce; do you know such an individual?—A. Never saw him in my life.

Q. Did you ever have any such individual pointed out to you?—A. Think I did, possibly, three or four years ago.

Q. Mr. Archer, did you see H. H. Hollenbeck at any time during the month of January, 1898; and if so, where and when and under what circumstances, and how did you happen to see him?—A. January 8, 1.25 o'clock a. m., I left the Great Southern Hotel at Columbus, Franklin County, Ohio. F. B. Gessner and Ed Mosgrove, correspondents, were with me, and walked to the corner of State and High streets, where Gessner left and went in the direction of the Neil House. I continued toward my office to the gate; entered the statehouse grounds. Mr. Mosgrove, the correspondent, left me at that point; went in direction of the State Journal building. I continued my walk to the office of the commissioner of railroads and telegraphs; went there to get some transportation that I had locked in my desk.

I immediately returned in the direction of the gate to the Neil House. About halfway between the gate and the statehouse building I was observing the entrance to the Neil House closely. I did so, and a man rather low in stature, with a slouch hat, dark hair, and rather large, smooth face, alone, walked out to about the center of the sidewalk. In one hand he held a small valise, gave it a peculiar swing, turned and looked south, turned again and looked to the east, then to the north, and started and walked just about opposite the Western Union Telegraph Company's office.

Q. North of the Neil House?—A. In the direction of the depot, north of the Neil House. I was closely observing all these movements, walking at the same time. It was H. H. Hollenbeck who came out of the Neil House. I walked somewhat rapidly until just opposite the Neil House; I saw within a number of persons. Among them was George Crawford, chief clerk to the food and dairy commissioner of this State. Hollenbeck continued his walk from opposite the Western Union office to the corner of Broad and High streets, where he again

stopped, turned, and looked south, giving his satchel a peculiar swing; continued his walk to about halfway between the corner of Broad and Gay streets, where he again stopped, turned, and looked south, and gave his satchel a peculiar swing, and continued to the corner of Long and High streets, where he went through the same movements. I should, perhaps, say "safety signals" were thrown out. At this point he crossed High street to the east side, from which point he continued to the depot without making a complete stop.

Just opposite the Davidson House, while he was passing, a coupé was driven past which almost came to a stop. It didn't stop, nor was there any communication conveyed from that coupé to Hollenbeck. Continued his walk to the driveway entrance to the Union Depot, from there on the elevated sidewalk of the Union Depot proper to a point opposite the gateway entrance, where he purchased a sleeping-car and railroad ticket over the three C's and St. L. Railway. No. 37 train on the Big Four Railroad leaves Columbus—is scheduled to leave Columbus at 2.10 a. m. Mr. H. H. Hollenbeck boarded the train on its arrival. He first went into the smoking car, in the rear end of which he sat down and continued for some four or five minutes. He then went to the Wagner sleeping car, and just as the train was pulling out of the depot retired to his berth. He remained in that berth until within a short distance of Cincinnati. I took the same train—went on the same train—and occupied the smoking car all the way to Cincinnati.

Q. Smoking car do I understand you occupied?—A. Smoking compartment of the sleeping car. Some time after we left London, Ohio, someone came to and opening the door of the smoking compartment says, "Here's a message for Hollenbeck." A party was pointed out to him as Hollenbeck. The message was handed to that party. That message was dated Columbus, Ohio, addressed to H. H. Hollenbeck, care of conductor train 37, 3 C's and St. L., London, Ohio:

"Two parties got on the train at Columbus—one tall, with dark overcoat and derby hat; the other rather small; brown coat, and eyeglasses. Wire particulars.

"H. D."

On arrival at Springfield the following answer was sent to that message:

"Major DICK,

"*Neil House, Columbus, Ohio:*

"Parties got off train at Springfield.

"H. H. HOLLENBECK."

I want you to understand that when this party asked if Mr. Hollenbick, or Mr. Hollenbeck, was in the smoking compartment, the manner in which he asked the question was such that it didn't seem that he had any doubts about the responsibility of the persons who occupied the smoking compartment. He was, however, satisfied that the parties that received that telegram were persons responsible for their acts and who could stand responsible for whatever acts they might engage in. The message was received at a railroad office and was, therefore, an unsealed message. Before arriving at Cincinnati, at the time passengers usually arose in order to bathe their faces and get brushed off—the sleeping car was somewhat crowded that night; in fact, I think every lower and nearly all the upper berths were taken; I had an upper berth, but did not use it.

Mr. Hollenbeck came into the smoking compartment in which was located the wash room, carrying the valise with him. Washing conveniences were crowded. He went out and back in the direction of his berth. He returned, and there was a vacant place; set the valise down opposite to him, washed his face and combed his hair, and picked up his valise and went to the toilet room; remained in the toilet room at least ten minutes, took the valise with him, returned again to the wash room, washed his hands, went out and left his valise setting there; went back to his berth and returned back for his valise, and went back and took his seat in the portion of the sitting portion of the compartment he had occupied from Columbus.

The train arrived at Cincinnati at 7.40 a. m. Got off the train, walked to the exit, from the exit passed out of the Union Depot building by the main stairway to Third street. From Third street by Central avenue to the corner of Fourth street. At the corner of Fourth street inquired of a newspaper vender the direction to the Gibson House. Started east on Fourth street and continued to Walnut. Came up Walnut street in the direction of the Gibson House and entered the main entrance. He was met about middle way in the hotel lobby by the porter, who took his valise. He walked to the register and registered. From that point he went in the direction of the toilet room, returned and went into the barber shop. That was the last I seen of him on that occasion.

Q. Before you go on with anything else, I wish you would describe that valise as best you can, Mr. Archer.—A. It was a small brown-colored hand valise,

Q. Are you able to give its size?—A. I should say it was about 14 inches long and about 6 to 8 inches deep.

Q. Did you notice what he did with his valise when he retired to his berth?—A. He took it with him very carefully.

Q. Took it with him where?—A. Into the berth.

Q. Did you see him undress and go into his berth?—A. He didn't take off his clothes; he didn't seem to have time, or rather didn't take time to.

Q. Did you notice what he did with his valise when he came into the hotel?—A. He gave it to the porter, who met him halfway between the entrance and the bar—the counter of the clerk's office.

Q. Did you see what was done with it then?—A. It was taken to the check room.

Q. When did you next see him after he went into the barber shop, at which time you lost sight of him?—A. In the lobby of the Great Southern Hotel, Columbus, Franklin County, Ohio, Sunday evening, January 9.

Q. You saw him next?—A. While he was walking around in the lobby of the Great Southern Hotel; seemed to be looking for someone.

Q. When did you leave Cincinnati on the 8th of January?—A. Left here just at 9 o'clock, by the way of the Big Four train. Left so hurriedly that I didn't have time to settle my hotel bill, if a bill at all—was a registration fee.

Q. Did you register here at Cincinnati?—A. Yes, sir; immediately under the name of H. H. Hollenbeck.

Q. Do you remember how you registered your name?—A. E. H. Archer, Columbus, Ohio.

Q. State whether you took any pains to locate yourself in the sleeping car on the train down from Columbus on the night before, so that you could observe as far as possible what Mr. Hollenbeck did, where he was, and all that sort of thing?—A. I don't understand your question.

Q. Where did you locate for the purpose of keeping Hollenbeck in view on the train down?—A. The berth assigned to him was an upper one, but was at such an angle that I could observe, easily observe, any movements that Mr. Hollenbeck might make going in or out of the berth.

Q. You did not have your berth made up, nor did you retire?—A. I occupied the smoking compartment, except when keeping my eyes on the location of Mr. Hollenbeck's berth.

Q. Do you know anything further, now, about Mr. Hollenbeck's movements in Columbus on the succeeding Monday?—A. I have never seen him since. He walked somewhat hurriedly out of the main entrance of the Southern Hotel Sunday evening, January 9. Someone was in conversation with him, and he turned to and went out somewhat hurriedly. I have never seen or heard of him, directly or indirectly, since.

Q. Do you know anything further, now, that you have not stated with reference to the movements or conduct of Mr. Hollenbeck with connection with his trip down here?—A. I think it proper for me to state that my connection with this contest——

Q. What contest?—A. For the election of United States Senator from the State of Ohio—that my connection in this contest——

Q. Well, give it.—A. I am a Republican, and one of the many Republicans of Ohio who believed the best interests of Ohio and the American people would be better served by leaving one M. A. HANNA at Cleveland, Ohio, to attend to his many industrial and varied interests. As such, voluntarily, from the 5th of November until the present time, I have conscientiously and earnestly, and in an honorable way, endeavored to prevent the election of M. A. HANNA, and in that connection it was my privilege and my purpose to voluntarily ascertain every movement that was made by those who were in his employ and engaged in looking after and caring for what they were pleased to name to be their personal rights and privileges.

I need not mention that there were candidates—ex-candidates—from the different counties of the State of Ohio, whose duty it was to guard anyone, or any of the representatives or senators who were considered in any sense wavering. I was, as I have said, a voluntary actor in this contest. It was without hope of fee or reward. All the statements that I have made in relation to Mr. Hollenbeck, or any of these other persons named as participating in or aiding to do that which was done in his (Mr. HANNA's) interest, that information was gained and secured by me by giving the closest scrutiny, continued association with, and close watch over the moves of all these parties so interested. I believe, Mr. Chairman, I have stated all in that connection I desire to state.

The CHAIR. Mr. Archer is excused for a few minutes.

And thereupon Harry Dougherty was called as a witness.

By the CHAIR:

Q. You will be sworn, Mr. Dougherty?—A. Mr. Chairman, I beg your pardon. Believing as I do now, that this committee has no jurisdiction of inquiring into this matter, I refuse to be sworn at this time or to testify in this matter.

Q. (The CHAIR.) You will then testify without being sworn.—A. I would just as lief be sworn as to make any statement without being sworn.

Q. (The CHAIR.) The question we desire to ask you, Mr. Dougherty, was as to whether or not you sent a telegram from Columbus, Ohio, dated January 8, 1898, to H. H. Hollenbeck, care of conductor, train 37, Big Four train:

"Two men; one tall, heavy, black overcoat, the other medium build, brownish overcoat, eyeglasses, and small mustache; boarded train at Columbus. Watch where they leave train and wire details.

"H. D."

A. I refuse at this time, Mr. Chairman, to say whether I did or whether I did not.

Q. Would that answer tend in any way to criminate you?—A. No, sir; not in the least.

Q. Your name is Harry M. Dougherty?—A. Yes, sir.

Q. I will ask you, Mr. Dougherty, as to whether or not you are connected or interested in the Senatorial campaign of Hon. MARCUS A. HANNA?—A. I refuse, Mr. Chairman, for the reason stated.

Q. Would that answer in any way criminate you?—A. Not in the least, or anybody else.

Q. You have received a subpœna to appear before this committee?—A. Just a moment ago I was handed a piece of paper. I have not read it yet. I suppose it is a subpœna. [Witness reading, examining paper.] Yes, sir.

Q. What department in the interest of Senator HANNA in the Senatorial contest were you engaged in?—A. For the same reason at this time I refuse to testify.

Q. That answer would not in any way criminate you?—A. Not in the least.

Q. Do you know a man by the name of H. H. Hollenbeck?—A. I refuse at this time for the same reason, Mr. Chairman, to answer.

Q. Would that answer in any way criminate you?—A. Not in the least, nor to criminate anybody else.

Q. Do you know a man by the name of H. H. Boyce?—A. I refuse at this time for the same reason.

Q. That answer would not tend in any way to criminate you?—A. Would not criminate me nor anybody else.

Q. If you did send this telegram, will you state to the committee how you happened to send this telegram to Mr. Hollenbeck—how you knew Mr. Hollenbeck was on the train, on his way to Cincinnati?—A. For the same reason I refuse to make any statement.

Q. That answer would not tend to criminate you?—A. Would not tend to criminate me nor anybody else.

Q. If you did know that two men had taken the train No. 37, being the same train upon which Mr. Hollenbeck came to Cincinnati, two men whose description have been given in this telegram, will you state to the committee how you knew those two men who took the train and how you got this information upon which you based your telegram?—A. For the reason stated, I refuse at this time to make answer to that question. In so doing I am taking this position in refusing at this time to make any statement or testify in this matter. I do not take that position because I desire to show any discourtesy to the committee or to the senate appointing that committee, or because I would in any way criminate myself or disgrace myself or criminate or disgrace anybody else.

Q. Then, as I understand it, Mr. Dougherty, you decline to answer all questions touching the subject of inquiry at this time?—A. Yes, sir; at this time, if you please.

Q. (Mr. FINCK.) You decline to answer because you say the committee has no jurisdiction. If the committee has jurisdiction over the subject-matter and is legally constituted, as a lawyer you are aware you are in contempt?—A. Judge, if you want me to give you a legal opinion, of course if I was advised that the committee had jurisdiction to inquire into this matter and that the senate had authority to appoint this committee I should not want to place myself in contempt; and if I were satisfied that the committee had jurisdiction and the senate had authority to appoint this committee and confer the jurisdiction upon it which it is now seeking to claim I should certainly very willingly testify to any matter that the committee might make inquiry about.

Q. (Mr. LONG.) You are a lawyer, I believe?—A. I have been admitted to the bar; yes, sir.

Q. You have also been a member of the legislature?—A. Yes, sir.

Q. (Mr. LONG.) I want to ask you if, in taking the position you do, you are acting upon your own judgment as to the right of the senate to inquire into this matter, or their right to appoint a committee for the purpose, or as to whether the committee has been properly constituted, or whether you are acting upon the advice of your counsel?—A. Well, I desire to say that I have examined the question some, but not fully, not to my thorough satisfaction, but in connection with that judgment I have upon the question at this time, and relying more upon the advice and counsel of others that have carefully examined the question, I take that position.

Q. You take the position that the senate has no right to inquire as to anything that entered into the transaction by which a candidate for United States Senator secures the votes of the members of the legislature through which his election is brought about and secured?—A. Well, I take the position, Senator, that under this resolution this committee has no jurisdiction.

Q. You are familiar, of course, with the statutes which authorize the senate to appoint standing and special committees to inquire into certain things through their chairman, and issue subpœnas to witnesses and make inquiry?—A. Yes, sir.

Q. (The CHAIR.) I understand you to say and to mean that you will answer no

questions put to you, no matter what they are?—A. That is the position I take now, Mr. Chairman. I——

Q. That is partly made up of your own opinion and partly of the opinion of those with whom you have advised?—A. I further say, if upon the determination of this question it is ascertained that this committee has the authority to inquire into this matter I shall remain within the reach and process of this committee, and cheerfully testify as to anything that may be required of me.

Q. (The CHAIR.) I suppose that would be after you have further consultations with those who are advising you now not to testify?—A. After we have examined the question here.

Q. It is not because of any particular danger there is in now testifying, is there?—A. Not in the least.

Q. There is not any intent on the part of the parties who are advising you to get together and consult and arrange as to what you will testify to?—A. Not in the least.

Q. (Mr. ROBERTSON.) I want to say if a wrong or crime has been committed by any person in connection with this election, that I do not understand how any good citizen and honest man would refuse to give such information as he had to a committee of this sort, whether they had jurisdiction or not.—A. You say you don't understand?

Q. No.—A. We may not agree upon that proposition, Judge. I don't attempt to conceal that crime, or any evidence of any crime that had been committed, or conceal any fact, Judge. If I were called upon by any court of justice having jurisdiction, or by any committee properly constituted, I know of no crime that has been committed.

Q. I know you head us from that inquiry by refusing to answer any question being directed at an investigation of our own members.—A. Purely, Judge, from the legal position we take, and not because we have any disposition to protect anybody who might have been guilty of an offense. Not because any testimony or statement I might make would criminate me or anybody else, or disgrace me, and not because I have any disrespect for you, Senator, or any member of the committee.

And thereupon the witness was excused.

And thereupon Edward H. Archer was recalled, took the stand, and testified as follows:

Questions by Mr. LONG:

Q. Do you wear eyeglasses or spectacles regularly or continually?—A. When working I use those glasses at all times. Frequently on the streets and at theaters I use long-distance glasses.

Q. Do you remember whether you wore glasses on the night of January 7 and morning of January 8?—A. I did; yes, sir; these are the glasses. [Witness showing glasses.] As you see me now, with the same hat, same overcoat I am wearing now, so I was from the Neil House to the depot and the depot to the train.

Q. From the Neil House to the depot and the depot to the train on that morning of January 8?—A. Yes, sir.

Q. What kind of clothes did you have on?—A. Brown overcoat and the suit of clothes I have on now.

Q. I will ask you now whether the description of the other man in the telegram to H. H. Hollenbeck and signed H. D. applied to yourself?—A. I think the description of the smaller man, brown overcoat and glasses, applied to me.

Q. State, if you know, the description of the other individual, described in that telegram signed H. D., applied to.—A. To a person whose name I was told was T. J. Mulvihill.

Q. Told when?—A. At the Union Depot in Columbus.

Q. And who was with you, if anybody, on the trip?—A. Mr. T. J. Mulvihill, the party I have just named, accompanied me from Columbus to Cincinnati on the same train.

Q. Will you describe Mr. Mulvihill now?—A. Well, he is a tall man, wore a dark overcoat and derby hat, smooth face, and rather heavy mustache.

Q. And you say in your judgment the description of the other gentleman fitted Mr. Mulvihill as he appeared on the morning of the 8th of January when—— A. Yes, sir; from the reading of the telegram I understood that the information had been given at headquarters that possibly two parties were on that train and that possibly they might be watching Mr. Hollenbeck. To relieve their minds at Columbus a communication was sent back to them that the parties left the train at Springfield. They did leave the train, but when the train pulled out they got back on the same train.

Q. You told that one. Did you notice which way the coupe was headed? You say it slowed up nearly opposite Hollenbeck on High street, either at the approach of the Union station or shortly before getting to the station.—A. It went directly to the depot; drove right on to the depot.

Q. (Mr. GARFIELD.) You say after November 5 you were engaged in the contest against Mr. HANNA. Did you, prior to that date?—A. I was too busily engaged in aiding the election of Asa S. Bushnell for governor of the State of Ohio to devote much attention to the legislative candidates in any county or district of the State.

Q. At whose request did you shadow Mr. Hollenbeck on the evening you refer to?—A. As I have stated voluntarily, my own. I was not appointed nor commissioned as a political director or manager, but voluntarily believed it to be to the best interests of the people to do that which would prevent his election, and do it honorably.

Q. How did you happen to know Mr. Hollenbeck was going to leave the Neil House?—A. By having observed closely every movement that was made by those engaged in that attempt at that time to secure votes, which they very much needed.

Q. Who told you that Mr. Hollenbeck was going to Columbus that night?—A. I was not told that he was going to Columbus.

Q. To Cincinnati?—A. In the prosecution of these contests information comes like the ripple of a wave in various and divers directions.

Q. This was a ripple, then?—A. There were ripplings at Columbus, and there also came ripplings to such a degree of certainty as to convince my mind that one S. D. Hollenbeck—H. H. Hollenbeck—would leave Columbus and the Hanna headquarters with certain influences to, if possible, encompass and bring about the positive securing of Mr. John C. Otis's vote at Cincinnati.

Q. Was it the same kind of ripple that gave you the contents of a telegram that was brought in by the conductor into the smoking car you occupied?—A. That was a reality, and the rippling that caused me to start to look after Mr. Hollenbeck and see that he went to Cincinnati proved to be the same reality; that he did make the trip; that he did carry a valise, and that he did manifest and give indications that he was carrying something that was giving him great mental concern.

Q. That does not answer my question. How did you happen to see the telegram addressed to H. H. Hollenbeck, and handed to someone in the smoking room of this car?—A. How did I happen to see it?

Q. Yes, sir.—A. There was no happening about it. It was handed to me and I read it.

Q. You are the party that impersonated Mr. Hollenbeck?—A. I did not say that I impersonated Mr. Hollenbeck or that anyone impersonated him. I said that somewhere between London and Springfield someone came to the door of the smoking compartment and asked for Mr. Hollenbeck. Mr. Hollenbeck was pointed out, or at least a person that satisfied this party that asked the question, so that an unopened message was handed to that person.

Q. Who opened it?—A. It was an unsealed message.

Q. Who was the party that brought the telegram in?—A. Who was the party? Well, I am not positively certain. I can not give his name. In fact, I don't want to know his name.

Q. Very naturally. Who signed the telegram that was sent back to Major DICK that you referred to?—A. Who signed it? Did you ask me if I signed it?

Q. I asked who signed it, if you know?—A. The party that was pointed out and which satisfied the person who presented the telegram was the party who signed H. H. Hollenbeck.

Q. Was it H. H. Hollenbeck?—A. No; it was not.

Q. Who was it?—A. His name, as I told you, was T. J. Mulvihill.

Q. (The CHAIR.) As I understand, this telegram was sent back so as to set the people at Columbus at rest, so they would not worry about these two men on the train?—A. That was the object of it; that the parties from which the message had originated that there was no disturbance going on with Mr. Hollenbeck, and that his guardians were seeing him safely through to Cincinnati, so he might keep his engagement.

Q. (Mr. GARFIELD.) Mr. Archer, who told you to go on that occasion to Cincinnati?—A. I never was told to go; no, sir.

Q. Who suggested that you go on that —— —A. I have said in connection with this contest, I was a volunteer.

Q. I was speaking of the particulars of the trip to Cincinnati. Your going down to Cincinnati—your going down there at midnight and taking the train.—A. I have stated, information of such a character as was convincing to me indicated to me that, knowing and being able to recognize Mr. Hollenbeck, I followed him to Cincinnati to observe what he done, and if he said anything to anyone and, if possible, ascertain if anyone sent any communications to him and to find out what they were.

Q. (The CHAIR.) As I understand it, you didn't know at the time you were watching him at the Neil House just where he was going to land from the Neil House?—A. Yes, sir.

Q. (The CHAIR.) And he went directly to the depot, as you indicated?—A. Yes, sir.

Q. He got on this train, No. 37?—A. Yes, sir.

Q. And then you followed him to Cincinnati?—A. Yes, sir.

And thereupon the witness was excused, but ordered to hold himself in readiness should the committee desire to examine him further and hold himself in readiness to respond to the call of the committee.

Thomas H. Miller, recalled, testified as follows:

By Mr. LONG:

Q. We recall you to know whether there were any telephonic messages passing between Columbus and Cincinnati, either direction, between Major DICK or Major Rathbone, or H. H. Hollenbeck, or General Boyce, that you heard that you haven't detailed to the committee, and if so, please to tell us what you heard.—A. At about 6.45 on the evening of January 8 I was instructed to take the telephone and overhear the conversation that was going on. I went into the telephone of the office of the hotel and overheard the following conversation: "Hello, Exchange. I want 1092, Columbus, Ohio. I want to speak to Major Rathbone." "Who is it wants to speak to Major Rathbone?" "This is Gen. H. H. Boyce, but don't use my name at Columbus; just say the gentleman at the Gibson House." I then handed the telephone over to Miss Hattie Jacobs.

Q. When you heard that conversation over the 'phone, what did you do, if anything else, besides handing the telephone receiver over to Miss Jacobs?—A. I put this down on a slip of paper and handed it to her.

Q. Put what down on a slip of paper?—A. The statement that he had called for 1092, Columbus, Ohio, and wanted to speak to Major Rathbone.

Q. This was somebody speaking from the telephone here at Cincinnati?—A. Yes, sir.

Q. What telephone?—A. It must have been the one connected with the one in the main office, because I couldn't overhear any conversation unless it was that telephone.

Q. You were immediately back of the key box in the office in the Gibson House?—A. Yes.

Q. Would you be able to identify the paper on which you wrote the name of the Major and the number of the box or telephone?—A. Yes; I know my handwriting.

Q. I hand you here a sheet of the Gibson House paper with letter head, either in lithograph or plate of some kind, designating the Gibson House, Cincinnati, Ohio, upon which is written in pencil the figures 1092, Cols., O., Major Rathbone, General Boyce. I will ask you, if you can, to identify that paper, stating who is it who made those entries?—A. That is my handwriting and I made it.

Q. Are those the entries that you made that you speak of after hearing 1092 called up at Columbus when you were at the 'phone, as you have immediately heretofore detailed?—A. Yes.

Mr. LONG. Mr. Stenographer, we introduce this and mark it Exhibit R.

The CHAIR. Cols. means what?

A. Columbus, Ohio; abbreviation.

The CHAIRMAN. You say you had two detectives in your employ who were shadowing those men, Boyce and Hollenbeck?

A. There were four men engaged in the case, three besides myself; two of us all the time were engaged in shadowing each of them.

Q. Were you the managing actor in the matter?—A. Yes; they all acted under my instruction.

Q. Did they report to you?—A. Yes, sir.

Q. In what manner did they report to you?—A. I had them write their reports out in the evening before going home, or, rather, mostly in the morning early, as rather late in the night—they get back 1 or 2 in the morning.

Q. You have stated something about one or two men following Boyce and Hollenbeck to Columbus. Who were those men?—A. Mr. Schlessinger followed Hollenbeck to Columbus. I followed Boyce myself.

Q. Then you knew something about that yourself?—A. Yes.

Q. I had supposed that it was one of your men instead of you that Mr. Bliss referred to. Now, beginning with where you left off with your testimony the other day, state to us all the facts and circumstances surrounding your following Boyce to Columbus.—A. You don't want my statement regarding Boyce down here?

Q. Yes; we want the whole thing.

Q. (Mr. LONG.) Haven't you given that?—A. I have not given anything except the telephone conversations I heard, except the going to Vorheis and Miller's. I was around——

Q. (Mr. GARFIELD.) Were you one of those?—A. I was one of them.

The CHAIRMAN. Start in and state your conduct in following Boyce and ascertaining what he was doing. You say that you have some reports?—A. Yes.

Q. (Mr. ROBERTSON.) Have you them here?—A. I have them with me; yes, sir.

Q. Your name is T. H. Miller?—A. Yes, sir.

Q. I will ask you whether or not this is a report of yours [showing paper to witness], the paper which I hand you?—A. Yes, sir.

Q. Does that contain a statement of the facts? [Referring to typewritten manuscript in the hands of witness.]—A. This is a transcript from my own handwriting.

Q. Read your original notes, beginning with the beginning of the case and following it up.—A. This report is made to J. Bliss, who employed me. The following is report of self and operatives in Boyce and Hollenbeck: Shadow for January 8. To-day at 8 a. m. was instructed to place two men to shadow General Boyce and two to shadow Hollenbeck. Both were pointed out to me. I

detailed operatives E. S. and N. A. to shadow Boyce, and operative C. A. and self took Hollenbeck. Report of T. H. M.:

"Hollenbeck left the hotel about 9.30 a. m., and operative C. A. and self-shadowed him; he went south on Walnut to Fourth, west to Vine street, and into Fifth National Bank; then came out and went around corner into Union Savings Bank and Trust Company (Schmidlapp's bank), stayed ten minutes, then returned to Gibson (Schmidlapp was not in). In a short time again left the Gibson; went back to Schmidlapp's bank. He went out the rear door of bank with the cashier, Mr. Koehler, through Baker alley to Race, south to Third, and into Vorheis, Miller & Co.'s, where, through the window, I saw Koehler introduce Hollenbeck to Vorheis, one of the citizens' committee. Koehler left and Hollenbeck remained about twenty-five minutes, then returned to the savings bank and remained about fifteen minutes, and then returned to hotel."

I then turned Hollenbeck over to operatives N. A. and C. A. and took up Boyce.

Q. (Mr. LONG.) Please state who C. A. and N. A. and E. S. are.—A. E. S. is Edward Schlessinger, N. A. is N. Archinbault, and C. A. Charles Armstrong—operatives in my employ.

"Boyce remained around hotel; I was notified to watch for John C. Otis, who would call on Boyce; Otis came into hotel at 3.30 p. m. and went up the elevator and did not come down until 6.40 p. m.; while Otis was up there Hollenbeck called up Boyce on telephone and I took down the conversation, which was as follows: Hollenbeck to Boyce—'Am at Union Central Station; going to leave soon for headquarters; to make sure, destroy all traces of letter I gave you." Boyce to H.—'I have O. here; you know who I mean, Otis. He says neither Droste nor Lane will vote for HANNA. This will make us one short, as we counted on them. Droste will nominate Gerrard, and he is now trying to make Mason put him on good committees. I am holding Otis here, and think I can get something on him. Will hold him all evening if possible."

Otis came into hotel again at 9 o'clock p. m.; shook hands with Boyce, standing near telephone, and they left and went to Emery Hotel and went up in elevator; some time afterwards I went into hotel and noticed Otis reading paper; shortly after Boyce and Tom Campbell came down in elevator and Otis joined them and they went into bar; came out, shook hands, and Boyce left, returning to hotel at 10.50 p. m., and shortly got key to room and went upstairs; I remained around hotel until 3 a. m., and not seeing anything more retired; I detailed operative E. S. to take Hollenbeck to Columbus and report to Allen O. Myers.

Report of T. H. M.——

The CHAIRMAN. To take Hollenbeck; what do you mean by that?—A. To shadow him is what we mean.

Q. As a detective's phrase?—A. Yes.

"To-day at 6.30 a. m. was at the Gibson House, with instructions to shadow Boyce to Columbus; Boyce left the hotel about 8.30 a. m., after breakfast; his satchels were put in a cab; he walked around to Emery Hotel; cab followed; went into hotel; came right out and got into cab; I followed in another; drove to Grand Central Depot, purchased ticket and boarded 9 a. m. Big Four train; was very impatient; looked through train and stood on platform watching until train pulled out; took seat in parlor car; I in smoking department of same car; talked with but one person, a tall, fine-looking, well-dressed man, gray hair and mustache; on arrival at Columbus, at 12.30 p. m., he went into depot and to telegraph office; received and sent a message; then came out and got into cab; I followed in another, keeping well to the rear; cab drove to Fifth and Broad, where a two-horse carriage was standing; transferred his satchels and got into carriage and drove rapidly away; we followed, and his driver kept looking back; he drove away out to end of the city, up one street and down another, at full speed; we kept in sight for an hour, until our cab horse gave out, and they soon distanced us.

"I then reported to O. Myers, and was instructed to locate hackman and find out where he stopped Boyce; I learned that the hackman was Charles Stikes, and drove for the Columbus Cab Company; after searching all afternoon I found Stikes, and learned from him that at noon a man came from the Neil House and engaged him, and instructed him to drive to Fifth and Broad and wait there, the man getting into the carriage; when Boyce came in the cab he changed from the cab to the carriage, and told the driver to watch and see if they were followed, and if so to tell him; after driving a while, he, the driver, of course saw our cab and told Boyce, and was instructed to drive fast and lose us, which he did; after losing us was told to drive to depot; the man who had engaged the hack got out back of the statehouse, and he then drove Boyce to the depot and left him there; Boyce did not go near the Neil; I reported the information to Mr. Bliss and was instructed to remain in Columbus for further instructions."

This is my report in detail.

Q. Have you any report of any of your operatives?—A. I have the report of E. S. there in my office at the corner.

Q. (The CHAIRMAN.) As I understand the sergeant-at-arms has not arrived there.

By Mr. ROBERTSON:

Q. Can't you send your man over there?—A. Yes.

The CHAIRMAN. The sergeant-at-arms has been working hard serving subpœnas; will not attend to it.

Mr. GARFIELD. As I understand, this report goes in as an exhibit?

The CHAIRMAN. These will be marked "Exhibit RR."

The WITNESS. Will these be returned to me? They are my office reports. I made copies—other copies.

The CHAIRMAN. These copies are exact copies?—A. I suppose so.

Mr. LONG. I propose that the notes be copied by the stenographer and read in the presence of the committee and verified, and we will see that they are verified, and then they can be returned to you.

By Mr. FINCK:

Q. Do you want the same privilege for your operatives?—A. E. S., I think, has notes of report which I think he will be willing to turn over to you. I think it is the most important.

The CHAIRMAN. Do you say this report is correct in detail as a report?

A. Yes; to the best of my knowledge and belief.

Q. Have you any knowledge of the affairs?—A. Yes, sir.

Q. How did you find the name of the driver?—A. From the cabman I had.

Q. What was his name?—A. I didn't ask him his name; I suppose that both drove for the same company.

Mr. LONG. Just mark these for the sake of identification, as the chairman instructed you, Mr. Allensworth, R. R.

And thereupon Albert Byron Vorheis was called as a witness, and testified as follows:

Mr. VORHEIS. I would like to state, Mr. Chairman, that I don't know anything in this matter that would incriminate myself, and I take the same position that Mr. Dougherty does, as I have grave doubts as to the jurisdiction of this committee, and I don't intend to answer any questions, and therefore decline to be sworn.

By the CHAIRMAN:

Q. Let me see, so that we can have the record clear—what is your full name?—A. Albert Byron Vorheis.

Q. How do you spell your last name?—A. V-o-r-h-e-i-s. I would like to state, Mr. Chairman, not out of any want of respect to any members of this committee, since I see one of my most intimate neighbors here [witness referring to Mr. Robertson], and while I have perfect respect for the others that I know by reputation, I want it understood that it is not on the ground of disrespect——

Q. There are one or two questions not very material to the record, and those are these that I will submit to you, and ascertain whether you refuse to answer those. Your age?—A. I am 54.

Q. Your business?—A. Head of the house of Vorheis, Miller & Co.

Q. And their business is what?—A. Manufacturing wholesale clothing.

Q. You are one of the directors of the Union Savings Bank and Trust Company?—A. Yes; I am one of the directors of the Union Savings Bank and Trust Company, and also director of the German National Bank, and several other institutions here.

Q. Which bank is known as Schmidlapp's bank? Which one is that?—A. I didn't know that there was any bank known as his bank. He is the president of the Union Savings Bank and Trust Company.

Q. Have you any other official position in the Union Savings Bank and Trust Company?—A. I am the first vice-president.

Q. So that the record may be in proper condition, I will ask you whether you know H. H. Hollenbeck?—A. I decline to answer that.

Q. And this is done by the advice of your attorney?—A. No; I will not say it has. In fact, I went to see my attorney last night. He is out of town, I find.

Q. Have you taken advice from any attorneys here that have been, or happen to be, present in the room?—A. No, sir.

Q. You refuse to answer all, or at the request of any person?—A. None whatever.

Q. Under advice of anyone?—A. Yes, sir.

Q. Who?—A. My attorney.

Q. Who is your attorney?—A. In this case I consulted Mr. Warrington.

Q. Of Cincinnati?—A. Yes, sir.

Q. And when, Mr. Vorheis, when did you consult him?—A. Yesterday.

Q. You had been subpœnaed yesterday?—A. I found a subpœna when I came home that day.

Q. Mr. Warrington lives in Avondale, does he?—A. Yes, sir.

Q. Did you have any consultation with any other parties other than Mr. Warrington?—A. No, sir.

Q. You know Mr. M. A. HANNA, I take it, Mr. Vorheis?—A. I met him once or twice.

Q. Do you know Major DICK?—A. Met him once or twice.

Q. Are you acquainted with Major Rathbone?—A. I am not, sir.

Q. H. H. Hollenbeck, are you acquainted with him?—A. I tell you I decline to state.

Q. The answer to that question would not in any way incriminate you?—A. Not at all.

Q. I will ask you whether or not you met Mr. H. H. Hollenbeck in Cincinnati on or about January 8, 1898?—A. I decline to answer that.

Q. That answer would not incriminate you?—A. No; nor anyone else that I know of.

Q. Did you ever meet Mr. Boyce—Gen. H. H. Boyce?—A. Never, to my knowledge.

Q. I will ask you whether or not you personally, or representing anybody else, received a communication from Columbus in the shape of a letter or a note on or about January 7, 1898?—A. That I shall decline to answer.

Q. That answer would not incriminate you in any way?—A. Not at all, sir.

Q. I will ask you whether that note was for the purpose of procuring from the bank of which you are vice-president a certain amount of money or credit?—A. What note or letter? I decline to answer that I ever received any.

Q. Of course, after declining to answer receiving any, of course you decline to answer as to its contents? I take that to be true.—A. I decline to answer whether I have seen a note.

Q. You also refuse to state the contents of the letter if you received one?—A. I refuse to answer whether or not I have seen one.

Q. Where was Mr. Schmidlapp on the 7th or 8th of January?—A. Well, really, I I don't believe I could answer that.

Q. He is out of the city now?—A. Yes, sir; I don't remember the dates you refer to—I can't state.

Q. January 7 and 8.—A. I think that he was in Louisville about that time; he was in Louisville the early part of the month.

Q. Do you know whether he was in St. Louis on or about that date?—A. No, sir; I don't.

Q. Do you know where he is now?—A. No, sir; I don't. I know where he started for.

Q. Where did he start for?—A. Mexico.

Q. He started on Saturday, did he not?—A. No, sir.

Q. When did he start?—A. He left last Tuesday.

Q. He has not been in Cincinnati since?—A. No, sir; he has been contemplating going away by the advice of the doctor, if I remember, and I was taken very ill myself the day after Christmas with a severe attack of laryngitis. It was my doctor's advice that if I didn't get better by a certain time that I should go south, and Mr. Schmidlapp was also advised by his physician to go away. As soon as it was determined that I need not leave he immediately went.

Q. Now, was Mr. Koehler at your bank, or at the bank of which you are vice-president, on the 7th or 8th of January, 1898?—A. Well, if these are week days, yes; Mr. Koehler is there every day.

Q. I will ask you whether or not you had any conversation with Mr. Koehler as to furnishing credit or paying money to one Hollenbeck?—A. I shall decline to answer for the same reason.

Q. That answer would not in any way criminate you?—A. Not at all, sir.

Q. When last did you see Major DICK, Major CHARLES W. DICK?—A. I think last June. I don't remember that I have seen him since then. No; I may have seen him—may have seen him in December in Cleveland. I saw a number of gentlemen there, and I think Mr. DICK was there. Yes; I saw him in December.

Q. You have been somewhat interested in politics in Cincinnati, Mr. Vorheis?—A. I don't know what you call interest. I am a Republican, and have taken a great interest in affairs in Hamilton County last spring and fall.

Q. You were interested in the election of M. A. HANNA?—A. Yes, sir; and the fall before in the election of Mr. McKinley. That is the only time I have taken any interest.

Q. Judge Robertson is a neighbor of yours?—A. Yes; we ride to town together almost every day when he is here.

Q. Mr. Vorheis, I will ask you whether or not, in Hamilton County, you were one of the committee of twelve that selected the legislative ticket that was favorable to HANNA in the last election?—A. Yes, sir.

Q. That was the advisory committee of Mr. HANNA of which you were one of the members?—A. I beg your pardon; it wasn't anything of the kind. I think if Mr. HANNA had been advised he would have advised it out.

Q. Well, this committee of which you are a member had something to do with the selection of the legislative candidates?—A. Yes, we did; we selected all of them—the whole county and State—the whole ticket. It didn't go through, though, but we selected them.

Q. Well, who were the other members of that committee, do you remember?—A. Carew, H. Harper, Lincoln Y. Graydon, Schmidlapp, Swain, Dr. C. ——, Henry C. ——, and Vorheis. There were twelve good men, and they were all straight men.

Q. All Republicans?—A. I hope they were.

Q. Did any communication pass between you and Major DICK between December, 1897, and January, 1898?—A. I decline to answer that question.
Q. Your answer would not in any way tend to criminate you?—A. No, sir, nor anyone else.
Q. That is, you think it wouldn't?—A. I have stated I wouldn't answer the question—the fact is, I never received a communication from Major DICK in my life.
Q. I will ask you whether or not Mr. Koehler or Mr. Hollenbeck had any conversation with you here in Cincinnati on January 8, 1898?—A. I shall decline to answer that.
Q. That answer would not tend to criminate you?—A. No, sir.
Q. I will ask you, so as to put the record straight, as to whether Mr. Koehler or Mr. H. H. Hollenbeck came to your place of business January 7 or 8—January, 1898?—A. I decline to answer that.
Q. That answer would not incriminate you?—A. No, sir.
Q. Where is your place of business?—A. Northwest corner of Third and Race streets.
Q. And where is this Union Savings Bank and Trust Company?—A. It is in the Chamber of Commerce on Vine street.
Q. Whereabouts on Vine street?—A. It is in the southeast corner of the Chamber on Vine street—the southeast corner of the Chamber; in the Chamber of Commerce on the southwest corner of Vine and Fourth streets.
Q. What direction is your place of business from the Chamber of Commerce building?—A. Well, it would be southwest.
Q. Where is Baker alley with reference to the Union Savings Bank aud Trust Company?—A. Baker alley—the south end of the Chamber of Commerce fronts on Baker alley or Baker street; it is a street.
Q. Baker alley runs from Vine to Race?—A. Yes, sir.
Q. (Mr. FINCK.) Mr. Vorheis, while you don't say so in as many words, yet I take it that you decline to be sworn and give testimony to this committee in this investigation.—A. Yes, sir.
The CHAIR (continuing). Your statement has been made without taking the oath?—A. Yes, sir.
Q. And your statements are true, nevertheless, are they not?—A. They are.
Q. (Mr. ROBERTSON.) Mr. Vorheis, did Mr. Hollenbeck come to you for an order on your bank for $20,000, or letter of credit for $20,000, or any other sum of money, or did he carry away from your bank a certain sum of money—any sum?—A. I shall decline to answer that.
Q. If such an order was—or letter was—ever presented to your bank, was that from M. A. HANNA?—A. I shall decline to answer that.
Q. You would have a record of these transactions in your bank?—A. Yes, sir; unquestionably.
Q. Now, in the absence from the bank of Mr. Schmidlapp, matters of that character would be submitted to you?—A. Certain class of transactions would be submitted to me; everything done in our bank in the way of finance is done by an executive board, of which two of your neighbors—friends, besides yourself—Mr. Allen and Mr. Koehler and Armstrong are members.
And thereupon witness was excused.
And thereupon Rudolph A. Koehler was called as a witness, but refused to be qualified.
The WITNESS. I decline to be sworn.
Questions by the CHAIRMAN:
Q. You don't care to be sworn?—A. No.
Q. You have no conscientious scruples about being sworn?—A. No; I have not.
Q. You have been sworn before?—A. Yes.
Q. I want your full name.—A. Rudolph A. Koehler.
Q. You reside in Cincinnati?—A. Yes, sir.
Q. What is your age?—A. Forty-eight.
Q. Your business?—A. I am secretary and treasurer of the Union Savings Bank and Trust Company.
Q. You have been with the bank how long?—A. Since '90.
Q. I will ask you, Mr. Koehler, as to whether or not, on January 7 or 8, Mr. Schmidlapp was in the city of Cincinnati?—A. I don't recall the date, but Mr. Schmidlapp was out of Cincinnati about that time.
Q. Do you know where?—A. Yes; in Louisville.
Q. As we understand it, he is now out of the city?—A. Yes, sir.
Q. Probably on his way, is he not, to Mexico?—A. Yes, sir.
Q. On the 7th and 8th of January, 1898, you were in the city of Cincinnati?—A. Yes, sir.
Q. You were at the bank, were you?—A. Yes.
Q. I will ask you whether or not you saw Mr. Vorheis, the vice-president of your bank, on that day?—A. Yes, I saw him.
Q. Where did you see him?—A. At our office.
Q. That is, at the office of the banking institution?—A. Yes.
Q. Was that the only place you saw him?—A. I decline to answer that.
Q. Your answer to that would not incriminate or disgrace you?—A. Not in the least.
Q. Are you endeavoring in some way to shield somebody?—A. No.
Q. Has anyone requested you to decline to answer?—A. No.
Q. Have you consulted with anyone with reference to it?—A. Yes.
Q. With whom?—A. Mr. Vorheis.
Q. You were somewhat interested in the recent Senatorial campaign?—A. Not at all.
Q. Your declining to answer is simply based upon the request of Mr. Vorheis?—A. Well, no. I doubt the jurisdiction of this committee here.
Q. You are not a lawyer?—A. No.
Q. Your doubt is predicated on what Mr. Vorheis told you?—A. No; not alone.
Q. What does jurisdiction mean?—A. Jurisdiction means that you don't have the right.
Q. Jurisdiction means that we don't have the right?—A. Yes.
Q. That is the reason upon which you predicate your doubt?—A. Yes.
Q. Who gave you that definition of jurisdiction?—A. I, myself.
Q. Did you ever have any jurisdictional questions trouble you before?—A. No.
Q. That fact that you want to secrete the truth about this matter is not the fact upon which you base your judgment upon jurisdiction?—A. Not at all.
Q. Do you know H. H. Hollenbeck?—A. I decline to answer that.
Q. That is where the jurisdiction comes in?—A. Yes.
Q. Well, there is some evidence to show that Mr. Hollenbeck was interested in the Senatorial campaign; that he is a man that lives up near Chardon, Ohio. Don't you want the people to know if you know such a man?—A. I don't care.
Q. Well, come on and tell us all about it.—A. Well, I can't tell you anything about it.
Q. Tell us all about how much money Hollenbeck got from this bank, won't you? Please do so.—A. Nothing that I shall tell you. You put the question.
Q. You know Mr. H. H. Hollenbeck?—A. I decline to answer that.
Q. That is where you test the jurisdiction?—A. Yes.
Q. You are a married man?—A. Yes.
Q. Have you any children?—A. Yes.
Q. You don't question the jurisdiction about that?—A. No.
Q. Brother-in-law of Mr. Schmidlapp?—A. Yes, sir.
Q. Interested in any other banking institution in the city of Cincinnati?—A. No.
Q. Where do you live; what street?—A. Park avenue, Walnut Hills.
Q. How long have you been a married man?—A. Nine years.
Q. You don't question the jurisdiction of this committee to answer that?—A. No.
Q. Won't you please tell us about Hollenbeck?—A. I can't do that.
Q. That is where the jurisdiction comes in?—A. Yes.
Q. Well, there is a gentleman's name mentioned here whom the people call Gen. Henry Harrison Boyce. Do you know him?—A. No.
Q. You don't know him?—A. No.
Q. Never saw him?—A. Not that I know of.
Q. You don't object to answering that question, do you?—A. No.
Q. Jurisdiction does not come in there this time. That is not a jurisdictional question according to your legal understanding?—A. No; but I decline to answer these questions.
Q. But because that does not touch the jurisdiction question that troubles your mind?—A. It doesn't trouble anything in my mind.
Q. You are a little bit afraid of that jurisdiction?—A. Not a bit.
Q. You are a constitutional lawyer?—A. No, sir.
Q. Do you have any constitutional ailments which prevent you from answering questions because of jurisdiction?—A. No.
Q. Now, did you ever see H. H. Hollenbeck?—A. I decline to answer.
Q. That is the jurisdictional trouble you have got at you again. Did you go out of the rear door of the bank with him January 7 or 8, 1898, and go down Baker alley, or Baker street?—A. I decline to answer that.
Q. That is where the jurisdictional question comes in again?—A. Yes.
Q. Now, come on and tell us.—A. Ask me what you want to know.
Q. I want to know all about your association with Hollenbeck. He lives up there in the section of the country I come from. I want to know all about your going down Baker alley, or Baker street, with him. Won't you tell us about him?—A. About going down the street with him? If you know anything why do you ask me?
Q. Did you go down the street with him?—A. I tell you I decline to answer.
Q. There was a letter left with you by Mr. Hollenbeck on January 7 or 8 for Mr. Schmidlapp, wasn't there?—A. I decline to answer that.
Q. That is where the jurisdiction troubles you again. That answer would not incriminate you?—A. No.
Q. Of course you are not attempting to keep anything away from this investigating committee?—A. Not that they are entitled to.
Q. But you are a little particular about that question of jurisdiction, aren't you—on certain things?—A. I answer what I think you have jurisdiction to inquire of; yes.
Q. You told us all about your family?—A. Certainly, if it interests you.
Q. I want to know something about Hollenbeck that interests me, too; what kind of a looking fellow was he?—A. I decline to answer.
Q. That would not incriminate you?—A. No.
Q. Now, you haven't been sworn?—A. No.
Q. Who told you not to be sworn?—A. I decline on my own account.
Q. Didn't anyone suggest it?—A. No.
Q. Talked it over with anyone?—A. With Mr. Vorheis.
Q. Now, things you have told are the truth?—A. True, perfectly true.
Q. How long have you lived in the city of Cincinnati?—A. Since the fall of 1884.
Q. No secret about that?—A. Not at all.
Q. No question of jurisdiction about that?—A. No.
By Mr. LONG:
Q. Mr. Koeler, did Mr. Hollenbeck or any other individual, with a letter to Mr. Schmidlapp, apply to your bank for any money or any credit?—A. I decline to answer.
Q. On or about the 8th day of January, 1898?—A. I decline to answer.
Q. That answer would not incriminate you?—A. Not at all.
Q. Nor tend to disgrace you?—A. Not at all.
Q. Were any funds made application for by Mr. H. H. Hollenbeck on the 8th day of January, 1898?—A. I decline to answer that.
Q. That answer would not criminate or disgrace you in any way?—A. Not in the least.
Q. (The Chairman continuing.) Did you go to Vorheis, Miller & Co.'s place of business on January 7 or 8, 1898?—A. I decline to answer that.
Q. Well, what is troubling you now—jurisdiction?—A. I have told why; because I don't want to answer it.
Q. That is the only reason?—A. Yes.
Q. Why don't you want to answer?—A. Because I don't want to.
Q. What reason have you for that?—A. I told you.
Q. That jurisdictional question?—A. You have no right to put these questions to me and get an answer.
Q. Jurisdiction is the trouble?—A. Yes.
Q. Did you go over with Hollenbeck and introduce him to Mr. Vorheis?—A. I decline to answer that.
Q. Some more jurisdiction?—A. Yes; some more.
Q. You didn't lay awake last night and think about that jurisdictional question?—A. Not at all.
And thereupon the witness was excused.
The committee then took a recess until 2 o'clock p. m., same day.

AFTERNOON SESSION.

JANUARY 24, 1898—2 p. m.

And thereupon E. SCHLESINGER, called as a witness and being duly sworn, testified as follows:
Examined by Mr. LONG:
Q. Please give the stenographer your name in full.—A. Edward Schlesinger.
Q. What is your age and place of residence?—A. I am 49 years of age and live in the city of Cincinnati.
Q. What is your occupation?—A. Assistant superintendent of the Miller Detective Agency.
Q. Do you do detective work yourself?—A. I do, sir.
Q. What was your occupation on January 7, 8, and 9 and 10, 11, and 12, of 1898?—A. I was still in the employ of the Miller Detective Agency as a detective.
Q. I will ask you whether you did, in the city of Cincinnati or elsewhere, in connection with the presence in that city, or in Columbus, of one H. H. Hollenbeck or H. H. Boyce, or both of them, do any work, and if so, to detail what you did.—A. I did, on the 8th of January, 1898.
Q. Have you a record of the work you did?—A. I have, sir.
Q. In looking after these two gentlemen?—A. I have, sir.
Q. I wish you would produce it.—A. The original or the copy?
Q. Original.—A. I have the memorandum of the original, from which I afterwards copied the full report.
Q. We want to see the full report.—A. The memorandum is as full as the report, and made in the office in Columbus on Sunday, the 9th.
Q. Where is the full report?—A. I have it. It is in my pocket. You wish me to read this [producing paper]?
Q. Yes.—A. This is my memorandum, which I always keep in all cases.
Q. I understand the office of your detective agency is here in the city?—A. Yes, sir.
Q. You have no Columbus office?—A. No, sir; we have no Columbus office. I

wrote this at Columbus, Ohio, the following morning, following the 8th, which was the 9th: "Columbus, Ohio, January 9. By request of Superintendent Miller I took up shadow of Mr. Boyce, stopping at the Gibson House. The party went into the dining room shortly after 8 o'clock a. m. Coming out of the dining room, he left the hotel at about 9.25 a. m., walked up Walnut street to Fifth, then east, and entered W. L. Theis's hat store, southwest corner of Fifth and Main; remained in the store about fifteen minutes, and walked directly back to the Gibson House. As soon as he entered he walked directly back to the elevator. As he did so a man pointed out to me by Mr. Dunbar as a Mr. Hollenbeck got up from his seat and also went to the elevator.

"Both Boyce and Hollenbeck went up in the elevator at the same time. A little later Hollenbeck came down again in the elevator and went to the check room, got his overcoat, and left the hotel, two operatives following him. Boyce came down in the elevator at 11 a. m.; remained about hotel lobby. Shortly afterwards Hollenbeck returned to the hotel, after which both again went upstairs, but this time they did not take elevator the same time, Boyce going up first, and a few minutes later Hollenbeck went up. All during the day, while about the hotel lobby, these two men never connected or spoke to one another. They passed one another as strangers. Hollenbeck soon came downstairs and left the hotel (12.15), with operatives following him, and all returned"——

Q. (Mr. GARFIELD.) Who?—A. Well, the operatives and Mr. Boyce and Hollenbeck. (Again to the hotel, at 12.45 p. m.) "Boyce came down to the lobby at 12.40 p. m. and left the hotel, going to the shoe store a few doors south of the Gibson House. He remained in there a short time; coming out, he went to Fourth and Walnut, crossed the street to northeast corner, stopped a moment, and then went to Stuckenberger's gents' furnishing store on Walnut between Fourth and Fifth streets. Here he remained quite a while, but finally came out and entered the trunk and satchel store of Springmeyer's, a few doors north.

"Here he again remained a short time, and when he came out he walked directly back to the Gibson House, and at 1.25 p. m. Boyce entered the ordinary dining room. During his moves while out Superintendent T. H. Miller and myself kept constant shadow of him. While Boyce was in to dinner I saw Hollenbeck come down in elevator again. I was informed that he had been upstairs and used the long-distance telephone in Mr. Dunbar's private office. Hollenbeck also went in to dinner, but soon after he went in Boyce came out. This was just 2 p. m. While he was standing in the lobby (I mean in the hotel lobby) he was approached by a newspaper reporter."

Q. (Mr. ROBERTSON.) Who?—A. Boyce; newspaper reporter, I think, of the Times-Star, but I have since learned was Mr. Kincaid, I think, of the Enquirer. "They both talked for quite a while; finally parted. Boyce went to the hotel news stand and tried to buy a paper, but I don't think the afternoon edition was at the stand at that time. So Boyce left the hotel and walked up to Fifth and Walnut streets, where he bought a paper of a newsboy. He immediately returned to the hotel, then went to the Western Union Telegraph stand and sent off a telegram, after which he again took the elevator and went upstairs. When Hollenbeck came out of the dining room he took a seat at the south side of the hotel lobby, where he remained until Representative Otis came in the hotel. It was just 3.20 p. m. when Otis took elevator for upstairs. About 4 p. m. Hollenbeck walked up to the hotel clerk, Seeger, and asked about train times for the evening, but at 4.10 p. m. he got his overcoat and small brown satchel and left the hotel, with operatives following.

At 4.50 p. m. Boyce came down on elevator and, in an excited manner, walked up to the hotel clerk and gave some order, and immediately returned in a hurry to the elevator and went back upstairs. At 5 p. m. Superintendent T. H. Miller informed me that Hollenbeck was at the Union Central Depot, and instructed me to go there at once and follow him off on any train he may take and to what point he may go. I at once took car for the depot. When I got there I saw the operatives, who informed me that Hollenbeck was sitting in the lower waiting room. I instructed Operative N. A. to watch and see when H. would buy a ticket, and then find out from agent to what point the ticket was to. About 6 p. m. Operative N. A. informed me that he had bought a ticket over the Big Four to Columbus, Ohio."

Q. (Mr. LONG.) Who was operative N. A.?—A. N. Archimbault, an operative of our station. "I sent in and got a ticket over the same line to the same point. At 6.20 p. m. I saw Hollenbeck pass the ticket gates to the Big Four train. I followed, and as train pulled out at 6.30 p. m. I jumped on same train. Hollenbeck was in last car of the train (the smoker), and was sitting in the third seat to the right of the front entrance of the car. He never moved until train reached Columbus at 10 o'clock p. m. Everybody had left the car and he made no move to get up, but after all that wanted to get off had gotten out he also got out on left. After he got out of the car I got out also and followed him upstairs. He didn't leave the depot with the crowd, but leisurely walked to the waiting room, which was entirely empty outside of employees.

He walked back to the whole length and entered the water-closet department, and I was satisfied that this act was simply a test to see if anyone was following him; but I let him go without me following, for I found out that there was no outlet to a street from that part of the depot. He finally came out and left by the High street entrance. He then walked south on High street to Broad; then went east on Broad. I shadowed him on opposite side of the street, and as the street was very dark I had to keep well up with him. After he walked several blocks he crossed over to side I was on and came right on past me.

I had my handkerchief to my face, blowing my nose, as he passed me, and as it was very dark I am satisfied that he did not recognize me. I walked right on for half a block, then crossed over to the north side of the street and retraced my steps to follow Hollenbeck. I had to walk fast to get up to him, but before I got a block he again crossed over to my side and stood still a minute. As he did so I walked to the entrance of a residence and remained there until he moved on again. As he did, I again followed him. He then walked to High street, crossed it, then to the Neil House ladies' entrance, where he went in; but as soon as he got in he turned his face to the door and then cooly remained looking out to the street for about five minutes. I was across the street behind a cab.

All at once he turned like a flash, walked back, and disappeared through a door. I rushed across the street and liked to got drowned by water from the hose in the hands of those men throwing in—cleaning the street—but I got to the hotel in time to see him go up the elevator. The gates at hotel lobby were closed when I got to it, but the door from the ladies' entrance, the elevator, that just closed as I got there. It was impossible for me to get up in the elevator with him. He is a foxy guy, and gave a three-fourths of an hour chase before he went to the hotel. It was just 10.45 when he got there. Seeing I done all that could be done, I took car for the Southern Hotel. I saw Jim Allison, reporter for the Enquirer, and sent him in the banquet room to tell Mr. Allen O. Myers that I wanted to see him. Allison brought me out inclosed note from Mr. Myers, and we went to Mr. Chas. Kurtz's room, where I reported to that gentleman of my actions of the shadow of the day."

Q. Is that all the shadow work you did in connection with Hollenbeck and Boyce?—A. Yes.

Q. That is not only a full, but a truthful statement?—A. It is, sir.

Q. Of following these gentlemen in your capacity as detective?—A. Yes, sir; it is, sir.

Q. Do you know anything else at all about these gentlemen in their visits down here or up there?—A. Nothing but what is there. If you desire I can give you a full description.

Q. (Mr. ROBERTSON.) If the committee desires you can give a full description of the two gentlemen as to their dress and appearance?—A. Yes.

Mr. LONG. Will you let the stenographer introduce that as Exhibit S. S. to make a copy of it, when it will be returned to you?

A. So it will be returned to the agency.

And thereupon Napoleon X. Archambault, being first duly sworn, took the stand and testified as follows:

Examination conducted by Mr. LONG:

Q. Will you please give us your name?—A. Archambault.

Q. Napoleon X.?—Yes, sir.

Q. What is your age?—A. Forty-eight.

Q. Place of residence?—A. 616 Vine street.

Q. What is your work?—A. An operative of the Miller Detective Agency.

Q. You are an employee of the agency; are designated operatives?—A. Yes, sir.

Q. What was your occupation January 9, 10, 11, 1898?—A. On the 7th I don't believe I did anything for the agency, but on the 8th and 9th I was a shadow for Messrs. Hollenbeck and Boyce.

Q. Under your employment with the agency?—A. Yes, sir.

Q. Have you a complete record now of the work you did as a detective in looking after these two gentlemen, Boyce and Hollenbeck?—A. Yes, sir.

Q. Please produce it and read it. Please produce the report you made to the agency.

By Mr. ROBERTSON:

Q. Did you give the date?—A. January 8.

And thereupon the witness read as follows from his report: "At 10.20 Hollenbeck left the Gibson House and went to Fourth street and west to Vine street, where he stopped and talked to a policeman. The policeman pointed to the Baltimore and Ohio Railroad ticket office. Mr. Hollenbeck there crossed over and went into the Baltimore and Ohio office and held a short conversation with the clerk. He then came out and went west on Fourth to Central avenue and south to the Grand Central station. At the door he asked an officer where President Ingalls's office was. He then went up on the elevator. In about ten minutes he came down and out. He went back to the Gibson House direct, going the same way he came. Arriving at the Gibson House, he walked about the office a little while and then went out and down to Fourth street and east to Vine, where he boarded a belt-line car.

"He did it so quickly that I was unable to get that car, but I boarded the next car following and kept his car in sight to Elm street, where I was obliged to leave my car owing to the fact that it turned up Elm street. Supposing he was again going to the Grand Central station, I went to it as fast as I could, and got in sight of it to see Mr. Hollenbeck leave his car. He went in and up on the elevator again. In less than five minutes he came down and walked to the Big Four Railroad office building, and went in and up on the elevator. I have since learned that President Ingalls's office is in that building. He was in there twenty-five minutes, when he came out and walked to the corner of Central avenue and Third street.

A car came along just then and he asked the conductor if he went out Fourth street. Finding that he did not, he walked up to Fourth street and boarded a car on that corner and went with it to Walnut street, when he walked from there to the Gibson House. He then went to the lavatore and cleaned up, and then went into dinner. Just as the waiter brought his order to the table he jumped up and said to the waiter: "I'll be back in a minute." Then he went out of the dining room, grabbed his hat and rushed out of the building by way of the ladies' entrance, and went to the Union Savings Bank, in the Chamber of Commerce building.

He was in there but a few minutes, when he came out and to the hotel and into the dining room and ate his dinner, which was on the table waiting for him, after which he went to the office and walked around a while there, and went to the clerk and asked to use the long-distance telephone. A bell boy was told to take him to the 'phone. He was at the 'phone about twenty minutes, and then he went and sat down, and in a short time apparently went to sleep. In about a half hour he went out and bought a newspaper and went back and sat down. At 4.10 he again got up and went to the check room, where he got his overcoat and grip and left the hotel.

"When he got outside he turned around and looked back as though looking for someone. Then he walked a few steps farther, stopped, and looked back. Then he went to the Fourth-street corner and again stopped and looked back. Then he walked to Vine street and then again stopped. Then he took another car and went to the Grand Central station, going to the lower waiting room, where he sat down. After a while he went to the telephone and had a ten minutes' talk with some one. At 6.20 he went to the ticket office and bought a ticket for Columbus, after which he went to the train, where he was taken up by operative E. S."

Q. (Mr. LONG.) Who is operative E. S.?—A. Mr. Schlessinger. "I then returned to the Gibson House and took up Mr. Boyce. Mr. Boyce came down to the hotel office at about 8 p. m."

Q. (Mr. ROBERTSON.) What date?—A. On the 9th; same day.

Q. Go on.—A. "Then walked around a while and then went to the desk, where he got some writing material. And then he went to the news stand and bought some postage stamps. He then went to his room. At 9.30 he came down again and got his overcoat, which he put on, and after walking around a little went to the telephone. Whoever he was trying to get must have been out, or else the line was in use, for he made several attempts at it without success. While he was waiting Legislator Otis came in and seeing Mr. Boyce walked over to him, where they shook hands. In a few minutes they went out together and walked down to Fourth street; then to Vine and to the Arcade, and into the Emery Hotel and upstairs on the elevator. It was then 9.45. At 10.30 Mr. Otis came down alone and sat down.

"In about ten minutes Mr. Boyce and Tom Campbell came down. They were joined by Mr. Otis and all three went to the bar. In a few minutes he left the hotel alone. He went to the southeast corner of Vine and Fifth streets, where he stopped. He seemed to be waiting for someone. He waited about five minutes and then he walked down to opposite the Arcade and stopped and looked over to the Arcade. He crossed over and looked into the Edison phonograph window. Then walked past the Arcade and stopped to look into a jewelry store window. Then he crossed the street and walked over to Fifth, to Walnut, and to the Gibson House, reaching there at 11 p. m. After walking around he went to the desk, got the key to his room, and went to it. I saw no more of him for the day."

Q. (The CHAIRMAN.) In reply to Judge Robertson's question, I think he asked you the date of what you just got through telling, the 9th?—A. The 8th.

The WITNESS. On the 9th, General Boyce first came down from his room this morning at 9.20, going direct to the dining room, where he ate breakfast. At 9.55 he came out of the dining room and went to the news stand and bought a Sunday paper, after which he walked to the window, looked over the head lines, and then went to his room. At 11.20 he again came downstairs, went to the news stand, looked over some papers, came out, and went to one of the porters and asked about the time of departure of Columbus trains. He then went back to his room.

At 1.10 he again came down the stairs and went to the news stand, looked around the place, walked to the window, and looked out a while at the people passing by, then walked up and down the office several times, and finally went into dinner at 1.30. At 2 o'clock he came out of the dining room and walked about the office until 2.20, when he went and bought another paper, then went to the desk and called for a package which he had in the safe, when he again

went up to his room. At 3.50 "Tom" and George Campbell came into the hotel. George sat down in the corridor and Tom went up to the room occupied by Mr. Boyce. At 5 p. m. he came down, was joined by George, and both left the hotel.

The next I saw of Mr. Boyce was at 8.30. He then came out of the Arcade at Vine street. A hack was standing in front. He went to the hack and said something to the driver, opened the door, looked in, and went away. At Fifth street he crossed over to the east side of the street and went on up until he reached the drug store owned by Legislator Otis. He stopped and looked in the window; then crossed over to the other side of the street, and again looked through the drug store window. Then he walked south about 100 feet and crossed over to the east side of the street and walked by the drug store, looking in the window as he passed, and turned east on Sixth street. After he turned the corner he looked in the drug store window facing on Sixth street, and stopped and looked back, walked on again and looked back. Every few steps he stopped and looked back.

"He kept this up until he reached William's restaurant, corner of Sixth street and Gano alley. Then he stopped and got in conversation with the hack driver. They talked together for fully five minutes, when he retraced his steps to Vine street, looking through the drug store windows as he passed. He went back to the Arcade and into the Emery Hotel. Was in there a very few minutes and then went through the Arcade to Race street and down to Fourth, where he stood on the corner a few minutes. Then he went back to the Arcade to Vine street, where he stood for about fifteen minutes, when he again went to the Emery Hotel. Do not think he connected with anyone there.

"He remained there until 10.15, when he came out and went through the Arcade to Race street, where he met a young woman. They walked for a minute or so, when he took her by the arm and they walked together to Fourth street, to Vine, north to the Ohio Messenger Company office, where they stopped and talked a minute. They then went south on Vine street, crossed Fourth and down to Baker street; then they walked back to the messenger office. She remained on the outside while he went in and used the long-distance telephone. Leaving there, they went to the corner of Fourth and Vine streets and both went in the Western Union Telegraph office. She stood by the door while he went in and sent a telegram. They then went west on Fourth to Elm street and north to Longworth on the southwest corner; they went in and upstairs. The building they entered is occupied on the lower or ground floor by a saloon called the "Turf Exchange;" the room above that by women. It was 10.30 when they went in.

"At 11.25 they came out and walked to Fifth and Elm, where they separated, she going east on Fifth and he south on Elm. At Fourth street he stopped and looked up and down the street. There were two colored women standing on the corner and he went up to them and was directed by them in the direction he wished to go. At Race street he inquired of a man for further directions. He finally went into the Race street entrance of the Arcade and then to the Emery Hotel. In a very few minutes he left there and went to Vine, to Fourth, to Walnut, to the Gibson House, reaching there at 11.45. He then went into the café, but was in there not to exceed five minutes, when he went to his room."

Q. (Mr. LONG.) Is that not only a full but true statement of the things you observed in this shadowing of Mr. Boyce?—A. Yes, sir; it is.

Q. And Mr. Hollenbeck?—A. Yes, sir.

(And thereupon the report which was read by the witness was offered in evidence and marked Exhibit TT.)

Q. (The CHAIR.) In your report you speak about Boyce going to the Ohio Messenger Company office?—A. Yes, sir. That is the name I know it by. It may have some other name.

Q. Who is the manager of it?—A. I don't know. I don't know any of the parties there.

Q. Is that a telephone company?—A. Well, they have a telephone there.

Q. You speak about the Western Union Telegraph office that he went to?—A. Yes, sir.

Q. Where is that office?—A. At the corner of Fourth and Vine streets.

Q. Who is the highest official in that office?—A. That I don't know.

Q. Any of them?—A. Not any.

Q. Did you also speak about his going to the Postal Telegraph Cable office?—No, sir; I did not.

And thereupon the witness was excused.

And thereupon Charles Armstrong was called as a witness, and, being first duly sworn, testified as follows:

Examination conducted by Mr. LONG:

Q. Mr. Armstrong, what is your first name?—A. Charles F.

Q. What is your place of residence and occupation?—A. An operative in the Miller Detective Agency; have been for about four or five years; reside on Douglas street, Cincinnati.

Q. What was your business on the 8th, 9th, 10th, 11th, and 12th of January, 1898, Mr. Armstrong?—A. I was employed by the Miller Detective Agency in some matters.

Q. Did you do any work as an employee of that agency in observing the actions of one H. H. Hollenbeck and H. Boyce?—A. Yes, sir.

Q. Have you a report of the work that you did here in Cincinnati or at Columbus, or both places, in connection with these two men?—A. Yes, sir.

Q. To whom was that report made?—A. Sir?

Q. For whom did you make out that report?—A. For Mr. Miller.

Q. The superintendent of the agency?—A. Yes, sir.

Q. I wish you would now recite from your report, Mr. Armstrong, what you did in the shadow work of Mr. Hollenbeck and Mr. Boyce.—A. (Witness reading from report:)

"Under instructions of Mr. Miller, left the Gibson House with Hollenbeck at 9.30 a. m.; went south on Walnut street to Fourth street, west on Fourth street to Vine; went in Fifth National Bank, came out, went south on Vine street to Union Savings Bank, and returned to Gibson House; came out again; went to the Union Savings Bank and Trust Company on Vine street; came out of back door on Baker alley with cashier of the savings bank; went west to Race, south to Third street, to northwest corner; went in wholesale house of Vorheis, Miller & Co.; stayed there about twenty-five minutes and came out and returned to savings bank; stayed there about fifteen minutes; came out; returned to the hotel; came out again in a short time, went west on Fourth street to Vine street, stopped and talked to policeman on corner, then to the Baltimore and Ohio and Southwestern ticket office on the southeast corner; came out in about five minutes, went west on Fourth street to Central avenue, south to Third street, to the Union Depot; talked to the porter in the depot door, then went upstairs to M. E. Ingalls's office, came out in about fifteen minutes, and returned to hotel."

Q. (Mr. LONG.) Did you state the date of that work?—A. Yes, sir. "Came out in about fifteen minutes and returned to the hotel; came out at 12.30, went to Fourth street, to Vine, to savings bank. It was closed, and he tapped on the window and then went in back door on Baker alley; came out in about five minutes and returned to hotel."

The remainder of my report is with Mr. Archambault.

Q. The rest of your work was in connection with Mr. Archambault, who has reported it?—A. Part of the time with Superintendent Miller and afterwards with Mr. Archambault.

Q. This is a true account of the work that you did in following and shadowing these two men?—A. Yes, sir.

Q. That is, Hollenbeck?—A. (Witness reading.) "Boyce was in his room. John C. Otis came to Gibson House at 3.30 p. m., went upstairs. Otis came down about 7 p. m. Boyce came down in a short while and went to the telephone; then went to supper. After supper he went to the hotel desk, got some envelopes, and went back to his room. Came down, then got his overcoat, then went to the telephone and called up the operator several times. Then stood in the hallway, and in a few minutes John C. Otis came in and went directly to him. [Witness referring to telephone between the lobby and the barber shop.] They walked back in hallway and talked for about five minutes. Boyce laughed, shook hands with Otis, and patted him on the back; they both went out to Fourth street, to Vine, to the Emery Hotel, went in; Boyce came out in forty-five minutes, crossed over Vine street to east side, went to Fifth street, stood on the corner a short time, then walked about halfway to hotel and stopped and looked up at window of hotel, then crossed over to west side of Vine street again and walked a few doors below the Arcade entrance, then crossed over again to east side of Vine street, then to Walnut street and back to hotel, and left at 11.15 p. m."

Q. (Mr. LONG.) Now, what you have read as your report of your work is a true account of the shadowing you did of both Hollenbeck and Mr. Boyce?—A. Yes, sir; that is of Saturday. On Sunday that record is embodied in Mr. Archambault's report.

And thereupon the report which the witness read was offered in evidence and marked as Exhibit U U.

Q. Where is that street you call Union street?—A. It is immediately back of the Chamber of Commerce.

Q. Which way?—A. South.

Q. Between what streets?—A. It starts from—it is Baker alley, between—from, to Elm to Main.

Q. That is called Baker alley?—A. Yes.

Q. East and west?—A. Between Main and Elm. This is Walnut street, and that runs down to Elm.

Q. Three blocks?—A. Yes, sir.

Q. (Mr. ROBERTSON.) Between three and four streets?—A. Yes, sir; and immediately back of the Chamber of Commerce.

And thereupon Max Schaefer was called as a witness, but refused to qualify.

By the CHAIRMAN:

Q. Will you be sworn?—A. I refuse to be sworn.

Q. Have you any conscientious scruples about being sworn?—A. I have.

Q. Why?—A. Because I made up my mind about answering questions. I have some doubts about these proceedings.

Q. What is your full name?—A. Max M. Schaefer.

Q. How old are you?—A. Thirty years next birthday.

Q. What is your business?—A. Teller, Union Savings and Trust Company, and receiving teller combined.

Q. How long have you been teller?—A. May 10, 1890, bank started.

Q. Union bank?—A. Union Savings Bank and Trust Company.

Q. A corporation under the laws of Ohio. Who is president?—A. J. G. Schmidlapp.

Q. Vice-president?—A. Mr. Vorheis.

Q. Who is treasurer?—A. R. A. Koehler.

Q. And are you the paying teller?—A. Paying teller of the bank.

Q. I suppose you are at the bank about every day that the bank is open?—A. I am, generally, sickness excepted, or something of that kind.

Q. On January 7, 8, and 10 of this year, being Friday, Saturday, and Monday, were you present at the bank?—A. Yes.

Q. In your usual position, I suppose, doing business?—A. Well, except one-half hour for dinner.

Q. Who relieves you when you go to lunch?—A. My assistant, Albert Claudson, bookkeeper.

Q. I will ask you how long you were open upon January 8, that is, Saturday. Do you generally close at 12 o'clock?—A. Twelve o'clock noon, sharp.

Q. What time?—A. Twelve o'clock noon.

Q. Do you know Mr. H. H. Hollenbeck?—A. I do not.

Q. Do you know Gen. Henry Harrison Boyce?—A. I do not.

Q. Did you ever see a man called H. H. Hollenbeck?—A. I have not.

Q. Did you ever see any letter of credit presented at your bank for H. H. Hollenbeck?—A. I did not.

Q. Or a man by the name of Boyce?—A. No, sir.

Q. I will ask you whether or not you know a gentleman by the name of Mr. E. P. Dehner.—A. I know Mr. Dehner; that is, not Doctor.

Q. He had a drug store, as I understand it?—A. Yes.

Q. Do you know where he was occupied or employed?—A. Sixth and Vine streets, at Weatherhead's drug store.

Q. Do you go there occasionally?—A. Once in a while, to buy some things.

Q. Were you there Monday, January 10, or Tuesday?—A. I don't know about that.

Q. Are you certain about that?—A. I couldn't say.

Q. Well, you can't possibly say whether you were or were not?—A. No, sir.

Q. You wouldn't be prepared to say you were not there?—A. I say I am not sure about it; I might and might not have been. I think that is sufficient.

Q. You remember seeing a report in the paper to the effect that certain money was received through your bank?—A. I seen it in the paper; yes, sir.

Q. Through your bank and in the United States Senator election; you remember seeing in the paper that a portion of that money was paid to John C. Otis?—A. Yes; I remember seeing such an article in the paper; yes, sir; the Post.

Q. Did you have any talk with Mr. Dehner in reference to the newspaper article?—A. I don't recollect.

Q. Do you deny, sir, that you did?—A. I do think that I did have a conversation with Mr. Dehner; yes, sir.

Q. What was it?—A. I spoke about a man coming there Monday and asking me a foolish question, and I told him that I answered the question in such a way that the paper had perverted everything I had said. It was a misunderstanding between me and the man that came there and asked me the question.

Q. Did you say anything about paying any money out?—A. I did not.

Q. At that time did you say to Mr. Dehner that you had paid certain money out of your bank at that time?—A. I did not.

Q. Did you say anything about the published stories in the paper being true?—A. I told him about the article in the Post having been perverted because of the man asking me that question.

Q. Are you willing to put yourself under oath and testify here?—A. I am not, sir. No, sir; I shall refuse to be sworn.

Q. Is that because you are not telling the truth now?—A. Simply because I have doubts as to the legality of these proceedings.

Q. Who raised those doubts in your mind?—A. I refuse to answer that question.

Q. Why?—A. Simply for the same reason before—I have the right to refuse.

Q. Would it incriminate you?—A. I refuse to answer.

Q. Would the answer make a criminal of you?—A. The same as before.

Q. What the same as before?—A. I refuse to answer.

Q. You refuse to say whether or not the answer of these questions would make a criminal of you?—A. I don't know anything about it; but I told you all the conversation I had with Mr. Dehner was in regard to the answers I gave to the man in the bank there.

Q. Did you say to him that the newspaper report that money was paid out by

your bank to this man Hollenbeck was true?—A. I told him that the story that was printed in there about me having given information was wrong.

Q. But did you say—now, listen to this—you are a bank clerk?—A. Yes, sir.

Q. And when a person puts a question to you, you know what it means?—A. Yes.

Q. You can answer this, yes or no—did you say to him that the statement made in the paper to the effect that your bank paid money out to this man Hollenbeck was true? Did you or did you not say it?—A. No; I did not.

Q. Did you say anything in substance like that?—A. No, sir.

Q. Are you willing now to be sworn and testify?—A. Not here.

Q. And testify that these things that you have just said here are true?—A. Not before this committee.

Q. Why will you not take your oath and answer that these statements are true?—A. I told you a while ago I doubt the right of this committee to ask me questions such as that, and I have reserved the right not to answer.

Q. If you have the doubts about that, then the oath administered to you by this committee would be of no validity?—A. An oath is the same with me before a king or the best or poorest man in the State.

Q. Are you willing to take an oath and swear that the statements made are true?—A. I said I refuse to be sworn.

Q. You are not willing to state that the statements made to this committee are true, are you?—A. No, sir.

Q. How long have you been connected with this corporation?—A. Since the 10th of May, '90.

Q. Who told you to refuse to be sworn?—A. I refuse to answer that question.

Q. Why?—A. Simply because I refuse.

Q. You are not trying to shield anybody?—A. No, sir.

Q. You are trying to assist in showing up the truth, are you? Do you refuse to answer that, too?—A. Yes.

Q. You are a citizen of the State of Ohio, are you?—A. Yes, sir.

Q. You are interested in honest elections, aren't you?—A. Yes.

Q. You want honesty to succeed instead of dishonesty?—A. Yes, sir.

Q. Then why don't you tell us about this matter?—A. I told you all I knew.

Q. Why do you refuse to be sworn?—A. Same old question again. I have given you that answer three times before.

Q. Why do you refuse to be sworn?—A. Because, as I told you before, I have doubts as to the legality of the proceedings to begin with, and second I don't want to make statements here that I don't feel justified in making.

Q. Why would your statements hurt something—why don't you feel justified?—A. Going back to the same old ground. I have given you my reasons now, and that is sufficient.

Q. Who told you about the legality of the proceedings?—A. It is my own opinion.

Q. How did you form that opinion?—A. I read the newspapers.

Q. Did you get it from the Times-Star, then?—A. Yes, sir.

Q. Now, you are stating the truth, are you?—A. To a certain extent. I read the Penny Post once in a while, too.

Q. Of course no one has told you not to testify, has there?—A. No.

Q. Now, will you stand up and be sworn, and will you swear that nobody has told you not to testify here?—A. No.

Q. You are not afraid to swear to the truth, are you?—A. No.

Q. But you are a little bit afraid to swear to something that is untrue?—A. That is your own inference.

Q. Are you?—A. I told you I refuse to be sworn.

Q. Are you a married man?—A. Yes, sir.

Q. How long have you been married?—A. Four years; five years next May.

Q. Where do you live?—A. Cincinnati, Ohio.

Q. Any secret about that?—A. No, sir.

Q. Just as soon tell that as not?—A. Yes, sir. Anything relating to my private life you can find out.

Q. Don't care to keep that a secret?—A. No, sir; nothing in it to be kept secret.

Q. No secret?—A. No, sir; not been in jail any. There are certain things in a bank which men can not answer and dare not divulge.

Q. Why not?—A. Because it is my duty, and the bank's business is strictly confidential, and nothing is to be said that relates to the bank business by any employee or any of the bank officials.

Q. You still say nobody has told you not to say anything?—A. Yes, sir.

Q. How long have you been a resident of the city of Cincinnati?—A. Since 1886.

Q. No secret about that?—A. Of course not. I told you before anything that you want to find out about me——

Q. Why do you come here if you made up your mind not to be sworn?—A. Because I was summoned, and I thought I would go over to see what you gentlemen wanted to ask and to hear to a certain extent.

Q. You are willing to tell where you live and all about your family?—A. Yes.

Q. And all the secrets of your own life?—A. Yes.

Q. And yet you won't tell whether Mr. Hollenbeck received money of your bank?—A. Coming back to the old question and the interest of the bank teller and the private citizen are different.

Q. Still, you are a citizen interested in the purity of the ballot?—A. Yes, sir. I voted the Democratic ticket once.

Q. You are in a Republican crowd up there.—A. That's what you say. We have some Democrats up there.

Q. Mr. Schmidlapp and Mr. Vorheis were of the 12 men who put up the ticket commonly known in Hamilton County as the HANNA slate?—A. So the Times-Star says.

Q. Are they or are they not?—A. I don't know; only what the newspaper says.

Q. Don't you know anything about it?—A. No, sir.

Q. Not a word? Now, will you be sworn, so we will be certain you are telling the truth?—A. No, sir.

Q. You are not afraid to swear when telling the truth?—A. You are coming to the old question; but I am not ready to be sworn here, and refuse to be sworn here.

Q. Who do you want to see before you are sworn?—A. Nobody.

Q. (Mr. FINCK.) Admitting that this committee has no jurisdiction—admitting that, is it not the duty of all honest men to bring all the facts to light that they have in their possession, so that all the people in Ohio can determine as to how a United States Senator was elected?—A. Yes; it's the duty.

Q. Then why do you refuse to divulge certain things that may be vital and which you have in your possession? Will you answer that question?—A. I don't see the shape you put that question in. From what I know, to make a statement of certain things that I have in my possession?

Q. From your previous examination, that you are answering the questions put to you, I assume you have certain facts in your possession.—A. I have given you to understand that the duties of my position forbid me to answer any questions as to anything done in that bank, and therefore I can not answer any such questions that you put to me.

Q. (The CHAIRMAN.) Who told you that?—A. Any bank teller knows his own business.

Q. Who told you that?—A. If you gentlemen ask me if anybody by the name——

Q. Who told you?—A. I told you once before that nobody told me; I did that myself.

Q. Well, if you tell the truth about this matter there is nobody going to hurt you, is there?—A. No, I guess not.

Q. There hasn't anybody threatened you?—A. No, sir.

Q. You wouldn't lose your job, would you?—A. No, sir. I would get another from Johnnie McLean, I guess, if I did.

Q. Were you a member of the committee?—A. I don't think so.

Q. Why do you think you will get a job from Johnnie McLean?—A. Oh, that is just a little hint—a joke.

Q. You think you would reward a man for telling the truth?—A. No.

Q. What kind of a reward will you get if you will not?—A. I can't tell.

Q. That is something in the future?—A. Yes.

Q. Undetermined?—A. Yes.

Q. That is all.—A. Thank you, sir.

OPEN SESSION.

GIBSON HOUSE,
Cincinnati, Ohio, January 24, 1898—2 p. m.

And thereupon Gouvenour Calhoun, was called as a witness, and, being duly sworn, testified as follows:

Examined by CHAIRMAN:

Q. Please give the stenographer your name, age, residence, and place of occupation?—A. Gouvenour Calhoun is my name; Cincinnati is my residence, and aged 29; district superintendent of the American Telephone Telegraph Company.

Q. Mr. Calhoun, is that a long-distance telephone company?—A. Yes.

Q. Does your line extend from Cincinnati to Columbus, Ohio?—A. It does.

Q. Is there any other long-distance telephone company running from Cincinnati operated from Cincinnati to Columbus, Ohio?—A. Not to my knowledge.

Q. What is the custom of your company, Mr. Calhoun, so far as keeping the records are concerned, when an individual in Cincinnati, Ohio, desires to talk with an individual in Columbus, Ohio?—A. The subscriber's station at Cincinnati calls up the local operator and asks for a long distance; the local operator gets the subscriber by trunk wires to our operating office and tells me that the subscriber's station, giving the number, is on their lines. We ask the—we come in on the line that we are told to come in on, and connected with the subscriber, and we ask the man—we talk to the man and ask him who he is. He tells us who he is. We enter these memoranda of details upon a ticket and transmit these details to the operator in Columbus where the same process is repeated—that is to say, the Columbus operator takes the detail from us, calls up the number required, asks the man who answers the telephone if he is the person wanted. If he says yes the connection is completed.

Q. Do you state that all record of the various times at which they are recorded; do you state them there?—A. We enter the details as given to us by the subscriber—the patron—upon a ticket; as the conversation begins, the time of the message—I will change that—as soon as the conversation begins the operator stamps the ticket with the time clock, and as soon as the conversation is over the operator stamps it with the time clock, which shows the lapse of time.

Q. Now, Mr. Calhoun, I wish you would produce for the inspection of the committee your record tickets showing the calling up of your long-distance telephone here at Cincinnati by one H. H. Boyce and H. H. Hollenbeck, on January 7, 8, 9, and 10, and also, Mr. Calhoun, the calls of those gentlemen, or for those gentlemen, from Columbus upon the same dates, so we may know who called them and the hour at which they were called?—A. May I see the memorandum? [Paper shown witness.]

Q. Now let me repeat. We would like to have the record slips showing all the calls from Cincinnati of H. H. Boyce and H. H. Hollenbeck of parties at Columbus on the dates January 7, 8, 9, and 10, 1898, and also all calls for Boyce and Hollenbeck, or either of them, on the same dates by Columbus parties, with the hour at which your record of all the calls from Columbus to H. H. Hollenbeck or H. H. Boyce. You may possibly find that the initials are not given in the calls, they may not have indicated the initials, but simply called for Boyce and Hollenbeck, and bring those along; and if you find any slips showing messages from Boyce or Hollenbeck without any initials indicated from Cincinnati to Columbus bring those along, so that we may have a full list of those calls. Can you do that?—A. In reply to that, I would like to ask the indulgence of the committee to consult my superiors in regard to furnishing memorandum of records we have in the office; the removal of any records or memorandum in the office is forbidden.

How long would it take you to consult your superiors?—A. It would not take long; I couldn't say, but I would certainly make the attempt.

Q. You can get back in a half or three-quarters of an hour?—A. I will try; I will do my best.

Q. You can say to your superior that you are in this position: The committee have demanded these calls. The chairman has said to you that if they are not produced this committee, at its discretion, may pass a resolution reporting your refusal to the bar of the senate and report a resolution showing a warrant issued to the sergeant-at-arms commanding him to bring you before the bar of the senate of Ohio to be dealt with as the senate may determine. Simply say to him that the committee means business, and means, if they have any right to those different records which they ask—mean to assert that right. With that provision, you can see your superior and return as soon as possible.

And thereupon Edward P. Dehner was called as a witness, and, being duly sworn, testified as follows:

Examined by the CHAIRMAN:

Q. What is your full name?—A. Edward P. Dehner.

Q. What is your business?—A. I am at Weatherhead & Co.'s; drug business. I don't really know why I was called down here, Mr. Burke.

Q. I will tell you in a very few minutes. How old a man are you?—A. Thirty-eight.

Q. You are engaged at the same business at Weatherhead's drug store, in the city of Cincinnati, you were on January 7, 8, 9, and 10, were you, of this year?—A. Oh, yes; right along for a number of years.

Q. You have been engaged there how long?—A. Off and on for the past thirteen years.

Q. Were you acquainted with Max Schaefer, who is the paying teller of the Union Savings Bank; do you know him?—A. Yes.

Q. Does Schaefer trade at your drug store?—A. Well, just occasionally.

Q. Come in there occasionally, does he?—A. Yes, sir.

Q. Was he there on the 10th or 11th of January?—A. Tenth or eleventh?

Q. Monday or Tuesday?—A. Well, I guess probably he was; I don't know.

Q. You remember when the report came out in some of the Cincinnati papers to the effect that certain money used in the Senatorial campaign, the recent campaign in which Senator HANNA was elected, and used, as was alleged, for the purchase of Representative Otis, was procured from this savings bank, do you; you remember such a report in the papers?—A. Yes; I read it in the evening papers.

Q. Do you remember of Mr. Schaefer being in there and talking upon that subject with you?—A. I don't remember that.

Q. Absolutely no recollection, Mr. Dehner?—A. On that subject, that there was money paid out of the trust company, do you mean?

Q. Yes.—A. No; I don't believe he did. I was busy at the time Mr. Schaefer was there. I was waiting on another gentleman and he was talking about something, but I don't exactly know what it was.

Q. Now, let me refresh your recollection a little bit. You have no hesitancy in telling us, Mr. Dehner, the exact truth, have you?—A. No, sir; not at all.

Q. And by telling the truth it would not in any way complicate you?—A. Not a particle; I would——

Q. You are also interested in seeing that there is a full and fair investigation?—A. Very much, indeed; I would like to see it.

Q. Now, I will ask you this question, whether you know Mr. Kincaid of the Enquirer?—A. Yes; I remember as waiting on Mr. Kincaid at the time Mr. Schaefer was talking to him.

Q. You remember of stating to Mr. Kincaid that Mr. Schaefer said that that money was paid out of his bank, that he paid it out of the bank?—A. I don't remember exactly.

Q. I am not confining you to the exact words.—A. I was awfully busy at the time, in that big store about closing-up time; I was jumping from one counter to another to wait on some late customers that come in probably between 11 and half past 11.

Q. You dislike to tell it?—A. Oh, no; I wish I knew more than I do.

Q. (Mr. ROBERTSON.) Tell us your best recollection of it.—A. I couldn't state under oath to the best of my recollection; I don't know anything.

Q. (The CHAIRMAN.) Yet there was some conversation you had with Mr. Schaefer and Mr. Kincaid of the Enquirer?—A. Oh, yes; I was very much interested in that Senatorial election on account of the—well, the parties that were candidates for United States Senator.

Q. What did you say to Mr. Kincaid with reference to Mr. Schaefer saying to you that he paid out the money?—A. Well, I don't remember. I don't remember that; just as I have said, I was very busy at the time and I was in a hurry to get out of there and in a hurry to wait on the people.

Q. Something was said on that line?—A. Oh, yes; Mr. Kincaid and I discussed the Senatorial question a great deal; in fact anybody that——

Q. Did you discuss it with Mr. Schaefer too?—A. I don't know about that. He came in and bought whatever he wanted in the drug line, and when I got through with him I went to Mr. Kincaid.

Q. Mr. Schaefer will probably be right as to having discussed it with you?—A. Well, he might have discussed it with me, but I didn't pay much attention because I had these others in mind.

Q. Upon the subject as to whether he paid out the money that was charged by the Cincinnati newspapers, what did he—did he discuss the matter with you?—A. No; I told you, though, that I thought if there was any money paid out that it came from that bank; that Schmidlapp was connected with it.

Q. What I was getting at was what Schaefer said.—A. Oh, I don't remember that.

Q. Well, is there any way that you can refresh your memory upon that proposition?—No; I don't know of.

Q. You were pretty busy?—A. I was busy all the time by myself in the store.

Q. Schaefer was talking and you only got into a little of it—little fritter of it?—A. Oh, we have to keep the customers up and wait and get around on some and kind of jolly the others up and keep them going. I couldn't say.

Q. He was talking?—A. I couldn't remember what he said; I don't remember what he bought. I couldn't say.

Q. You were more than usually busy that night?—A. Well, yes; the theater is usually out about that hour, and the young man that is there with me was getting something in the back part of the store and I was tending to the front myself; it was late and most of the people had gone home.

Q. Was Max around this afternoon?—A. No; I don't think I have seen him since then.

Q. Didn't he telephone to you?—A. No, sir; I have not seen nor heard of him.

Q. You will undertake to refresh your recollection and let us know about that?—A. I would be glad to; I wish I knew more.

And thereupon Charles E. Page was called as a witness, and, being duly sworn, testified as follows:

Examined by the CHAIRMAN:

Q. What is your full name?—A. Charles E. Page.

Q. You are a resident of the city of Cincinnati?—A. Well, I live in Norwood; it is outside of the city.

Q. What is your business?—A. I am manager of the Western Union Telegraph Company.

Q. How long have you been such manager?—A. Sixteen years.

Q. Western Union Telegraph Company is a corporation, is it?—A. Yes, sir.

Q. Are you the highest official of that company located in the city of Cincinnati?—A. No, sir.

Q. Who is the highest?—A. Mr. I. N. Miller, the superintendent of what is known as the seventh district. Cincinnati is in that district.

Q. You have charge of what?—A. Cincinnati office.

Q. Did you examine your record of telegrams for the purpose of ascertaining whether or not any telegrams were sent to Cincinnati by H. H. Boyce on or about January 9?—A. This subpœna don't—it is a little incomplete. It don't state to whom this message was sent; merely specifies a telegram signed by H. H. Boyce. I may have seen a good many that day. He may have sent a good many that day.

Q. Between 10 and 11 o'clock?—A. He may have sent a good many out that day between 10 and 11 o'clock.

Q. Did you find any?—A. I did not.

Q. Did you look?—A. I went to the bookkeeper and looked for the files of January 9, and found our files had been taken from that department.

Q. When were they taken away?—A. I couldn't say.

Q. Where are they?—A. I couldn't say.

Q. Nobody has broken into your establishment and taken them?—A. I don't know of any.

Q. Do you suspect anybody?—A. No, sir.

Q. Where do you suppose?—A. I couldn't say.

Q. They didn't travel east, did they?—A. They were taken out of our office without my knowledge.

Q. Had you made any investigation as to where they are?—A. I haven't. I am not interested in the matter.

Q. You were notified to-day that they were wanted?—A. I went to the bookkeeper to-day on receipt of the subpœna and inquired if they were there, and was notified and found that they were not in our files.

Q. They ought to be there?—A. Well——

Q. Under whose control?—A. In the Cincinnati office, under my control and also under the control of the superintendent.

Q. Miller?—A. Yes, sir.

Q. Well, they are gone anyway?—A. They are not there.

Q. Whom do you suspect?—A. I don't suspect anybody. In fact, I have made no investigation.

Q. Is it common custom for some one to grab up the files of the day and carry them away without your knowing anything about it?—A. Well, in the ordinary course of business it would be reported to me.

Q. No burglar is in that section?—A. Not that I know of. It is a very easy matter to get into our bookkeeping room, though.

Q. They could have been stolen very easily?—A. They could have been stolen; yes.

Q. Did it strike you as a little peculiar that they could have been stolen?—A. It did; I hadn't had my attention called to them until to-day.

Q. What did the bookkeeper say?—A. He simply said the files for the 9th was not in the files.

Q. What is his name?—A. S. H. Hoff.

Q. He is the man that informed you they were gone?—A. Yes, sir.

Q. Did he make any examination to find them?—A. No, sir; he merely stated they were not there.

Q. Didn't seem to be surprised—didn't seem to be surprised that they were gone?—A. Well, he made that remark in the ordinary way; can't say that he was much surprised.

Q. It took you a little bit off your feet, didn't it, Mr. Page; you were surprised, weren't you?—A. Yes; I was somewhat surprised to find the messages weren't there.

Q. As a matter of fact, whoever got them away didn't put you onto that fact?—A. I wasn't informed; no.

Q. You think now that somebody has deceived you?—A. Possibly so.

Q. However, you are unable to find whether they are there or not?—A. I can not produce the message in answer to the subpœna, because it is not in our files and I have no knowledge of its whereabouts.

Q. Any files there at all dated the 9th?—A. No, sir; not according to the statement of our bookkeeper. I didn't make a personal examination.

Q. The same as to the 8th and 10th?—A. I made no inquiry. I noticed the 7th and 8th is erased here in your subpœna. You only called for the messages on the 9th. I made inquiry only as to the record of the 9th.

Q. How long do you preserve your messages, Mr. Page? What is the rule of your company?—A. The rule of the company is to preserve the messages six months, ordinarily, unless the accounts are audited sooner than that.

Q. Well, it is probable the accounts have been suddenly audited, is it not?—A. I can't say as regards that. It is possible to audit the accounts quickly and destroy the messages. It has been the custom of the company for years to destroy them as soon as the accounts are audited.

Q. Well, suppose you make an honest effort to find that telegram, if not taken away?—A. I shall certainly do so.

Q. You will probably find that they were suddenly audited, and it didn't require six months to audit it?—A. Well, I had nothing to do with it; I am not auditor.

Q. Where is the auditor?—A. In New York.

Q. Can he audit the files in New York?—A. He has the jurisdiction to do so.

Q. He don't usually do so?—A. Well, certain messages in our files go every month. They can be called for any time, and we would send at any time without any question.

Q. Will you write to your auditor to find out whether we can have the message called for in the subpœna?—A. I can do so if you desire it.

Q. Have you any books here to show what messages you sent?—A. We have no books. The messages are transferred on sheets instead of books—are all the records we desire—and those records are destroyed when the messages are destroyed.

Q. (Mr. FINCK.) Would a message on private business between individuals from Columbus to Cincinnati be called for at New York at any time?—A. It might sometimes.

Q. (The CHAIRMAN.) In some great emergency it might be?—A. Yes, sir; it might be.

Q. (Mr. LONG.) Did you make any inquiry to ascertain whether the accounts covering messages of that date had been audited or not?—A. I did not; no.

Q. The bookkeeper didn't say to you anything of that fact, did he?—A. I made no such inquiry, and he made no statement to me.

Q. (The CHAIRMAN.) Is it a rule of your company to keep letter-press copies?—A. Yes; we keep water-press copies of those messages.

Q. Where are those copies?—A. They are treated the same as other messages. After they are audited they are destroyed.

Q. Well, now, how do you imagine those messages could be traced up; what idea had you got about this peculiar situation; how could you ever get at those messages?—A. I don't know as I have any theory; I am in the dark as much as you are.

Q. I believe that is true; and it is dark, isn't it?—A. It looks a little cloudy, that is a fact.

Q. It is cloudiness.—A. We have no files of January 9.

Q. No copies of the originals?—A. No, sir; no copies whatever.

Q. (Mr. LONG.) You say you have no copies or water-press copies of that date?—A. That is part of our files, the water-press copies are.

And thereupon T. H. Miller was recalled and testified as follows:

Examined by CHAIRMAN:

Q. Mr. Miller, your full name is—— A. Thomas H. Miller.

Q. Have you ever been in the employ of the Western Union Telegraph Company?—A. Yes, sir.

Q. For how many years?—A. About ten.

Q. Were you employed in this city?—A. Yes, sir.

Q. Do you know their custom with reference to keeping messages?—A. During the time I was there, yes.

Q. What was that custom?—A. Well, they are kept six months in the bookkeeping department on file, and then they are collected and stored away, and probably kept three or four years before they are destroyed.

Q. During your ten or twelve years' experience with the Western Union Company, did you ever know of the auditor calling for such messages?—A. Never heard of such a thing.

Q. Before the expiration of the six months?—A. No, sir; I had charge of the files.

Q. What do you know as to whether the files could be easily lost or not?—A. It would take somebody that would take the location of the files in the first place to find them to get the files of the exact date, and again, it is almost impossible to find them, because they are kept under lock and key.

Q. You say in your ten years' experience you never knew of the auditor calling for them?—A. Never knew of such things.

Q. Did you ever know of their auditing all bills within ten days of the time that the messages is received?—A. Generally longer than that; generally, sometimes probably a year.

Q. You say that the taking of the messages of a day, similar to that which has been testified to by Mr. Page, and the total absence from the records, would be a peculiar and strange thing?—A. It would have to be done by some employee, to the best of my idea.

And thereupon Charles E. Kincaid was called as a witness, and, being duly sworn, testified as follows:

Examined by CHAIRMAN:

Q. What is your full name?—A. Charles E. Kincaid.

Q. What is your business?—A. On the Enquirer, sir.

Q. How old a man are you, Mr. Kincaid?—A. Forty-two.

Q. You live here in the city of Cincinnati?—A. Yes, sir.

Q. I will ask you whether or not you are acquainted with E. P. Dehner?—A. That is the druggist, Sixth and Walnut, at Weatherhead's. He is a clerk there. I have just known him as Mr. Dehner.

Q. I will ask you whether, on or about January 10 or 11 of the present year, you had any conversation with Mr. Dehner relating to any statement made to Mr. Dehner by one Max Schaefer, who is the paying teller of the Union Savings Bank?—A. I was in there just after the publication of this matter in the Enquirer—the following day—and was talking it over; and he says, "Why, the teller of the bank, of the Schmidlapp's bank, was in here last night and he told me that he paid the money over out of the bank."

Q. Is that all the conversation you had with him?—A. Yes, sir. Oh, there was a great deal of conversation, but that is all I remember about that; he just mentioned that incidentally. He said, "He was in here last night and told me he paid the money out."

Q. (Mr. GARFIELD.) Do I understand you are working for the Enquirer?—A. Yes; for about two years, a few months over two years. I asked Mr. Dehner again to-day if he remembered it, and he said yes, it was Mr. Schaefer, the teller. About 1 o'clock I was in there. He said it was Max Schaefer, the teller of the bank.

Q. (The CHAIRMAN.) You say that you had a conversation with Dehner to-day?—A. Yes; between 1 and 2 o'clock.

Q. And you asked if he remembered the conversation?—A. Yes.

Q. And he said it was Schaefer, the banker, that told him this?—A. Yes. I had forgotten whether it was the cashier or the teller, and he said it was the teller.

And thereupon Gouvernour Calhoun was recalled and testified as follows:

Examined by the CHAIRMAN:

Q. Mr. Calhoun, I will ask you whether you have made an examination of your papers and documents for the purpose of giving us a record of the call?—A. No; I did not.

Q. Why?—A. I preferred to report to our officials, my superiors. I considered it advisable.

Q. Did you get report to your superiors?—A. I did.

Q. What did they say?—A. Why, that is with reference——

Q. Producing the record?—A. Producing the records. By the advice of the counsel of the company I must respectfully decline to furnish the record of the company.

Q. Who is the counsel?—A. Noble Egliston.

Q. Lawyer in New York City?—A. The general counsel in New York City.

Q. Did you telephone or telegraph him?—A. I telephoned him.

Q. And through the telephone he told you to decline to give us the records?—A. I gave you the answer.

Q. Well, that's your own personal objection, but one which is founded upon the advice of your attorney in New York City; is that it?—A. Yes.

Q. And did you consult with your superior officer?—A. I did.

Q. Who; Mr. Stone?—A. No.

Q. Is Mr. Stone your superior officer?—A. No, sir.

Q. Which superior officer did you consult, Mr. Calhoun?—A. The assistant general manager.

Q. And what is his name?—A. Edward P. Meeney.

Q. Where is he located?—A. New York City.

Q. You talked with both of them over the telephone, I see.—A. I talked with Mr. Meeney.

Q. And you consulted with the attorney?—A. I presume so; I don't know.

Q. You are aware, are you not, Mr. Calhoun, that a resolution may be passed by this committee and you may be brought before the bar of the senate to answer in contempt; that is your understanding?—A. That's what I understand you to say; yes.

Q. And your refusal is based upon the advice of your superior officer in New York?—A. Yes, sir.

Q. It is not a matter which in any way would tend to criminate you personally, is it?—A. I don't know anything about that.

Q. That is, your answers as to the production of this record would not tend to disgrace you personally?—A. I presume not; I don't know anything about that.

The CHAIRMAN. The chair desires to say to the people of Cincinnati and those who have been with us and listened to the testimony, that the committee is thankful to them for the courtesy which has been extended to this committee, and also thankful to listeners who have extended us the courtesy of maintaining order while the proceedings have progressed without putting the chair to any great trouble. I want to say, also, that I desire to compliment our sergeant-at-arms, our sergeants Brady and Schetler, for their diligent work. We have examined about 30 witnesses, and they certainly have done their duty in all respects.

And thereupon Gouvernour Calhoun was recalled and testified as follows:

Examined by the CHAIRMAN:

Q. One question further is suggested to me: Have you a record of all messages, Mr. Calhoun, which went from Cincinnati to 1092 at Columbus during January 7, 8, 9, 10, and 11, of 1898?—A. That I don't know.

Q. Have you examined for the purpose of ascertaining that?—A. I haven't examined.

Q. You naturally would have those records, would you not, in your office?—A. We keep memoranda for the purpose of rendering bills.

Q. Well, those have not as yet been destroyed—not to your knowledge?—A. Not to my knowledge.

Q. How long do you keep those records?—A. I don't know just how long.

Q. I desire to notify you that you are still under the process of this committee, and desire to notify you also not to destroy those records, and to preserve them, if possible, to be brought before this committee.

The CHAIRMAN. We are now adjourned.

And thereupon the committee adjourned to meet at the call of the chairman.

SENATE CHAMBER,
Columbus, Ohio, January 27, 1898.

The CHAIRMAN. On account of no quorum being present this committee will adjourn until 2 o'clock to-morrow.

GEORGE S. LONG, *Secretary.*

COLUMBUS, OHIO, *Friday morning, January 28, 1898.*

Investigating committee met at 11 o'clock a. m., and proceeded to take the following testimony in the room of the judiciary committee:

Members present—Chairman Burke, Senators Long, Finck, and Garfield.

John C. Otis, being called as a witness, was first duly sworn, and testified as follows:

Examined by Mr. LONG:

Q. Will you please give the stenographer your full name, age, occupation, and place of residence?—A. John C. Otis; 42; position, a druggist.

Q. Where is your place of residence and business?—A. Cincinnati. Place of business, southeast corner of Sixth and Vine.

Q. I will ask you whether you have a drug store at the southeast corner of——A. Sixth and Vine, Cincinnati, Ohio.

Q. You are a member of the house in the Ohio legislature, are you, Doctor?—A. Yes, sir.

Q. Of the present general assembly, seventy-third?—A. Seventy-third general assembly, sir.

Q. Where were you January 8, 1898?—A. I was in Cincinnati.

Q. Are you acquainted with one H. H. Hollenbeck?—No, sir.

Q. Are you acquainted with one Harrison H. Boyce?—A. I met him—formed a slight acquaintance with Harry Harrison Boyce.

Q. Henry Harrison Boyce?—A. Yes, sir.

Q. You say you met him in Cincinnati?—A. Yes, sir.

Q. When?—A. I met him on the evening of January 7, Friday evening; I think that was January 7.

Q. January 7, 1898?—A. 1898; yes, sir.

Q. Now, I wish you would state, Dr. Otis, what, if anything, occurred between you and Henry Harrison Boyce at that time or subsequently which was in any wise connected with the question of the election of United States Senator, or touching your action in reference to that vote for United States Senator. We want it fully, in your own way. A. Well, about 11 o'clock that Friday morning I was called to the telephone—a party had rung me up and stated he was at the Great Southern Hotel at Columbus, that his name was Boyce, General Boyce, from New York. He said, "I am a stranger to you, but I came on from New York to see you on very important business, and would like"——

Q. Where were you talking?—A. At my place of business.

Q. Telephone to your drug store at Cincinnati?—A. Yes. He said, "I came to Columbus Wednesday afternoon, and arrived just about two hours after you had left;" so I told him I would be at my store all that afternoon; if he was coming down to Cincinnati he could see me there. He said he would not like to go to the store, that he would rather see me at one of the hotels, and which would be the most convenient? I told him either the Grand Hotel or the Gibson House.

Q. What is the number of your telephone in Cincinnati, Doctor?—A. 286.

Q. Go on.—A. So he asked me which would be the most convenient to me, and I told him the Gibson House. All right; he would meet me at the Gibson House; would leave on the 2.30 train and arrive in the city about 5.30 or 4.30. That afternoon I received a telegram from him about 3 o'clock—I think it was wired from Springfield; (the telegram is in existence, however)—to the effect that he would not reach Cincinnati until about 5.30; and between 5.30 and 6 o'clock I met him at the Gibson House—went up to the register and saw his name registered, and got the number of his room and went up to his room. I think the number of his room was 226. I met the party. He greeted me by saying, "I am a stranger to you, but I want to see you upon very important business."

After a few preliminary remarks he told me that he represented Mr. J. Pierpont Morgan, of New York, and that Mr. Morgan had some very large interests in the State of Ohio that he wanted looked after this winter, and also told me that he was a very intimate friend of C. C. Shane, of New York, who was very close to the President, and in a desultory way he touched upon the Senatorial question and wanted to know from me what Mr. HANNA'S chances were of election. I told him in my opinion I didn't think they were very good, but that he had a chance. He wanted to know how I felt about it, and I told him I was opposed to Mr. HANNA, and he told me that night or the following night Mr. Shane was to have an interview with the President, that they were both very anxious about the Ohio situation, the President in particular; personally he didn't care very much who was elected, but he had a very high regard for the President, and for the President he hoped that Mr. HANNA would be elected. After quite a little chat in just that kind of a line we put off further talk until the next afternoon—Saturday afternoon at 3 o'clock.

Q. Who did that—made that arrangement, and in what manner, if you remember, Doctor?—A. Well, I got up to leave, along about half past 6, probably about 7 o'clock, and told him that I had to get back to the store. I had a little business to attend to and that I would see him later. He wanted to know if we could not make some special time, that his business was of very great importance. I suggested that we meet to-morrow afternoon at 3 o'clock. That was Saturday afternoon. The next afternoon or after I left, I saw Mr. Campbell that night—Mr. T. C. Campbell, of New York, was in the city. I told him about my interview with the party, what had transpired, etc., and suggested to the Colonel that I wouldn't go back there to see him, and that it was very evident what the party was leading up to, and no telling what it might lead on to.

Q. By colonel you mean who?—A. T. C. Campbell. Well, he said: "This fellow is evidently a rascal, and you might as well go down to my room and hear what he has to say anyhow." So the next morning before I left home Mr. Bliss, of Columbus here, came to my house along about 8 o'clock in the morning. Well, that night—Friday night—I saw Mr. Bliss. He was in Cincinnati, and he suggested that we see Mr. Eshelby the next morning. He understood that there were two votes that were getting away from them—Lane and Droste—and that they were under Mr. Eshelby's influence, and by meeting Mr. Eshelby something might be done in the matter, and Mr. Bliss came to my store there with me about 11.40, or before 12 o'clock anyway, and rang up Mr. Eshelby, and made an engagement with him at 9 o'clock the following morning at the St. Paul building, Mr. Campbell's office.

Q. Sunday morning?—A. Saturday morning. This was Friday night. That morning before I got down there Mr. Bliss came to my house and told me that he understood that there was a party there in the city trying to reach me on the Senatorial matter, and told me what he had learned from the telephonic communication between the Gibson House and Columbus that night—Mr. Boyce's communication with people here in Columbus. I told Mr. Bliss that morning that I wouldn't have anything further to do with the matter. It was very repulsive to me. It was very evident what the party was leading up to, and the notoriety attached to it was especially distasteful to me, and I thought that I would quit where I was.

But after talking the matter over he concluded and thought that it would be an excellent thing to go ahead with it and see what it would lead up to. So that afternoon I met Mr. Boyce at the Gibson House at 3 o'clock and gave him all the latitude to talk, and his conversation was a sort of a repetition of what had transpired the day before—that he represented Pierpont Morgan, intimately associated with Mr. C. C. Shane, and that he had some business enterprises in New York, and that the President was very anxious to have Mr. HANNA returned to the Senate, and that he would do anything in the world to bring about such a state of affairs.

Personally he didn't care whether Mr. HANNA was returned, but for the sake of the President he was very anxious to have him go back, and if I could only see it in that light he could make it extraordinarily profitable to me in the way of emoluments, or the President has great power in the way of making appointments; and after a good deal of talking just that way, sort of repetition of the same thing over—that he could make it very profitable if I could only see it that way—I told him that I would consider the matter further and probably see him later and left him that way, along about 6 o'clock that evening. That was Saturday evening. After seeing him, I went over and talked to the colonel, T. C. Campbell. I told him what had transpired and the character of the conversation. This was over at the Hotel Emery.

Q. (The Chairman.) What hotel?—A. Emery. That evening Boyce rang me up at my place of business. I was not present at the time. I got a message there to the effect that the party at the Gibson House wanted to see me, and I went over there between 9 and half past 9 and saw Mr. Boyce, who was then at the telephone at the Gibson House lobby. Previous to going over, however, I saw Mr. Campbell and Mr. Bliss, and we agreed between ourselves as to the course we would pursue. I told the gentlemen I didn't want to have anything further to do with the matter. It was then very evident that the matter was going to lead on to a great deal of unpleasant notoriety that I didn't like, and the colonel suggested that the matter had gone so far that it would be well to bring the matter to an end and see the party, and see if I couldn't get him to come over and see him.

I went over to the Gibson House telephone to see him. He was at the telephone in the Gibson House lobby—at the Gibson House lobby between the lobby and the cigar stand—and I told Mr. Boyce that touching the matter I didn't care to talk anything further about it, but that if he would go with me to the Hotel Emery I would introduce him to Col. T. C. Campbell, of New York, and let him discuss the matter with him, and that I would abide by it, the same as if he were talking to me. Boyce said, "Is this man your attorney?" I said, "Yes; he is my attorney." "From New York?" "Yes." He said, "What is his name?" I said,

"T. C. Campbell," and he said "All right." We walked over to the Emery Hotel and I took him upstairs to the colonel's room and introduced him, and after touching on the ordinary topics of the day I retired from the room.

Q. What next, if anything, occurred?—A. Nothing further transpired between Boyce and myself that night. Of course, as to what transpired between the Colonel and Mr. Boyce I got only from hearsay. Do you want me to testify as to those matters?

Q. Well, I want to get at what you know.—A. Well, I met Mr. Campbell, after he was through with Mr. Boyce. The Colonel said he got tired of his talking about the President in a very little while, and said, "Let's get down to the concrete." "What do you want this young man to do?" referring to myself. Well, he wanted me to vote for Mr. HANNA. "Well, what do you want to give him for this vote?" Well, he thought it would be worth $10,000. And Mr. Campbell inquired, "Have you got the money with you?" No; he didn't have the money with him. Well, after talk of that kind he arranged to meet the Colonel the next day, Sunday. On Sunday afternoon, I think it was—yes, Sunday afternoon at 3 o'clock—when he met the Colonel at the Hotel Emery and paid him $1,000.

Q. (The CHAIR.) That is, General Boyce?—A. Yes.

Q. (Mr. GARFIELD.) Were you present at that time?—A. No; I wasn't present.

Q. Were you in the hotel?—A. Not present at the time.

Q. (Mr. LONG.) Did you see the money?—A. The Colonel showed me $1,000 after he left—showed it to myself and Mr. Bliss in another room where we were.

Q. What shape was it in?—A. In $100 bills—ten. The Colonel passed it over to me. I said I didn't want the money; I don't want to touch it. Mr. Bliss asked to see it, and took it and looked it over.

Q. Did you see any more of Mr. Boyce?—A. I saw him that night—Sunday night. Boyce and Campbell had arranged for another meeting that night at 9 o'clock.

Q. (Mr. LONG.) Go ahead, Mr. Otis.—A. About 9 o'clock they met again at the Emery and there were $750 more passed hands there between Mr. Boyce and Mr. Campbell.

Q. Did you see that?—A. I saw the $750 afterwards. I didn't see the transaction.

Q. You saw the $750?—A. Yes, sir.

Q. Who kept possession of that?—A. Mr. Campbell.

Q. You didn't take possession of it?—A. No, sir.

Q. Well, what more in connection occurred with this man Boyce?—A. Well, Mr. Boyce wrote out a receipt that, I presume, is in Mr. Campbell's possession. I don't know whether it is in the possession of the investigating committee or not. Boyce wrote out a receipt for the $750, to be signed by Mr. Campbell.

Q. Did you see the receipt?—A. Yes, sir.

Q. Did you sign it?—A. No, sir; Mr. Campbell holds the receipt, but it was not signed. That was about all that transpired. They agreed—Mr. Campbell agreed with him—in taking this receipt for $1,750, that we were to leave Cincinnati at 9 o'clock to go to Columbus, when Mr. Boyce was to pay over the other $1,750. But he didn't go to Columbus with us the next morning. He could not be found when we got ready to go.

Q. Who did?—A. Boyce.

Q. Did you see Mr. Boyce any more?—A. No; I didn't see him after that night.

Q. Have you seen him since?—A. No, sir.

Q. Do you know why Boyce didn't go with you to Columbus?—A. I think—well, I presume that he was apprised of the fact that he was in a dangerous position and got out as quick as he could.

Q. You didn't know when he came?—A. When he came to Columbus?

Q. When he came to Columbus.—A. When he came to Columbus, what I heard was that he got there about dinner time; 12 o'clock—12.20.

Q. what time did you come here?—A. About 4.30 in the afternoon.

Q. What kind of a looking man was he? I wish you would describe Mr. Boyce as to his personal appearance.—A. Well, Mr. Boyce was a man about 5 feet 11, with a sandy mustache, sandy hair, rather thin on top, combed down on side of forehead. He wore a Prince Albert coat, and had a rather dignified bearing; man about 55 or 56 years of age.

Q. What kind of built man was he—what weight?—A. Would weigh about 185 pounds, and well proportioned.

Q. Fairly heavy and well proportioned?—A. Yes, sir.

Q. What kind of a hat did he wear?—A. Plug hat.

Q. Silk hat?—A. Yes, sir.

Q. Did he wear glasses?—A. Only when he wanted to read.

Q. Now, if there is anything else with reference to this transaction of Boyce that you recall of, and that you have not already testified to?—A. Speaking about glasses reminds me of—he showed me a letter from Col. Fred Grant, complimenting him for some article he had written for the Commercial Review. That was one of his introductory efforts.

Q. Was there anything said by Boyce touching any telegram that he had sent either to Shane or the President?—A. Yes; the night of the interview with Mr. Campbell Mr. Campbell asked him what sort of a receipt he wanted for this money; asked him what evidence he wished for a receipt. He said, "Just simply a telegram from Mr. Otis to the President to the effect that he would vote for HANNA." Mr. Campbell said, "You write out what you want." He wrote it out and Mr. Campbell asked if that was all he wanted signed. He said, "Yes." That telegram was to have been conveyed by Mr. Campbell that night. He wrote it out Sunday evening. I saw the telegram, written in Mr. Boyce's handwriting, to the President: "For the best interests of the country, etc., I will vote for MARK A. HANNA for United States Senator," or words to that effect. The telegram, I believe, is in existence.

Q. Where was the telegram written?—A. In the Hotel Emery.

Q. In Colonel Campbell's room?—A. Yes, sir.

Q. On what was it written?—A. He wrote the original on a telegram blank. Campbell showed it to me. I said I wouldn't sign it. I said, "Bliss, you can sign it," and he was quite willing to sign it. I said, "Sign it J. C. Otis." I wrote my name John C. Otis. I always write my name John C. Otis. He carried out his part. I don't know whether the telegram was forwarded to Washington; I don't know.

Q. (The CHAIR.) You saw the telegram in his handwriting; is it in Mr. Campbell's hand?—A. Yes, it is. The original telegram which Mr. Boyce wrote is in Mr. Campbell's hand; the one given to Mr. Bliss is in Mr. Campbell's possession.

Q. Now, let me ask you if you have stated everything that you know of touching this man Boyce?—A. Yes; I think that is all that I can now call to mind.

Q. You didn't see this man Hollenbeck?—A. Not to know him.

Q. Did you ever know of the existence of such a man as Henry Harrison Boyce, prior to the time of his calling you up by telephone and introducing himself—General Boyce?—A. No, sir.

Q. Have you ever heard of him?—A. Never heard of him.

By Mr. GARFIELD:

Q. When do you think you first saw this man Boyce?—A. On Friday evening about 6 o'clock, probably a little before this, at the Gibson House at Cincinnati. Was the evening of January 7.

Q. How long were you with him?—A. I think we were together an hour, and probably an hour and a half.

Q. Well, in that hour and a half, is that all that you and he talked about—given in your testimony?—A. The substance of it. Yes; these conversations were pretty much a repetition of the same thing.

Q. Didn't talk of anyone else?—A. Well, nothing outside of the business interests of the country, the Cuban question, and ordinary topics of the conversation, going from one to another.

Q. Talked about the Senatorial matter?—A. Yes.

Q. Did you tell anyone else you were not going to vote for Mr. HANNA?—A. Yes.

Q. Who?—A. Well, quite a number of people in Cincinnati, and quite a number of people located here in Columbus.

Q. What else did you say about the Senatorial question?—A. Well, he wanted to know what I thought about Mr. HANNA's chances. I told him that in my opinion his chances were not very good—he had, in my opinion, a fighting chance.

Q. Did you talk about any other candidates?—A. No; did not mention anyone else. I don't think any other candidate's name was mentioned there by Boyce or myself.

Q. And the next afternoon you say he was with you for—— A. We were together from about 3 o'clock until 6 o'clock, or after 6.

Q. About three hours?—A. Yes, sir.

Q. What did you talk about in addition to what you have already testified to?—A. Well, that was about the substance of the whole conversation the whole afternoon. He would go over the statement that he could make it very profitable for me in the way of emolument in the way of positions; and the great regard he had for the President; and the anxiety he felt for the President in having Mr. HANNA returned; that personally he didn't care for himself, but cared on accouut of the President.

Q. Took over three hours to say that?—A. Well, he—these statements were repeated over often that afternoon by the man.

Q. Well, what else did he talk about?—A. He talked about some New York interests he had. About a hotel he had in contemplation of building there and the men whom he had interested in the project. Of the money he had lost under Mr. Cleveland's Administration, and of the money he expected to get back under this Administration.

Q. Well, who did he talk of, so far as you can remember?—A. Well, one man he talked about a great deal was C. C. Shane, of New York.

Q. Anyone else that you can mention?—A. J. Pierpont Morgan.

Q. Anyone else?—A. Fred Grant.

Q. Anyone else?—A. No; I don't remember of anyone else.

Q. Well, did you in any way try to find out who Mr. Boyce was before talking with him on this subject?—A. No; I didn't try to make much of an effort to find out his antecedents.

Q. How much of an effort did you make, if any, to find out who he was?—A. Well, he talked about his career in the late war and his experiences there.

Q. I asked about what you asked.—A. Well, I asked him where he derived the title general; if he had been in the late war. He told me the regiment he was in, and the great love he had for General Grant, and that led up to his showing me a letter from Gen. Fred Grant complimenting him on some article he had contributed to the Commercial Review.

Q. Well, was he introduced to you by anyone?—A. He showed me his card and a couple of letters from H. H. Boyce from New York.

Q. Did you tell him why you were not going to vote for Mr. HANNA?—A. No; I don't think that I did.

Q. Did you tell him who you were going to vote for?—A. I don't think that he touched upon any Senatorial candidate outside of Mr. HANNA. It is barely possible that we may have touched upon Governor Bushnell and Mr. Kurtz. There was much conversation there, and in three hours much can be said. A good deal of repetition. I was giving him all the latitude I possibly could. He evidently had a proposition to make to me, and I waited for him to make that proposition to me.

Q. Were there any other names or facts that he gave that might lead you to his identification?—A. No; I don't remember of any other names at all he mentioned.

Q. Are you sure that he didn't mention any other names?—A. Well, I presume that he may have mentioned other names; he told me at one time that Mr. Morgan was interested in building some electric railroads in Ohio; that they expected to spend from twenty to thirty millions of dollars within the next year or two, and I think in that connection he did mention some other name.

Q. Whose name?—A. I could not recall the name now.

Q. Names of Ohio people?—A. No; New York people.

Q. Did he mention the names of any Ohio people?—A. I don't know. In that connection I asked him if he was acquainted with Myron T. Herrick, of Cleveland, and he said not, if he was interested in the road business.

Q. Did you ask him about any other people besides Myron T. Herrick?—A. Well, we talked about the Cincinnati street-railway system there.

Q. Did you talk about any Cincinnati men?—A. Yes; I think so.

Q. Who?—A. Well, Mr. Kilgore's name was mentioned in connection with the street-railway system—John Kilgore, the president of the road.

Q. Anybody else?—A. I don't remember of anybody else.

Q. Anybody connected with any political work?—A. I think not.

Q. How did you happen to talk about Mr. Kilgore?—A. In connection with the street-railway system, he being the president of the road there—in connection with the road. We talked about the progress of electric roads all over the country, and the possibilities, etc. His name just came up in a general way.

Q. Did he show you any other letters to identify himself in any way besides those he showed you?—A. I think that was the only letter he showed me.

Q. Well, you turned the whole matter over to your attorney, Mr. Campbell?—A. Yes, sir.

Q. How long has Mr. Campbell been your attorney?—A. Well, since 1882.

Q. 1882?—A. Yes, sir.

Q. Did you employ him as an attorney in 1882?—A. Yes.

Q. Where was he living at that time?—A. He was living outside of Cincinnati at a place called College Hill.

Q. Has he been living in Cincinnati since that time all the while?—A. No; he has been living in New York City during the past eight or ten years, although in Cincinnati about every thirty days, having more or less business here all the time.

Q. How have you employed Mr. Campbell?—A. Well, I haven't had a great deal of legal business. He drew leases for me on one or two occasions.

Q. When was that?—A. On one occasion, in 1882; well, two occasions, in 1882, or, rather, in December of 1881, and again in July, 1882, and again in February or March of 1885.

Q. And since then?—A. No.

Q. Had no legal business for you since 1885?—A. Well, I have often called him into consultation since.

Q. Has he an office in Cincinnati?—A. Yes.

Q. How long has he had an office there?—A. Well, I think he has had an office there right straight along. His office is in the St. Paul building; has been there during the past year. Previous to that his office was in the Hamilton Building, corner of Fourth and Vine.

Q. Has he been in Cincinnati during the past five or six years?—A. No; he gets there about every thirty or sixty days.

Q. And you say that Mr. Campbell told you that this man Boyce offered him $10,000 for you?—A. Yes.

Q. You were not present at that time?—A. No.

Q. How did he happen to change, and only pay $1,000 instead of $10,000?—A. Well, that was paid—$1,750; paid $1,000 at one time and $750 at another.

Q. How did he happen to make that odd payment of $1,750?—A. Well, he was to pay another $1,750 here in Columbus the next morning.

Q. When was the balance to be paid?—A. After the vote was to be delivered.
Q. Where was that to be paid?—A. I suppose right here in Columbus.
Q. I understand that you were not present at any of these conversations?—A. No, sir.
Q. They were simply reported to you by your attorney. Now, do you think whether or not any other names were mentioned, or the names of Ohio people, by which you could identify this man Boyce?—A. No.
Q. You didn't make any inquiry at that time to discover?—A. No; I didn't.
Q. You say you stated that he was in Columbus before coming to Cincinnati?—A. Yes, sir; he rung me up from Columbus.
Q. You never saw him at Columbus?—A. No.
Q. Did anybody in Columbus tell you anything about Mr. Boyce?—A. Well, I have heard quite a number of stories in Columbus.
Q. I mean at that time by way of identification?—A. No, no.
Q. You never heard his name mentioned before that time he called you up on the telephone?—A. No.
Q. (The CHAIR.) Did he say anything about Major DICK?—A. No.
Q. Mr. Campbell has been in Cincinnati this week?—A. Yes, sir.
Q. Do you know what he is doing there?—A. I received a letter from him yesterday morning stating that he was there in a very important case and couldn't come up here yesterday.
Q. At what time?—A. 12.30.
Q. Did you receive that information directly from him?—A. I received a telegram this morning to that effect.
Q. That he would arrive at Columbus at 12.30?—A. The telegram reads that he will be here at 12.30—arrive at noon.
Q. (Mr. LONG.) Dr. Otis, was there anything about General Boyce's face which attracted your attention—any mark of any kind?—A. Yes; there was.
Q. What was that?—A. He had a scar under his right—don't know whether the right or left eye—I can't say. He had a scar.
Q. What kind—as to the kind and character?—A. Yes, sir; decided scar under the left eye. I asked him about it—how he received it. He was hit with a piece of shell—shot there.
Q. Was there a discoloration there?—A. Yes; slight discoloration of the scar.
Q. He didn't mention Major DICK's name to you at all?—A. Yes, sir.
Q. Or H. H. Hollenbeck?—A. No, sir.
Q. Any of the gentlemen there—Mr. Dougherty or Mr. Rathbone—who were then interested in the Senatorial contest here, then in Columbus?—A. No, sir.
Q. Any names of Columbus parties that you know of?—A. No, sir. At one time during the conversation he excused himself, went downstairs to the telephone, was away probably fifteen minutes or so, and then came back.
Q. (Mr. GARFIELD.) Which afternoon?—A. Saturday afternoon.
Q. At the Gibson?—A. Yes; at the Gibson.
Q. (Mr. LONG.) Didn't say anything about his associations here at Columbus?—A. No, sir. I asked him if he was acquainted with Columbus. He said he wasn't.
Q. (The CHAIR.) Doctor, we may want to ask you some questions after Mr. Campbell has testified. Consider yourself under the process of the committee, subject to the call of the chairman, and with the provision you may be excused until the testimony of Mr. Campbell is received.
The WITNESS. I have a letter I have received from Bloomington, Ind. I don't know that it is much important [witness handing letter to chairman].
(Mr. Garfield stated that he could not be present at the afternoon session. It was agreed by the committee that the examination of witnesses might proceed in his absence, and that, in case Mr. Garfield or any other member desired to ask any further questions, witnesses would be recalled for that purpose, and that they should be held under process of the committee to respond to its call when desired.)
The Chair excused Mr. Garfield from attendance at the afternoon session.
And thereupon the committee took a recess until 1 o'clock p. m., same day.

AFTERNOON SESSION.

FRIDAY, *January 28, 1898—2 p. m.*

The committee met pursuant to adjournment. Present: Chairman Burke and Senator Long, who proceeded with the examination of witnesses, according to the agreement of this morning's session.

T. C. Campbell, called as a witness, and being first duly sworn, testified as follows:

Examined by the CHAIRMAN:
Q. Your full name is what?—A. Thomas Collins Campbell.
Q. What is your age?—A. Born on the 27th of April, 1845; that would make me 53 the next birthday, if I——
Q. And you reside where?—A. Cincinnati, Ohio.
Q. Where is your place of business?—A. I perhaps ought to say that I have been residing for some time past in New York, although I always feel that Cincinnati is my legal residence, and my family resides there, and I do business there.
Q. You also do some business in Cincinnati?—A. Yes, sir. Senator, will you permit any interruption at this point? I understand the full committee is not here, and that one of the gentlemen who has done some of the cross-examining is unfortunately absent. I understand, further, that you have a rule that you do not allow attorneys to appear before the committee. I will ask that you kindly waive that rule so far as I am concerned as to testimony, as testimony is of more value with cross-examination than without, and I would be very much pleased if anyone who entertains any doubt of what may be testified to should have the privilege of cross-examining me.
Q. Well, so far as the Chair is concerned, the Chair is perfectly willing that the request of the witness may be honored, and Senator Long joins me in that request.—A. That will be satisfactory to me. I have been delayed in getting here, Senators, but it was hardly my fault. I had an important case for a very important client for me, however, and we only finished the matter yesterday, and I could not, in view of the duty I owed my client, leave the matter. Hence my delay. If, however, my business has interfered with or caused the absence of any senator I will return at the request of anyone for cross-examination. You will pardon this interruption, and I am ready to go on.
Q. (Mr. LONG.) Have either Mr. Huling or Mr. Dougherty been here?
Mr. NICHOLAS (one of the stenographers). They were at the door a moment ago.
The CHAIRMAN. I will say to Mr. Campbell that our rule was that no attorney should be allowed to interfere with the hearing, but so far as the witness is concerned, I am content to let any attorney appearing here to cross-examine, and Senator Long feels the same way.
A. You are both lawyers and appreciate the fact that testimony is worth more, or should be, when there is cross-examination than when there is not.
The CHAIRMAN. We will endeavor to get all the facts.
Q. You were occasionally or are occasionally in Cincinnati?—A. Quite often.
Q. And you still have much business there, I suppose, in a professional way?—A. A great deal.
Q. I will ask you, Colonel, whether or not you have at various times had any business relations with Dr. John C. Otis?—A. A great many, covering a long period of time.
Q. Do you remember of his calling on you some time in the early part of the month of January, 1898, with reference to some transaction with one Gen. Henry Harrison Boyce?—A. Yes, sir.
Q. Colonel, starting in with the first knowledge that you had with reference to the connection of Mr. Otis with this Boyce transaction, I wish that you would relate in consecutive order, as nearly as you can remember, the whole transaction.
(Mr. Huling and Mr. Dougherty now enter.)
The CHAIRMAN. Mr. Huling and Mr. Dougherty, the witness now in the stand has suggested that inasmuch as the whole committee is not here, that we agree between the committee that Colonel Campbell's testimony shall be taken this afternoon. A request from the witness asks that the committee here allow any attorneys connected with this transaction to cross-examine. I have stated to the witness that so far as I was personally concerned I had no serious objection to that, and Senator Long has agreed with me; so you can have the opportunity to cross-examine.
Mr. DOUGHERTY. We probably will have no cross-examination to make.
The WITNESS. I was called upon by Mr. Otis at my office in Cincinnati, and he told me that a gentleman named Boyce had requested, over the long-distance 'phone, that he, Otis, should make an appointment with him at some hotel in Cincinnati at 4.30. Otis related the conversation and finally suggested the Gibson House as the most convenient place for the interview to take place. Dr. Otis asked me if I would go with him. He then returned and brought with him a telegram, which changed the hour of appointment from half past 4 until 5.30. [Witness refers to some papers written on telegraph blanks.] Dr. Otis handed me a telegram, which purports to have been the original of which purports to have been filed on the hour and day named.
Q. Just read, if you will.—A. The telegram reads:

SPRINGFIELD DEPOT, OHIO, *January 7, 1898.*

Dr. J. C. OTIS, *Sixth avenue and Vine street, Cincinnati, Ohio:*
I can not reach Gibson House before 5.30 to-night.
HENTY H. BOYCE.

I suppose it meant Henry, but it reads "H-e-n-t-y, 2.35 p." At 5.30 it was not convenient for me to go with the Doctor, and he went himself, asking me to wait at the office, which I agreed to do until half past 6. I waited and didn't hear from the Doctor and went to my hotel, and as near as I can now recall the time, probably half past 7, Dr. Otis came to the hotel and related to me a part of the conversation which he had had with Boyce. Do you want me to tell what was told me, gentlemen, or shall I confine myself to what would be legal evidence in court?
Q. Let that go and relate.—A. Related as between myself?
Q. Relate it as near as you can recollect it.—A. He told me in general terms that Boyce had introduced himself; said he was a New York business man; that he was in Ohio representing J. Pierpont Morgan & Co.; that Morgan had large interests in this State, amounting, I think he said, to $50,000,000, which was treated with unjust taxation, and desired to confer with the doctor at length with reference to the unjust taxation. Incidentally the Senatorship was made part of that conversation. Dr. Otis seemed to be in a frame of mind that he did not care to talk further with him, and then it was suggested that if General Boyce desired to talk further, which he did, having asked for an appointment for 9 o'clock, I think, that Dr. Otis would ask him to confer with me as his attorney; that the doctor did not consider himself very conversant with taxation or the method of levying taxes in this State, and I agreed—not that I thought that I knew much more about the question of taxes than the doctor did, but I agreed to meet Boyce.
A little after 9 o'clock General Boyce, as he termed himself, and Dr. Otis came to my room. The doctor introduced him. We talked on general subjects for a while. I asked him where he lived in New York. He said he lived at Mount Vernon; that is a suburb about 20 miles from the City Hall. I asked about real estate and about the affairs in the country, and, finally, I said, "Well, General, the doctor tells me that you are here to represent a valuable clientele in Ohio." He said, "Yes;" and talked a little on that. He also told us that he had a very strong and loving regard for the President; talked on that line so much that I began to think that he was overstating himself. Dr. Otis left the room, and I said to him, "Now, General, what is your purpose here; what is it you want to do?" He reiterated about the taxes, and said that incidentally connected with Morgan was Senator HANNA, and that on account of the desire and the intense desire of the President that he had sent him to investigate the matter—the question of Senator HANNA's election—and that if he could aid him he would.
I asked him, "Have you come from Senator HANNA; did he send you here?" He said, "No; I never knew Senator HANNA in my life. I do not like him. I consider him and his method brutal, and if it was left to me I would not want him to go to the Senate, but for the sake of such gentlemen that I have sincere regard for I do." What is your proposition; what do you want to do to help him? He again began to talk about his regard for the President and general business features of the country, and commended the success of Mr. HANNA and the people he represented. I said, "Let us get down to business. You come here for the purpose of securing votes for Senator HANNA, and come prepared to make some proposition for it; now, what is it?" "Well," he said, "That is it, but I do not want to put it so broadly."
I said, "No use wasting time; you did not come from the President; that I feel perfectly easy about, Mr. Boyce." "Oh, yes; I do. Mr. Shane, of New York, and myself went to the President, and Mr. Shane returned to New York and I came here on this business." Said I, "What Mr. Shane do you mean?" So he told me he meant Mr. C. C. Shane, a business man whom I know very well in New York. I said, "Well, I know Mr. Shane, and if you come from him he is a man of business and would not waste very many words. What is it you want to do?"
After more talk of a general nature, in which it was with difficulty that he came to the exact point, he said that he liked Dr. Otis, what he had seen of him, and that he would pay the Doctor $2,500 for his vote. I smiled and said, "Well, is that your proposition?" "Yes," "Well," says I, "I shall tell the Doctor, but I feel very confident that nothing will come of that, Mr. Boyce." "Well," he said, "what would you say—what would your proposition be?" Says I, "I don't think that Dr. Otis would have any proposition to make," and said, "I am very sure, then, they would not meet." "Well," he said, "you think this over, and the great favor it would be to the President." I said, "Now, Mr. Boyce, we might as well stop that line of talk. The President knows nothing of your business here and it is valueless for you to repeat that to me; and Senator HANNA doesn't, and now who is it that does know?" Oh, he wouldn't tell that—the friends in New York had sent him—and he would not tell that. It would be sufficient for Otis to know that he would do what he had agreed to do and said he would do; and he would be a very valuable man in the future.
I said, "I am very sure this will not be considered;" and so we separated. I learned—rather I told Dr. Otis of what had occurred at the joint to-day—that some time prior to my meeting Boyce at all I felt that the matter was a very serious one. Judge Robertson, of Cincinnati, was an old acquaintance of mine; been judge on the bench a number of years, also a partner of my former partner, Judge Bookwalter, and I thought it was proper for me to send for him and tell him exactly what was on the tapis. I did so, and told him about this question—about this call upon Otis and the making of these appointments, and what he thought the purpose of him was to be. The interview that I have related started with Boyce occurred on Saturday night at the Emery Hotel.
On Sunday I was called up on the 'phone and told that the General at the Gibson House wanted to talk to me. I went to the 'phone. He talked to me and asked for another appointment. I said, "Very well; come over here whenever you want to, General." That was in my office at the time—in my room, I mean, at the time; and there was present Mr. O'Harra, an attorney at Cincinnati. We were conversing on a matter of business in a suit in which we were on opposite

sides. I told him he could come over any time he was pleased after I was through with Mr. O'Harra. In a short time I received from him a written message, which message is in Boyce's handwriting, and reads as follows:

"DEAR MR. CAMPBELL: Will you come to the Gibson House? Slip into elevator and come up to second floor and come into 226. You will find it without asking the elevator boy. Just say second floor. I will explain."

The CHAIRMAN. Mr. Stenographer, make the telegram from H. H. Boyce to Dr. J. C. Otis, from Springfield, dated January 7, 1898, Exhibit S S, and the note just referred to by the witness as being sent to him, requesting him to come to the Gibson House, as T T.

The WITNESS. The note which I have just read to you is written on a telegraph blank, without signature and without date. However, I now know it as being in the handwriting of Boyce. In response to that request I went to the Gibson House; went to 226 and there had another conversation with Boyce. Before going to the Gibson House, however, I showed the note and told parties of the request and then went to keep the appointment. Upon going to his room the talk of the night before was resumed, except that he left off all reference to the President and to J. Pierpont Morgan. He had come down entirely to the matter he had in hand. He wanted to know what Otis thought of his proposition, and I told him that just as I expected, that Otis wouldn't listen to it. And then he wanted to know what he would listen to.

I told him I didn't know what he would listen to; "he has no proposition to make at all. He is willing to listen to what you have to say." He then said that the amount of money he offered was munificent under the circumstances; that Otis's vote was not needed; that Senator HANNA had 74 votes positive, without Droste and without Lane. I said, "Then it is a mere matter of the goodness of your heart that you are offering Otis this $2,500. Seventy-four votes will as effectually elect a senator as 104." Yes, he said, but he wanted to show and be sure that he would succeed, as in the future there might be a slip, and therefore he wanted Otis, and he also wanted Droste and Lane. I told him that it was idle; that Otis wouldn't hear to it. "Well," he said, "now I want you as an attorney in this matter."

"I want you to present this argument to Otis. I want him, and if you can get him I will pay you $1,000." I said there wasn't any objections to the $1,000, but that I had no idea that I could succeed with Dr. Otis. We talked on for a few minutes. I then said I had better go on back. "Do you want to say anything more?" he said. "You oughtn't to throw away a chance of getting $1,000; fees of that size are not so plentiful." I said, "No; I have no objection to that; if you want to give me $1,000 I will make as good use of it as I can." He finally picked out a large envelope from his pocket and counted out what he said was $1,000; six $100 bills, four $50 bills. He passed it over to me. "There is a thousand." I said, "No; that is not a thousand, General; it is only eight hundred." He picked it up and counted it again, and excused himself for making such a mistake, and added a $200 bill. I rolled it up and put it in my pocket, and went over and told Otis and another gentleman waiting at my room.

Q. (The CHAIRMAN.) Mr. Bliss?—A. Yes. He shortly called upon me himself at the hotel, and I told him that it was as I expected—Dr. Otis would not agree to anything in that line, and that I thought myself such a thing as $2,500 was entirely beneath the dignity of a member of the house or representatives. That for a matter of that kind, if a matter of that kind was to be done in that way, that certainly a gentleman in Mr. Boyce's standing would not think of offering less than $10,000. He said that was all nonsense; that they had bought four votes at an average of less than $1,500 apiece, and that a fifth vote—he said I was not to ask who it was—he had gotten for $600. I said, "Very cheap; but isn't this a very dangerous business for all concerned to be in? Might not this take all the parties in interest to the penitentiary?" "Oh," he said, "I don't mind that more than I would buying a pair of boots." "Well," I said, "you are used to it, probably, and the rest of us ain't; and I have no doubt that where the consequences might be so serious that the amount of money you talk about is not enough." He then said, "I will tell you what I will do.

"I will give him $3,500—$1,750 of it now and $1,750 to-morrow"—to-morrow would be Monday; this was on Sunday—"as soon as we get to Columbus." Now, he mentioned some address in Columbus that he and I would go to, and that the balance of the money would be paid there; but that address I have forgotten. I thought I would remember it, too, but I don't. I told him that I thought he could do better than that. I said, "What evidence—how do we know that you will keep your word with us? Suppose Otis goes up with us and it is given out he is to vote for Mr. HANNA, his bridges are burned, and you need not give it. You say you don't come from HANNA." He says, "No, no, I don't; I never met HANNA in my life; but I think I can satisfy you that I am whom I purport to be." I said, "Very well, do that." So he pulled a telegram, which expressed in polite language that some request for some office he had made at the White House was not complied with owing to somebody's absence.

I saw that the telegram was signed by some clerk in the executive clerk's office. Of course that didn't strike me as being much of a credential. I said, "What else have you?" He said, "I have a letter from Fred Grant." I know Fred Grant and know his handwriting. So he showed me a letter. It was in Fred Grant's handwriting. It was a letter in acknowledgment of some articles which General Boyce had marked and sent to Gen. Fred Grant relating to his father. It was simply a courteous response to what evidently was a eulogistic letter from General Boyce to Colonel Grant. I felt then more strongly than before that Mr. Boyce was a great deal of a fake. I professed to be satisfied with his credentials. However, I returned them to him and said, "What do you want Otis to do if this is accepted?" "I merely want him to write a telegram to the President, telling the President he will do so and so." I said, "You had better write what you want and I will submit it to him;" and thereupon he wrote upon a telegraph blank the following:

"JANUARY 9, 1898.

"TO THE PRESIDENT, *Washington, D. C.:*

"For the best interest of Ohio and the Republican party I shall cast my vote MARK A. HANNA for Senator, both short and long term."

That telegram was written by him in my presence, and I was to submit it to Otis, and if Otis would submit to the proposition made he was to sign it, and I was then to return it to Mr. Boyce, who said he would forward it to the President.

The CHAIRMAN. Mr. Stenographer, this telegram, which is referred to by the witness, dated January 9, 1898, directed to the President at Washington, D. C., may be marked as Exhibit O O.

Q. Continue, Mr. Campbell.—A. I carried the telegram away. We didn't care for Mr. Otis to sign any papers that went into his hands. Mr. Bliss volunteered to copy the entire telegram as written by Mr. Boyce, and signed Mr. Otis's name to it. He did so. At our next meeting, the same afternoon, I pretended to acquiesce in his wishes, and said that Mr. Otis had finally consented; that there was the telegram. "Why," he said, "he wrote the whole thing!" "Yes; didn't you want it that way? Didn't you want his writing?" "Well," he said, "yes; all right." "Now," I says, "you are to give $1,750 here and $1,750 to-morrow on arrival at Columbus." "Yes," he says, "that is the arrangement." Whereupon he counted me out $750. I said, "That don't make $1,750." He says, "Yes; you have got $1,000, and $750 makes $1,750." I said, "I thought the thousand you told me was a fee." "Well," he said, "I couldn't let this cost us more than $3,500; the rest you get if Mr. HANNA is elected."

Q. What was the balance?—A. The balance was to be $1,750 on arrival at Columbus and $6,500 more if HANNA was elected.

Q. That was to be delivered to Mr. Otis?—A. Yes; after the thing was over. I thought I stated that before. That was the time I called for the credentials or something to show us——

Q. That is the time he spoke about the $10,000—you hadn't spoken?—A. Well, I thought I had. I said I didn't think that would be satisfactory with Dr. Otis. "I am in a peculiar position; I am dealing for a third party, and you better have a receipt for just the amount of money you have paid." "Oh, yes; I will take your word." "Yes; but I am afraid Dr. Otis will not." "Well, write it out for him." "Oh, no; it should be in your writing, and there will be no feeling that I might be holding out on him." Whereupon he sat down at the table and on a telegram blank wrote the following:

"Received of Henry H. Boyce $1,750, with the understanding that an additional like amount is to be handed to me on the 10th instant; the whole $3,500 be held by me in trust, to be delivered in accordance with instruction if conditions are fulfilled, and, if not, the whole sum to be returned to said Boyce without protest."

He wanted that I should sign this—or that I was to sign this—and I showed this to Mr. Otis; "I will show this to Mr. Otis, to see if it meets his approval still."

The CHAIRMAN. The receipt just read by the witness, which is said to be in the handwriting of Henry H. Boyce——

A. It is in the handwriting of Henry H. Boyce; I saw him write it.

The CHAIRMAN. Which is in the handwriting of Henry H. Boyce, may be marked Exhibit N N.

Q. Continue, Colonel.—A. Well, I said I would take the $750 and this receipt and show it to Otis, and at our next interview would give him the receipt. That was agreed upon. He left the hotel. I was to meet him the next morning, and Dr. Otis and he and I were to go up together to Columbus. He went away and came back, I would say, about 12 o'clock, perhaps later, and was very anxious that we shouldn't let him, Otis, go to Columbus until he was along. I said "Very, well, that is the understanding; we will go up to-morrow morning on the 9 o'clock train together." When the time came to go on the 9 o'clock train Mr. Boyce did not show up, and on a later train that day I came up with Mr. Bliss and Dr. Otis.

There happened to be on the train a gentleman from Columbus whom I knew. I knew him as a judge on the bench and as a Republican. I had confidence in him. I felt at this point that the matter had indeed grown very serious. I didn't know that it had become general information in Columbus. It seemed that the transaction had, however, leaked out here, and something concerning it had appeared in New York newspapers. I went to this gentleman and told him that it was an ugly affair; that I hated it very much; that I knew George Nash very well; I knew GROSVENOR, General Little, and Mr. Thompson, and knew them as active friends of Senator HANNA, and I asked the judge's judgment on whether or not I should send a telegram to George K. Nash, asking him to meet me on my arrival at Columbus, where I intended to lay all these facts before him and give him these papers.

I thought if that was done it would result in Senator HANNA being withdrawn by his friends and the scandal being kept within the few who knew it. Judge Nash did not meet me when the train came in, but Captain Donilson came down and met me and said that GROSVENOR and Nash were both at a meeting—a mass meeting held here that day—and that General Little had left Columbus to attend the funeral of a relative or friend at Xenia, and that Judge Thompson would see me at any place I would name. I said then I was going to the Southern Hotel and would wait for the Judge up to 6 o'clock. Nobody came. I got no message up to 6 o'clock. Then the matter—but already it was out, though—then the general details of it were stated to the representative of the press. I mentioned that latter circumstance, Mr. Chairman, because a newspaper in Columbus said it was evidence of a scheme or conspiracy to do some wrong to Mr. HANNA—the fact that I sent the telegram to Mr. Nash; I sent a telegram to Mr. Nash after a lengthy interview with Judge Pugh, of this city, a man that I esteem very highly and thought to be very honorable, and he concurred with the doing of what I proposed.

I had a long acquaintance with Judge Nash and esteem him very highly, as indeed I do the other gentlemen I have named as being connected with him. It was no plot or conspiracy; it was not for that. It was for the purpose I have indicated; and certainly if I was about to engage in any plot or conspiracy I would hardly expect to cope with the intellects of GROSVENOR, Thompson, Little, and Nash. Mr. Nash accepted that, I am sure, in the spirit in which I intended it. About 8 o'clock or half past 7 o'clock in the evening I received from Judge Nash a very courteous, polite note, requesting me to come to the Chittenden Hotel and there meet him and General GROSVENOR.

It was then too late to do anything. I went, however, to the Chittenden, and met Mr. Nash and explained to him briefly what I intended; and I regretted that it was past the time when either of us could control it. We parted very pleasantly and friendlily. Boyce I have not seen since that time. I have had and did have immediately after the first interview with Boyce started inquiries about Mr. Boyce and used the wires east, and pretty soon was put on the track of learning all about him. I think, gentlemen, I have told you all I know, except I want to say again that there should be no mistake about it, that Boyce declared with emphasis that he had never met or seen Senator HANNA.

Q. You spoke about one Mr. Shane; who is C. C. Shane?—A. Mr. Shane is a gentleman of good standing in New York. He has a fur store—two of them, I think; one on Forty-second street between Broadway and Sixth avenue. He is a man that is active in, or I better say the reform side of politics in New York. He was active in his efforts, as I was, to secure the nomination of Mr. McKinley. I think he is a man that is able and willing and does contribute to his side of politics. I would regard him as an honorable man. The only thing that I have ever heard about him that was not in the line of being an honorable and decent citizen is what Boyce said.

Q. And that, I take it, you didn't believe to any great extent?—A. I wouldn't say I don't believe, because when I asked Boyce I cross-examined him a little—where did you know him; how did you know him, and where is his place of business? It led me to infer that he did know Mr. Shane very well and knew where his place of business was very well.

Q. Colonel Campbell, you spoke about $1,750, which was paid in Cincinnati?—A. Yes.

Q. One thousand seven hundred and fifty dollars paid in Cincinnati?—A. Yes. There it is, only I don't propose to make an exhibit of it, as you have done with the other papers; but there is the money just as he counted it out to me [witness produced a roll of bills]. There are six $100 bills, and there are the fifties—those are all fifties, excepting the two twenties and one ten. He added those two more $100 bills, making eight $100 bills; the rest fifty, except the last, which was in two $20 bills and the ten. Now, there has been a great deal of information sought about this money. Dr. Otis has stated in the house of representatives and elsewhere that the money would be handed to Mr. Boyce when he came in to Hamilton County where he parted with it and asked for it. If he does not do that—as I have been pretty fairly slandered and libeled—I propose to use a part of it in paying the expenses of a lawsuit that I have started.

Q. You have, then, started a lawsuit?—A. Yes; on my own account this time; I have started a great many for other people.

Q. Lawsuits against the parties in controversy?—A. Yes; against the State Journal. I was very much surprised to have the State Journal malign me very seriously. The president of that company was a gentleman who knew better. He had known me for a long time, and he has said if he had been at home it would not have occurred. Nevertheless, I want the paper to say that and say more in connection with it.

Q. But if Mr. Boyce returns for this money it will be turned over to him?—A.

If he will come into Hamilton County where he parted with it, he shall have it, even that part of it which was my fee. That is an inducement for him sure to come.

Q. Let me understand—the total amount that Otis was to receive was $10,000?—A. Yes.

Q. One thousand seven hundred and fifty dollars of which was to be paid in Cincinnati, $1,750 was to be paid in Columbus, and the balance as soon as Senator HANNA was elected?—A. Yes; I didn't detail it to you. There was a good deal of talk about the others. He wanted to know if we couldn't arrange for Droste and Lane; that Lane ought to be a very cheap man. He said he could get $5,000 for Lane's vote and that one or two thousand would be a great plenty for Lane and that he would divide the residue with me. He also said he could get $25,000 for Mr. Mason's vote and influence, and that there ought to be a very large dividend in that—not less than $15,000. In fact, he was preparing to make me wealthy.

Q. Any other votes that he spoke about buying?—A. No, sir; he didn't name anybody else. He said he had bought five votes and one of them was bought for $600, but he didn't name who the cheap man was.

Q. (Mr. LONG.) Colonel Campbell, I think it is desired before departure of one of the absent senators to know what relation, if any, you are to Dr. Otis?—A. What relation?

Q. Yes; or whether you are a relation?—A. I am a friend of Dr. Otis in any little matter where he wanted an attorney. I think I was the only one he probably advised with. He never had any lawsuits that I now recall; not the kind of a man that gets into lawsuits. I had business relations with him one time and invested some money with him in the drug business. I think the partnership lasted for some—well, I don't know how many years, seven or eight. Dr. Otis got married and came to New York, and said he didn't think the business had enough in it to justify him in making any division with me any longer; that he thought my share in it was worth so much, and he would give it to me.

I said, "All right, Doctor." He sat down and gave me a check and drew up some notes; paid the notes as they became due. That is all that ever was between Dr. Otis and me. I esteemed him very highly as a young drug clerk in Weatherhead's drug store, where I used so deal, and he impressed me as a capable, honest young fellow. He afterwards went to the medical college and graduated with honors, and then came back and went to the school of chemistry and graduated from that, and is a very capable chemist. If you mean whether there is any blood relationship, or by marriage, there is none. Dr. Otis was a Republican in a mild way, that is, he was not aggressive in his politics, but he was a Republican, and has always been a decent, honorable, honest man and so known to everybody that knows him in this community.

Q. (Mr. HULING.) Do I understand you that Dr. Otis came Friday, the 7th, the first time in this matter?—A. I am not sure, Senator—you are not a senator, though.

Q. No, sir—Mr. Huling.—A. I think Saturday, sir.

Q. That is the day of the telegram?—A. Yes; the same day the telegram came.

The CHAIRMAN (to Mr. Huling). So the record may show the exact facts. Whom do you represent?

A. Well, I did represent Mr. DICK. I do now so far as this testimony is concerned.

Q. (The CHAIRMAN.) You represent Mr. DICK?—A. Yes.

Q. (Mr. HULING.) Have you that telegram there, Colonel? I refer to this telegram marked Exhibit S S. Can you refresh your recollection as to the date when it was that Mr. Otis first spoke to you?—A. Well, I think it would be the day that he got this; that is my best judgment.

Q. And was it prior to that telegram?—A. Yes; I think so. The first conversation related to an appointment that was made by a long-distance telephone. The second to Dr. Otis was to advise me that the time was changed by reason of this telegram.

Q. Did he see you personally on the first occasion, or by telephone?—A. Well, I think it was personally, but I wouldn't be sure.

Q. Do you remember what time in the day it was?—A. Well, my recollection would be it was early in the afternoon.

Q. He informed you, did he, on that occasion that he had received a message from some person in Columbus on the long-distance telephone?—A. Dr. Otis, yes, informed me that a man giving his name as General Boyce—Henry H. Boyce, desired an interview with him on some important matter. (Witness examined some papers which he had taken out of his pocket.) That he said he was from the East.

Q. He did not inform you what the matter was?—A. No; he didn't say that the matter had been mentioned over the 'phone. It was important matter is my recollection, and that he thought it would relate to Senatorial fight. At that time there was a great deal of—well, a pulling and hauling, and attempting to use influence on the members that was going on very actively at that time.

Q. You didn't see Mr. Boyce upon that day, I believe you said?—A. I say I think it was 9 o'clock of that day at night when he came to the hotel; that is my recollection of it. Now, it might have been the telegram came the day before.

Q. You won't be certain, then, whether it was Friday evening or Saturday evening?—A. Yes, I am; I am certain it was Saturday evening, but I am not certain as to whether or not it might be the day before I was told about it; but I think not, I think it was the same day.

Q. You recollect that you were called up by Mr. Otis, or his saying to you, at any rate, that he had received a message over telephone, and then that he received a second call that the time of meeting had been postponed?—A. He certainly told me about the postponement, and my recollection he must have given me this telegram.

Q. It might have been the date of the telegram?—A. I think it was.

Q. And you didn't see Mr. Boyce then until Saturday evening?—A. Saturday evening, sir.

Q. About 9 o'clock at the Hotel Emery?—A. Yes.

Q. Where was it you were called from on Sunday, I think it was?—A. From the Gibson House by 'phone to the Emery.

Q. That is where you were stopping?—A. Yes.

Q. (The CHAIRMAN.) Both houses in Cincinnati, Ohio?—A. Yes; both houses in Cincinnati, Ohio.

Q. (Mr. HULING.) You say you met Judge Pugh coming up on the train; on Monday, was that?—A. Yes, sir.

Q. Where did you first meet him?—A. On the train, you mean?

Q. At what point?—A. Well, I think I entered into a conversation with him before we got to Loveland—no, not before we got to Loveland, it was the other road—well, I got in conversation with him some miles out of Cincinnati.

Q. What road did you come up on, did you say, Colonel?—A. I think Big Four, by way of Middletown, Dayton, and London.

Q. (Mr. KENNEY.) Mr. Campbell, did Mr. Boyce say anything about whether the five that he had bought were Democrats or Republicans?—A. He did not. He did say, though, in that conversation that there was no trouble about it; that Otis's vote was not at all necessary, that they had the vote, and if necessary there would be a break among the Democrats.

Q. (Mr. LONG.) Did he mention the names of any of those, and how many?—A. No, sir; but spoke of the vote of those secured for HANNA, but not in the connection of the payment of money.

Q. (The CHAIRMAN.) I will inquire where you will be, whether in Cincinnati or New York, the next week?—A. I will be wherever you want for the next day or two, if the absent senators want me to come. I was going to say that I am devoid of feeling in this matter. Any feeling I have would be the natural antagonism I would feel after the attack was made upon me by the Journal. I didn't feel that Judge Nash was at all responsible for the publication of the episode of sending him the telegram, because I know he appreciated that and the spirit in which I did it.

Q. Could you be subject to call here Monday or Tuesday?—A. If you think likely I'm wanted, I would say Monday. I have business that requires me to be in Boston Monday, but I will wait in Cincinnati or Cleveland; either city would suit me for a call on Monday. I am associated in business with some of Senator HANNA's closest friends. I am associated with Myron T. Herrick, George H. Worthington, J. B. Painter, and others of his very close friends. I am now a member of the committee on reorganization of the Central road of Columbus, and my being here at the time of the election of speaker had nothing to do with politics, however. I was here on business of that road.

Q. (Mr. HULING.) You have an office in New York as well as in Cincinnati?—A. Yes, sir.

Q. You had an office there a number of years?—A. Yes; I have had an office there a number of years, and either one of the cities is plenty large enough for me to confine myself to, but it so happened I was an attorney for a large estate in Cincinnati and they desired that I should go on and attend to their business whenever they have any, and also one of the banks in Cincinnati, and they desire me to do their business when they have any, and that makes it profitable for me to have an office there.

Q. You have had an office in Cincinnati how long?—A. I had an office in Cincinnati since 22 years of age.

Q. When did you come from New York prior to the interview with Mr. Otis?—A. I have not been three weeks out of Ohio at any one time within the last two years, except when absent in Europe. I have been in Columbus probably twenty times within the last year. The matter that I told you about, Mr. Huling, brings me here.

Q. I understand that, but you didn't answer my question. What date did you leave New York prior to the 7th day of January?—A. I think I was here on the 2d—no, I was here on the 3d.

Q. When were you in New York last prior to the 7th?—A. I think the last I was in New York was on New Year's day; that was the last I was in New York prior to the 7th.

Q. When did you do any business for Mr. Otis last prior to this business; any kind?—A. I couldn't remember that.

Q. Some time?—A. I couldn't remember when. The last business of any importance between Mr. Otis and I was when he came and bought out my interest in the store, and that was six or seven years ago.

Q. (The CHAIRMAN.) That will be all if you will hold yourself subject to the call of the Chair.—A. Yes, sir.

Q. Without you have some statement.—A. Simply about this man Boyce. There is a card which he left in Mr. Otis's box at the Southern Hotel the day of that or the day before he called them up in Cincinnati; it gives the address 36 Wall street, room 501. He is not known at 36 Wall street at all; nobody in that building knows him.

Q. (Mr. LONG.) Is there such a room in that building?—A. Yes, such a room and such a number; nobody about the building knows anything of him. He has a place where he professes to do business at 29 West Twenty-sixth street, in New York, and he had a piece of property that he claimed to own in Mount Vernon, but was foreclosed by mortgage—mortgage was foreclosed on it.

Q. (The CHAIRMAN.) Did he speak of having any business in Canada?—A. No; he didn't speak about that. He is a man that has had occasion to need Canada once or twice in his life.

Q. (Mr. LONG.) Had occasion to need it?—A. Yes; he was a man from whom the old refuge "benefit of a clergy" was deprived, and Canada took its place. That is the best way I know how to express it.

Q. Well, if you will be in reach.—A. Please not make it later than Monday.

The CHAIRMAN. I will try to see that it will not be later than 4 o'clock Monday.

Mr. LONG. I think it will be well if the Chair will make it 1 o'clock Monday.

The CHAIRMAN. I will notify the other members. The card giving address 36 Wall street, room 501, may be marked MM.

Adjourned to 4 p. m. next Monday.

MONDAY EVENING, *January 31, 1898.*

Hearing of the bribery investigating committee resumed. All of the members present.

And thereupon T. C. Campbell was recalled and testified as follows:

The CHAIRMAN:

Q. Colonel Campbell, at our last evening meeting, at the time you gave your testimony, you spoke about being on somewhat friendly relations with Mr. Otis; that you were one time connected in business with him. Will you explain to the committee when that friendship sprung up, and what your relations with Mr. Otis had been since that time?—A. Yes; I thought I had gone over that fully. I became acquainted with Otis, I would judge, in 1877 or 1878. He was then a youth, a clerk in the drug store of Weatherhead, in Cincinnati.

I used to deal at Weatherhead's store, and stopped in there a good deal, and became well acquainted with the young man. Along, I think, in 1879 or 1880 there was a drug store that passed into the hands of the present Judge Rufus Smith, of Cincinnati, as receiver. It was for sale, and I had learned to think a good deal of Otis's capacity, and I suggested to him, if he wanted to, I would advance him the necessary money to buy that store. I asked him if he had any money of his own. He said yes, he had some, and I then added to what he had—some $2,600 I think was the sum—and the store was bought and additional stock put in. It was a rather prosperous venture. That went along until the building was torn down on the corner of Fifth and Vine streets, in Cincinnati. He then rented from Mr. Richard Smith and Mr. Glenn, at the corner of Sixth and Vine. My investment remained in his care until, I would think it was, six or seven years ago. He accounted to me at the end of each year.

I never examined for the purpose of determining whether his accounts were correct or not. I had absolute confidence in his honesty then, as I have now. I believe I have already told you, Mr. Chairman, that after his marriage he came to me and said to me that the business was not large enough to justify any division any longer with me, and he regarded my interest in the business as worth so much. He paid me part of it in cash and gave notes for the residue, which he promptly paid. Even then I made no examination whatever, feeling perfectly sure that whatever he told me was the condition of affairs was the actual condition. For the next six or seven years I have only met Mr. Otis, say, occasionally. When I wanted anything in his line in Cincinnati I would go a little out of the way to go to his store to buy. He came to me some months ago and asked me to use any influence I might have in securing the nomination of a certain gentleman for the legislature. I declined to represent his friend. I didn't think well of him; but said, "If you want to go yourself, I will help you." And to his regret then I did help him, and he is here.

I think that expresses the relationship between Mr. Otis and myself. If he had any little matters that he required the advice of a lawyer upon he advised with me, and he would come to me for advice even in matters that was not law. I am hardly old enough to be Mr. Otis's father—but the relationship was perhaps that of an elder brother to a younger. I have had no occasion in my life, during the twenty years I have known him, to regard him other than anything else than an honest and conscientious man. He was a Republican always. I used the phrase the other day, speaking of that, "a mild Republican." I meant by that

he was not an offensive partisan; he didn't intrude his opinion or insist that they agree with him; but he always voted the Republican ticket; sometimes served on committees, and went to conventions, and sometimes contributed a little means.

Q. You say he consulted with you upon matters in a professional way, and also consulted with you upon other matters?—A. Yes. Whenever he had anything at all of a professional nature I suppose he always came to me, at least he on various occasions has come to me. In business matters he sometimes asked my opinion whether in my judgment it would be wise to do this or that. I was, at the time that he moved from Fifth and Vine to Sixth and Vine, the attorney of the Cincinnati Gazette, and they were the landlords of the building—the company was the landlord of the building. It was through me that he took a lease of that place for, I think, fifteen years; I negotiated that matter and drew the lease, all such matters as that. One time he started a second store in another part of the town, and in that manner I negotiated the lease. The relations between us, if you are getting at that, were just as friendly as should be between two men who have respect for each other and have mutual interests; there is no blood relationship and no relationship by marriage; he is a member of the same order, same fraternal order, that I am, but not of the same lodge.

Q. At or about the time Mr. Otis received the telephone message from H. H. Boyce, I will ask you if you know anything about his being interviewed frequently or otherwise by various parties mainly interested in the Senatorial question?—A. Oh, yes; he was, as I presume all members of the legislature was, interviewed. There were a great many people who kindly volunteered advice to him that he ought to vote for Mr. HANNA; there were others who volunteered advice to the contrary. Mr. Otis himself was in such a position that I did not see how he could have voted for Mr. HANNA at all; he is a believer in the silver side of the money issue at this time, and was a member of the silver club, and I knew it would be idle for any man to approach Mr. Otis to vote for Mr. HANNA; I could not do it, no matter what argument I made.

Q. I suppose they were pulling and hauling a great deal back and forth, one to the other?—A. Oh, yes; a great deal of that.

Q. You are acquainted with Mr. HANNA, are you, Colonel?—A. Yes, sir.

Q. Have your relations with Senator HANNA been pleasant or otherwise?—A. They are always very pleasant. I have stated to you that I am associated in a business way with some of his closest friends. I don't know of any closer friend than Mr. Myron T. Herrick.

Q. Of Cleveland?—A. Of Cleveland, yes; president of the——

Q. Society of Savings?—A. Largest bank, I believe, in Ohio. My predilections were on Mr. HANNA's side until after he became Senator. I was an earnest advocate of Mr. McKinley's nomination for President, and I spoke for Mr. McKinley at what was known as the Cooper Union meeting at New York. The New York Tribune carried my speech in full; and for that I received from both Mr. McKinley and Mr. HANNA notes of thanks. When the time came for Mr. HANNA—when the time came to fill the vacancy for the Senatorship in Ohio, I added my voice that Mr. HANNA was the man. I agreed with him at that time in everything of a political nature. He was a protectionist; so am I. I thought he was a bimetallist, which I am.

I thought, as Mr. Cleveland had not been, that he would be an ardent sympathizer with Cuba, which I am. When Mr. HANNA, in his wisdom, showed me I was mistaken in my belief of his views; that he was a monometallist instead of a bimetallist, and that he was as much of a sympathizer with Spain as Cleveland was, I felt that my feelings for him should terminate politically; and since the time that information came to me I made up my mind I wouldn't vote for him as a Republican candidate for Senator before the people.

Q. Otherwise, except as to that, you never have had anything between you?—A. Nothing but pleasant relationship. Now, gentlemen, don't misunderstand. There was no close relationship. I knew him; we sometimes met on the street and talked; he was a busy man and I was not unoccupied myself. I was in Cleveland a great deal and met his friends a great deal—and, in a word, was that of a pleasant acquaintanceship and nothing more than that.

Q. I suppose you have been at our Union Club, at Cleveland?—A. I don't remember the name of the club. Mr. Herrick has taken me out to some of the clubs.

Q. On Euclid avenue?—A. Yes, I believe.

Q. When you say you made speeches in the campaign for McKinley, that was in the campaign of '96?—A. Yes; that was in February, '96. I spoke a great deal, and the one speech about which Mr. McKinley sent me the note and so did Mr. HANNA. I spoke all over New York State—Poughkeepsie, Albany, Utica, and other places in the State—in connection with what is known as the McKinley League. They were extremely anxious—as all Ohio people were, I think—that McKinley should be nominated. I wanted it to appear that the doctrine of protection was approved of by the people of the United States; and I felt that his nomination would meet the approval of the people; not that others are not as good, but he was better identified with it and better acquainted with the subject, and I wanted him in preference to any other man in the United States.

Q. Anything else that occurs to you that you haven't related to this committee?—A. Yes; if I thought that there was so little to it I would have asked to be excused Friday, but, of course, that could not be told in advance.

The CHAIRMAN. This witness is finally excused.

Whereupon the committee adjourned to meet at the call of the chairman.

SENATE CHAMBER,
Tuesday evening, February 1, 1898—5.50 p. m.

Hearing before the bribery investigating committee resumed.

All members present.

The CHAIRMAN. The investigating committee will now come to order.

And thereupon Charles Steitz was called as a witness; being first duly sworn, testified as follows:

Examined by CHAIRMAN:

Q. State your full name, age, and occupation.—A. Charles J. Steitz; 31 years of age; hack driver.

Q. Where do you live?—A. 38½ East Spring street.

Q. Columbus, Ohio?—A. Yes, sir; Columbus, Ohio.

Q. How long have you been a resident of Columbus, Ohio?—A. I have lived on and off eight or nine years now; I guess I have been here altogether that.

Q. How long have you been engaged in your present occupation?—A. I think I came back there the last time in '94. I drove there two or three different times.

Q. And have been continually engaged in that occupation since '94?—A. I think so; I ain't exactly sure when I last came back, but I think it was '94.

Q. For whom do you work, and by whom are you employed?—A. Columbus Transfer Company.

Q. What is the business done by the Columbus Transfer Company; what is their business?—A. Oh, they have carriages and wagons, express wagons and coupés.

Q. What do you drive, a carriage or coupé?—A. Carriage.

Q. And in what particular line of duty are you engaged in the city of Columbus; that is, where do you drive to and from?—A. The depot is where I stand at.

Q. Stand at depots and wait on the trains and take parties desiring a carriage wherever they desire to go, I suppose?—A. Yes.

Q. On or about January 10, 1898, I will ask you whether you drove any person or persons from the depot, or rather whether you accepted them as passengers in your carriage upon that day?—A. Well, I hauled passengers to and from the depot, I suppose, on that day.

Q. You were engaged in the lines of your duty upon that day, were you?—A. Yes.

Q. State whether or not you remember of taking anybody to the Union depot in the afternoon?—A. In the afternoon?

Q. Yes.—A. I don't know of anything that comes in—only 4.05 on the Big Four.

Q. Do you know whether a train comes into the depot at Columbus about 12.25 or 12.35 every day?—A. There is one comes in 12.25, yes; Big Four.

Q. The depot you referred to is what is commonly known as Union depot?—A. Yes, sir.

Q. January 10 do you remember of being at your stand at the depot?—A. Yes, sir.

Q. How do you remember that particular day?—A. Well, I don't know as I just remember that particular day, but I am there every day except Sunday.

Q. Well, do you remember the day of the inauguration of Governor Bushnell?—A. Yes; I remember that.

Q. Referring to that day, I will ask you whether or not you received any passenger to be carried to 263 East Broad street, Columbus, Ohio?—A. From the depot?

Q. Yes.—A. I had a man; took him to the depot, but I didn't take him to 263 Broad street, but I took him across the street from there.

Q. Where did you take that man as a passenger from?—A. You mean where I got him from?

Q. Yes.—A. I got him from the Neil House.

Q. Do you know his name?—A. No, sir.

Q. An old man or a young man?—A. Well, I don't know as I could say that. I wouldn't judge that he was a very old man. I didn't look at the man particularly enough to notice much about him.

Q. You didn't pay much attention to the man?—A. No, sir.

Q. About what time did you get him at the Neil House?—A. Well, I should judge about 12 o'clock, or a few minutes after.

Q. Where did he request you to drive with him?—A. To the depot.

Q. Union Depot; you now refer to that?—A. Yes.

Q. Did you drive to the Union Depot?—A. Yes.

Q. What did this passenger do at that time?—A. Why, he sat there awhile and told me to drive him out somewhere in the neighborhood of 200 East Broad street. I drove out there and stopped as near as I could to 200—I don't think there was such a number—and he then directed me to drive out there and opposite 263 and stop.

Q. Did you remember the door that the gentleman came out of—your passenger—when he came out of the Neil House?—A. I didn't notice him until he came to where the carriage was standing.

Q. Where was your carriage standing?—A. I don't know just where, but I think a little south of the entrance.

Q. Had you been summoned to be there?—A. Yes.

Q. By whom?—A. By the agent at the depot; gave me a call to be up there.

Q. Who is your agent?—A. William H. Kinsel. I ain't sure whether it was he or one of the other men, but told me to be sure and be there.

Q. William H. Kinsel—K-i-n-s-e-l?—A. I don't know whether that is the way he spells it or not.

Q. You are not certain whether it was Kinsel or another?—A. I am not certain whether Kinsel or the other gentleman.

Q. Who was the other gentleman?—A. Well, I don't know as I could tell you; they have two or three by the name of Dave Ray and Charles Hidell.

Q. Dave what?—A. Dave Ray.

Q. And Hidell?—A. Charles Hidell.

Q. Well, any one of these three men told you they wanted you at the Neil House?—A. Yes; told me they wanted a carriage—didn't say they wanted me.

Q. How long did you wait before the Neil House before this gentleman came out of the Neil House?—A. I didn't wait very long; I don't suppose I waited over five or ten minutes.

Q. What was the first thing that he said to you?—A. The first thing he said was to drive to the depot.

Q. He came out and got in your carriage and said, "Drive to the depot," got in and you started for the depot?—A. Yes.

Q. When you got down to the depot I suppose you stopped. Did this gentleman get out of the carriage?—A. No, sir.

Q. Do you know whether or not the Cincinnati train was in at that time?—A. I couldn't say as to that.

Q. Did anyone go into the carriage or come to the carriage and talk with him?—A. No, sir.

Q. He simply opened the door, I suppose, and told you to drive to 200 Broad or 263?—A. He told me 200 first, and I drove out there and stood about the same way I was standing at 263.

Q. From there to 263?—A. Across the street he said.

Q. You did drive across the street, just opposite 263?—A. Not just opposite; I was kind of cater-cornered.

Q. However, you run to No. 263?—A. No, sir; I was on the other side.

Q. How long did you wait there?—A. Well, I don't know; I should judge probably ten or fifteen minutes.

Q. Did this gentleman get out of the carriage during the time you were waiting?—A. No, sir.

Q. What happened then?—A. Why, he told me when I would see a cab drive up to 263 to go and tell the man that he wanted to see him.

Q. What happened?—A. The man came over into the other rig; I fetched the grips over, and the man told me to drive them around, no particular place to drive them to.

Q. As I understand you, the passenger you had said to you that a cab would drive up to 263 East Broad street, and that as soon as it came you should go over and notify the man in the cab to come over to your carriage?—A. Yes.

Q. Well, did a cab drive up there, to 263 East Broad street?—A. Yes, sir.

Q. How many people were in that cab?—A. One was all I seen.

Q. Man or woman?—A. He was a man.

Q. What did that man do?—A. Why, he came across the street and got into the carriage.

Q. Did he get out of the cab before you notified him to come across the street?—A. He was just coming out when I told him, or he might have got out about the time that he got stopped, and I told him to come across the street.

Q. Do you know whether he was going into the house known as 263 Broad street?—A. I couldn't say whether he was or not.

Q. Had he opened the gate?—A. No, sir.

Q. Did he get off on the side upon which the house was located, that side of the carriage?—A. Yes.

Q. Instead of getting out upon the side that you were on he got out on the opposite side?—A. Yes.

Q. And you went around the carriage and notified him?—A. Yes.

Q. Then he came over to your carriage; and what then was done or said?—A. Well, I don't know what they said; he got into the carriage, and he told me to drive them around.

Q. Just one moment. Was there any talk between these two gentlemen, your passenger and the man whom you notified to come over to your carriage, before you started away?—A. No; they might have talked in the carriage, but not that

I knew of. I suppose they talked as soon as the other gentleman got into the carriage, but——

Q. Did they shake hands with each other?—A. Well, I couldn't say as to that.

Q. Did the gentleman who was in the carriage and drove up to 263 East Broad street have any package with him?—A. I think he had two valises.

Q. And what kind of valises were those, if you remember?—A. Well, it seems like one of them was little, but larger than the other one.

Q. A large valise and a small one, as you remember?—A. I should judge they was.

Q. Did that gentleman have these valises in his hands when he got out of the carriage located in front of 263 Broad street?—A. I don't know, but I don't think he did.

Q. Who brought the valises over to your carriage?—A. The driver that hauled him out there.

Q. As soon as he got into the carriage you were notified to drive where?—A. I was notified to drive east. He did not just state any particular places to drive, but just said drive east.

Q. Well, any other conversation?—A. That's all the conversation I had with him.

Q. Where did you drive to?—A. Well, I don't know as I could tell you all the streets I was on. I drove out East Broad and Washington avenue and went down Washington avenue; I ain't sure where I did drive. I was on Washington and Livingston and Town streets, and just what route I took I don't know.

Q. How many miles did you drive?—A. I don't know that.

Q. How many horses did you have?—A. Two.

Q. How long were you driving these two men, or driving your carriage with the two men in it?—A. Well, I think from—I think it was about 12 o'clock when I was at the Neil House—that is, somewhere close to 12 o'clock, anyhow, and it was about 1.40 when I got there with them; 1.30 or 1.40, somewhere along there.

Q. Now, during the time or after starting away from where you were located across from 263 Broad street, did your passenger have any conversation with you—that is, the passenger you took from the Neil House; did he instruct you as to anything he desired you to do?—A. No, sir.

Q. He simply told you to drive down east?—A. He said drive out east—drive somewhere, he said.

Q. You took it at that time they were going that time simply upon a pleasure trip?—A. I suppose so; yes.

Q. Was anything afterwards said about what you should do if anyone followed you?—A. He said if I seen anyone following him to let him know.

Q. Did you see anybody following him?—A. Why, I thought there was a carriage following me. I wasn't sure they were following me until I went out quite a ways, and when I found they were following, I told him.

Q. What was then said?—A. He told me to lose them; that is all he said.

Q. To lose them?—A. Yes.

Q. Which one of the gentlemen said that—the man you received at the Neil House?—A. I think it was the man received at the Neil House; yes.

Q. Did you lose them?—A. I lost them for a while.

Q. That is, you drove very fast, did you?—A. Yes.

Q. And had the party that was following you a team or one horse?—A. Had one horse.

Q. And the one horse was not able to keep up with your team?—A. Didn't seem to keep up. I don't know whether it was the horse's fault or not.

Q. After you had lost them, when did you next see them?—A. I next seen them when I was coming back to town. I think they were coming down Broad street, and when I was coming down Town street I think they seen me and cut across that way.

Q. They were evidently looking for you?—A. Yes.

Q. Did they then ascertain your name?—A. No, sir; I don't think they had the name while I had the gentlemen.

Q. The party who followed you with the single horse was not the same party who brought the passenger who took your carriage there on Broad street?—A. I don't know who it was followed me; it was not the same carriage that followed me.

Q. Do you know the name of the man who drove with this gentleman who got into your carriage on Broad street, opposite 263 East Broad street?—A. You mean that gentleman who drove him out there?

Q. Yes.—A. George Brown.

Q. Is this the gentleman sitting here?—A. Yes; the gentleman sitting there.

Q. Well, it was not George Brown who was following you?—A. No, sir.

Q. Did George Brown have one horse or two horses?—A. One horse.

Q. After you left George Brown, and after he had driven away from 263 Broad street, did you see him again?—A. Not that I know of. I may have saw him along toward evening, but not before that.

Q. Does George Brown also drive for the Columbus Transfer Company?—A. No, sir.

Q. George Brown is the man who drove the rig which brought this new passenger up to 263 Broad street, did he?—A. Yes.

Q. Can you describe the passenger brought up to 263 Broad street by Mr. Brown?—A. I don't believe I could.

Q. Young man or old?—A. Why, I didn't take enough notice to him to know; I don't think either one of them was a real old man.

Q. Nor real young men?—A. I wouldn't think it.

Q. You remember whether they were heavy set men or otherwise?—A. Well, one of them seemed to be a rather large man. The man I had first, I think, was the largest man of the two.

Q. Where did you leave your passengers after you had finished driving about town?—A. I left one of them between the gate here and State street, and the other I left on the corner of Naghten and High.

Q. Between Gay street?—A. Between the middle gate here and State street—between the middle gate here and State street.

Q. Middle gate of the Capitol?—A. Yes.

Q. Between that and State street?—A. Yes.

Q. How far from the Neil House?—A. Just across from the statehouse here.

Q. Which one?—A. I left the one out here that I got at the Neil House.

Q. Do you know which way that man went?—A. I don't know. He was going north when I went past him.

Q. Going in a direction which would lead to the Neil House if he was inclined to go that way?—A. He was walking up toward Broad street. I didn't watch him after that.

Q. The direction to the Neil House from where you left him would be down Broad street and up High street?—A. Yes; he could go that way or go through the gates.

Q. Referring to the gates, you refer to the gates of the capitol grounds, do you not?—A. Yes.

Q. Where did you leave your other passenger?—A. On the corner of Naghten and High.

Q. How far is that from the Neil House?—A. Naghten and High?

Q. Yes.—A. That is the first street this side of the depot; only a little more than half a square from there to the depot.

Q. Was that the man that joined your passenger at Broad street?—A. Yes.

Q. Do you know whether or not he went to the depot for the purpose of taking a train?—A. Couldn't say; he went in that direction.

Q. The place where you let him out of your carriage was near the depot?—A. Yes.

Q. When the gentleman got out of your carriage at the west gate of the capitol, did he have any packages or satchels with him?—A. Not that I seen.

Q. The passenger which you took from the Neil House had no package when he got into your carriage, did he?—A. No, sir; he had no package.

Q. Which passenger did you let out of your carriage first—the one that you took at the Neil House, or the one which joined the Neil House man at Broad street?—A. The one that I got at the Neil House got out first?

Q. And who, if anyone, ordered you to drive anywhere at that time?—A. Why, he told me to drive the other man to the depot, and I started to the depot, and got down to Naghten and High, and the parade was just going along, and I couldn't get on High street, and I told him, and he said, why, he would just walk over.

Q. When this last passenger got out to go to the depot, how many satchels did he have?—A. I think he had the same two he had when he got in.

Q. Do you know Major Rathbone?—A. No, sir.

Q. Do you know H. H. Boyce?—A. No, sir.

Q. Do you remember whether either one of those men had a sore under his eyes?—A. I didn't look at him enough to notice.

And thereupon George Brown, being duly sworn, testified as follows:

Examined by the CHAIRMAN:

Q. Where do you live?—A. 385 Boliver street.

Q. Columbus, Ohio?—A. Yes, sir.

Q. What is your business?—A. Hackman.

Q. How old are you?—A. 38 years old.

Q. How long have you been in the hack business?—A. About thirteen years, I think.

Q. Are you employed by anyone, or are you engaged in business for yourself?—A. In business for myself. Have been for the past three years.

Q. Where do you generally stand?—A. Have been standing at the Union Depot for the last six months.

Q. You stand there for the purpose of receiving such passengers as come to you to go to such places as they may desire?—A. Yes, sir.

Q. You remember the day upon which Governor Bushnell was inaugurated?—A. Yes, sir.

Q. Were you standing at the Union Depot in the city of Columbus upon that day?—A. Yes, sir.

Q. You remember when the—about the time the Cincinnati train comes into the Union Depot, early in the afternoon?—A. Well, I can't tell whether the Cincinnati train comes in or not. There was several trains coming in. I think the Big Four was among them.

Q. Upon the day mentioned by me I will ask you whether you had a passenger?—A. Yes.

Q. At or about 12.30 or 12.35 in the afternoon?—A. Yes, sir. Between 12.30 and 1 o'clock.

Q. Was this passenger a man or a woman?—A. Well, I hauled passengers, men and women, but this one you are talking about was a man.

Q. Old or young man?—A. I can't say; I think this man was about middle age that I hauled. I didn't pay much attention to him.

Q. Did you notice his face as to whether it was scarred or otherwise?—A. I didn't. I could not say. I don't think I did.

Q. Was this man a heavy man or a slight man?—A. I think he was a little heavy set.

Q. What did he say to you?—A. I got this man at the Union Depot; he had two grips, and he said, "I want to go to 263 East Broad street," and he said, "Drive fast."

Q. What kind of grips were those, that is as to size, small or large?—A. Well, he had one about that long [indicating about 20 inches], a leather grip; very big one; and one real small, something like that [indicating].

Q. In other words, he had a good sized grip and a real small one?—A. Yes.

Q. Did he take those in the carriage with him?—A. I put the large one in front, and he said "I will take the small one in the carriage with me."

Q. He didn't let you take the small one in your hands, did he?—A. No, sir; I reached for both and he said, "I will take the small one in with me;" and I put the other on the front; I know that.

Q. Now, go on and relate what was done by you and what was said by this passenger of yours.—A. That is all that was said; I drove pretty fast. I supposed the gentleman was in a hurry and I drove him out there.

Q. (By Mr. FINCK.) Drove out where?—A. 263 Broad street. He jumped down; he said, "Wait a minute." I am not sure whether he went inside or not, but he got to the gate and Mr. Steitz came over and says, "There is a gentleman wants to see you in my carriage." And he walked across the street; went over and talked a minute or two; and then Mr. Steitz—I took the baggage over; he paid me and I drove off.

Q. When you speak about going inside, you mean in the house?—A. Why, he was going into the house when this gentleman called him.

Q. Did he get to the gate?—A. I think he got to the gate. I wouldn't be certain about that.

Q. That was at 263 East Broad street?—A. Yes.

Q. Columbus, Ohio?—A. Yes, sir.

Q. How did he appear, as to whether he was or wasn't in a great hurry?—A. Well, he came out of the depot in quite a hurry, walking pretty fast, and I noticed him and asked him if he wanted a cab. And he said yes, to take him to 263 East Broad street; and I reached for his baggage and he handed me the large one and I put it on front, and he took the small one and said, "I will take this inside with me—the small one."

Q. Did you see anybody at 263 East Broad street receive him?—A. No, sir.

Q. Except this man in the carriage on the opposite side of the street?—A. No, sir; that is all the one I saw—was the man in the carriage on the opposite side.

Q. Describe the man in the carriage on the opposite side.—A. I couldn't do it, sir; because the gentleman I had was sitting on the side toward me, and he paid me, and I didn't take any particular notice of the other one at all.

Q. Do you know whether either man wore a silk hat or not?—A. No, sir; I couldn't say to that; I never noticed that either.

Q. After this passenger of yours had gotten into the carriage on the opposite side of the street from 263 East Broad street, what did you do?—A. I drove back to the stand.

Q. You didn't see these two gentlemen again?—A. No, sir.

Q. Did you meet anybody going in your direction that attracted your attention?—A. No, sir. There was a colored man passed me and he says, "Did you see them fellows hauling that hack?" I said "No." I was driving pretty fast then and I looked and didn't see anything. I was at Fifth street then and he had gone east.

Whereupon the committee adjourned to meet at the call of the chairman.

SENATE CHAMBER,
Wednesday, February 2, 1898—p. m.

Hearing before the bribery investigating committee resumed.

All members of the committee present.

And thereupon JOHN M. TAYLOR was called as a witness, and, being first duly sworn, testified as follows:

Examined by the Chairman:

Q. State your full name, age, and occupation.—A. John Myers Taylor; 31 next week; I am a coal operator.

Q. You reside in the city of Columbus, do you?—A. Yes, sir.

Q. At what number and street?—A. 263 East Broad street.
Q. How long have you been a resident of the city of Columbus?—A. I have been a resident of this city all my life.
Q. Are you a married man?—A. I am.
Q. Are you acquainted with Major Rathbone?—A. Very well.
Q. What is the major's full name?—A. Well, I don't know his middle name, but his name is Estes G. Rathbone.
Q. Are you related to him in any way?—A. I am not; no.
Q. Either by consanguinity or affinity?—A. My wife is related to his wife, and that is the only connection between us, other than that of friendship.
Q. What relation is Mrs. Taylor to Mrs. Rathbone?—A. That I can't tell you. She is a—she calls her her aunt. I think Mrs. Rathbone is a cousin of Mrs. Taylor's father.
Q. Did they originally come from the same place?—A. Yes.
Q. And what place is that?—A. Hamilton, Ohio.
Q. Mrs. Taylor's name prior to marriage was Campbell, was it?—A. Yes.
Q. Miss Campbell?—A. Elizabeth Campbell.
Q. And you know what Mrs. Rathbone's name was prior to marriage?—A. Her name was also Campbell—Josie Campbell.
Q. They are both members of the Campbell family of Hamilton, Ohio?—A. Yes.
Q. You remember the recent Senatorial contest, do you, Mr. Taylor?—A. Yes, sir; I remember that there was such a thing going on, although I knew nothing about it.
Q. During the time that the contest was going on at Columbus for the election of United States Senator, in which Mr. HANNA was elected as Senator, I will ask you whether or not Mrs. Rathbone, wife of Major Rathbone, visited at your house?—A. She did.
Q. And for how long a time was she at your house?—A. That I can not remember; she was there two or three days.
Q. Do you remember whether or not she was at your house upon the day upon which Governor Bushnell was inaugurated?—A. I can not recall whether she was or not; it was about that time; but I was then out of the city a part of the time and I can not remember the dates.
Q. During the time that the Senatorial contest was in progress did Major Rathbone at any time call at your house?—A. Yes; he did frequently.
Q. Do you know whether or not he was at your house upon the day that Governor Bushnell was inaugurated?—A. No; I do not.
Q. You were not home upon that day?—A. Yes; I was in the city that day.
Q. During the time that this Senatorial contest was in progress did Major Rathbone stay at your house?—A. No.
Q. At any time?—A. No; only occasionally he came for dinner or lunch; he never stayed there over night.
Q. He was busy otherwise, I suppose?—A. I presume so.
Q. Mrs. Rathbone, however, did stay?—A. Yes; she stayed there.
Q. How long have you been living at 263 Broad street?—A. I think the date I moved into that number was October 27, 1896.
Q. And you are still living there?—A. Yes, sir.
Q. Have you, or have you not, been intimately acquainted with Major Rathbone?—A. I have been quite intimate with him, although we don't see each other very often. When I do see him I know him very intimately and very well.
Q. He was somewhat interested in the success of Mr. HANNA's contest for United States Senator, was he not?—A. He appeared to be. I joked him about the subject a little and he took it good naturedly.
Q. Do you know how long he was in the city of Columbus prior to the election of United States Senator?—A. No, I don't; he was here quite a while, but I can't remember how long.
Q. Do you know when he left the city of Columbus?—A. No; I don't know that.
Q. However, you do know that he didn't leave there prior to the election of United States Senator—that is, leave permanently?—A. I can't say positively as to that, but I don't think he did.
Q. Mrs. Rathbone was in Columbus until after the election of United States Senator, was she?—A. She was here at about that time; I can't just remember what time, what date she came or what date she left, but she was here several days at about that time near the end.
Q. You are not related personally in any way to Major Rathbone?—A. Oh, no.
Q. The only relationship which exists between you is the relation which your wife bears to Mrs. Rathbone?—A. Yes; my only relation to the Major is friendship.
Q. (Mr. LONG.) Mr. Taylor, Major Rathbone made his headquarters at the hotel, did he not?—A. I think he did. I called there and took him to my house once or twice and took him to the club once or twice. I always found him at the Neil House.
Q. Do you remember the rooms he occupied there?—A. No; I do not. He was on the first floor, somewhere in the corridor running along High street.
Q. On the first floor up?—A. Yes; I can not remember what room it was exactly, what room he occupied.
Q. Are you able to fix the time now that he and Mrs. Rathbone went away, or did they go away together?—A. I don't think they did.
Q. Was the Major in the city after Mrs. Rathbone went?—A. He might have been, but I can't tell as to the movements of either. I was paying attention to my own business and didn't pay much attention, only that it was going on.
Q. You knew that the election of Mr. HANNA took place about 12 or 1 o'clock Wednesday?—A. Yes; I know that. When I say that, I don't know whether on Wednesday or not, or what other day, but I remember the occasion.
Q. But you remember of the day?—A. Yes.
Q. Has your residence a fence and gate?—A. Yes.
Q. Has a front gate on Broad street?—A. Yes; there is a fence and gate there.
Q. Which side of Broad street do you live?—A. I live on the south side.
Q. And what is directly opposite your place of residence on the other side of the street? Is that occupied in the way of a residence?—A. Yes; there is a residence right directly opposite me, occupied by Mrs. Francis Colling. She has quite a large lot, so there is quite an open space in front of me.
Q. I understood you to say that Mrs. Rathbone was continuously at your house during the stay of two or three days?—A. I suppose she was. I was out of the city part of the time myself; but she was there when I went away and was there also when I came back.

By the CHAIRMAN:

Q. At the time you were at the Neil House?—A. I beg your pardon. I didn't hear that.
Q. At the time you were at the Neil House to visit Major Rathbone do you know whether you visited him at Mr. HANNA's headquarters?—A. Well, I judge it was Mr. HANNA's headquarters. I went into the large corridor, and I asked where Major Rathbone was, and I usually found him in that place—somebody sent him to me or I would see him. It was supposed to be the HANNA headquarters, and my visits were purely to take him away. I went there several times and took him away to my house or down to the club.
Q. Took him away to give him a little recreation?—A. That was my intention. I thought he was working pretty hard.
Q. Usually when you took him away was it in the daytime?—A. No, no; I never took him away, I don't remember now when I ever took him in the daytime—whether I ever took him in the daytime or not—but it was usually in the evening, when I had a little time to myself.
Q. You knew, of course, he was working pretty hard and late at nights, and needed a little rest?—A. Yes; I had some regard for his health.
Q. Do you know from your wife or any other person about your house as to whether Major Rathbone was at or near 263 East Broad street, your residence, on inauguration day?—A. No; I do not. I don't think he was.
Q. Was your wife at home all that day?—A. She was at home part of the day, and she was up on High street part of the day. I heard her speak of the procession.
Q. You were not home on that day?—A. No; only just to my lunch.
Q. Do you know at what time Mrs. Taylor was away from home?—A. No; I do not.

And thereupon the committee adjourned to meet at the call of the chair.

SENATE CHAMBER, JUDICIARY COMMITTEE ROOM,
February 25—12 noon.

The further hearing of testimony in the bribery investigation was resumed.
All the members of the committee were present.
The CHAIR. The committee will now come to order.
And thereupon F. P. Ross was recalled and testified as follows:

The CHAIR conducting the examination:

Q. Mr. Ross, you have been sworn before?—A. Yes, sir.
Q. What is your position with the Central Union Telephone Company; is it local manager?—A. Yes, sir; I am the local manager of the company.
Q. You are the same Mr. Ross who testified at a meeting held some weeks ago by this committee, are you not?—A. Yes, sir.
Q. Mr. Ross, I would like to make some further inquiry of you with reference to the location of different numbers of telephone numbers. I will ask you where telephone 1092, Columbus, Ohio, was located upon the 7th, 8th, 9th, and 10th days of January, 1898?—A. Located in the Neil House.
Q. Can you tell in what portion or room in the Neil House it was located?—A. In room 24, I am quite sure.
Q. That telephone was put in room 24 at or about what time; do you remember?—A. I think it was about the 4th or 5th of January. I can not be positive about that without looking up the records—possibly a little bit before.
Q. Who ordered telephone 1092 put in room 24 at the Neil House?—A. Mr. Boxwell
Q. Alexander Boxwell, one of the representatives in the general assembly of this State?—A. Yes, sir.
Q. Who paid for the use of telephone 1092?—A. Mr. Boxwell paid for it while he used it, and Mr. DICK paid for it afterwards, while he used it.
Q. Then, as I understand it, Mr. Boxwell used it only a portion of the time that it was located in that room?—A. Yes, sir.
Q. For the first part or portion of its use who paid, Mr. Boxwell or Mr. DICK?—A. Mr. Boxwell.
Q. When you refer to Mr. DICK you refer to Maj. CHARLES F. DICK, the gentleman who was interested in Mr. HANNA's campaign?—A. Yes, sir.
Q. That was a long-distance 'phone, was it, Mr. Ross?—A. Yes, sir.
Q. And were there any toll rates to be paid for that were paid for the use of this 'phone?—A. Toll rates, do I understand you—yes, sir.
Q. Who paid the toll rates?—A. Mr. Boxwell paid his and Mr. DICK paid the bills that were presented to him.
Q. In other words, Mr. Boxwell used the telephone during the time that he was a candidate for speaker of the house of representatives, did he not?—A. I can not say positively as to that matter, but my impression is that it was about that time.
Q. And for the use of it during that time Mr. Boxwell paid the bill?—A. Yes, sir.
Q. After that Major DICK used the telephone and paid the bills for the use of it?—A. Yes, sir.
Q. Mr. Ross, do you remember whether included in Mr.—Maj. CHARLES W. DICK's bill there were any charges for telephones received from other cities and charged to telephone 1092 as a part of Major DICK's bill?—A. I could not answer that question. I have nothing to do with that portion of the business; it is in the hands of clerks.
Q. I will ask you, then, what messages, if any, came over your line from Cincinnati to telephone 1092, located at the Neil House, room 24, Columbus, Ohio, on the 7th, 8th, 9th, and 10th of January, 1898, giving the number of telephone messages?—A. Well, I can not give the exact number—could not give the exact number; I don't know it.
Q. Have you a record of these messages showing, by number, telephones at Cincinnati from which such messages were sent?—A. Yes, sir.
Q. Have you it here?—A. Yes, sir.
Q. Will you give that list to this committee?—A. Yes, sir.
Q. Please let me see the list.—A. (Witness hands list to the Chair.)
Q. This is correct list of the telephone calls to 1092 during those days?—A. Yes, sir.
Q. These lists seem to include the telephone calls of 1092, Columbus, Ohio, during the days of January 8, 9, and 10, 1898. Have you another list which shows the telephone calls upon January 7, 1898, or haven't you that?—A. No; I haven't. You didn't ask for that. I was asked to prepare lists for the 8th, 9th, and 10th.
Q. Can you make a list of the 7th, Mr. Ross?—A. I presume so.
Q. Will you take that list, Mr. Ross, read it over, and explain to the committee what it means, or rather give an explanation?—A. Well, it is simply a record of the business done from telephone 1092 to points over long-distance telephone company's line, giving the date and number of telephone and the number of telephone calls for, and point called, the time and amount charged.
Q. The list which you have in your hand now is the telephone, or the list of the messages from Columbus to other cities, is it?—A. Yes, sir.
Q. That is, the calls from telephone 1092, at Columbus, to other telephones in outside towns?—A. Yes, sir.
Q. That is what you call a list of the outward messages?—A. Yes, sir.
Mr. Stenographer, mark that Exhibit C C.
Q. Explain, if you will, the meaning of the contents of the paper I now hand you.—A. This is a record of the inward messages the 8th, 9th, and 10th of January, covering the date, number of telephone from which the calls came, the point from which they came, number of telephone called for at Columbus, the time, and amount charged.
Q. That list is a list of the messages received from outside cities by telephone 1092, at Columbus, Ohio, is it?—A. Yes, sir.
Mr. Stenographer, mark this paper identified as containing the list of messages received by telephone 1092, as Exhibit C C C.
Q. Mr. Ross, I find in the paper presented by you to the committee, and markep Exhibit C C C, under date of January 8, 1898, the number 548 from Cincinnati, to 1092 Columbus, time 6.50, amount $1.95. Will you explain to the committee just what that statement means?—A. This statement means that we received a call from 548 telephone, Cincinnati, for 1092, Columbus, Ohio, at 6.50 p. m., on which the charge was $1.95.
Q. Who paid that charge?—A. I could not answer that question; suppose it was paid in Cincinnati, where the message originated; but I could not answer that.
Q. Will you examine the paper marked C C C and give us the number of telephones received by telephone 1092, Columbus, Ohio, from telephone 548, Cincinnati, and also give us the time and date each one of those messages was received, and the charges made?—A. On January 8, at 6.50 p. m., charge $1.95.
Q. (Mr. ROBERTSON.) How much time does that represent?—A. I can not tell that; we pay little attention to rates; but it is over the first limit of five minutes.
Q. (Mr. ROBERTSON.) Over the five minutes' limit?—A. Yes, sir.
The WITNESS. On January 9, 5.48—548—11.15 a. m.—$2.50. That seems to be all I find here.

Q. Mr. Ross, have you telephone book showing where the numbers of the different telephones at Cincinnati are located?—A. We have what is known as a long-distance directory, which gives the location of all long-distance telephones—that is, metallic-circuit telephones.

Q. Will you examine the paper known as Exhibit C C, and tell us, Mr. Ross, what telephone messages were sent from telephone No. 1092, Columbus, Ohio, to telephone 548, Cincinnati, Ohio, giving the dates and the time at which the telephone messages were sent?—A. On January 8, from telephone 1092, Columbus, to telephone 548, Cincinnati, 1.30 p. m. On January 8, from telephone 1092, Columbus, to telephone 548, Cincinnati, at 12 o'clock a—this is marked—I presume it was p. m; that is, 12 should be p. m. On the 9th, from telephone 1092, Columbus, Ohio, to 548, Cincinnati, at 1.40 p. m. On the 10th, from telephone 1092, Columbus, Ohio, to telephone 548, Cincinnati, 10.45 p. m. I believe that is all I find.

Q. (Mr. GARFIELD.) Does that report give all calls to and from Columbus on those dates?—A. Yes, sir.

Q. (Mr. GARFIELD.) Who prepared that list?—A. The clerk who had charge of the billing of the toll-line accounts.

Q. (Mr. LONG.) Mr. Ross, what is the rate charged for long-distance talking from Cincinnati to Columbus and Columbus to Cincinnati?—A. My recollection is that it is $1.20 for five minutes.

Q. (Mr. LONG.) How much—what is the additional time rate?—A. I can not answer that question just now; I can find out and will let you know. I was trying to think what that is, but am not positive enough to name it, but I will secure that information for you.

Q. At least there is some additional charge for each minute over five minutes?—A. Yes, sir.

Q. Mr. Ross, you have the necessary information at your office so that you could tell us whereabouts in the city of Cincinnati these different numbers are which appear upon these lists, have you not?—A. Only their directory; we have no record of the location of their telephones.

Q. I will ask you whether or not the directory which I now present to you is their directory?—A. Yes, sir; it seems to be.

Q. Telephone 548 would be what telephone according to their directory?—A. The telephone in the private office in the Gibson House at Cincinnati.

Q. Horace B. Dunbar's private telephone?—A. Yes, sir; I should say so. It is stated Horace B. Dunbar's private office, Gibson House, Cincinnati.

Q. I see that on Exhibit C C C there is marked a call from telephone 1993, Cincinnati, Ohio, to telephone 1092, Columbus, Ohio, on January 8, 1898. I will ask you to examine the directory and tell us from whose telephone in Cincinnati that call came?—A. The directory shows 1993 W. W. Peabody, vice-president and general manager, Central Union Station.

Q. Anything to indicate as to whether it was from a railroad, or what railroad station it was from?—A. It simply says Central Union Station.

Q. It is under—— —A. I beg your pardon, it is under Baltimore and Ohio Railroad Company.

Q. Upon paper marked—presented by you and marked Exhibit C C C, is statement concerning a telephone on January 9, 1898, from Cincinnati, Ohio, telephone 1974 to telephone 1092, Columbus, Ohio; in fact there are a number of messages appearing upon this statement from 1974, Cincinnati, Ohio, to 1092, Columbus, Ohio. Will you examine this directory and state to the committee as to what telephone 1974 in Cincinnati is?—A. Cincinnati directory shows it to be the Ohio Messenger and Telegraph Company, 409 Vine street.

Q. That paper containing the lists of telephones from outside cities to 1092, which paper is marked Exhibit C C, or rather the paper showing telephones from Columbus to outside cities, paper marked Exhibit C C, I find that upon January 10, 1898, telephone 1092 at Columbus called telephone 252 at Cincinnati on two different occasions. I will ask you, Mr. Ross, to examine the Cincinnati telephone directory and tell this committee as to where telephone 252 in Cincinnati is located, whose telephone it is?—A. The directory shows it Union Savings Bank and Trust Company, Chamber of Commerce building.

Q. Mr. Ross, on the paper presented by you to the committee showing telephone calls from telephone 1092, Columbus, to Cincinnati, I find that upon January 8 telephone 1092, Columbus, called telephone No. 5039-3, Cincinnati, Ohio. Will you examine the telephone directory of Cincinnati and tell us where telephone 5039-3 is located and whose telephone it was—it is?—A. The directory which I have here, which was issued December, 1897, shows it was in the name of E. O. Eshelby, residence 75 May street, Walnut Hills. Of course I would like to state that these directories are issued frequently, subject to change.

Q. The numbers may possibly have been changed since that directory came out; in fact, the statements in that directory would have to be verified by the contents of a later directory probably in order to be sure you are absolutely correct?—A. I know nothing whatever of Cincinnati telephone numbers; simply read the records from the directory you handed me.

Q. As a usual thing they are changed quite frequently?—A. They are issued by some companies quarterly, and by others twice a year.

Q. Upon the same paper presented by you to the committee, being Exhibit C C, I find a call from telephone 1092, Columbus, Ohio, to telephone 5041, Cincinnati, Ohio, January 8, 1898. I will ask you to examine the Cincinnati directory—telephone directory—and tell us whose telephone 5041 is, and where it is located?—A. The directory reads: 5041, Joseph A. Scarlett; residence, 1817 Josephine street, Mount A. Mount Auburn, I suppose.

Q. You don't know, Mr. Ross, as to whether or not the telephone book used by the committee, or used by the chairman of the committee in examining you, known as a Cincinnati Bell Telephone Directory, is or is not the latest directory issued by that company, or the directory which would show the numbers—a correct list of the numbers referred to by you on January 8, 9, and 10?—A. No, sir; I couldn't state that.

Mr. Ross, I may—the chairman as well as the members of the committee may—wish to examine some of these numbers and may call you again, so hold yourself in readiness to respond to our call. You are relieved.

And thereupon the committee adjourned subject to the call of the chair.

SENATE CHAMBER, *March 1, 1898—8 p. m.*

The further hearing of testimony in the bribery investigation was resumed. The committee met at the call of the chair. All members present. Senators Finck and Robertson were excused.

The CHAIR. I desire to say to the public who are here as listeners that we want to proceed in an orderly manner, and we hope that you will not disturb us in any way, either by approval or disapproval or in any boisterous manner that may interfere with the investigation.

I will inquire as to whether the witnesses Hugh Cavanaugh, William Fox, Russell H. Pryor, James Faulkner, and James Graft are present, and if they are I would like to have them step forward so that they may receive the oath.

And thereupon Russell H. Pryor, Hugh Cavanaugh, James Graft, and William Fox came forward and received the oath.

And thereupon F. P. Ross was recalled, took the stand, and testified as follows:

Examined by the CHAIRMAN:

Q. Mr. Ross, I would like to inquire of you whether or not you have investigated your records for the purpose of ascertaining as to whether there were any calls over the long-distance 'phone by 1092, Columbus, Ohio, or from 1092 to any outside city, during the day of January 7, 1898?—A. Yes, sir.

Q. Have you a list with you showing those calls?—A. Yes, sir.

Q. Will you allow the committee to examine them? [Witness producing paper.] A. It is the same as the other day—inward and out.

Q. Mr. Ross, I have marked the papers presented by you to the committee as Exhibit D D and Exhibit D D D. Will you kindly take those papers and explain to the committee what those papers and the writing thereon means [handing papers to witness]?

Senator LONG. Wait a minute. I suggest that you let the stenographer examine them and identify them.

The CHAIRMAN. Well, he can identify them by the marks.

A. Exhibit DD shows messages to various points from telephone 1092, Columbus, Ohio, on January 7, 1898. Exhibit DDD shows messages from various points to telephone 1092, Columbus, January 7, 1898.

Q. I would inquire of you, Mr. Ross, as to whether there are any calls upon either one of those lists from telephone 1092, Columbus, to Cincinnati?—A. Yes, sir; there are.

Q. Upon which exhibit?—A. Exhibit DD.

Q. Read what you have there relative to that call.—A. January 7, telephone 1092, Columbus, Ohio, to telephone 751, Cincinnati, Ohio; 1.35 p. m.; charges, $1.25. January 7, telephone 1092, Columbus, Ohio, to telephone 548, Cincinnati; 8 p. m.; charges, 65 cents. That is all.

Q. Telephone 548, Cincinnati, Ohio, is the telephone in the private office of the Gibson House, is it not, as you remember it?—A. As I remember it. I am not positive as to that.

Q. Are those all the calls from 1092 to Cincinnati upon that date?—A. Yes, sir.

Q. State whether or not there were any calls from Cincinnati for telephone 1092, Columbus, Ohio, upon that date?—A. Yes, sir.

Q. Read those calls, please.—A. From telephone 548, Cincinnati, to telephone 1092, Columbus, at 11.15 p. m.; charges, $1.20.

Q. Upon which exhibit is that telephone message designated?—A. Exhibit DDD.

Q. Kindly turn those exhibits over to the stenographer. [Witness does so.] The Exhibits DD and DDD, presented by you to the committee, show a truthful account of the messages to and from telephone 1092, Columbus, Ohio, during the day of January 7, 1898?—A. Yes, sir; so far as I know, they do.

Q. At our last meeting, Mr. Ross, you stated that after Mr. Boxwell's speakership contest and while the telephone was used by Major DICK—that is, the telephone 1092, Columbus, Ohio—Major DICK paid the telephone bills. I will inquire of you as to whether or not he paid the telephone bills for telephonic communications sent from 1092, Columbus, for Senator HANNA and for Major Rathbone, and others who used the telephone?—A. Paid everything that was charged to it, sir.

Q. That is, you mean he paid all the bills charged to telephone 1092 by your company?—A. Yes, sir.

Q. Can you tell the names of any of the parties who used telephone 1092 during the days January 7, 8, 9, and 10, 1898?—A. No, sir.

Q. I am not now asking you with whom they talked.—A. That is something I pay no attention to, Senator. The clerks make up those records.

Q. The clerks make up the records?—A. Yes, sir.

Q. The records would show the names?—A. Yes, sir.

Q. Will you bring, for the use of this committee, a copy of your record or your records, if you so desire, showing the names of the parties who used telephone 1092 during the days of January 7, 8, 9, and 10, 1898?—A. Well, I would have to consult higher authority about that.

Q. Until you had consulted higher authority you would not feel warranted in doing so?—A. No, sir.

That is all.

The CHAIRMAN. Mr. Stenographer, the papers presented by Mr. Ross, marked Exhibits DD and DDD, are offered in evidence and marked as indicated. You will take care of them.

And thereupon Russel S. Pryor was recalled.

Examination conducted by Mr. LONG:

Q. At the examination at Cincinnati you were asked to produce the memorandum of telephone messages you overheard passing from Columbus to the telephone at the Gibson House office, and you stated that you did not at that time have them in your possession. Have you a copy now of the conversation which you detailed in your evidence there?—A. Yes, sir.

The CHAIRMAN. Your name is Russel H. Pryor?

A. No, sir; Russel S. Pryor.

Q. (Mr. LONG.) Will you be kind enough to produce that transcript of that conversation, Mr. Pryor?—A. Yes, sir.

(The witness produces paper.)

Q. Now, to get the facts I will refresh—Mr. Pryor, I believe you testified that you overheard the conversation, or at the time it was overheard and taken off of the telephone. It was dictated to you by Allen O. Myers, jr., and you wrote it out; is that correct?—A. Yes, sir.

Q. And this transcript now is a narration of what he dictated to you? How long after it was heard at the telephone?—A. Why, we did it the next day.

Q. Was there any memorandum made of it in close connection with the time that the conversations were overheard passing over the wires?—A. Yes, sir; we made out a memorandum of it.

Q. How long after the conversation was overheard did you make out a detailed statement of it?—A. I made the notes while the conversation was going on, and made the details of it next day.

Q. You took lead-pencil notes?—A. Yes, sir.

Q. While the conversation was going on, given to you by Myers as he overheard them? You wrote out the full details the next day?—A. Yes, sir.

Q. And this is a transcript of what you made?—A. Yes, sir.

Q. Now, this transcript here, what do you say as to this being correct, to the best of your recollection, and its being made as fully as you recollected at the time?—A. Why, it is copied right off of the original notes, and is correct.

The CHAIRMAN. Mr. Stenographer, we will have this introduced and marked "Exhibit XXX."

Mr. Pryor, you may take this exhibit and read it, so that the stenographer may have it incorporated in his notes.

(The witness reads exhibit heretofore marked XXX.)

The WITNESS. This message was called up for Mr. Boyce, and this is the conversation given to me by Myers—wanted to know if Mr. Boyce was in, and the answer was "Yes."

Q. (Mr. LONG.) Just a minute, Mr. Pryor. Mr. Myers was at the telephone listening?—A. Yes, sir.

Q. And he talked and you took it down?—A. Yes, sir.

(The WITNESS:)

"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 as 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 down 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."

(Telephone rings off.)

Q. You don't know anything further about this Senatorial contest that you have not detailed, Mr. Pryor?—A. No, sir; that is the only time. It happened about 12.30.

Q. (Mr. GARFIELD.) Where are your original notes?—A. I destroyed them.

Q. (Mr. GARFIELD.) All you know about this conversation is what Allen O. Myers, jr., talked to you?—A. Yes, sir.

Q. (The CHAIR.) I don't just understand this, Mr. Pryor. Allen O. Myers was at the telephone?—A. Yes, sir.

Q. Listening to the conversation?—A. Yes, sir.

Q. In the private office, or down below?—A. In the office down below—in the general office.

Q. This party who was talking in the Gibson House was up in the private office?—A. Yes, sir.

Q. (Mr. GARFIELD.) How do you know he was?—A. Well, I answered the telephone in the first place and —— asked for Mr. Boyce, and Mr. Boyce was sent for and came to the private office.

Q. (Mr. GARFIELD.) How do you know positive he was up there?—A. I don't know positive he was there.

Q. (The CHAIRMAN.) You say he was sent for?—A. Yes, sir.

Q. (The CHAIRMAN.) Who was sent for him?—A. One of the colored bell boys.

Q. (Mr. LONG.) Ed Clark?—A. Yes, sir.

Q. (The CHAIR.) And Allen O. Myers, jr., took his place at the telephone downstairs?—A. Yes, sir.

Q. Through that you could hear what was said in the private office?—A. Yes, sir; for they are connected.

Q. (The CHAIRMAN.) And you got the statement you testified to from Allen O. Myers as he took it from the telephone?—A. Yes, sir.

Q. (The CHAIRMAN.) You are finally excused.

Q. (Mr. GARFIELD.) If you find those original notes you will send them up?—A. I destroyed them.

And thereupon James A. Graft, called as a witness and duly sworn, testified as follows:

Examined by Senator LONG:

Q. Mr. Graft, your name is James A., is it?—A. Yes, sir.

Q. James A. Graft?—A. Yes, sir.

Q. Where is your home?—A. Harrison, Hamilton County.

Q. What is your age?—A. I am about 45.

Q. You have been a member of the Ohio legislature?—A. Yes, sir.

Q. When?—A. In 1892 and 1893.

Q. Had you any connection in any way with the late Senatorial contest for United States Senator in January of this year?—A. Why, I was here in the city at the time; yes.

Q. Were you interested in anybody's candidacy for that office?—A. I was interested in any chances that General Gerrard, of Cincinnati, might have for the short term.

Q. Yes. How large was your interest—were you looking toward helping his cause—managing his cause and campaign?—A. I was looking after his interests; yes.

Q. Where were you located?—A. We were located at the Southern Hotel.

Q. How long were you here?—A. We were here two weeks.

Q. What part of the time was Mr. Gerrard in the race as a candidate, as you remember?—A. He was in the race until 5 o'clock of the morning of the 11th—if that was the morning the vote was taken in the house—Tuesday morning.

Q. On the morning the separate votes were taken in the two houses?—A. Yes.

Q. Were there any promises to Colonel Gerrard's support in either of the houses?—A. Yes.

Q. Part of the members?—A. Yes; there were several members promised to support him.

Q. From what counties?—A. Well, from Hamilton County.

Q. Hamilton County? Do you remember who those members were?—A. Yes, sir.

Q. Who were they?—A. Mr. Otis was one, and Mr. Droste and Mr. Lane.

Q. Up to what time were they recognized as standing by Colonel Gerrard?—A. Well, Mr. Droste and Mr. Otis were counted on as certain up to 7 o'clock.

Q. On the morning of the 11th?—A. Yes.

Q. And up to what time was Mr. Lane counted on as his supporter?—A. Well, we were guessing a great deal about Lane. After he came here we were not certain what he would do.

Q. I know you were not certain what he would do. Are you able to fix the time of his last declaration?—A. Well, two or three days after he came here, and then as late as Sunday night before the election—that was on Sunday before the vote took place on Tuesday—he stated that if we would show him where his vote would elect Colonel Gerrard he would vote for him.

Q. Do you remember Droste's initials?—A. Charles F.

Q. Those members you named were all elected this last fall, were they not?—A. Yes.

Q. And upon what ticket were they elected, Mr. Graft?—A. Well, they were elected upon the Democratic ticket.

Q. What was their recognized politics?—A. They were recognized as Silver Republicans.

Q. All three, Dr. Otis, Mr. Lane, and Mr. Droste?—A. Yes, sir.

Q. You have detailed now what Dr. Otis said and what Mr. Lane said. What was Mr. Droste's latest declaration touching the candidacy of Colonel Gerrard and his position as to what he would do upon United States Senatorship?—A. Well, I had a talk with him, I think, about half past 8 or 9 o'clock, before the vote was taken in the morning.

Q. On the 11th?—A. Yes; and I insisted that he vote for Colonel Gerrard anyway, and place him in nomination. He said that Colonel Gerrard had said to him that he had withdrawn and would not be a candidate, and asked him not to present his name. I asked him afterwards if he couldn't do that—to vote blank—and insisted that he vote that day blank until we elected Colonel Gerrard the next morning, and we would accomplish that particular thing we came here for. He said he hadn't made up his mind how he would vote and didn't expect to until he got up there.

Q. Where was that conversation held, Mr. Graft?—A. That was just near the telephone at the Southern Hotel, near the office—telephone office at the Southern Hotel.

Q. Did either of you gentlemen advocate the election of anybody else, or speak of their supporting any other candidate than Colonel Gerrard up to the time that the two of them actually did vote for another candidate?—A. I think Mr. Otis fully intended to vote for a Republican put up for the long term other than HANNA.

Q. How about the other two?—A. As I said before, I didn't know so much about Lane, but Droste always declared he would never vote for HANNA.

Q. That declaration you heard yourself, did you?—A. Oh, yes; half a dozen times.

Q. Have you any reason to question the sincerity of it and the earnestness of it from the manner in which he said it?—A. Well, I supposed all the time he meant it.

Q. Did it impress you with a strong opinion or determination, or otherwise?—A. Well, sir, he put it just as strong as it was possible to make it.

Q. Are you able to give his language in connection with that when he made those declarations?—A. Well, he stated that he would sooner lose a right arm than vote for him for one thing, and that under no consideration whatever could he possibly vote for HANNA; he was against our principles, so far as the money question went. He was a—he endeavored to impress upon me that he was against every interest that ever we advocated.

Q. Put it squarely and fairly upon that ground?—A. Just as strong as it was possible to put it.

Q. Do you know anything of your own knowledge as to whether the forces that were friendly in Cincinnati prior to and up to election day were friendly to the candidacy of Mr. HANNA, as to whether or not they were friendly to the election of Mr. Lane and Droste?—A. How was that?

Q. Or Otis or any of the other candidates upon the Democratic ticket for the legislature?—A. I understand you to say that the class that were friendly to HANNA'S election were agreeable to them.

Q. The friends of Mr. HANNA, what was their attitude so far as the election of the Democratic ticket was concerned?—A. They were against that, talked against that.

Q. That was generally and openly known?—A. Yes.

By the CHAIRMAN:

Q. You mean the HANNA contingent were against that?—A. Yes; were against the fusion ticket.

By Senator LONG:

Q. And Droste and Lane?—A. As I understand, there was no objection raised to Senator Voight; they supposed that he would vote for a Republican.

Q. The fusionists were united upon the Democratic ticket; they were voted for upon the Democratic ticket, were they not, Mr. Graft?—A. Yes.

Q. Anything you think of now, Mr. Graft, bearing upon the subject that has not been asked of you?—A. Nothing that I know of, I believe. I might say one thing, that so far as Mr. Otis was concerned we knew where he stood all the time. If Colonel Gerrard had been the candidate for the short term he would have voted for him.

By the CHAIRMAN:

Q. But Colonel Gerrard withdrew?—A. We felt it was no use to have anything to do with him; we claimed him or——

Q. You did, however, have frequent conversations with Mr. Droste and Mr. Lane?—A. Yes, sir.

Q. You felt that they needed talking to occasionally?—A. Yes, sir.

Q. Who was the main supporter in Cincinnati of the candidates representing the Hanna interests in the late campaign?—A. Here in Columbus, do you mean?

Q. No; in Cincinnati?—A. The people who were working last fall for the fusion ticket; I might say Bailey and Eshelby.

Q. Who was the main supporter of the Hanna interest as against the fusion ticket?—A. Oh, well, it was what we called down there the Cox faction.

Q. And the Cox faction was against the fusion ticket?—A. Yes, sir.

The witness was excused, but immediately recalled, and testified as follows:

By the CHAIRMAN:

Q. I think Mr. Long neglected to ask what your business was?—A. Well, I am publisher of the Legal Record for one thing, and in the waterworks plant and electric light.

And thereupon Hugh Cavanaugh, called as a witness, and, being duly sworn, testified as follows:

Examined by Senator LONG:

Q. What is your age?—A. Forty-seven.

Q. And place of residence?—A. Cincinnati.

Q. How long have you resided in Cincinnati?—A. I have lived in Cincinnati twenty-three years.

Q. Had you any connection with the political fight in Cincinnati last fall?—A. Yes; I took some interest in it.

Q. You know all the candidates on the Democratic as well as on the Republican ticket?—A. No, sir; I did not.

Q. Didn't know them all?—A. No, sir; I did not.

Q. Did yon know the candidates upon the Democratic ticket?—A. No, sir; not all of them.

Q. Not all of them?—A. No, sir.

Q. Which ones of them did you know, Mr. Cavanaugh?—A. Well, I think I knew them all, with the exception of Messrs. Lane, Droste, and Hater. I knew all the others.

Q. Were you not personally acquainted with the others you have named?—A. No, sir; I met them after the election.

Q. Did you hear any of them talk about their position prior to the election?—A. No, sir.

Q. Either of the three?—A. No, sir. I heard letters read from all of them.

By the CHAIRMAN:

Q. That name is Monter, isn't it?—A. No, sir; Hater. I know Monter. Droste, Lane, and Hater I didn't know until after the election. I didn't know them personally.

Q. What did you say about hearing letters read?—A. I heard letters read from them in answer to an inquiry sent by the Populist executive committee of Hamilton County, asking them to state their position upon the Senatorial question,

and as near as I recollect now the letters conveyed the impression to the committee that they would not support a gold man.

Q. Single-standard gold man?—A. Yes; single-standard gold man.

Q. When was this?—A. This was along in October, just prior to the election.

Q. Where did you hear those letters read?—A. I heard them read in Workman Hall, and saw them afterwards in one or two places.

Q. Saw the letters?—A. In one of these hotels—saw one of the letters—Mr. Lane's.

Q. They were individual letters?—A. From the gentlemen I have named.

Q. From Hater?—A. Hater and Lane. I think all of these gentlemen answered the letter. I am positive about Mr. Lane, because I have his letter in my possession.

Q. You have it?—A. I did have in my possession.

Q. And there was a similar letter from Mr. Droste?—A. Yes. They all conveyed a similar impression, and so satisfied the committee that the committee indorsed them.

Q. Do you know the purpose of sending those letters to them prior to the election?—A. Yes, sir.

Q. What was that?—A. It was to commit them to this issue; that is, the issue as the committee understood it, and to determine whether they would support Mr. HANNA in the event of their election.

Q. That is, whether the Populists of Cincinnati would support certain individuals?—A. That is it exactly.

Q. Did you attend—were you in Columbus during the Senatorial contest?—A. Yes; I came to Columbus the night before the separate vote was taken, and was in the legislative chamber while the vote was being taken.

Q. When did you meet the gentlemen talked about here—how soon after the election?—A. I met Mr. Lane, Messrs. Lane and Droste, a few days after the organization of the house—after the organization of both of them, that same week. I met Mr. Lane in the Southern Hotel, I should judge, perhaps Wednesday or Thursday of that week. I said to him that he was being very severely criticised for the part he had taken in the house, having voted for Boxwell, which we understood to be leading toward an eventual vote for Senator HANNA.

Q. You understood that to be an alliance with HANNA's friends for HANNA's election?—A. Yes. Mr. Lane felt he should not be so criticised. I said I was one of the committee led to vote for him with the understanding he would not vote for HANNA or Mr. HANNA's representative in the house.

Q. Let me ask you here, what the result of those letters was to you so far as the Populist party, of which you were a member, was concerned?—A. Yes. We felt confident that these men would keep their word—Messrs. Lane and Droste would keep their words. There was no question but the other gentlemen would keep their word, and as a result they received the vote of the People's Party.

Q. The People's Party made no nominations in Hamilton County?—A. No, sir.

Q. No legislative nominations?—A. No, sir.

Q. Any other conversation with either Lane or Droste?—A. Yes; this conversation to which I have referred, I would continue. Mr. Droste—or Mr. Lane said, rather, that his constituents need not fear that when the vote came for Senator he would be all right, which I took for granted at the time to mean that he would not vote for HANNA. I was satisfied at the time, and didn't pursue the case further than that.

Q. Did you hear any further expression from him on that question?—A. No; that was all.

Q. Did you ever talk with Mr. Droste about his action?—A. No. I was so satisfied that Mr. Droste was going to support Mr. Gerrard that I didn't ask him any questions. Mr. Gerrard was the first to inform me he was a candidate, and that Mr. Droste was going to present his name and was going to stand by him. I took it, therefore, there was no necessity about asking him the question.

Q. Do you know how Mr. Droste voted on the organization of the house, whether for the HANNA forces—or Boxwell or not?—A. No; I don't remember that.

Q. What's your business?—A. I am in the shoe business.

Q. How long have you been in that business?—A. Well, about thirty years.

And thereupon William F. Fox was called as a witness, and, being duly sworn, testified as follows:

Examined by Senator LONG:

Q. Give the stenographer your full name.—A. I have given it to them.

Q. What is your age?—A. Thirty-two.

Q. What is your business?—A. Attorney at law.

Q. Where do you live?—A. Cincinnati.

Q. Are you and Mr. Simms partners?—A. Yes.

Q. Your offices are where?—A. Are in the Pickering Building.

Q. What floor, with reference to the floor on which Mr. Droste's office is located?—A. Why, on the same floor.

Q. Same floor, and two or three doors?—A. Removed. I see you are pretty familiar with the location.

Q. Did you have any interest in the election of last fall?—A. No special interest outside of the general interest.

Q. Nothing except general interest?—A. Nothing except the general interest of my particular party.

Q. Do you know anything about the preference of either Dr. Otis or Lane or Droste; that is, prior to the election did you hear it expressed touching the election of United States Senator?—A. I had no knowledge of Dr. Otis's nor Mr. Lane's. I didn't know Mr. Lane's, but I had some of Mr. Droste's.

Q. What were his expressed views or preferences that you know of?—A. Well, Mr. Droste and I had gone over, talked over, the situation several, many times in advance of the meeting of the legislature, but it was purely a private conversation without reference to anything that might take place in the future, and I have a little delicacy about giving any information of anything that came to me that way.

Q. Well, so far as I am concerned as a member of this committee, I don't care to press that. If you know of anything that Mr. Droste said to you that was not said in confidence or in a private way, why, you will narrate it; anything else I am not asking for, Mr. Fox.—A. Well, I would like to understand what the committee understands by a private or a confidential conversation. There was nothing confidential other than the fact that we were on the same floor and had been fighting for the same interest the year before, and we had talked over this matter on that account.

Q. Mr. Droste was recognized everywhere, and made no concealment of the fact that he was a Silver Republican?—A. None whatever.

Q. Did he make any concealment of the fact he was opposed to Mr. HANNA and Mr. HANNA's views?—A. None whatever; he made no concealment whatever.

Q. Did he express himself—and I am asking you now about such things that were not matters of confidence, because that I am not asking for—did he express himself that you know, express himself as being opposed to Mr. HANNA's election?—A. Yes; Mr. Droste said that Mr. HANNA represented, to his mind, everything low and vile in Republican politics; represented an element which, if it gained the ascendency, would mean the ultimate overthrow of the country in time, and for that reason under no circumstances would he ever vote for Mr. HANNA.

Q. Did you hear any of these gentlemen say anything as to their position after the Senatorial struggle was taken up at Columbus?—A. No. After Mr. Droste left Cincinnati to attend the legislature I had no further conversation upon that point.

Q. So far as you know there was no change in Mr. Droste's views up to the time of his leaving Cincinnati?—A. I know of none whatever.

Q. You know nothing of the views Mr. Lane expressed?—A. I didn't know of any. I didn't know the man.

And thereupon JAMES W. FAULKNER, called as a witness and being duly sworn, testified as follows:

Examined by Senator LONG:

Q. What is your age?—A. 34.

Q. Your business?—A. City editor of the Enquirer.

Q. And your home is where?—A. Cincinnati, Ohio.

Q. Were you in Cincinnati during the campaign last fall, Mr. Faulkner?—A. I was.

Q. In business as a newspaper man?—A. Yes.

Q. What do you know, if anything, about the expressed views of either Mr. Otis or Mr. Lane or Mr. Droste there, touching their preferences for United States Senator?—A. Well, I had the impression when I voted for them that they were against HANNA.

Q. Where did you get the impression and how?—A. Well, in my professional capacity, receiving reports of meetings at which they were present and made speeches, and from personal conversations with Dr. Lane.

Q. Did you see any of those letters, Mr. Faulkner, that Mr. Cavanaugh referred to and addressed to the People's Party, stating their position touching the election of Mr. HANNA?—A. I saw letters from Dr. Otis and one from Dr. Lane. The others I didn't see.

Q. To what effect in the matter—whether they were for HANNA or against him?—A. Well, Dr. Otis was positive in his statements, and Dr. Lane said—the tone of his letter conveyed the impression that he was hurt by the question—that he stood for all that was opposed to Cox and what Cox was for. That he was against it.

Q. And that that should have gone without inquiry—that he was against him? Did you hear any expression from either of the gentlemen after the election, Mr. Faulkner?—A. No, sir.

Q. Were you here during the Senatorial fight in Columbus?—A. Only for an hour or two one evening.

Q. You didn't come in contact with either of the gentlemen there?—A. Not personally; no.

The CHAIRMAN. I will state to the witnesses who have been present and testified here that they are finally discharged. They will report their attendance to the stenographer.

Adjourned to meet at the call of the chairman.

[Memorandum.]

CINCINNATI, OHIO, *January 22, 1898.*

Subpœnas were issued to the sergeant-at-arms for the following-named parties to appear before the said committee at the Gibson House, Cincinnati, Ohio, January 22, 1898: G. N. Stone, Cincinnati, Hamilton County, Ohio; Volney Elstine, Cincinnati, Hamilton County, Ohio; Q. E. Elwell, Cincinnati, Hamilton County, Ohio; Jerry P. Bliss, Columbus, Franklin County, Ohio.

And thereupon the said sergeant-at-arms of the senate made return of his proceedings under said writs, the indorsements thereon certifying that each of the above-named parties had been personally served with a true copy of said writ issued for each of the said parties.

[Memorandum.]

CINCINNATI, OHIO, *January 24, 1898.*

Subpœnas were issued to the sergeant-at-arms for the following parties to appear before the said committee, at the Gibson House, Cincinnati, Ohio, January 24, 1898: Allen O. Myers, of Cincinnati, Hamilton County, Ohio; Edward H. Archer, of Columbus, Franklin County, Ohio; Harry Dougherty, Columbus; A. B. Vorheis, of Cincinnati, Hamilton County, Ohio, and to produce certain books, and papers; J. G. Schmidlapp, of Cincinnati, Hamilton County, Ohio, and to produce certain books and papers; R. A. Koeler, of Cincinnati, Hamilton County, Ohio, and to produce certain books and papers; Charles E. Page, of Cincinnati, Hamilton County, Ohio, and to produce certain books, papers, and records; Max Schafer, of Cincinnati, Hamilton County, Ohio; Goevenour Calhoun, Cincinnati, Hamilton County, Ohio; Edward P. Dehner, Cincinnati, Hamilton County, Ohio; Charles E. Kincaid, Cincinnati, Hamilton County, Ohio.

And thereupon the said sergeant-at-arms of the senate made return of his proceedings under said writs, the indorsements thereon certifying that of the above parties the following had been served personally with a true copy of the writ issued for each, to wit: Allen O. Myers, Edward H. Archer, Harry Dougherty, R. A. Koeler, Max Shafer, Gouvenour Calhoun, Edward P. Dehner, Charles E. Page, and Charles E. Kincaid. The said G. Schmidlapp was not found within the jurisdiction of the State. A true copy of the writ issued for A. R. Koeler was served by leaving the same at his usual place of residence.

[Memorandum.]

COLUMBUS, OHIO, *January 28, 1898.*

Subpœnas were issued to the sergeant-at-arms for the following-named parties, to appear before the said committee at the senate chamber, January 28, 1898: John C. Otis, of Cincinnati, Hamilton County, Ohio; T. C. Campbell, of Cincinnati, Hamilton County, Ohio.

And thereupon the said sergeant-at-arms of the senate made return of his proceedings under said writs, the indorsements thereon certifying that each of the above parties had been served personally with a true copy of said writ issued for each of the said parties.

[Memorandum.]

COLUMBUS, OHIO, *February 1, 1898.*

Subpœnas were issued to the sergeant-at-arms for the following-named parties to appear before the said committee at the senate chamber, February 1, 1898: George Brown, of Columbus, Franklin County, Ohio; Charles Steitz, of Columbus, Franklin County, Ohio.

And thereupon the said sergeant-at-arms of the senate made return of his proceedings under said writs, the indorsements thereon certifying that each of the above-named parties had been served by handing to each a true copy of the writs issued for each of the said parties.

[Memorandum.]

COLUMBUS, OHIO, *February 2, 1898.*

Subpœna was this day issued to the sergeant-at-arms of the senate, directing him to summon J. M. Taylor, of Columbus, Franklin County, Ohio, to be and appear before the said committee February 2, 1898, at the senate chamber. And thereupon the said sergeant-at-arms of the senate made return of his proceedings under said writ, the indorsement thereon certifying that the said John M. Taylor had been served personally by handing to him a true copy of said writ.

[Memorandum.]

COLUMBUS, OHIO, *February 8, 1898.*

Subpœnas were this day issued to the sergeant-at-arms of the senate for the following-named parties to appear before the said committee forthwith upon receipt of summons: M. A. HANNA, of Cleveland, Cuyahoga County, Ohio; Estes

G. Rathbone, of Hamilton, Butler County, Ohio; Maj. CHARLES F. DICK, of Akron, Summit County, Ohio; and on February 11, for C. C. Shayne, of New York City, N. Y., to appear before the committee February 15, 1898.

And thereupon the said sergeant-at-arms made return of his proceedings under said writs, the indorsements thereon certifying that he had forwarded through the mails, by registered parcel, true copies of the subpœnas issued for the above-named parties, to wit: M. A. HANNA, Estes G. Rathbone, and Maj. CHARLES F. DICK, to Washington, D. C., and C. C. Shayne to his business address in New York City. The post-office registry return receipts, forwarded from Columbus, Ohio, post-office February 12, are returned, and said subpœnas were receipted for as follows: J. A. Hanna, for Maj. E. G. Rathbone and CHARLES DICK, at Washington, D. C., and W. L. Smith, cashier, for C. C. Shayne, at New York City, and Senate post-office for MARCUS A. HANNA, at Washington, D. C.

[Memorandum.]

COLUMBUS, OHIO, *February 11, 1898.*

Subpœnas were this day issued to the sergeant-at-arms of the senate for the following-named parties to appear before the said committee at the senate chamber February 15, 1898: T. J. Mulvihill, of Cincinnati, Hamilton County, Ohio; F. P. Ross, of Columbus, Franklin County, Ohio; B. F. Lloyd, of Columbus, Franklin County, Ohio.

And thereupon the said sergeant-at-arms of the senate made due return of his proceedings under said writs, the indorsements thereon certifying that each of the above-named parties had been served personally with a true copy of the writ issued for each.

EXECUTIVE SESSION.

JUDICIARY COMMITTEE ROOM,
Senate, Columbus, Ohio, February 15, 1898.

The committee met in executive session. All members present.

Matters pertaining to the procedure of the investigation were discussed, and, upon motion of Mr. Robertson, it was agreed that the taking of further testimony by the committee be adjourned to Friday, February 25, 1898, at 8.30 a. m.

And thereupon the committee adjourned.

GEO. S. LONG, *Secretary.*

SENATE CHAMBER, *February 23, 1898—7.50 p. m.*

The committee met at the call of the Chair. All members present.

And thereupon the committee adjourned to meet at the call of the Chair, there being no witnesses present to examine.

GEO. S. LONG, *Secretary.*

[Memorandum.]

COLUMBUS, OHIO, *February 26, 1898.*

Subpœnas were issued to the sergeant-at-arms for the following-named parties to appear before the said committee March 1, 1898, at the senate chamber: James Faulkner, of Cincinnati, Hamilton County, Ohio; William Fox, of Cincinnati, Hamilton County, Ohio; Joseph G. Sextro, of Cincinnati, Hamilton County, Ohio; William A. Neff, of Cincinnati, Hamilton County, Ohio; Hugh Cavanaugh, of Cincinnati, Hamilton County, Ohio; Russell H. Pryor, of Cincinnati, Hamilton County, Ohio.

And thereupon the said sergeant-at-arms of the senate made return of his proceedings under said writs, the indorsements thereon certifying that each of the above-named parties had been personally served with a true copy of said writ issued for each of the said parties, except W. A. Neff, who was not found within the jurisdiction of the State of Ohio. Joseph G. Sextro did not appear before the committee, owing to a death in his family, and was excused.

MINORITY REPORT OF THE COMMITTEE APPOINTED UNDER SENATE JOINT RESOLUTION NO. 21.

Being unable to agree with the conclusions reached by the majority of this committee, and believing the report to be contrary to the facts presented, I herewith submit a minority report:

The testimony offered in support of the charge that $1,750 had been offered by someone as representing M. A. HANNA to John C. Otis, a member of the general assembly of the State of Ohio, must be considered and weighed in accordance with the rules of evidence as recognized by the courts of this State.

The investigation committee resolved at its first meeting to follow such rules of evidence, but it will be seen by the reference hereafter made to the testimony that no effort whatsoever was made to conform to that resolution.

An examination of the testimony taken shows that there are but two questions really bearing upon the charges made:

First. Was John C. Otis offered $1,750, or any other sum of money, in consideration for his support of M. A. HANNA for the office of United States Senator?

Second. If any such offer was made, was it made by M. A. HANNA, either in person or by an agent, or, further, by the knowledge or consent, either directly or indirectly, of M. A. HANNA?

All other questions that appear or are brought forward in the testimony are absolutely irrelevant and should not be considered in the determination of this charge.

In support of these propositions those who attempt to substantiate the charge have brought certain witnesses before this committee.

The only witnesses, however, who testify as to the direct charge of an offer being made are John C. Otis and T. C. Campbell. Their testimony presents the whole case, as all other testimony bearing upon the direct question of the offer is mere hearsay.

The testimony of John C. Otis, eliminating the irrelevant matter, is as follows, appearing upon pages 434, 446, 452, 460:

I quote the language as taken from the transcript of his testimony: He said that about 11 o'clock Friday morning (January 7) he was called to the telephone; that a party had rung him up and stated that he was at the Great Southern Hotel at Columbus; that his name was General Boyce, from New York; that he said he was a stranger to him (Otis), but that he came on from New York to see him on very important business; that he would see him (Otis) at one of the hotels in Cincinnati, and Otis told him at the Gibson House; that later he received a telegram from Boyce, dated at Springfield, stating that he (Boyce) would arrive at 5.30 o'clock.

Otis met Boyce at the Gibson House, room 226 at that house, and was with him until 7 o'clock. During that conversation Boyce stated that he represented J. Pierpont Morgan, of New York, and that he was looking after some large business interests for Mr. Morgan in Ohio.

Boyce touched upon the Senatorial question and desired to know from Otis what Mr. HANNA's chances were of election. Otis told him that he was opposed to Mr. HANNA, and Boyce responded that the President of the United States personally was very anxious about the Ohio situation. An arrangement was then made to meet again the next afternoon (Saturday, January 8) at 3 o'clock.

Otis stated that on the next afternoon, or after he left Boyce, he saw T. C. Campbell, of New York City, and told him about his interview with Boyce and suggested to Campbell that he would not go back to see Boyce, as it was evident what Boyce was leading up to. Campbell, however, advised Otis to meet his engagement.

The next afternoon (Saturday, January 8) Otis met Boyce again at the Gibson House and spent three hours with him. Again Boyce stated that he represented Pierpont Morgan, of New York, and that the President was very anxious to have Mr. HANNA returned to the Senate, and that he would do anything in the world to bring about such a state of affairs; that if Otis could see it in that light he could make it extremely profitable in the way of emoluments, or, the President had greater power in the way of making appointments.

Otis stated that he would consider the matter and would see Boyce later. Thereafter Otis communicated this conversation to T. C. Campbell. Later, and on the same evening, about half past 9, Otis again met Boyce at the Gibson House, and told him that he did not care to talk anything further about it, but if he (Boyce) would go with Otis to the Hotel Emery he would introduce him to Col. T. C. Campbell, of New York, and let him discuss the matter with him, and that he (Otis) would abide by it. Boyce: "Is this man your attorney?" Otis replied, "He is my attorney from New York." They then walked to the Emery Hotel, and Boyce was introduced to Campbell. This is the last direct communication Otis had with Boyce, the remainder of his testimony, appearing upon pages 442, 452, being simply statements of what Otis claims Campbell told him, and hence entirely incompetent to prove or tend to prove any conversations that may have been had between T. C. Campbell and Boyce.

As will be seen from the record, Otis stated in five or ten minutes all that occurred between him and Boyce, which, according to his own statement, occupied them at their two meetings at least four and a half hours.

And in answer to a final question by Senator Long, which was as follows: "Now, let me ask you if you have stated everything that you know of touching this man Boyce?" Otis responded, "Yes; I think that is all that I can now call to mind."

However, in response to the question asked by Senator Garfield relative to this point Otis stated that they talked of nothing "outside of the business interests of the country, the Cuban question, and ordinary topics of conversation, in addition to the Senatorial matter."

In response to a direct question as to whether the names of any Ohio people other than Mr. HANNA were discussed, Otis answered positively that there were no other such names.

Upon further examination by the chairman and Senator Long on this point, the following questions were asked and answered:

"Q. Did he (Boyce) say anything about Major DICK?—A. No.

"Did he (Boyce) mention Major DICK's name to you there?—A. No, sir.

"Q. Any of the gentlemen there—Mr. Daugherty or Mr. Rathbone—who were then interested in the Senatorial contest here in Columbus?—A. No, sir.

"Q. Any names of Columbus parties that you know of?—A. No, sir.

"Q. Didn't say anything about his associations here in Columbus?—A, No, sir; I asked him if he was acquainted in Columbus. He said he was not.

In response to a question as to whether he (Otis) made any attempt to identify Boyce (p. 453) his answer was:

"No; I didn't try to make much of an effort to find out his antecedents.

"Q. How much of an effort did you make, if any, to find out who he was?—A. Well, we talked about his career in the late war and his experience there. I asked him where he derived his title general, and he told me the regiment he was in and the great love he had for General Grant, and that led up to his showing me a letter from Col. Fred. Grant.

"Q. Well, was he introduced to you by anyone?—A. He showed me his card, and a couple of letters to H. H. Boyce from New York.

"Q. Are there any other names or facts that he gave you that might lead to his identification?—A. No; I don't remember of any other names at all that he mentioned."

The testimony of T. C. Campbell as to his connection with this case is as follows: Otis called at Campbell's office in Cincinnati and told him that a gentleman named Boyce had requested over the long-distance telephone that he (Otis) should make an appointment with him at some hotel in Cincinnati at 4.30 o'clock, and asked that Campbell would go with him. Later Otis returned and brought a telegram which changed the hour of the appointment, the telegram being introduced in evidence and marked Exhibit S S, pages 472 and 497.

It was not convenient for Campbell to go with Otis, but he waited and later Otis came to his hotel—about 7.30 the same evening.

It will be noticed that Campbell's statement as to the time Otis first told him about Boyce is different from that stated by Otis.

Otis stated that he did not advise Campbell of his meeting with Boyce until after the first meeting at the Gibson House.

This matter was brought particularly to the attention of Campbell as appearing on page 497, and it is significant, in connection with the relations of Campbell, Boyce, and Otis, as will be shown hereafter.

Some time on January 8 Otis introduced Boyce to Campbell, and thereafter all negotiations were conducted, as stated by Campbell, between him and Boyce alone.

During the first conversation Campbell stated that Boyce offered to pay Otis $2,500 in consideration of his vote for Mr. HANNA (p. 477).

At the next meeting Boyce offered Campbell $1,000 as a fee for carrying through the transaction with Otis, and at the third conversation Campbell suggested (p. 482) that $10,000 would be necessary to obtain Otis's vote for HANNA. This proposition was made on Sunday, January 9. Thereafter Campbell claims that arrangements were made for the immediate payment of $1,750 and the balance later.

It is to be noted that, during the conversations between Boyce and Campbell, Campbell states that Boyce distinctly disclaimed any knowledge or any connection with Mr. HANNA (p. 476).

Campbell's testimony is as follows: "I asked him, 'Have you come from Senator HANNA; did he send you here?' He said, 'No; I never knew Senator HANNA in my life.'"

On page 478 Campbell said: "Now, Mr. Boyce, the President knows nothing of your business here, and it is valueless for you to repeat that to me, and Senator HANNA does not; and now who is it that does know?" Oh, he wouldn't tell that. His friends in New York had sent him, and he would not tell that.

On page 483 Campbell says he asked Boyce: "You don't come from HANNA?" and Boyce said, "No; I don't. I never met HANNA in my life, but I think I can satisfy you I am who I purport to be."

On page 484 Campbell states further: "I felt then more strongly than ever before and Mr. Boyce was a great deal of a fake. I professed to be satisfied with his credentials."

On page 491 Campbell states: "I think, gentlemen, that I have told you all I know, except I want to say again that there should be no mistake about it—that Boyce declared with emphasis that he had never met nor seen Senator HANNA."

Upon the uncorroborated testimony of Campbell rests the whole foundation for the charge made that John C. Otis was offered $1,750, or any other sum, in consideration for his support of M. A. HANNA.

And it will be seen from a careful examination of Campbell's and Otis's testimony that there is absolutely nothing upon which to base the assumption that Boyce, even if he made the proposition as claimed to Campbell, represented either directly or indirectly Mr. HANNA or any agent for Mr. HANNA.

From this groundwork those prosecuting this case have attempted to connect Mr. HANNA with Boyce by a chain of testimony which is here presented in chronological order.

The first appearance of Mr. Boyce is at the Great Southern Hotel, Columbus, Ohio, on Friday, January 7. From that hotel, the headquarters of the anti-HANNA forces, namely, Charles Kurtz and Allen O. Myers, Boyce telephones to John C. Otis in Cincinnati, an anti-HANNA member of the legislature.

Boyce goes to Cincinnati and stops at the Gibson House, the proprietor of which is Horace B. Dunbar, a political associate of Allen O. Myers.

After meeting with Otis, in accordance with his telephonic communication, it is claimed that Boyce telephoned to Mr. HANNA'S headquarters in Columbus, and that the conversation had by him with those headquarters was overheard by Allen O. Myers, jr., a clerk in the Gibson House.

The only explanation offered by Allen O. Myers, jr., and Russell S. Pryor, and Seegar (two other clerks of the Gibson House) for this unusual proceeding of listening to telephonic communication of a guest were that they each at different times, during the first few hours he was in the hotel, suspected that Boyer was a politician and might be connected with the Senatorial campaign, or that, as young Myers expressed it, he would perpetrate a joke upon Boyer for the amusement of a newspaper man.

Thereafter every telephonic conversation Boyce is supposed to have had was taken down by some employee of the Gibson House, or of Dunbar, and was presented to this committee as evidence to support the claim that Boyce was in direct communication with the HANNA headquarters.

By a curious fatality the original notes taken down by Allen O. Myers, jr., and Russell S. Pryor were destroyed, as were also the original notes of the stenographer, Miss Hattie Jacobs, and merely so-called copies were presented to this committee.

The witnesses who testified that they heard these conversations do not attempt in any way to identify the persons using the telephone; they do not pretend to know the voices of any of the persons. They identify Boyer by stating that he was using the private telephone of the Gibson House, but as to the person at the other end of the line there are contradictory statements. One says it was "major," another that it was "colonel," but in no case is the name of the individual supposed to be at the Columbus end of the line testified to, except that, as shown on page 168, Myers, jr., says he thinks Major DICK was used.

The transcript of the notes supposed to have been taken by Miss Jacobs shows that on the evening of the 8th day of January, at 6.45 p. m., Boyce said over the telephone to someone in Columbus that Otis would authorize a telegram to the President stating that he would vote for Mr. HANNA; yet, by the testimony of Campbell, was not referred to between him and Otis or Boyce until Sunday, the 9th of January, Campbell presented a copy of this telegram, showing conclusively that the date was Sunday, January 9. It is to be noticed that it is not claimed that this telegram was ever sent.

A similar discrepancy as to the most important feature of the testimony likewise appears in connection with the alleged offer of $10,000.

Dunbar testifies (p. 129) that on Friday, January 7, it was reported to him that Boyce had telephoned to Columbus, stating that it would require $10,000 to obtain the vote of Otis.

Allen O. Myers, jr., testifies, page 170, to the same effect, and yet Otis, page 444, claims that no suggestion of $10,000 was made until Saturday, January 8; and Campbell, at pages 481 and 482, testifies positively that he suggested on Sunday, January 8, that $10,000 would be the proper price for the vote of Otis.

Prior to that time the only offer which he, Campbell, claims was made by Boyce was made for the sum of $2,500.

It is impossible to reconcile the discrepancies in these statements, except upon the theory which will be hereafter presented as to the real connection of Boyce with this matter.

The further telephonic communications claimed to have taken place between Boyce and various parties in Columbus occurred upon Saturday, January 8, and Sunday, January 9. These conversations were all taken down by a stenographer, Miss Jacobs, who was employed by Dunbar and Bliss.

In connection with these telephonic communications, the position of the telephone is of material interest. As was testified to by Allen O. Myers, jr.; and Detective Miller, the telephone was placed unusually high up on the wall, and there was no desk or shelf near to it upon which notes could be conveniently taken. This was brought out in the examination of Miller, who explained his ability to take notes by reason of the fact that he had a long arm, and could stretch to the mail shelf; and Myers, jr., did not attempt to take the notes, but dictated what he heard to his fellow-clerk, Pryor.

The official stenographer of this committee took notes at the same telephone when the committee tested these telephones, and stated, when reading his notes to the committee, that he had difficulty in taking them because of the position of the telephone. And the official stenographer, as is known to this committee, is a tall man; and yet Miss Jacobs, the stenographer who claims to have taken notes, is, as is also shown to every member of this committee, a short woman, pretends to have accurately transcribed a number of conversations without difficulty, but, as has heretofore been mentioned, she destroyed all her original notes, although employed especially by Dunbar for this unusual kind of work.

The testimony offered to prove what person was at the Columbus end of the telephone is founded entirely upon the bill presented by the Cincinnati Telephone Company to Dunbar, proprietor of the Gibson House. But, by a reference to the original bill or statement of account, it will be seen that no direct evidence is given as to this important fact.

The copy appears upon pages 159 and 160 of the record. And by the testimony of the telephone manager, Killstin, page 229, the names of the parties at Columbus end of the telephone were not written by him. He simply states: "Part of the sheet is mine. There are some names of the sheet I got from the long-distance telephone and put in for Mr. Dunbar. You can see the difference in the handwriting."

The names to which he refers are Rathbone, Myers, Kurtz, A. O. Myers, Rathbone, Kurtz, and Kurtz.

And on page 231, when asked how he knew what these names indicated, he answered: "Only from what the operator furnishes us." Yet when the clerk of the long-distance telephone, who made out the original bill, was examined he did not state that he knew who called at the Columbus end of the telephone, and simply said: "Most of it (the memorandum) is in my handwriting."

From these accounts and from the testimony furnished by the telephone manager in Columbus, there is no doubt that that telephone 1092 was in the headquarters of M. A. HANNA at Columbus, but there is no direct nor credible testimony as to what person used 1092.

As is well known to every person who was at the Nell House during that time, and who had occasion to use a telephone, this telephone 1092 was used indiscriminately by many people. I personally used that telephone for long-distance messages several times. The room was open to everyone, and I personally know that anyone might have used the instrument.

Another point in connection with this testimony was brought out when the telephones at the Gibson House were tested by this committee. The chairman, using the private telephone at the Gibson House, called up the Southern Hotel at Columbus, and the official stenographer, stationed at the telephone in the Gibson House office, listened to the conversation. The moment the conversation began the operator at Columbus said:

"I beg your pardon; I'll have the clerk for you at Columbus now. Is there any telephone open, I hear a noise?—A. Yes; the other telephone, as I understand it, is off the hook."

Thus showing conclusively that if at any time conversations were being overheard the operator would immediately know that the line was being interfered with.

Upon this uncertain contradictory testimony rests the whole proof offered to connect Mr. HANNA'S headquarters with Boyce.

The next step in the progress of the case is the testimony relating to H. H. Hollenbeck. From the testimony of the manager of the Gibson House it appears that H. H. Hollenbeck reached Cincinnati on Saturday morning, January 8, and registered at the Gibson House. From the moment he left Columbus he was shadowed by detectives employed by Charles Kurtz, Jerry Bliss, and Dunbar. And, despite the detailed record offered by these detectives, none of them at any time bring H. H. Hollenbeck in connection with Boyce.

In fact, the detectives who followed him in Cincinnati testified that the nearest time these two people came together was that "they went up in an elevator together, although they didn't speak to each other." And further, page 364, all during the day while about the hotel lobby these two men never connected or spoke to one another; they passed one another as strangers.

The report of the detectives does not show that Hollenbeck went to different places in Cincinnati—went to the Union Savings and Trust Company, the office of Miller, Voorheis & Co., and various railway offices.

Dunbar stated that he had placed people to watch the room occupied by Boyce, and from the record presented by the various detectives his actions were watched every minute of Saturday, January 8. Yet at no time does it appear that Hollenbeck spoke to Boyce or was with him alone.

The evident attempt, as indicated by the testimony of Archer, the clerk of the State commissioner of railroads, who followed Hollenbeck from Columbus to Cincinnati, was to show that Hollenbeck carried a package of money for Boyce, while the testimony of the detectives in Cincinnati is an evident attempt to show that he carried a draft, which was converted into money in Cincinnati.

The testimony regarding Hollenbeck is full of a great deal of irrelevant material and details having no connection with or bearing upon the charges preferred.

Allen O. Myers, jr., testified, page 172, in giving the telephone message he claims to have heard, that "Hollenbeck was not supposed to know what he was doing," thus evidently intending to avoid charging him with any improper action.

After the transactions in Cincinnati on Sunday, as given by Campbell and Otis, the detective claims to have followed Boyce to Columbus on Monday, and describes with great exactness how he followed Boyce, who drove about the city, changing carriages, and finally going to the depot and leaving the city, meeting in one of the carriages an unknown man.

Some weeks after this testimony was given two hack drivers testified as to the same transaction, but neither of them pretended to know who either of the parties in the carriage was. This completes the story of Boyce's connection with the whole affair.

Upon this chain of so-called evidence those who have preferred these charges attempt to connect Mr. HANNA, through some unknown agent, with Boyce; but, as has been shown, they in no way, by either direction or indirection, have established such connection. The evidence offered is chiefly interesting in its omissions of the most important connecting links.

First. Not only the failure but the lack of all attempts to connect Boyce with Mr. HANNA or any of his associates.

Second. The failure to identify the persons who are supposed to have used telephone 1092 in Columbus.

Third. The destruction of all the original notes of those pretended conversations.

Fourth. The failure to show any connection between Hollenbeck and Boyce.

Fifth. The failure to connect Boyce, while in Columbus on January 11, with Mr. HANNA or any agent of his.

It will thus be seen by a careful review of all the testimony that there is absolutely no competent or credible testimony upon which to substantiate or confirm any portion of the charge that Mr. HANNA, either directly or indirectly, sought to obtain the vote of John C. Otis by the offer of any sum of money.

On the other hand, the testimony bears out the supposition that there was 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. A close analysis of the facts presented establishes this supposition most clearly.

The leaders of those opposed to Mr. HANNA'S election were Charles Kurtz, Allen O. Myers, and Jerry P. Bliss.

The scheme for making this charge begins with the employment of Allen O. Myers, jr., at the Gibson House, on November 16 last, two weeks after election, Dunbar, the proprietor of this hotel, being a personal and political associate of Allen O. Myers.

The first appearance of Boyce is at the Great Southern Hotel, in Columbus, the headquarters of Myers and Kurtz. The scene of the scheme is then transferred to the Gibson House, at Cincinnati, and, by a curious coincidence, Campbell, a former partner of John C. Otis, but then living in New York, appears in Cincinnati on the same day. By another accident Jerry P. Bliss reaches the Gibson House at the same time.

Campbell testifies in the beginning of his examination that Boyce was a stranger to him, but on further examination inadvertently admitted that he knew Boyce when, in answer to a question as to Boyce's whereabouts, page 504, he says: "He [Boyce] is a man that had occasion to need Canada once or twice in his life; he is a man from whom the benefit of clergy was deprived. That is the best way I know how to express it."

All the witnesses who gave any direct testimony were employees of the Gibson House, or detectives employed by either Dunbar, its manager, or Jerry Bliss, or a reporter of the Cincinnati Enquirer, a paper owned by the Democratic candidate opposed to Mr. HANNA.

The direct testimony is repeated by Jerry Bliss and Allen O. Myers, sr.—testimony absolutely incompetent, as being the veriest hearsay, but offered as corroborative of the direct testimony.

Bliss says that the reason for not arresting Boyce in Cincinnati was that they wished to get him into Franklin County, and yet when Boyce goes to Franklin County on the next day there is no attempt to catch him, while, on the contrary, the skillful detective employed for the special purpose of watching Boyce most conveniently loses him at this most important stage of the proceedings, and since then Boyce has vanished.

The fact that H. H. Hollenbeck was in Cincinnati on that day offered an excellent pretext about which to build up the fabric of this scheme.

Without doubt there were telephonic communications between telephone 1092 and Cincinnati; but that the conversation testified to between the parties claimed ever occurred is altogether improbable.

There may have been an attempt on the part of Allen O. Myers and Charles Kurtz to entrap some one for the purpose of injuring Mr. HANNA. This may have been a part of the original scheme, and their failure to entrap any friend or agent of Mr. HANNA is the most conclusive proof that neither he nor his friends used or attempted to use such methods as have been charged for the purpose of securing his election.

The testimony given to this committee proves the existence of such a scheme, if it proves or tends to prove anything connected with the charges preferred.

All that is left for the opponents of Mr. HANNA are the insinuations and suspicions that have been and may be cast upon him by reason of the fact that neither he nor those interested with him in the conduct of his campaign have appeared before this committee, and that certain witnesses who had been called have declined to testify.

The persons who have refused to testify based their refusal upon two grounds, either the lack of jurisdiction of this committee, or by reason of the fact that they sustained confidential relations to the public and uniformly declined to answer questions of the character propounded to them. But in all cases the

witnesses stated that they concealed nothing the publicity of which would tend to incriminate or disgrace them.

Mr. HANNA on the day preceding his election, when these charges were made, had issued to the public an authorized statement, as follows:

"I deny having authorized any agent or representative of mine to make any offer to Representative Otis or any other member of the assembly. I never sent any man to Cincinnati to see Mr. Otis. I have never known or seen Mr. Boyce in my life, and have had no transactions with him."

Maj. CHARLES DICK, the manager of Mr. HANNA'S canvass, likewise published in the newspapers that he did not know Mr. Boyce; he never saw him; never had any long-distance or other communications with him, and that the alleged reports of conversations between himself and Boyce were absolutely and unqualifiedly false and without foundation in fact.

These specific denials by Mr. HANNA and Major DICK have never been contradicted nor controverted by any testimony to this committee.

Whatever force or effect might be given or attached to the fact that Mr. HANNA, Mr. Hollenbeck, or Mr. Rathbone have not appeared before this committee are weakened and lost by reason: First, the organization of this committee, and, second, the method adopted for the conduct of this investigation.

The committee as finally chosen had as its chairman a senator who, although elected under an absolute pledge to his constituents to support Mr. HANNA for United States Senator, nevertheless violated that pledge by opposing Mr. HANNA and voting for another candidate. He had, further, prejudged the case, as proven by the original resolution offered by him. It was, therefore, of the highest personal importance to the chairman to obtain a report from the committee which would sustain the charges made, thus making a fair and impartial hearing absolutely impossible.

Secondly, at the first meeting of this committee, before any testimony was taken, a resolution was adopted declining to allow any person, either called as a witness or otherwise, appearing before this committee to have the advice and service of an attorney during such examination, thus precluding the possibility of a judicial and fair examination. Such a procedure was unwarranted and without precedent.

For these reasons the persons referred to declined to appear before this committee, believing that the good common sense of the American people and their desire for fairness and impartiality would relieve Mr. HANNA of any suspicion of discreditable action in obtaining the high office of United States Senator.

Thereafter the conduct of examinations and the introduction of testimony fully verified the belief that judicial methods would not prevail. No attempt was made to exclude incompetent or irrelevant statements. Hearsay evidence was introduced to sustain hearsay evidence, and had the case been submitted to a judicial tribunal nearly all the testimony presented would have been rejected by the court because of incompetency and irrelevancy.

In the light of all the circumstances connected with these charges, the conduct of this investigation, there can be but one reasonable conclusion—that is, that these charges were made by the opponents of Mr. HANNA without foundation in truth or fact, were published the day preceding his election for the sole purpose of intimidating his supporters, and have been proved by the testimony of witnessee offered by the prosecution to be wholly and unqualifiedly false.

JAMES R. GARFIELD.

APRIL 23, 1898.

Mr. BACON. Mr. President, I might, I think, with propriety rise to a question of personal privilege for the purpose of inquiring in what manner and by what right I was denied the floor. I was on the floor addressing the Senate. I was interrupted, and the then occupant of the chair—not the present occupant—in the usual way asked me if I yielded. I in the usual way yielded to the interruption, stating at the time that I did not surrender the floor, but yielded to the interruption.

Mr. President, when a Senator is interrupted, and in the usual way the Chair inquires whether he yields to the interruption, can the Senator who yields tell whether the interruption is intended for one sentence or whether the Senator proposes to proceed for half an hour? It is impossible for the Senator who yields in response to the inquiry of the Chair to determine what course the Senator who asks the privilege of interruption may take, and when that Senator concluded I was entitled to the floor.

The suggestion of the senior Senator from Massachusetts [Mr. HOAR] and the junior Senator from Massachusetts [Mr. LODGE] that I had attempted to farm out the time was entirely gratuitous and unwarranted by the facts which had transpired in the presence and hearing of all the Senate.

Then when I attempted again to resume it while on the floor, as the RECORD will show, as I have no doubt our efficient stenographers took down exactly what occurred, after I had been recognized, I was again taken off the floor by the recognition of a Senator for the purpose of allowing from him a personal explanation. While a Senator on a question of privilege may be at any time entitled to the floor, he is not entitled to take a Senator off the floor in order that he may address the Chair upon such question of personal privilege.

Now, Mr. President, that much I deem is due to myself in view of the fact that both the senior Senator from Massachusetts and the junior Senator from Massachusetts by their inquiries implied that I had attempted to farm out the time of the Senate, which, I repeat, was absolutely unwarranted by anything which had occurred. I had yielded the floor in response to an application for an interruption, and in response to an inquiry from the Chair whether or not I would yield, and I had no intimation of the purpose for which the interruption was desired. If the Senator thus interrupting me retained the floor for a longer time than is usual, it was a fact which I could not anticipate, and for which I was not responsible.

Mr. GALLINGER. Will the Senator from Georgia permit me a moment?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. No, sir; I decline to yield at present.

The PRESIDENT pro tempore. The Senator from Georgia declines to yield.

Mr. BACON. I do not do it with any disrespect to the Senator from New Hampshire, but really I think that I am entitled, in view of what has occurred, to proceed.

Mr. GALLINGER. In my absence from the Chamber——

Mr. BACON. I did not know the Senator was absent from the Chamber.

Mr. GALLINGER. The Senator indulged in some criticisms which he admits to me he has made, and I think I ought to be permitted to make a brief explanation.

Mr. BACON. I will say this to the Senator, and with the greatest pleasure, that I am certain the Senator did not intend to do me any injustice.

Mr. GALLINGER. I accept that, with the added statement that I am very sure that I executed the rules of the Senate correctly.

Mr. BACON. I think the Senator is mistaken about that, Mr. President.

Mr. GALLINGER. I did it with a view of protecting the Senator in every right he possibly could have. That was my purpose.

Mr. BACON. I think the Senator is mistaken. I know the Senator would not intentionally have done me wrong. I did not intend to imply that at all. But, Mr. President, what occurred led to the suggestion of the statement, almost the charge of the Senators from Massachusetts, both the senior Senator and the junior Senator, that I had attempted to do that which I recognize to be improper, to wit, to farm out the time of the Senate. I had not made any such attempt, and the sole complexion of that kind was due to the direction which had been given by the then occupant of the chair.

Mr. President, I only desired the floor to add a very few words, and those I will now say. I certainly had no anticipation when I formerly occupied the floor that what I said was going to lead to bitter personalities, which have been to-day heard upon the floor of this Chamber. I am in no manner responsible for them. I had endeavored to bring to the attention of the Senate something which I think is of very much more importance than the personal fortunes or the personal or political history of any man, even though that man may be the junior Senator from Ohio. I return for a moment, Mr. President, to that immeasurably more important question, affecting as it does the vital interests of the whole country.

Mr. President, the question before the Senate was whether we should proceed to the consideration of the anti-trust bill. I was calling the attention of the Senate to the importance that the Senate should give such direction to this matter as that in good faith to the country we should act definitely and finally upon it. I was calling attention to the fact that, whereas with a great flourish of trumpets this bill had been passed in another branch of Congress and brought here in what the dominant party had determined shall be the closing days of the session, there was an appearance of an attempt at anti-trust legislation on the part of the dominant party, which was not, in fact, sincere in its pretended intention, and I was asking of the Senate that they would do one of two things, either that they would proceed to the consideration of this bill for the purpose of passing it, or, if they desired that it should go to a committee, that they would prolong the session to a time when, after the report of that committee, it should be practicable to consider it, upon the ground that anti-trust legislation is a matter of sufficient importance to require that the Senate should remain in session for its disposition. The bill has passed the House of Representatives. The bill can be passed in the Senate and become the law of the land if the Republican party desires that it shall be law. If the bill does not become the law at this session, it will be because the Republican party does not wish it to become law.

Now, Mr. President, in that connection I desire to say only one other word. Not only has this anti-trust bill been brought to us here from the House of Representatives at a time and under circumstances when it is not the intention of the dominant party to act upon it, but in the other branch of Congress, as we are informed, an effort has been made to enact a constitutional amendment with a very great flourish of trumpets in order to endeavor to emphasize the avowed desire and purpose of the dominant party to enact the most stringent anti-trust legislation.

Mr. President, of course we can not stop now to properly dissect that resolution proposing the constitutional amendment, or to discuss it; but I want to call the attention of the Senate to what a very high Republican authority said about that proposed anti-trust constitutional amendment.

We all recognize that there is not a more determined and implacable and able opponent of the Democratic party, and supporter of the Republican party, in this country than the New York Sun, and here is what the New York Sun said about the

proposed constitutional amendment, which received a majority of the votes in the House of Representatives, that majority consisting of the Republican members of that House, speaking generally, and the votes in the negative being cast by the Democrats there, speaking generally—here is what the New York Sun said about that in a recent issue, since the action of the House upon that proposed constitutional amendment:

THE ANTI-TRUST AMENDMENT.

When we say plainly that this is the most dishonest, and therefore the most discreditable, piece of work achieved during the present session by the leaders of Republican policy in the House, we are not speaking of the merits of the proposed amendment. Its revolutionary character, the sweeping change it would effect in the entire system of our institutions, the bestowal upon Congress of an unlimited and arbitrary power over all private business in all the States, and without regard to State lines or State rights, need not even be discussed. There is no more prospect of its adoption by a two-thirds vote of both House and Senate and of its ratification by the legislatures of three-fourths of the 45 States than there is of the adoption of a constitutional amendment vesting in the Federal Government the direct management of all the myriad industries of this land.

The dishonesty of the performance lies in the fact that there was no expectation on the part of the author of this resolution, or of the Republicans on the Judiciary Committee who favorably reported it, or of the Republicans in the House who were willing to vote for it, that the proposed sixteenth amendment will ever amount to more than a campaign trick of the cheapest and unworthiest description.

Now, Mr. President, I do insist that the question here, whether we shall enact anti-trust legislation, is one of most pressing importance. I insist upon it that there is no reason why we should not act upon a bill which has already passed the other House, and which is now in the Senate. If it is of a character that we can not act upon it without its reference to a committee, then it is our duty to stay here in session until that committee can report, and until the Senate can act upon a question which is recognized all over this country as one of the most important and one requiring at the hands of Congress definite action.

Why should we leave here? What is the pressing necessity to have this session adjourned? We have by law a right to remain here until the 4th of next March, if need be. It is not necessary for us to stay here so long; but there are many measures which we ought to attend to, and which the country desires to have attended to. Some of them have passed the other House, as has been said this morning, for the purpose of placating the friends of those measures. That is the design of passing them through the House; but they are to be arrested in the Senate, in order that the opponents of those measures may not be offended. Not only is this true of the proposed anti-trust legislation, but it is also true of the Nicaraguan Canal bill. That has passed the House, but the Republicans have gone as far as they intend and will not permit it to pass the Senate, although they can easily do so.

Upon the subject of trusts I have still one other word to say, and that is this: The Republican party may deceive the people as to whether or not they are the friends of the trusts; they may make the American people believe that they are in favor of anti-trust legislation; but there is one element that is not going to be deceived by them, and that element is the trusts themselves. The trusts are not going to be deceived into the belief that the Republican party is opposed to them, and the evidence of it will be that when the campaign comes—not in any illegitimate manner, perhaps, and I say it in no offensive manner, certainly—but when the campaign comes the coffers of the Republican party will overrun with contributions of the trusts, and not a dollar from the trusts will find its way into the treasury of the Democratic campaign committee.

Mr. GALLINGER. Mr. President, I had not intended to take any part in this interesting debate, and do not propose to do so now further than to reply as intelligently as I can to some strictures made upon me as temporary presiding officer by the Senator from Georgia [Mr. BACON] in my absence from the Chamber. I desire simply to recount——

Mr. BACON. I will say to the Senator that I did not know he was absent. I thought he was in the Chamber.

Mr. GALLINGER. The Senator, I assume, did not. I shall occupy a very brief time in stating the matter, as I understand it, without knowing precisely what the Senator said concerning me. The facts are that the Senator from Georgia was recognized and had the floor, occupying it for some time. He was interrupted by the Senator from South Dakota [Mr. PETTIGREW]. The Chair made the usual inquiry of the Senator from Georgia if he yielded to the Senator from South Dakota. The Senator from Georgia gave consent to the interruption, and the Senator from South Dakota proceeded to occupy some time in what was mainly a personal attack upon the junior Senator from Ohio [Mr. HANNA]. When the Senator from South Dakota had concluded his remarks, several Senators rose for recognition. The junior Senator from Ohio claimed the right to make a personal statement.

Mr. BACON. I wish to state right there that the Chair recognized the Senator from Georgia. Then the Senator from Ohio claimed the right to address the Senate on a personal question.

Mr. GALLINGER. That may be technically true, but the Senator from Georgia had not uttered a word except to address the Chair, when the Senator from Ohio claimed the right to be heard as a matter of personal privilege. The Chair properly recognized the Senator from Ohio for that purpose. When the Senator from Ohio had completed his remarks, again several Senators asked for recognition, and the Chair, desiring to protect to the fullest possible extent the Senator from Georgia, who technically had lost his right to the floor, recognized him.

The junior Senator from Massachusetts [Mr. LODGE] made a point of order that a Senator could not hold the floor and parcel out the time to other Senators; and the Chair, again desiring to protect the Senator from Georgia to the fullest possible extent, did not make a ruling, but suggested that it was rather customary for Senators to permit interruptions and then to be recognized after the interruption had ceased. Several Senators privately suggested to the Chair that he ought to have ruled on the subject, holding to a well-established principle in parliamentary law, decided many times in this body, as I remember, that a Senator can not, as the usual term is, "farm out" his time to other Senators. The Chair then took occasion to assert that principle in the kindest possible way, suggesting that a Senator could yield the floor for a question or for a statement or for a temporary interruption and yet hold the floor, but that if he was permitted to parcel out the time indefinitely of course he could arrange matters so that only one side of a question could be discussed during an entire day or week.

Mr. President, that is all the temporary occupant of the chair did. We are all liable to error when we chance to be in that responsible position; but I want to say to my friend from Georgia, and I want him to hear me, that my purpose was to protect him in every possible right and to give him the benefit of any doubt that might have existed. If any mistake was made, it certainly was not intentional and is regretted, but, for the life of me, I can not see why the Senator from Georgia should feel aggrieved.

Mr. BACON. I am quite sure that is so, and I wish to reply that I would not have said a word about it but for the course of matters, which enabled the senior Senator from Massachusetts and the junior Senator from Massachusetts, each one, to charge that I was attempting to farm out the time while I occupied the floor, which was absolutely without warrant.

Mr. GALLINGER. I confess I did not know that fact.

Mr. TELLER. Mr. President, we seem to have gotten a good way from the question which is before the Senate. I do not desire to continue this discussion in that line, except to say that there has been a good deal of warmth and excitement and some ill temper exhibited. I want to suggest to the Senator from Montana [Mr. CARTER] that if there is any question of veracity raised between himself and Mr. Cramp, or between himself and a Senator of this body, his party is in power in the Senate, and if he calls for a committee to investigate the campaign of 1892, perhaps he can be righted.

I would suggest also if the committee undertake to do that they should extend the investigation to the campaign of 1896. I know a great many people who would like to present some features of that campaign to an impartial committee.

I want to say another thing. It is charged that the Senator from South Dakota [Mr. PETTIGREW] has attacked a member of this body. Mr. President, the Senator from South Dakota simply read a report made to this body. If there is any attack at all, it comes from three members of that committee on a subject submitted to them, and which they had a right to pass upon. The report has been here many months, and if anybody is hit by it, up to this hour nobody has been willing to rise and defend against it. The Senator from South Dakota does not make the charge. A minority of a committee of this body makes the charge, if any charge is made.

Mr. HOAR. Mr. President, I wish, before this subject passes away, to allude to something which seems to have troubled my friend the Senator from Georgia [Mr. BACON]. I did not mean in taking the point of order which I took, or in suggesting it, for a moment to impute to the Senator from Georgia any purpose to farm out the floor when he claimed the floor as of right. I thought he could only claim it by establishing that principle. That was all that I intended to say.

ORDER FOR RECESS.

Mr. HALE. I ask unanimous consent that at 6 o'clock this evening the Senate take a recess until 8 o'clock.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that at 6 o'clock this evening the Senate take a recess until 8 o'clock. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, informed the Senate that 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, of which the Senate asked the return by its resolution of June 4, was on that day signed by the Speaker and transmitted to the Senate.

The message also announced that the House had agreed to the concurrent resolutions of the Senate requesting the President of the United States to return to the Senate the following bills:

A bill (S. 1551) granting a pension to John G. B. Masters;

A bill (S. 2483) granting an increase of pension to Lewis C. Beard; and

A bill (S. 2962) granting an increase of pension to William Blades.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9388) to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER of Wisconsin, Mr. HITT, and Mr. JONES of Virginia managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11719) amending section 5270 of the Revised Statutes of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RAY of New York, Mr. KAHN, and Mr. SMITH of Kentucky managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3419) making further provisions for a civil government for Alaska, and for other purposes.

The message also announced that the House had passed a concurrent resolution permitting members of the Senate and of the House of Representatives to print in the RECORD appropriate remarks in eulogy of the Hon. DENIS M. HURLEY, deceased; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 359) to extend the privileges of immediate transportation of dutiable goods to the port of Astoria, Oreg.;

A bill (S. 2931) to incorporate the American National Red Cross, and for other purposes;

A bill (H. R. 2936) changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes;

A bill (H. R. 5296) establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C.;

A bill (H. R. 8815) to amend chapter 4, Title XIII, of the Revised Statutes of the United States;

A bill (H. R. 9679) to authorize the construction of a railroad bridge across the Mississippi River at St. Paul, Minn.;

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. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia; and

A joint resolution (H. J. Res. 247) to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

EXTRADITION WITH CUBA.

The PRESIDENT pro tempore laid before the Senate action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11719) amending section 5270 of the Revised Statutes of the United States, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FAIRBANKS. I move that the Senate insist on its amendments and agree to the conference asked for by the House.

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. FAIRBANKS, Mr. HOAR, and Mr. LINDSAY were appointed.

GOVERNMENT DEPOSITARIES IN THE PHILIPPINE ISLANDS, ETC.

Mr. ALDRICH. There is another message from the House of Representatives on the table, which I ask the Chair to lay before the Senate.

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. 9388) to provide facilities for the safe-keeping and disbursements of public money in the Philippine Islands and in the islands of Cuba and Porto Rico, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALDRICH. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

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. ALDRICH, Mr. WOLCOTT, and Mr. VEST were appointed.

CIVIL GOVERNMENT FOR ALASKA.

Mr. SCOTT and Mr. BUTLER addressed the Chair.

The PRESIDENT pro tempore. The Senator from West Virginia [Mr. SCOTT] is recognized.

Mr. SCOTT. Mr. President, yesterday I gave notice that I should desire to offer a few remarks on the Philippine question following the Senator from Alabama [Mr. MORGAN] and the Senator from Illinois [Mr. MASON], both of whom I understood desired to make speeches. I would ask the Chair whether I am entitled to the floor?

The PRESIDENT pro tempore. The Senator has the floor now.

Mr. CARTER. I ask the Senator from West Virginia to yield to me for the purpose of disposing of the conference report on the Alaskan bill.

Mr. SCOTT. I yield for that purpose.

Mr. CARTER. I ask the Chair to lay before the Senate the action of the House of Representatives on the Alaskan bill.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

Mr. CARTER. Mr. President, as stated in the message just read, an agreement has been reached. I wish to make a brief statement to the end that the work of reading the conference report may be somewhat abbreviated. The House thought proper to abolish the definition in forms of action between law and equity, and in order to make the bill conform to that particular view, amendments were necessary throughout the bill, striking out the words ordinarily employed in referring to actions in equity, the words "suit" and "decree" being stricken out and the words "action" and "judgment" being substituted.

In order to make the bill conform in this particular a very large number of minor amendments were necessary. The amendments number about 1,200. To all these minor amendments the Senate conferees agreed, as a matter of course, following the agreements on the main proposition that distinctions between the forms of actions at law and suits in equity should be abolished in the district of Alaska. So that it happens that the House agrees to recede from only 77 of its amendments in the bill out of 1,200, but a large number of the amendments were made up in the manner I have suggested.

In view of the explanation made concerning these minor amendments, I suggest that the Secretary proceed to read by stages, that the Senate recede from its disagreement to all the amendments with the following exceptions, and then proceed with the reading of the exceptions, rather than the minor amendments which are numbered. I ask that the Secretary proceed to read in that manner, if there be no objection.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

The report of the conference committee is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3419) making further provision for a civil government for Alaska, 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 amendments of the House numbered 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15, 16, 17, 20, 24, 25, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 54, 57, 58, 62, 63, 64, 65, 66, 67, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 86, 87, 90, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107, 108, 110, 113, 114, 115, 116, 117, 118, 121, 124, 125, 126, 127, 128, 130, 131, 132, 133, 134, 135, 136 137, 138, 139, 140, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 163, 164, 165, 168, 169, 171, 172, 173, 177, 181, 182, 183, 185 186, 187, 188, 189, 191, 192, 193, 194, 195 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 256½, 257, 258, 259, 260, 261, 262, 263, 264, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540,

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That the House recede from its amendments numbered 6, 7, 8, 13, 19, 22, 23, 28, 51, 53, 60, 70, 83, 91, 109, 111, 112, 119, 123, 143, 157, 158, 159, 160, 161, 162, 166, 167, 170, 174, 175, 176, 178, 179, 180, 190, 265, 266, 508, 566, 626, 632, 635, 675, 676, 677, 678, 681, 684, 743, 745, 748, 784, 818, 822, 832, 833, 834, 890, 979, 1005½, 1014, 1018, 1019, 1030, 1035, 1036, 1062, 1063, 1068, 1082, 1084, 1087, 1089, 1090, 1107, 1108, 1109, 1110, 1111, 1113, 1114, 1115, 1117, 1119, 1120, 1123, 1127, 1186, 1187, 1188, 1189, 1190, 1191, 1210, 1250, 1253.

That the Senate recede from its disagreement to the amendment of the House numbered 18, and agree to the same with an amendment as follows: In line 26 strike out the word "three" and insert the word "four;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 21, and agree to the same with an amendment as follows: In line 28 strike out the word "two" and insert the word "three;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 26, and agree to the same with an amendment as follows: In line 59 strike out the word "necessary;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 38, and agree to the same with an amendment as follows: In line 38, after the word "made," insert the following: "In good faith;" and the House agree to the same. In line 39 strike out the words "validated and;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 49, and agree to the same with an amendment as follows: In line 4, after the word "capacities," strike out the words "under existing law," and insert at the end of line 8 the words "unless sooner removed;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 50, and agree to the same with an amendment as follows: After the word "low," in line 6, insert "and mean high;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 55, and agree to the same with an amendment as follows: In line 32, after the word "below," strike out "mean;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 68, and agree to the same with an amendment as follows: After the word "section," in line 9, insert "and under chapter 73 of Title II."

That the Senate recede from its disagreement to the amendment of the House numbered 88, and agree to the same with an amendment as follows: In line 2 strike out the word "other;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 89, and agree to the same with an amendment as follows: In line 4 strike out the word "other;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 106, and agree to the same with an amendment as follows: In line 2, after the word "court," insert the words "or judge or clerk;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 120, and agree to the same with an amendment as follows: In line 5, after the word "pleadings," strike out the words "and other papers;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 129, and agree to the same with an amendment as follows: At the end of line 18 insert the following: "*Provided*, That hereafter in trials for misdemeanors six persons shall constitute a legal jury;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 140, and agree to the same with an amendment as follows: In line 3, after the word "ninety-eight," insert the words "of this title;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 141, and agree to the same with an amendment as follows: In line 3, before the word "referees," insert the words "a referee or;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 142, and agree to the same with an amendment as follows: In line 2, after the word "action," strike out the word "being" and insert in lieu thereof the words "at issue and to be;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 156, and agree to the same with an amendment as follows: At the end of line 8 section 228, add the following words: "in the cause;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 184, and agree to the same with an amendment as follows: In line 8, after the word "seventy-three," insert the words "of this title;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 202, and agree to the same with an amendment as follows: In line 9, after the word "but," strike out the word "upon;" and in line 10 strike out the words "be indorsed" and insert in lieu thereof "contain;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 58, and agree to the same with an amendment as follows: In line 1 strike out the letter "a," the first letter in the section; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 583, and agree to the same with an amendment as follows: Strike out the letter "b," the first letter in the section; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 586, and agree to the same with an amendment as follows: Strike ont the letter "c," the first letter in the section; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 590, and agree to the same with an amendment as follows: Strike out the letter "d," the first letter in the section; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 647, and agree to the same with an amendment as follows: Strike out all of line 7 after the word "provided" and insert in lieu thereof "by law;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 699, and agree to the same with an amendment as follows: In line 4 strike out all after the word "deposition;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 821, and agree to the same with an amendment as follows: In line 9 strike out the words "including the" and insert, after the word "allowance," in said line, the words "or disallowance;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 713, and agree to the same with an amendment as follows: In line 12 strike out the word "three" and insert the word "five;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 875, and agree to the same with an amendment as follows: In line 14, after the word "in," insert the word "this;" and strike out all after the word "section;" and the House agree to the same.

That the Senate recede from its disagreement of the House amendment numbered 885, and agree to the same with an amendment as follows: In line 3, after the word "excluded," insert the words "as witnesses;" and the House agree to the same.

That the Senate recede from its disagreement of the House amendment numbered 893, and agree to the same with an amendment as follows: In line 2, after the word "color," strike out the word "or" and insert in lieu thereof the word "and;" and in line 3 strike out the word "fifteen" and insert in lieu thereof the word "seven;" and the House agree to the same.

That the Senate recede from its disagreement of the House amendment numbered 894, and agree to the same with an amendment as follows: At the end of line 5 insert the words "except as against the United States;" and the House agree to the same.

That the Senate recede from its disagreement of the House amendment numbered 1022, and agree to the same with an amendment as follows: After the word "renounced," in line 7, insert the words "without valuable consideration;" and the House agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 1049, and agree to the same with an amendment as follows: In line 17 strike out the words "married women;" and the House agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 1128, and agree to the same with an amendment as follows: In line 9 strike out the word "has" and insert in lieu thereof the word "have;" and the House agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 1205, and agree to the same with an amendment as follows: In line 10 strike out, after the word "this," the word "chapter" and insert in lieu thereof the word "title;" and the House agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 1229, and agree to the same with an amendment as follows: Strike out, after the word "this," in line 8, the word "chapter" and insert in lieu thereof the word "title;" and the House agree to the same.

That the Senate recede from its disagreement to the House amendment numbered 1247, and agree to the same with an amendment as follows: In line 10, after the word "the," strike out the word "said" and insert in lieu thereof the word "such."

That the Senate recede from its disagreement to the House amendment numbered 1256, and agree to the same with the following amendment in lieu of the matter stricken out: Before the word "all," in line 1 of section 364, insert: "That in the interpretation of this act words of the singular number shall be deemed to include their plurals, and that words of the masculine gender shall be deemed to include the feminine, as the case may be. Whenever a section of this act refers to another section, a section of the same title is intended, unless the contrary clearly appears. No person shall be deprived of any existing legal right or remedy by reason of the passage of this act, and all civil actions or proceedings commenced in the courts of the district before or within sixty days after the approval of this act may be prosecuted to final judgment under the law in force in the district or under this act;" and the House agree to the same.

That the House recede from its amendment numbered 52, with an amendment as follows: After the word "exploration," in line 10, insert the words "and mining;" and the Senate agree to the same.

That the House recede from its amendment numbered 56, and agree to the following amendment in lieu thereof: "but citizens of the United States or persons who have legally declared their intention to become such shall have the right to dredge and mine for gold or other precious metals in said waters, below low tide, subject to such general rules and regulations as the Secretary of War may prescribe for the preservation of order and the protection of the interests of commerce; such rules and regulations shall not, however, deprive miners on the beach of the right hereby given to dump tailings into or pump from the sea opposite their claims, except where such dumping would actually obstruct navigation;" and the Senate agree to the same.

That the House recede from its amendment numbered 59, with an amendment as follows: In line 43, page 29, after the word "Alaska," strike out the word "and" and insert "or;" and the Senate agree to the same.

That the House recede from its amendment numbered 61, with an amendment as follows: After the word "Alaska," in line 85, strike out the word "and" and insert in lieu thereof the word "or;" and the Senate agree to the same.

That the House recede from its amendment numbered 122, with the following amendment: In line 5 strike out the words "on a cause of action arising out of contract;" in line 8 strike out the words "or character" and insert after the word "for" the word "willfully;" in lines 10 and 11 strike out the words "or on a promise to marry;" also in line 11, after the word "money,"

the words "received" and "for;" after the word "shall," in line 5, section 99, insert the words, "in the discretion of the court or the judge thereof;" in line 12 strike out the words "one or more" and insert in lieu thereof the word "sufficient;" in line 13 strike out the word "one" and insert in lieu thereof the word "three;" in line 22 strike out the words "nature and sources of the information" and insert in lieu thereof the word "facts;" in line 31, after the word "the," strike out the word "clerk" and insert in lieu thereof the words "by the court, judge, or commissioner, in his or its discretion;" and in line 35 strike out the word "clerk" and insert in lieu thereof the word "court;" in line 36 strike out the word "whom" and insert in lieu thereof the word "which;" in line 3, section 101, strike out the words "two or more;" in line 10, section 102, strike out the words "judges of the;" in line 16, section 106, strike out the words "the clerk of;" in section 120, page 85, line 4, strike out all after the word "arrest;" after the word "writ," section 121, line 6, insert the following: "or that there is other good cause which would entitle him to be discharged on habeas corpus;" at the end of line 7, same section, add the following: "or in case he has given bail the court may discharge the same or reduce the amount thereof on good cause shown;" and the Senate agree to the same.

That the House recede from its amendment numbered 719 with an amendment as follows: In line 14, after the word "witness," insert the word "willfully;" in line 15 strike out the words "is to" and insert in lieu thereof the word "may;" in line 17, after the word "and," insert the word "of;" and the Senate agree to the same.

That the House recede from its amendment numbered 813 with an amendment as follows: In line 4 strike out the words "or decree;" and the Senate agree to the same.

That the House recede from its amendment numbered 1170 with an amendment as follows: After the word "timber," in line 4, strike out the words "upon which there is" and insert in lieu thereof the words "knowing the same to be subject to;" and the Senate agree to the same.

GEORGE L. SHOUP,
THOMAS H. CARTER,
Managers on the part of the Senate.

V. WARNER,
W. S. KNOX,
HENRY R. GIBSON,
Managers on the part of the House.

Mr. ALLEN. I should like to have read again the amendment which provides the number of jurymen. I did not catch it distinctly.

Mr. CARTER. I will, for the Senator's benefit, explain what that refers to, if that will be satisfactory.

The criminal code which was passed last year provided that a jury in all cases, including cases of misdemeanors, should consist of 12 persons.

Mr. ALLEN. In what court?

Mr. CARTER. Both in commissioners' courts and justices' courts, and in the district court as well. The United States attorney for Alaska, in a communication addressed to the Attorney-General, explained that in cases of misdemeanor before justices of the peace it was frequently quite impossible to procure a jury of 12 in the sparsely settled sections of the district. The Attorney-General communicated with the committee, requesting that in cases of misdemeanors the legal jury should consist of 6 persons, and the amendment was made to conform to that recommendation.

Mr. ALLEN. Is the right of appeal preserved in trials for misdemeanor?

Mr. CARTER. Certainly; an appeal is preserved.

Mr. ALLEN. Does this bill preserve the right of appeal?

Mr. CARTER. It does preserve it, as does the criminal code, in all cases of misdemeanor.

Mr. ALLEN. Is the defendant required to give bond for an appeal?

Mr. CARTER. No bond is required. It is the plain provision of the Oregon code in that respect.

Mr. ALLEN. If a man is convicted and sent to jail, he can, notwithstanding that, appeal and have his case tried without giving any bond or other security?

Mr. CARTER. The defendant in a case of misdemeanor is probably required to give bond for his appearance where arrested and liberated as in other cases, of course.

Mr. ALLEN. The Senator does not understand me. A man arrested and brought before a magistrate, charged with a crime, can give bail for his appearance. I suppose this bill provides for that.

Mr. CARTER. Unquestionably it does.

Mr. ALLEN. If tried before a magistrate and convicted upon his final trial, I understand the Senator to say that the bill preserves, or creates, rather, a right of appeal to the district court, where the case would be tried de novo.

Mr. CARTER. The criminal code gives that right. The case is tried de novo in the appellate court.

Mr. ALLEN. Now, pending the trial of the case on appeal, is there any provision for bail?

Mr. CARTER. There is provision in the criminal code for bail.

Mr. ALLEN. Now, is the giving of bond or of security of any kind made a condition precedent or one of the steps in the process of appeal?

Mr. CARTER. The appeal is a matter of right. The bail furnished by the defendant is for his personal appearance to answer any judgment that may finally be entered against him in the case.

Mr. ALLEN. The Senator does not yet understand me. Sometimes an appeal is absolute without regard to bail, and sometimes the statute provides that a person convicted of a misdemeanor before an inferior court may appeal upon giving bail so and so. Is the giving of bail in this instance a step or condition precedent in perfecting the appeal?

Mr. CARTER. I will state to the Senator generally that the bill does not deal with the criminal code at all, except in the case of the jury to which he has directed attention. A criminal code was passed during the last Congress.

Mr. ALLEN. I do not care which law it is——

Mr. CARTER. In that code it is provided that an appeal shall be a matter of right. Permission to the defendant to go at large pending the appeal is dependent upon his ability to give bond.

Mr. ALLEN. I understand that quite well. What I wanted to know of the Senator is, are there any conditions attaching to the right of appeal?

Mr. CARTER. There are no conditions attaching to the right of appeal. The defendant may remain in prison, and his appeal will go forward, even though he fails to give bail.

Mr. ALLEN. He may give bail?

Mr. CARTER. He may give bail, or he may elect to remain in jail, as he pleases.

Mr. ALLEN. I have no objection to this jury so far as it affects magistrates' courts, but I want to know if the jury of six is carried into the district court where the man is finally tried?

Mr. CARTER. It is not. It does not extend to the district court. It is confined exclusively to the proceedings in justices' courts.

Mr. ALLEN. In the district court you have the constitutional jury of twelve men?

Mr. CARTER. Twelve men constitute the jury in the district court, and no less number can be called by agreement or otherwise.

Mr. ALLEN. In all cases?

Mr. CARTER. In all cases.

Mr. PETTUS. I desire to know about the provision which authorizes the Secretary of War to make rules and regulations for mining in the streams. That provision was not in the bill originally. It was brought into the bill by amendment in the Senate, and according to my recollection the Senate refused to sanction it when it was put in by way of amendment. It is now in the bill, and I should like to know how it happens to be there.

Mr. CARTER. I will be glad to explain it to the Senator. The conferees on the part of the Senate found in the bill as reported from the House a provision relative to the working of dredges and other appliances in the shoal waters the following:

But the Secretary of War shall have authority to grant permits, general in character, to citizens of the United States or persons who have legally declared their intention to become such, to mine or dredge for gold or other precious metals below mean low tide, in such manner, however, that navigation shall not be obstructed.

That was the amendment of the House. The Senate conferees believed they correctly interpreted the views of the Senate in insisting that the permit system should be done away with entirely, and if the Secretary of War had any jurisdiction at all in the matter it should be exercised by general regulations. Hence the amendment was prepared, which provides as follows in lieu of the matter I have just read:

That citizens of the United States, or persons who have declared their intention to become such, shall have the right to mine for gold and other precious metals in the waters below low tide, subject to such general rules and regulations as the Secretary of War may prescribe for the preservation of order and the protection of navigation; that such rules and regulations shall not deprive miners on the beach of the right to dump tailings into the sea nor of the right to pump from the ocean in the prosecution of their mining enterprises.

That, in substance, is the amendment we have agreed to.

Mr. PETTUS. I was seeking to know whether the committee had a right to put that provision in the bill.

Mr. CARTER. We think we had the right, because we substituted it for an amendment of the House which we thought was obnoxious to the sense of the Senate.

Mr. PETTUS. When the bill came to the Senate there was no such provision in it, and my recollection is that the Senate refused to put such a provision in it. Now it is in the bill. I am not familiar with committees of conference, but my understanding is that they can not put in a bill a thing that is not in there by the action of the House or by the action of the Senate.

Mr. CARTER. That is strictly true.

Mr. PETTUS. This amendment was not in the bill when it came here.

Mr. CARTER. But another amendment was, and that amendment, as it came from the House, was manifestly objectionable to the Senate, in that it recognized in the Secretary of War the right to grant permits, and the Senate had specifically passed upon and against that proposition; and the amendment which was finally agreed upon conforms, as we understand it, to the view of the Senate, that only general rules shall be prescribed as contradistinguished from special permits.

Mr. PETTUS. I make the question and ask the Chair to decide

it. That provision was not in the bill when it came here from the House. It was proposed in the Senate, and the Senate refused to put it in, and it was very much discussed. Now, such a provision has got into the bill as an absolutely new feature, and I ask the Chair to decide whether that can be done in conference.

The PRESIDENT pro tempore. The Chair does not see that the committee of conference has exceeded its right. There was an amendment here in the bill, and this is simply a change of the amendment which was in the bill and about which there was controversy. It is very usual to do that. The question is on agreeing to the conference report.

Mr. BATE. Mr. President, before the report is agreed to, it is proper for me to state, being a member of the committee, that two of us did not agree to and have not signed the report. I wish that fact to appear of record.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. SCOTT. I ask the Chair to lay before the Senate Senate bill 2355.

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. SCOTT. Mr. President, I desire to detain the Senate but a few minutes, not to exceed thirty, to offer a few remarks on the bill now before the Senate.

Mr. President, when we consider the magnitude of the question now under consideration, the fact that, independent of the 75,000,000 people of this country, some 10,000,000 other peoples now subject to our dominion and control are interested, we can readily account for the many conflicting views presented. If, however, we but realize that we are not confronted with a mere theoretical question of government, but an actual existing state of affairs, and one which, whether desirable or undesirable, pleasant or unpleasant, we are forced to meet, there should be no serious difference as to our duty in the premises. It will serve no good purpose to discuss what should or ought to have been done. That belongs to the past. It is to the present that we should address ourselves.

It will not be out of place, however, in reaching an intelligent conclusion as to our present and future duty, to reflect for a moment on the circumstances leading to our present relations with the Philippine Islands. Why are we confronted with the problem at all? Was it one of our own seeking or one legitimately thrust upon us? Americans are familiar with the facts leading up to and forcing this country to declare war against the Spanish Government. Not only did Spain violate her plainest duty to her own people, but right at our door caused and permitted such cruel outrages to be committed as to shock the civilized world and make it our manifest duty, in the interest of those cruelly oppressed, to intercede in their behalf. No other nation could properly have intervened, and the Christian people of every country, with practical unanimity, demanded that the barbarity and cruelty then being practiced should be brought at once to an end.

This shocking condition was of long standing and our action can not be said to have been hastily taken. Every reasonable means was exhausted before resort to arms was had; appeals were made, warnings given, postponements had, looking to a changed condition of affairs, but all to no purpose. After exhausting every effort to change these conditions, matters apparently grew worse, until our own battle ship, lawfully within a Spanish harbor, was destroyed and the lives of hundreds of our brave seamen lost. That war naturally resulted is what might have been expected. The justice of that war is no more questioned than that its success was complete and overwhelming. As the result, our present relations in reference to Cuba, Porto Rico, and the Philippines arise.

Whatever limitations exist as to the title and sovereignty of this Government over Cuba arise solely from the declared purposes embodied in the declaration of war. In the absence of such conditions, no one could be found to controvert the fact that the result of this war, short and decisive as it was, gave to this country undisputed sovereignty over Cuba. That we shall faithfully carry out our pledges as a nation in that regard I doubt not; but the fact that the condition exists as to the island, on account of which the conflict arose, but emphasizes the fact that as to any other territory or property of the vanquished power our title is complete and our authority supreme. Porto Rico and the Philippines belong to us as the legitimate result of conquest.

There is no doubt of the right of a nation to acquire property by conquest. So manifestly plain is this that those who make the contrary contention as to the Philippines are forced to acknowledge the very reverse as to Porto Rico. Surely if by conquest we lawfully hold Porto Rico, doubly clear must be our right and title to the Philippines, which we acquired both by conquest and purchase. The Philippines were a part of the Spanish possessions and under the dominion and control of that Government. They were among Spain's ancient possessions, and while it is true, as in Cuba, rebellion may have existed against the Government of Spain on some portions of the archipelago, still it was as much a part and parcel of the Spanish domain as was Cuba or any other of its colonies.

For this reason those conducting the war on the part of our Government at once selected Manila as a legitimate point of attack against the Spanish, and when the electric flash told the world of Dewey's magnificent victory, no one doubted upon whom the American guns had fired and whose possessions were thereby imperiled. Spain quickly realized the complete and overwhelming victory we had won, and did not seriously controvert our claim of title when asserted. To pretend that because in certain of the provinces a state of disorder existed we are not entitled to claim the legitimate result of our victory, is an insult to intelligence and a lack of appreciation of the valorous deeds of those who, by their gallantry and fortitude, won one of the greatest naval victories in the world's history. I do not think that I mistake the sentiment of the people of this country when I predict that they will never consent to take a step backward in this important contest; to surrender a single advantage gained, or lower the Stars and Stripes where the American soldiers and sailors have placed them.

One thing at least is settled. The islands are the territory of the United States; they have been lawfully acquired, and no power disputes the fact of our conquest, the legality of our purchase, or the right of our possession. They will remain ours until abandoned by Congress or wrested from us by others. Those who differ with me on this subject have at least one satisfaction, that if it shall be found to be wise to surrender that which we hold as the result of conquest and purchase, we will have no difficulty in finding possibly a less conservative, but certainly a more progressive, nation anxious and ready to take up what we throw away.

Mr. President, in arriving at a determination of what should be our policy regarding these islands we are confronted by two propositions—what as a people we owe to the Filipinos themselves and what we owe to other nations.

Is it possible that we are so fortunately situated in our present relations with the Philippine Islands as not to have assumed some duty, or to have incurred some responsibility, due alike to the people of the islands and to the other nations of the earth? We would, indeed, be in a strange condition to find ourselves thus circumstanced. Such a thing would be unprecedented; and to suppose that the condition exists is merely imaginary. To thus lull our consciences would make us a set of dreamers, failing to appreciate our real responsibilities and obligations. As victors we owe a duty to the vanquished.

Does anyone doubt that the intelligent classes of the inhabitants of these islands, those largely owning the property, those heretofore responsible for the conduct of the government, were Spanish or Spanish sympathizers? Does anyone doubt that between these and the insurrectionary element in the archipelago the bitterest state of feeling existed and now exists? Shall this large and responsible class be ignored? Are they to be left unprotected from the revolutionists, who have attempted to hold the islands under subjection, or should this Government be true to itself and discharge its plainest and simplest duty of seeing that full protection to life, limb, and property is accorded to all, and particularly to those upon whom, to the present time, the control of the government has been cast? Precisely the same condition, except possibly more intensified, exists as to the better and the more intelligent of the natives, who are and have been loyal to the United States.

For us to fail in the discharge of our duty to this class and leave them to the tender mercies of the lawless horde, which threatens to crush them down as the result of our overturning the existing government and because of their faithfulness to us, would be a crime second only to the cruelties on the part of the Spanish Government in Cuba that brought about our intervention. It is, in effect, what we were urged to do by many, whose enthusiasm apparently blinded their judgment as to Cuba at the beginning of the strife; but it is now manifest that to have acknowledged the independence of the Cubans would have been the height of folly.

Yet, some Senators say, Mr. President, that we must give up the Philippines to Aguinaldo and his followers and let them do as they will, reckoning them as fit to establish government and promote peace and order throughout the archipelago. What stupendous folly! What height of blindness! Is it possible that they have studied the acts and doings of these marauders? Are they conversant with their conduct at the taking of Manila? If so, they must know that it took all the efforts of the American Army to restrain these outlaws from sacking and looting the city, and instead of aiding our soldiers to carry the city, they retarded them

seriously in their operations. Their sole idea of war seems to be the enriching of themselves at the cost of the vanquished. Professor Worcester, of the late Philippine Commission, in a speech before the Hamilton Club of Chicago last November, after reviewing some of the outrages perpetrated by the Filipinos upon their own countrymen, says:

> In Cavite province, just south of Manila, the insurgent troops had robbed the inhabitants of the principal towns, and had committed very numerous assaults on women. One of their generals had established a regular seraglio, and had flatly refused to obey the orders of his superior officer. The natives of the province were calling the insurgent troops by the name commonly applied to the mythical being popularly supposed to breed the cholera. Men were constantly coming in from the important towns begging us to advance our lines, drive out the insurgents, and give them protection. I have chosen these two provinces because I personally received almost daily reports of conditions there, and know whereof I speak. They were by no means exceptional.
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> In southern Luzon the Bicols had risen up against the Tagalogs at several points and were asking for help The Tagalog general, Lucban, had extorted some $200,000 from the inhabitants of Samar and Leyte and had put it into his pocket. The people of Hohol were calling for aid. The Moros and the insurgents had fallen to fighting each other in Mindanao, where we had not landed a man. Tomas Aguinaldo, an insurgent official and cousin of the dictator, had gone to Mamburao, on the west coast of Mindoro, and had there organized a genuine piratical expedition, with the avowed object of plundering the peaceable inhabitants of the Calamianes Islands, Palawan, Masbate, Sibuyan, and Romblon. This plan had been carried out and he had returned to Mamburao heavily laden with plunder. * * * I could go on indefinitely with illustrations, but I believe that those given will suffice.

Now, Mr. President, are such people the ones to whom the destinies and happiness of 10,000,000 of human beings should be intrusted? I admit that those who so contend are differently constituted from myself. In addition to such lawless acts as those depicted by Professor Worcester, if we turn the islands over to these insurrectionists, we will see internal strife drench the archipelago with blood. Three distinct races exist in the islands, divided into numerous tribes, all opposed to each other. Aguinaldo and his followers are of the Malayan race and almost entirely of the Tagalog tribe, which numbers about a million and a half of people, while the Visayas of the same race number more than two millions and a half. From all the evidence obtainable, it seems that these tribes are deadly enemies and the authority of Dictator Aguinaldo and his followers would be resisted to the last degree. It is hard to see why men will continue to demand the surrender of these islands with such conditions only too plainly apparent.

This, Mr. President, is but a brief summary of our duty to the islanders, but in a larger and more comprehensive sense obligations, international in character, arise that we ought not to escape if we could and could not if we would. The moment that Dewey's victory at Manila was announced it was known that Spanish dominion and authority in that part of its territory was virtually at an end, and other nations had the right to look to us for the assumption of governmental control of the islands. If these duties and responsibilities did not then arise, certainly they did thereafter when Spain formally ceded to us this territory. To say that we should not have gone there, that we have no right there now, that it is contrary to the fundamental principles of this Government, is to beg the whole question. We did go there, and we were there as the result of the declaration of war against the power that then owned the islands, and we went there because we believed it to be a point where we could successfully meet the enemy. The result has proved the wisdom of the course taken. And now, having succeeded, it can not be that we are under no obligations to anyone by reason of the position in which we find ourselves.

It is true that we have the right arbitrarily to leave—to abandon the territory—and give up all that we have acquired, and, in fact, apologize for what we have done. But who would advocate such a policy? Is there anyone who sincerely believes that this is the proper thing to do? It would make our country the laughingstock of the world and do more to discount the prestige that we have won by our magnificent victories on land and sea than anything else that has ever happened or can happen. The serious consequences which might arise from a contest among other nations, whose envious eyes are upon the islands, alike to the archipelago and the countries involved, can not be foreseen.

Is it the duty of America to remain isolated on the Western Hemisphere and confine her works to this continent? No. Under the influence of her glorious example nearly every country on the Western Hemisphere has shaken off monarchical rule and stands to-day numbered with the independent republics of the world. Now that her mission here is virtually ended, shall she sit supinely and heed not the cries of the needy when under her own control elsewhere? Shall we act the part of the slothful servant in the parable of the talents? Many are our opportunities and much the work to be done, and we must not pause before our duty.

It is idle to discuss this question from the standpoint that all who favor the retention of these islands aim a blow at liberty and attempt to subvert the glorious doctrine of the immortal Declaration of Independence. For my part, I shall not, in considering this question, take any position contrary to the letter and spirit of that great instrument. In what respect, allow me to ask, does the retention of the Philippines violate its cardinal truths? I can see no argument in such bald contentions. When the hopelessness of a cause becomes apparent, its advocates grasp at anything that will sustain them for a moment. They know that the burning words which Jefferson wrote in 1776 are revered by all American citizens, and hope by a great hue and cry to excite people into the belief that they are being departed from. I rest secure my views in the spirit of that remarkable instrument, for it is to save the inhabitants of the Philippine Archipelago from endless war and all its kindred evils, to rescue them from the hand of a heartless and self-imposed dictator and his avaricious followers, and to assure to them the benefits of free government and the blessings of peace, happiness, and contentment that I will vote for the bill introduced by the Senator from Wisconsin when it shall come before the Senate.

Thus far I have only dealt with the humane side of this question and what our duty to these islands should be. Can it be doubted that this enlightened and Christian nation owes to these ignorant and benighted people other and higher obligations? To this time only one religious denomination has made any impression upon the islanders. I refer, of course, to the Roman Catholic Church, which in many parts of the archipelago has achieved great success. In so far as any religion exists there at all, this faith is entitled to most of the credit, and I doubt not that it has accomplished great good. The Protestant faith, which largely dominates this country, has not yet gained an appreciable foothold; and it is not likely that during the coming century such another opportunity will be afforded for the extension of Christ's kingdom upon the earth. Christianity demands our retention of the islands. The best reports show that paganism exists in many parts of the archipelago and cannibalism among some of the lower tribes. If we give up these islands to men who themselves know no higher authority than their own passions, can we expect these horrible practices to be abandoned?

But if we retain these islands and establish within their borders peace and order, our noble missionaries who have braved so many perils will, with the great welding power of love, stamp out these evils and bring these degraded people to a high standard of moral worth. So long as we parley here we are keeping these men of God from their duty and are violating the command of the Master to go into all the world and preach the gospel to every creature. Look what Christianity has done for Hawaii and Japan! It will do the same for the Philippines. Is it an unreasonable prophecy that, with such a government as we will give these people, in the course of time our Christian men and women will make this archipelago a Christian country, and that it will be heaven's agency, lying close to China, to lead the benighted natives of that densely populated land to an enlightened and purified religion? This is not an idle dream; it is a rational prediction. And we reckon in the light of the guiding hand of the Omnipotent Being who "moves in a mysterious way His wonders to perform," this event will follow as surely as the years roll by.

Mr. President, no mention has thus far been made by me as to the value of these possessions and the advantages likely to come to us as the result of our occupancy of the Philippines. Their retention brings to us, as a return for our tremendous task of civilization and development, many privileges and opportunities of trade. This is preeminently a commercial age. The conflicts of the future will be conflicts for commerce. The progressive nations of the earth are pressing forward and placing their goods in every available market. Shall we alone stand back and see the rest of the world go on? Are we to say to the great business interests of our country that we do not intend to seize these advantages, which will make our nation the queen of the seas? No, ten thousand times no; we will place the name of America in the van of the foremost and our wares shall go to the uttermost parts of the earth.

With the Hawaiian Islands ours, the Philippine Archipelago subject to our dominion and control, and the Nicaragua Canal an assured fact, who can predict as to this nation's commercial future? Our commanding position on the Pacific relative to the trade of the East will be equaled only by the great advantages which we possess on the Atlantic seaboard as to the business of the Western Hemisphere. This fortunate position must be appreciated by all intelligent people, who will, for a moment, reflect upon it. The fact that our shores are washed by the waters of two oceans for thousands of miles, instead of being, as some have thought, a source of weakness, will prove a source of strength.

Many persons oppose the retention of the Philippines, honestly believing that we are wrong and that failure and misfortune must inevitably result. We should not forget that no great end has ever yet been accomplished without encountering the sneers and evil prophecies of many. We can go back as far as the flood to prove the truthfulness of this assertion. Noah was laughed at and thought to be a dreamer and a fool by the wicked of the earth, yet he preserved from extinction all living creatures. Holy Writ

abounds with illustrations of like character, and profane history is rich with them. America would not have been discovered in 1492 if Columbus had been daunted by the hisses of the populace. If Fulton, Stevenson, and Morse had listened to direful predictions, the steamboat and the steam engine would never have added their mighty force to the world's great workshop; the telegraphic instrument would never have clicked out its messages; cables would never have connected far-away lands by almost instantaneous communication; in short, the world would still be almost hidden in darkness. Progress is the order of the day, and enlightened progress at that. We can consistently combine the welfare of the Filipinos with the successful establishment of our commercial supremacy in the East. These islands are about the last left in the Pacific Ocean, and common prudence and ordinary foresight demand their retention.

How could we hope to become the most prominent and potent factor in eastern trade with San Francisco and Honolulu as our nearest ports? We must keep Manila as the door to the vast and undeveloped domain of China. Our foreign trade is growing apace; our exports greatly exceed our imports and are found in every nook and corner of the earth; and we must, in justice to ourselves, be on the alert and never fail to appreciate the great advantages that our favored position gives us. Every material interest, alike of the Filipinos and of the people of this country, demands that we maintain and support the Administration's wise and humane policy as to these islands. We are told that vast and undeveloped wealth lies within their domain, and that the fertility of the soil is unsurpassed. What good, though, will this bring forth if capital can not be secured? With the United States in control capital will be forthcoming to enrich the natives and cause gladness and plenty to crown their labors. But the fertile soil will fail to yield its fruits and these great resources will continue to lie in the bowels of the earth if we foolishly withdraw our sovereignty. According to undisputed reports, the country is rich beyond compute. But what will its riches avail if they can not be utilized for the good of mankind? Every circumstance and every condition demand that we keep control of these islands.

We hear some say that they are too far away from the great body of the United States. So much the better. If they were lying immediately off our coast they would be valueless as a commercial key and from a strategic standpoint. Their immense commercial worth lies in the fact that they guard, so to speak, the entrance to the open gate. But, then, are they so far away, after all? We can communicate with them almost instantly by cable, and steamships plow their way across from San Francisco in thirty days. In the war with Great Britain in 1812 the decisive battle of New Orleans was fought more than two weeks after the treaty of peace had been signed at Ghent. Now we obtain news of battles in the Philippines immediately after their occurrence. As regards readiness of communication, Manila is nearer Washington than Philadelphia to New York when Jackson fought his way to the White House.

History records the great Napoleon as saying, when he sold the province of Louisiana to the United States, that he had raised up a power that would eventually wrest the scepter of the seas from England. We have now acquired territory which may make this prophecy an assured fact.

Now, Mr. President, much has been and can be said as to what is the best form of government for these new possessions and what should be our future policy in reference to them. No serious contention is made, as I understand, that to the present time we have done aught in this regard other than our duty. No outrage seems yet to have been committed which the most enthusiastic opponent of the President's policy can point out, but it is of the future and of the refusal to declare now and forever that this Government will at some indefinite time surrender its power and control in the Philippines that complaint arises. Why should there be any controversy on this subject? The Administration has not yet failed in its duty in any matter incident to the inauguration or conduct of the war or the proper conclusions of the questions arising therefrom. With singular unanimity it has received the almost undivided support of the American people. It is only on this question of the future, which can not now be definitely decided, that discord and dissension have arisen.

The bill under consideration contemplates giving to those benighted people the best government, republican in form, with the greatest liberty for which they are fitted. No more than this should be done. Pending the establishment of a perfect form and system of self-government they are entitled to and should receive just what the bill provides, viz, maintenance and protection in the free enjoyment of their liberty, property, and religion. They should be accorded these great boons, and no other government than ours can offer them or any of them. My understanding of the policy of the Administration and of the Republican party is to establish peace and order in the Philippines, give their inhabitants prosperity, peace, and happiness, and at the same time assure to them the largest measure of self-government and local rule that the circumstances and conditions justify, and at the earliest practicable moment.

The Senator who votes against such a policy as this is allying himself with the enemies of his country; he is rashly imperiling her greatness. These islands have been forced on us by the fortunes of war. Our duty to the inhabitants of the archipelago and to other nations, religion, humanity, defense, trade, all demand their retention. To withdraw now would be weakness and cowardice; would be an announcement to the whole world that this Government feels itself unequal to the burden of carrying on to a successful conclusion the work which it has begun in the Philippines. It would be to lose, no doubt forever, the one great opportunity now within our power to elevate the millions of people inhabiting these islands in the scale of civilization and enlightenment and to extend to them the benefits and blessings of our free institutions.

Mr. PETTIGREW. Mr. President, it is customary when the English nation wishes to conquer a weaker people to deprive them of their rights, their liberties, and their government, to begin a systematic course of slander and libel against them, to begin to assert that they are in every way bad and possess infamous customs, and after public prejudice has been manufactured, England marches an army into the coveted territory and begins killing the inhabitants and conquering the country.

Aguinaldo and his followers are a grand people. You can not find a line in Document No. 62, sent to us by the President, that does not describe the people of the Philippines as a Christian people, 6,000,000 out of the 7,000,000 being members of the Catholic church, having schools and churches in all their towns; not a line that does not describe Aguinaldo and his followers as men worthy to act with us.

When we decided to conquer that country our course was changed. Then we began to imitate England and to slander the people; then Aguinaldo was a half-caste, without character, and had taken a bribe, and after that we heard rumors that he had issued orders, or one of his chief officers had issued orders, for the murder of the inhabitants of Manila, sparing no one. The Senator from Wisconsin [Mr. SPOONER] repeated and repeated again a document purporting to have been signed by Sandico, a member of Aguinaldo's cabinet, and he commented on it. It purports to have been a proclamation. It is unsigned. It was picked up in Manila. It was anonymous as sent to us. It never was signed by anybody, and yet when Otis was asked who issued it he reported back that Sandico was the author. Now, I deny that Sandico ever issued it, and I assert that it is a forgery. Yet it is brought in here to prove that these people are a bloodthirsty race, and that they intended to murder the inhabitants of Manila who were foreign born.

There is nothing in Aguinaldo's history or the history of his people since the difficulties commenced to justify the charge. We captured the Spanish garrison in Subig Bay, 1,300 prisoners were surrendered to us, and Admiral Dewey turned them over to the insurgents. If they were bloody monsters and savages, would we have done that? Aguinaldo captured Iloilo when our fleet anchored off that city and threatened to bombard it. The English and the German residents sent out a delegation of citizens to ask us to desist, saying that life and liberty were thoroughly protected and that there was peace within the town. General Miller reported these facts to General Otis. He said the Filipinos were collecting the customs, were administering the government, and he advised an immediate attack upon Iloilo, because he said if they discovered they could do these things they might want to continue to do them. This information can be found in Otis's report.

To offset all this; to offset the admitted facts that they treated their prisoners kindly; that they did not even kill the members of the religious orders against whom they had their greatest grievances, but preserved their lives and cared for them—against all this an anonymous circular is produced and commented upon in order to prove that the Filipino people are savages.

The Senator from Wisconsin commented upon this section of the circular:

> Second. Philippine families only will be respected; they should not be molested, but all other individuals, of what race they may be, will be exterminated without apprisement (or) compassion, after the extermination of the army of occupation.

And so on. Now, let us go deeper into the facts touching upon this circular. I hold in my hand an article from Harper's Magazine of August, 1899, entitled "Filipino insurrection of 1896," written from a study of the Spanish archives left in Manila, by Lieut. Carlos Gilman Calkins, of the United States Navy, one of the officers of Dewey's flagship. He says:

> In August (1893) the champion of denunciation, the chief of clerical detectives, came forward, Fray Mariano Gil, of the Augustinian order, parish priest of a huge-domed church at Tondo, a northern suburb of Manila. A native was led to make avowals which enabled this friar to discover certain articles which might pass for "concrete proof" in the curious legal system of the Latin races. One of them was a stamp used in receipting for monthly dues of members in a lodge of the Katipunan. Incriminating documents and lists

were taken from the same locker in the office of the Diario de Manila, the oldest journal in the island. Fortified with these, the police hurried to make arrests, and the period of panic began on August 20. This amateur detective was hailed as a savior to society, and his services were compared with those of Father Urdaneta, the Augustinian who piloted the expedition for the conquest and conversion of the archipelago in 1564.

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On August 30 Blanco had to proclaim martial law throughout the Tagalo provinces. He was also forced, much against his will, to accept the services of volunteers, including all able-bodied Spaniards. Magistrates hurried to join their companies. Courts were closed and civil law was extinguished. The lives of some 2,000,000 people lay at the mercy of courts-martial—of summary courts-martial, since sumarisimo is the watchword of Spanish military justice.

The principal document cited in justification of these extraordinary measures is a proclamation attributed to the chiefs of the Katipunan, of which the essential clause is as follows: "When the signal H. 2 Sep. is given, each brother will perform the duty imposed by this grand lodge, murdering all Spaniards, their women and children, without consideration for kindred, friendship, or gratitude." Other savage directions follow, but they were never carried into execution.

The document may be, in some degree, authentic. It may have been drawn by some native agitator, and even adopted by some lodge of the Katipunan; but we can not accept the assertion that Rizal and other intellectual martyrs were responsible for this atrocious jargon. There is a recurrent legend that plots have been formed "to kill all Spaniards, each servant slaying his master." This was the charge against the native priests shot in 1872, and the rumor was revived on December 15, 1898, substituting Americans for Spaniards.

This old document, issued in 1872, to justify the butchery of the Filipinos, is repeated, changing the word "Spaniards" to "Americans," and is issued again to prove that Aguinaldo is a savage.

Let us see what Mr. Foreman says. On page 589 of Document No. 62, Part II, Fifty-fifth Congress, third session, which was transmitted to us by the President, a statement before the Peace Commission at Paris, signed by John Foreman, reads as follows:

Any governor-general who displeases the monks is recalled. In recent times General Despujols had to leave in 1892, after eight months of office, because he ceased to be a persona grata to the priests. A native, Dr. Rizal, had written and published some facts about the monastic orders, and Despujols refused to have this man put to death for it.

Then, again, he ordered a search to be made in a convent of the Austrian friars, and there he found a printing press and seditious leaflets being printed for the priests, who intended, by distributing them, to attribute to the natives an attempted revolt.

It had been the custom, Mr. President, in order to justify the course of the Spanish Government toward these people, to find an excuse for the Spanish authorities to the persecution of the Filipinos to issue these anonymous or forged circulars, in order to excite the animosity of mankind against the Filipinos, and we are following this same practice. That is all there is to the Sandico circular.

The other document which has been circulated and which came to us, anonymous as it was, purporting to have been found among Aguinaldo's papers, was a letter written to the commanding Spanish officer at Iloilo in October urging that officer to surrender and join the insurgent forces. Even if the document is genuine—but I believe it is spurious—it was written after we had seized the ships of war of the Filipino republic in the harbor of Manila, and had thus begun a conflict against them. They could regard us no longer as allies and friends after that act.

Mr. President, it has been said that we were forced to take title to those islands from Spain because, if we had not done so, Spain would have reconquered them, and that we could not turn them over to Spain. With what grim satisfaction Spain must look upon our efforts to acquire a title which she could not deliver! What grim revenge it must be to her to view the loss of nearly 2,000 soldiers by us and the expenditure of the vast sums of money which it has cost us, not to conquer the Philippines, but to occupy 240 of the 1,100 towns of that country, to feel that we possess nothing except the territory which we actually occupy with our armies! How Spain must rejoice to know that not a soldier of ours can step anywhere in the islands outside of the protection of our guns without losing his life!

What page in history gives an account of a more noble and determined effort to secure their independence than that written by the Filipinos? I say, Mr. President, that if we had not taken title from Spain, she could not have recovered the islands. Crippled, her fleet destroyed, bankrupt, Spain had not the power to reconquer the Philippines, and if we had simply left them out of the treaty to-day they would be free and independent; to-day they would be administering the quiet and the peaceful government which we found after the destruction of the Spanish fleet; to-day a republic would exist there founded upon our Constitution and our Declaration of Independence. I say Spain could not have reconquered the islands; that they would have been free and independent, and for proof of that I read from Document 62, page 369. This is a hearing before the Paris peace commission. The witness is General Merritt, fresh from the Philippines, fresh from the capture of Manila. The query was put to him by Mr. Gray, one of the commissioners:

Suppose by final treaty with Spain we should abandon Luzon and all the Philippines, exacting such terms and conditions and guaranties as we should think necessary, and abandon them entirely, reserving only a coaling station, perhaps, what do you think they would do about it?

General MERRITT. I think in the island of Luzon they would fight to the bitter end. I have talked with a number of them, intelligent men, who said their lives were nothing to them as compared with the freedom of their country and getting rid of Spanish government.

Mr. DAVIS. Do you think Spain would be able to reduce them?

General MERRITT. No, sir.

Where, then, goes all this talk about turning them over to Spain? At the time General Merritt gave that testimony the Filipinos had captured every Spanish garrison in the island of Luzon; they were in possession of the entire territory; and two naval officers, traveling for sixty days, give an account of the peaceful government they found. They testify that in one of the towns they entered they found Spanish merchants pursuing their business, unmolested and protected by the people. Day by day the account of their journey through those peaceful communities must convince any unbiased person that those people are capable of self-government, and were actually practicing it. Turn them back to Spain! That was impossible.

I also read from Document No. 62 a statement by General Merritt before the Paris Peace Commission. This question was asked by Mr. FRYE, the chairman of the commission:

Q. Were they of material assistance to us?

General Merritt answers:

A. Very great. If the protocol had not been signed, I think the Spanish at home would have insisted upon their army doing something. They dismissed Augustin because he was not disposed to fight, and I think if they had not had this experience of having been driven back into the city and the water cut off, so even that Jaudenes said he could not remove his noncombatants, the Government would have insisted on his making a fight, and he could have made a very good one, for his position was strong, if they had any fight in them at all. But every place had been taken from them by the Filipinos, who managed their advances and occupation of the country in an able manner.

General Whittier, page 500, Document 62.

The CHAIRMAN:

Q. How many men did he get together?

A. His forces went around the city, taking the waterworks and the north part of the city, and running up the railroad. I asked that question of several, and the opinions differed widely—all the way from 8,000 to 30,000 or 40,000 men.

Q. Do you think he had as many as 8,000 men before the surrender?

A. Yes, sir; the environment of the city took a great many men. There is a vast extent of country there, including the waterworks and running around the city, and they certainly had to have more than that to do so.

Q. How many arms did Dewey turn over to them?

A. I never knew exactly. I asked him that question, and he said a very few.

Q. Where did they get the rest of their arms?

A. Some captured from the Spanish, some brought to him by deserters, and there were some shipments of arms from Hongkong—I believe Americans brought them in—and they have lately taken some to Batangas, in the southern part, and have taken some new Maxim guns in there, too.

Mr. GRAY:

Q. To the insurgents?

A. Yes.

Q. Since the capitulation?

A. Yes; they changed the name of a vessel and used it. She had had a Luzon name, the *Pasig*, and they changed it to the *Abby*. Dewey sent down and seized the boat, and the insurgents followed to Manila Bay, hoping to reclaim it. In other respects their demands, from their point of view, have not been unreasonable, and show a proper appreciation of the status.

The whole country had been captured by Aguinaldo and his people; the Spanish soldiers had been taken prisoners, their arms taken from them, and those who were left had been driven into Manila; the town had been surrounded, and yet Senators stand here and say, "We had to take title to those islands because we could not turn them back to Spain!" France might as well have said to us after our Revolution that she would take title to the American colonies, because she could not turn them back to England. If the French had done what we did in Manila, we would not have waited for their forces to be augmented by new levies; we would not have waited for ship after ship to come across the sea loaded with troops, as the Filipinos did with us. If France had said that she asserted sovereignty over this country and that she proposed to extend her military rule over the American colonies, without waiting for any more troops we would have destroyed those she had here; but the Filipinos trusted in our promises; having fought side by side with us and having been our allies they still further trusted and trusted until we had increased our army and our navy in those waters, and then we turned our guns against them.

Senator FRYE seems to have understood the situation at Paris, for he asked Commander Bradford, of the United States Navy, the following question (Document 62, page 488):

Mr. FRYE:

Q. I would like to ask just one question in that line. Suppose the United States in the progress of that war found the leader of the present Philippine rebellion an exile from his country in Hongkong and sent for him and brought him to the islands in an American ship, and then furnished him 4,000 or 5,000 stands of arms, and allowed him to purchase as many more stands of arms in Hongkong, and accepted his aid in conquering Luzon, what kind of a nation, in the eyes of the world, we would appear to be to surrender Aguinaldo and his insurgents to Spain to be dealt with as they please?

A. We become responsible for everything he has done; he is our ally, and we are bound to protect him.

The day after the surrender (August 13) four representatives of Aguinaldo called on General Merritt, who assured them in general terms that "we are the friends of the Filipinos." At that time they occupied a portion of Manila. We soon demanded that they should give that up, to which Aguinaldo's representative agreed, but in seeking confirmation from him the condition was

made that in case we gave up the country they should be restored to the positions then occupied and which they had taken greatly by their own merits. However, matters have been amicably settled. Aguinaldo's headquarters are at Malolos, 23 miles up the railroad. His troops control all the settled part of the island (except Manila), as well as much of the southern country.

The CHAIRMAN:

Q. What do you mean by the "southern country"—those islands below?
A. Yes.

Their conduct to their Spanish prisoners has been deserving of the praise of all the world. With hatred of priests and Spaniards, fairly held on account of the conditions before narrated, and with every justification to a savage mind for the most brutal revenge, I have heard no instance of torture, murder, or brutality since we have been in the country.

Here is what General Anderson says in the North American Review of February 19, 1900:

On the 1st of July, 1898, I called on Aguinaldo with Admiral Dewey. He asked me at once whether "the United States of the North" either had recognized or would recognize his government—I am not quite sure as to the form of his question, whether it was "had" or "would." In either form it was embarrassing.

Not embarrassing to us, Mr. President, if we had been honest; not embarrassing to us if we did not intend to deceive. Why was it embarrassing? It was because he had orders to use those people to fight the common foe. Would it have been embarrassing if he had been instructed to pursue an upright and an honorable course, and to say to Aguinaldo, "I have been ordered to take this country and annex it to the United States, and you can expect nothing from us?" That was the only decent course a great and mighty nation like this could have adopted; but we did not do it. So he says:

My orders were, in substance, to effect a landing, establish a base, not to go beyond the zone of naval cooperation, to consult Admiral Dewey, and to wait for Merritt. Aguinaldo had proclaimed his government only a few days before (June 28), and Admiral Dewey had no instructions as to that assumption. The facts as to the situation at that time I believe to be these: Consul Williams states in one of his letters to the State Department that several thousand Tagals were in open insurrection before our declaration of war with Spain. I do not know as to the number, yet I believe the statement has foundation in fact. Whether Admiral Dewey and Consuls Pratt, Wildman, and Williams did or did not give Aguinaldo assurances that a Filipino government would be recognized, the Filipinos certainly thought so probably inferring this from their acts rather than from their statements.

Anderson says they inferred probably from their acts rather than from their statements. I care not the ground upon which they inferred it, whether from a definite and specific act or from their statements, the fact remains that our officers knew that the Filipinos expected independence:

If an incipient rebellion was already in progress, what could be inferred from the fact that Aguinaldo and thirteen other banished Tagals were brought down on a naval vessel and landed in Cavite? Admiral Dewey gave them arms and ammunition, as I did subsequently, at his request. They were permitted to gather up a lot of arms which the Spainards had thrown into the bay; and, with the 4,000 rifles taken from Spanish prisoners and 2,000 purchased in Hongkong, they proceeded to organize three brigades and also to arm a small steamer they had captured. I was the first to tell Admiral Dewey that there was any disposition on the part of the American people to hold the Philippines if they were captured.

Anderson, then, was the first who told Admiral Dewey. I say the inference is that Admiral Dewey did, as Aguinaldo says, promise him independence. When Anderson came over he was the first, he says, to tell Admiral Dewey that there was a disposition on the part of the American people to hold the Philippines if they were captured. Why did they not tell the Filipinos so? Why did he allow them to sacrifice their lives in assaulting the city of Manila and act with us until the city fell? Who is it that pretends to stand up here and say now, in the face of these facts, that the Filipinos began the war against us? No; there is no example in the history of the world of such a spirit of forbearance as was manifested by these people after they discovered that we had turned against them.

The current of opinion was setting that way when the first expeditionary force left San Francisco, but this the Admiral had had no reason to surmise. But to return to our interview with Aguinaldo. I told him I was acting only in a military capacity; that I had no authority to recognize his government; that we had come to whip the Spaniards, and that, if we were successful, the indirect effect would be to free them from Spanish tyranny.

Here he knew that we were going to keep the islands, and yet he told the Filipinos that we wanted to act in conjunction with Aguinaldo and his forces to whip the Spaniards and to free them from Spanish tyranny; and he went there bearing the information to Dewey that we proposed to keep the islands.

I say, Mr. President, that if any people in America to-day are contending for the honor of the American flag it is the people who protest against the course pursued against these people in the Orient. If any people in America to-day are slandering the flag and covering it with shame and smearing it with dishonor, it is this Administration and the Senators on this floor who defend its course.

I added that as we were fighting a common enemy I hoped we would get along amicably together. He did not seem pleased with this answer.

I do not wonder. At this time he had conquered the whole of Luzon and several other islands to the south, had driven Spain into Manila, and drawn a line of earthworks from ocean to ocean, clear around that city. He had acted with us; he had been brought from Singapore because he was considered fit to be our ally, and because he was considered a most capable man to assist us in crushing out Spanish power.

He did not seem pleased with this answer. The fact is, he hoped and expected to take Manila with Admiral Dewey's assistance.

He had a right to so hope. Admiral Dewey said he could take Manila at any time, and therefore there was no necessity for our sending a single soldier to Manila. These men who were good enough for us to turn our prisoners over to at Subig Bay, who were good enough to act with our fleet in taking the city, and after we had taken it and after we had acted with them and compelled a surrender, we would never have lost the life of a soldier in the Philippines, not one, for we need not have sent a soldier there; and yet we have treated them in this shameful manner. Dewey telegraphed before a soldier had arrived that he could take Manila any day, and that telegram is in his official report. Why did he not do it? Why did he invite those people to come and assist us and promise them independence? He had advised with them in regard to drawing up a constitution and establishing a civil government. Now, I ask, why did they not take Manila and save all this bloodshed, and save, above all, the honor of our flag and the honor of our country and build a republic there?

"Oh," Senators say, "the Filipinos would have sacked Manila." There is no proof of it. They took possession of cities of 40,000 people; they took possession of cities of 20,000 people; they took possession of cities of 10,000 people; and there is not an instance where there was any massacre of the inhabitants or the destruction of any property. Read again the report of Sargent and Wilcox, two naval officers who traveled through that island, and you will find that they stated there was peace and protection such as has not existed where our occupation has gone.

And he was bitterly disappointed when our soldiers landed at Cavite. In a few hours after our interview two of my staff officers, Major Cloman and Lieutenant Clark, who were walking through the streets of the town, were arrested and taken before Aguinaldo. They were told by him that strangers could only visit the town by his permission, but that in their case he was pleased to give them permission to proceed. We at once landed our forces, and on the 4th of July Aguinaldo was invited to witness a parade and review in honor of our national holiday. He did not come, because he was invited not as President but as General Aguinaldo.

Dewey says that he never saluted or treated Aguinaldo with military honors. The proof is conclusive that he did. He was invited as "General Aguinaldo."

This led me to write him a letter stating that while we hoped to have amicable relations with him, I would have to take Cavite as a base of operations, and closing with this sentence:

"I have therefore to ask your excellency to instruct your officials not to interfere with my officers in the performance of their duties and not to assume that officers or men can not visit Cavite without your permission."

A few days thereafter he made an official call, coming with cabinet and staff and a band of music. On that occasion he handed me an elaborate schedule for an autonomous government which he had received from some Filipinos in Manila, with a statement that they had reason to believe that Spain would grant them such a form of government. With this was an open letter addressed to the Filipino people from Pedro Alexandre Paterno advising them to put their trust in Spain rather than America. The day before two German officers had called on Aguinaldo, and I believed they had brought him these papers. I asked him if the scheme was agreeable to him. He did not answer, but asked if we, the North Americans, as he called us, intended to hold the Philippines as dependencies. I said I could not answer that, but that in one hundred and twenty years we had established no colonies.

Anderson says, "I could not answer that." I have just read where he says to Admiral Dewey—and he was the first one to advise Admiral Dewey that we proposed to keep the islands—that he could not answer it. What were his instructions? To lie to the Filipinos? Did he go over there with instructions to deceive and falsify? Of course if he did he could not answer, because as an officer of the Army he must obey his instructions. He says, "I could not answer that," and yet he knew it, because he says he was the one who bore the intelligence to Dewey.

I said I could not answer that, but that in one hundred and twenty years we had established no colonies. He then made this remarkable statement—

That is, Aguinaldo—

"I have studied attentively the Constitution of the United States, and I find in it no authority for colonies and I have no fear."

He understood the Constitution better than some of the members of this Senate and a good deal better than the Administration. "He had studied our Constitution attentively." If the President would do that he would not be undertaking, in violation of that Constitution, to conquer a people and to govern them by despotic power against their will.

The prevailing sentiment of the Filipinos toward us can be shown by one incident.

About the middle of July the insurgent leaders in Cavite invited a number of our Army and Navy officers to a banquet. There was some postprandial speech making, the substance of the Filipino talk being that they wished to be annexed but not conquered. One of our officers in reply assured them that we had come, not to make them slaves, but to make them free men. A singular scene followed. All the Filipinos rose to their feet and Buencomeno, taking his wineglass in his hand said: "We wish to be baptized in that sentiment." Then he and the rest poured the wine from their glasses over their heads.

Statements have been made to the effect that Manila was taken by agreement—

And then General Anderson goes into that question. I will

read the portion with regard to the taking of Manila by agreement, and I will leave the people of this country to judge whether it was not taken by agreement, and whether every life that was lost in the taking of Manila was not sacrificed to Spanish pride. The Dakota boys were murdered in that assault, an assault absolutely unnecessary. It was made because they were afraid that, if we did not pursue the course we pursued, the Filipinos would get into Manila:

The negotiations by which it was attempted to secure a surrender without resistance were carried on through Mr. André, the Belgian consul. His method was to go to the Governor-General and get a statement, which he wrote down in a memoradum book; then he would go to General Merritt and Admiral Dewey and get a statement from them, which he would carry back to the Governor-General. This was apart from some formal correspondence. After the surrender, André translated to me the notes in his memorandum book, for they were written in Spanish. The substance of the agreement seemed to be that if the fleet did not throw shells into the walled city or the Spanish part of Manila the Spanish artillery would not open on the fleet.

We could shoot at the part of the city occupied by the native Filipinos all we pleased, kill as many of them as we had a mind to, if we would not shoot at the Spaniards. Whom were we fighting? Spain. Whom had our boys enlisted to fight? Spain. And yet the agreement was that we were not to shoot at the Spanish part of the city, where the Spanish garrison was, and then they would not fire back at us!

There was no agreement, as the memorandum was read to me, that our land forces would not be fired on.

Dewey said he could take the city at any time with his fleet alone.

On the contrary, there was a statement that the honor of Spain required that there should be resistance, and that under the Spanish army code their officers surrendering without resistance or giving a parole would subject themselves to trial by court-martial. Accordingly, we were fired on from the trenches and back through the streets of the city.

We could take the city with the fleet without losing a man, and yet our boys—boys from Dakota, boys from the West—were marched up and sacrificed and shot down to gratify Spanish pride; so that these Spanish officers would not be court-martialed after we paroled them. That is the statement of General Anderson. It is but a chapter in this wretched business.

Then he goes on to the subject of controversy. I propose to relate just briefly right here how Manila was taken. The city was surrounded with earthworks and an army of Filipinos from shore to shore. We landed on the western side of the city upon the shore, having previously secured from the Filipinos permission to occupy a quarter of a mile of their trenches. Aguinaldo asked that this permission be requested in writing, so that his authority and rights would be on record. Our officers promised to put it in writing. Depending upon their honor, Aguinaldo surrendered his trenches—a quarter of a mile of them—to our forces, and they occupied them.

I should like to ask whether that written request was ever sent. It does not appear in the documents sent to us. It does not appear in any record sent to us. Undoubtedly it never was sent. It was another piece of treachery practiced by our army over there. When I make this charge of treachery I draw it as an inference from the facts I state, and if it is not a just inference then people have a right to differ with me.

We landed our army on the strip of coast. Intrenchments running back from the sea, 14 miles around, were occupied by Filipino troops and then we ordered the assault—I mean this play at an assault. We started our forces down along the beach to the corner of the walled city. The wall was covered with armed Spaniards. When we got down there they did not fire upon our troops. We were in between the Spanish troops who had occupied Paco, a suburb of Manila, and Aguinaldo had driven them out, a thousand of them, and they had started for the walled city and they met our troops. We did not stop them. We had no fight with them. They were allowed to go into the walled city. General Anderson got notice that representatives of our commanding officers were inside the city receiving the surrender. Then he says he rushed his troops up along the wall to take possession of the bridges, so as not to let the Filipinos get into the Spanish city and injure and harm those poor Spaniards whom we supposed we were fighting.

But Aguinaldo assaulted all along the line, 13½ miles. Do you think he would have given us possession of his earthworks but for the fact that he expected to work with us? He lost many men. He took of the city of Manila more than we did. Outside of the wall is the principal part of the city, and he took those parts of the suburbs. He took them at the cost of lives. He took them at the loss of many of his men. When he came to the walled city, he found not the Spaniards resisting his course, but the bayonets of the troops of the United States. He found his ally turned against him. From that day on our course was one of constant aggression, constant irritation, constant attack upon him. Seven or eight officers of his army were killed by our sentinels. We pushed our sentinels out beyond the boundaries of Manila, out beyond the boundaries of the country we had a right to occupy.

Late in the fall Aguinaldo objected. He said: "I occupy Pandacan and Santa Mesa, and General Merritt has admitted that they are not within the boundary of Manila." Otis replied, "You are right. I have also examined the maps of Manila, and these places are not within the boundary. I can find no Spanish decree that places them within the boundary of Manila, but I am going to take them anyhow." That was the substance of his statement.

Aguinaldo's letter had recited what towns were not and what towns were within the boundary of Manila. The protocol stated that we were to keep possession of the city, bay, and harbor of Manila. Otis replied to Aguinaldo that the protocol said that we must keep possession of the city, suburbs, and defenses of Manila, and that because of that provision in the protocol we were obliged to compel him to move back.

Now, Mr. Otis stated what was absolutely false, and he discredits himself again. I should like to have any Senator read the protocol and then read Mr. Otis's report, on pages 20 and 21. He lied as to the area of country that we had a right to occupy. He did it purposely, and then he had to admit that even on that statement he was not entitled to the occupation of Pandacan and Santa Mesa. He did occupy them. He was at Santa Mesa, more than a mile beyond the boundary where we had a right to be under the protocol, violating the protocol with Spain by occupying territory beyond the boundaries agreed upon.

TERMS OF PROTOCOL OF AUGUST 12, 1898.

ART. 3. The United States will occupy and hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace, which shall determine the control, disposition, and government of the Philippines.

The fighting commenced, and we commenced the fighting. Now, let us see what Anderson says about that:

The origin of our controversies and conflicts with the Filipinos can, as already explained, be traced back to our refusal to recognize the political authority of Aguinaldo. Our first serious break with them arose from our refusal to let them cooperate with us.

We sent for him, brought him from Singapore on our vessel, and had given him arms, anxious to have him cooperate with us.

About 9 o'clock on the evening of August 12 I received from General Merritt an order to notify Aguinaldo to forbid the Filipino insurgents under his command from entering Manila. This notification was delivered to him at 20 minutes past 10 that night. The Filipinos had made every preparation to assail the Spanish lines in their front. Certainly they would not have given up part of their line to us unless they thought they were to fight with us.

We had got possession, we were in their trenches, pretty close to the wall of the old or Spanish town, and we got possession by lying to them, because Anderson refused to answer, and said he could not answer; and then also said that he was the bearer of the news to Dewey that we were going to conquer and keep that country.

They therefore received General Merritt's interdict with anger and indignation. They considered the war as their war, and Manila as their capital, and Luzon as their country.

That is what our forefathers thought as to this country.

Knowing that they would disregard any remonstrance on our part, I sent a battalion of North Dakota Volunteers to hold a bridge they would have to cross if they followed us into Manila when we made our assault on the next morning, but when the battle began they broke in by way of Santana and got into the city as soon as we did. After the white flag was raised and the firing ceased, it was found that fully 4,000 armed insurgents had taken possession of Paco and part of Malata, two important suburbs on the south of the Pasig. To hold them within these limits and stop any attempt at looting, a cordon of troops was thrown around them.

It has been said that a letter has been discovered in which Aguinaldo claimed a part of the share of the spoils of war, and therefore that has been claimed as justification for the statement that he was going to loot Manila. What he claimed his share of was what has heretofore always been considered legitimate spoils of war. That was the $900,000 of public money which was captured when the city fell. That he would not have looted, that he would not have burned and destroyed, is proved conclusively by the fact that nearly the entire population of the city of Manila were of his race and tribe, and fully half of his army were recruited in that city, and their families were living there. They were not permitted even to go in to see their families.

The situation was exceedingly critical. Our soldiers believed that the Filipinos had fired on them, and the Filipinos were almost beside themselves with rage and disappointment. The friendly relations we had with Generals Recati and Morial alone prevented a conflict then and there. At 7 o'clock I received an order from General Merritt to remove the Filipinos from the city. Had we attempted to use force we would have had to fight to carry out our orders. In that event we would certainly have had a serious complication.

The Filipinos would have been justified in fighting right there, before our army was increased. They had been shown that we proposed to conquer their country, and still they forebore.

With 10,000 men we would have had to guard 13,300 Spanish prisoners and to fight 14,000 Filipinos. I therefore took the responsibility of telegraphing Aguinaldo, who was at Bacoor, 10 miles below, requesting him to withdraw his troops, and intimating that serious consequences would follow if he did not do so. I received his answer at 11, saying that a commission would come to me the next morning, with full powers. Accordingly the next day Señors Buencomeno, Lagarde, Araneto, and Sandeco came to division headquarters in Manila and stated that they were authorized to order the withdrawal of their troops if we would promise to reinstate them in their present positions on our making peace with Spain.

If that was not a reasonable request I should like to know how one could be made.

Thereupon I took them over to General Merritt. Upon their repeating their demands, he told them he could not give such a pledge, but that they could rely on the honor of the American people. The general then read to them the proclamation he intended to issue to the Filipino people. The commission then went back to Aguinaldo for further instructions. A member of the commission had brought me a letter from Aguinaldo, complaining that he had been harshly treated, and that his army had given up a part of their lines to us on the understanding that there was to be a cooperation between us in future military movements. I showed this letter to General Merritt after the commission had withdrawn. He directed me to reply that if Aguinaldo had been apparently harshly treated, it was from a military necessity, and that while we might recognize the justice of their insurrection, it was thought judicious to have only one army in Manila at one time.

On the 15th the commission returned with a paper containing ten unreasonable demands. There was an astonishing change, from one very reasonable condition one day to ten aggressive demands the next.

Their one reasonable demand had been denied.

The change can only be accounted for on the theory that Aguinaldo and his counselors plainly perceived from General Merritt's proclamation that we intended to hold the Philippines under military rule. Upon this they determined to obtain the best conditions for themselves at once. There was subsequently ample confirmation of this, from the fact that General Otis suppressed that part of the President's letter (December 24, 1898) to the Secretary of War which directed our military forces to take possession of all the Philippine Islands by right of transfer from Spain and by right of conquest.

This, mark you, is Anderson's statement, the man who took Manila, who was in command of our forces. He said that Otis struck out of the President's proclamation to the people those words because he thought they would create trouble, claiming the right to the island by transfer and by right of conquest. What had we conquered? The city of Manila had been surrendered to us upon an agreement. We had not conquered another foot of the territory of the island. All the rest of the island had been conquered by the insurgents, and the Spanish power absolutely destroyed; and yet he claimed the islands by conquest. We have been trying since to enforce our title. But it is said that the title came more from God than from Spain. If that is true, it is expensive business clearing up the abstract.

There is a great diversity of opinion as to whether a conflict with the Filipinos could not have been avoided if a more conciliatory course had been followed in dealing with them. I believe we came to a parting of the ways when we refused their request to leave their military force in a good strategic position on the contingency of our making peace with Spain without a guarantee of their independence. From what was known of the situation, our Government was justified in not recognizing Aguinaldo's authority as a de facto government. For, even if it had been determined to recognize an independent Filipino government, it did not follow that we should recognize a self-appointed junta as constituting a government.

I beg leave to quarrel with that statement of General Anderson's, and I have a right to do it, because we brought Aguinaldo from Singapore on our vessel, and, advising with Admiral Dewey, he formed a government, the government which we helped to set up. Therefore it was the very government we were bound to recognize, the very element we ought to recognize to-day.

On the other hand, the dicta of international law that, in war, the powers of the military occupant are absolute and supreme, and immediately operate upon the political conditions of the inhabitants—which the President made the basis of his instructions to General Merritt—could only be made to apply to the Philippines by a very liberal construction.

Let us see what Anderson goes on to say:

Was Luzon a conquered country? We held Manila and Cavite. The rest of the island was held not by the Spaniards, but by the Filipinos. On the other islands the Spaniards were confined to two or three fortified towns.

"The rest of the island," mark you, every acre of it, was in the hands, according to General Anderson, of the Filipinos; cities and towns, with populations of twenty and twenty-five thousand, all in the hands of the Filipinos, not of the Spaniards.

On the other islands the Spaniards were confined to two or three fortified towns.

On all the other islands in the group the Spanish power was destroyed. Iloilo was one of those other towns, on the island of Panay, with a population of 40,000 people, and before the treaty with Spain was consummated the Filipinos were in possession of that city administering its government.

At the time referred to we could not claim to hold by purchase, for we had not then received Spain's quitclaim deed to the archipelago. Making allowance for difference of time, we took Manila almost to the hour when the peace preliminaries were signed in Washington. But, no matter when Manila was taken, it was unfortunate for us that we felt so bound by the meshes of diplomatic amenities as to permit Spain's insurgent subjects to levy war against us and attack us when they felt fully prepared—a philanthropic policy which has cost us many valuable lives.

To return to the question of conciliation, one of Aguinaldo's commission, who was subsequently a member of his cabinet, said to me: "Either we have a de facto government or we have not. If we have, why not recognize the fact? If not, why have you recognized us at all?"

Pretty good logic; pretty hard to meet. All the sophistry of the Senator from Wisconsin never touched this case. I wondered when I heard it why he admired Otis until I read Otis's reply to a dispatch of a few days ago asking him if Aguinaldo had not sent a request, after the fighting commenced on the 4th of February, to cease the conflict. Otis went all around that, but did not deny it, and so the Senator from Wisconsin did in his entire speech. His admiration for Otis must have resulted from the excellent example of how to get around the facts which Otis had furnished him.

This last remark referred to General Merritt's conceding them the control of the Manila waterworks and to General Otis's attempts to negotiate with them without committing himself.

There were other causes of antagonism. Our soldiers, to get what they considered trophies, did a good deal of what the Filipinos considered looting. A number made debts which they did not find it convenient to pay. They called the natives "niggers," and often treated them with a good-natured condescension, which exasperated the natives all the more because they dared not resent it.

So this is the report of General Anderson with regard to the capture of Manila and the situation over there, which must condemn before the civilized world forever the conduct of this Administration as the blackest and most infamous that ever was placed upon the pages of history.

I am going to read, although I think it is not in the consecutive order of my remarks, from page 424 of Document 62:

Memoranda concerning the situation in the Philippines on August 30, 1898, by General Green.

General Green was over there. This was made to the Paris peace commission for the purpose of furnishing our commissioners with information.

Green says:

The United States Government, through its naval commander, has to some extent made use of them for a distinct military purpose, viz, to harass and annoy the Spanish troops, to wear them out in the trenches, to blockade Manila on the land side, and to do as much damage as possible to the Spanish Government prior to the arrival of our troops; and for this purpose the Admiral allowed them to take arms and munitions which he had captured at Cavite, and their ships to pass in and out of Manila Bay in their expeditions against other provinces.

Webster says an ally is "anything associated with another as a helper, an auxiliary;" and the Century Dictionary says an ally is "an auxiliary, a friend." If they were not allies, and if the record does not stamp the statement of Dewey that he never made allies of them as untrue, then I am unable to understand the English language.

I am now going to read an account of the first fight. This is by a Colorado soldier, Mr. Abram L. Mumper:

The Filipinos who did enter the city August 13, 1898, were ordered out a month later. They obeyed the order, but formed upon the luneta and marched past and saluted the spot where these patriots died. As that barefoot army of men and boys marched past our barracks one of their bands, to show good will toward us, struck up A Hot Time in the Old Town, our national air for the Philippines, made such by the Colorado band playing it as they entered the city August 13—an air every Filipino boy in Manila could whistle a week after we were in the city. We gave them a rousing cheer. They answered, "Vive los Americanos." No, they did not want to fight us. We did not want to fight them, and if we had to fight it was because the master magician in this drama, behind the screens, by some trick of the black art, brought us together.

You have heard much of Filipino taunts and insults. But we were the aggressors. We first turned the cold shoulder the 13th of August. Then followed in a succession, made more aggravating by the time that intervened, the order to evacuate Malate and Paco; the order for insurgents to quit Singelong and Pandacan. Dewey seized their boats upon the bay; then General Otis sends a map to Aguinaldo and notifies him to remove his forces beyond a line he marked. Disputes along the outposts are settled invariably against the natives. Each time we soldiers are ordered under arms ready to fight if they failed to yield, and judging from the talk you might have concluded that fight was preferred. But each time they yielded. Aguinaldo counseled peace. He trusted to the Peace Commission, and finally the Senate, to recognize his claims. He knew he would sacrifice everything by pursuing the other course.

The order of the President establishing sovereignty over the islands greatly excited the natives. Hundreds quit their stands. Carrimetto drivers passed through our lines to join Aguinaldo's army, and it became next to impossible to hire a carrimetto. So we soldiers had to walk. I was in town the day the President's proclamation was posted. I heard Filipinos who had trusted us till now say we were "No more amigo." I saw this proclamation, which you will remember says so much of the rights of property, torn down by the Filipinos and another put up by them that dealt more with the rights of man. A little later—January 21—a Filipino captain was shot down by an American sentry at the Tondo bridge. I never heard of any cause. It was already the seventh or eighth insurgent shot down in passing our lines. The command "Halt" given in English was often misunderstood, and though most of our soldiers were humane, there were a few that would as soon kill as eat, and were thirsting for their man. The press encouraged this reckless work by making a hero of the man that did the killing. Back of the press, judging from the full-page advertising, stood the beer kings, and upon the ocean were ships loaded with their beer. Trade was following the flag, and the flag must be advanced to make more room for trade. In the very ashes of the cities we burned—

Mr. BEVERIDGE. What cities does he say we burned?

Mr. PETTIGREW. He does not give the names. We burned, according to the stories, some of the cities. I have talked with soldiers about it. This man does not give the names of the cities. As a matter of fact, I talked with several of the South Dakota boys, and they said the soldiers themselves set cities on fire; that when fighting first commenced the intention was to make the situation so unbearable and so intolerable that the Filipinos would yield, and we did the burning as a part of that policy. That is the testimony of the soldiers with whom I have conversed. But afterwards when it was found that our inhumane policy was not bringing the desired results the order was changed. The men were furnished with matches with which to perform their incendiary tasks under the original plan of warfare.

When this captain was killed the insurgent newspapers called for war. The Filipino women of Cavite held a mass meeting and begged to be allowed to serve upon the firing line. Aguinaldo again quiets the rising storm. But the armies are approaching a clash. Both forces are becoming impatient under restraint. But a spark is needed. The authors of the drama look on, no doubt, in pious grandeur and say, "It is well."

The Nebraska regiment had been sent out to Santa Mesa. Aguinaldo had vigorously protested against this and pointed out to General Otis that Santa Mesa was outside the line of the protocol. General Otis looks it up and admits to Aguinaldo that such is the case (pages 20 and 21, General Otis's report), but holds fast to the position. Here, outside the limits of the protocol, in an effort to make the insurgents move back a sentry post, the first shot was fired. Grayson, the man who fired that shot, told me, on board the *Hancock*, as his regiment was ready to sail for America, that it was "the damn bullheadedness of the officers in invading insurgent territory" that was responsible for that shot. But we fired the second shot and third shot before we got a response. And this was two days before the Senate was to vote upon the peace treaty, and many of the insurgent officers away from the firing line! This is the way the insurgents made what the President calls a "foul attack" upon us. But the Filipinos returned the fire and the war was on.

The fact of the matter is that General Otis's report says that the insurgents were not ready. They did not intend that war should commence then. He says the battle was one continuous attack on our part and simple defense on theirs. It was aggression on our part. Furthermore, it is well proved that firing did not commence all along the line. Several minutes elapsed between the killing of the first and the killing of the second Filipino. It took an hour and a half for the firing to reach the length of our line, showing that they were not ready and did not intend to fight. Aguinaldo says they did not intend to fight. His officers were in the city. They had been given a holiday. I will not read his statement of this fact, but I will read the words Otis used:

The battle of Manila, which commenced at half past 8 o'clock on the evening of February 4, continued until 5 the next evening. * * * The engagement was one strictly defensive on the part of the insurgents and of vigorous attack by our forces.

I supplement that with the statement which I made orally, which is copied from the RECORD.

PROTOCOL OF AGREEMENT, AUGUST 12, 1898.

ART. 3. The United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace, which shall determine the control, disposition, and government of the Philippines.

Now, Mr. President, the Senator from Wisconsin [Mr. SPOONER] complained that we raised the issue of imperialism and he objects that it shall be raised at this time. He says it is a political issue; that we have trumped it up and have undertaken to charge it against the Administration for political purposes. Mr. President, we did not raise the issue of imperialism. Who raised the issue of imperialism? The men who in sending our flag to Porto Rico refused to send our Constitution there. Who raised it before that? Every acquisition of territory that we have ever made up to the time we took Hawaii and the Philippines has contained a provision that the ceded territory should be incorporated into the Union of States and its inhabitants made to share with us the duties of a republic.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. PETTIGREW. I yield to the Senator.

Mr. HANSBROUGH. The Senator should except Alaska in that statement.

Mr. PETTIGREW. I will read the provision with regard to Alaska. After we had adopted the Spanish treaty we first voted down the Bacon resolution and then we voted this resolution:

Resolved, etc., That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex the said islands as an integral part of the territory of the United States.

There is your doctrine of imperialism. By it we propose to hold a people against their will as a colony of this Republic—a one man power, absolute despotism government under the resolution. After bringing in that resolution the Senator from Wisconsin complains that we raise the issue of imperialism. You raised it when you said we will take and hold that country without promising to its people citizenship or ever making it an integral part of the territory of the United States.

Now, let us see. When we annexed Alaska the treaty contained the following provision:

The inhabitants of the ceded territory, according to their choice, reserving their national allegiance, may return to Russia within three years, but if they should prefer to remain in the ceded territory they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

What are the rights, advantages, and immunities of citizens of the United States? Why, participation to the fullest extent in our Government and as understood and practiced in all our Territories admission as States. But the Philippines were not to have that. They were never to become citizens of the United States. It is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States. So the Senator is answered with regard to Russia and Alaska.

Now with regard to Louisiana:

That the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States—

"Rights, advantages, and immunities!" The same words exactly are used in the treaty with Russia with regard to Alaska—

and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

Words absolutely the same except the promise that they should be admitted into the Union of the United States. They are superfluous words if used in connection with the pledge, with the contract that they shall enjoy all the rights, privileges, and immunities of citizens of the United States.

In the treaty when we purchased Florida there is the present provision:

The inhabitants in the territories which His Catholic Majesty cedes to the United States by this treaty shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all privileges, rights, and immunities of citizens of the United States.

In the treaty with Mexico, the treaty of Guadalupe Hidalgo, Article VIII is as follows:

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, defined by the present, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Then the treaty goes on to say:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

Then in the Gadsden treaty, where we purchased from Mexico a large portion of territory, there is this provision:

That all the provisions of the two articles of the Guadalupe Hidalgo treaty—

Just quoted—

and that the same articles should also apply to all the rights of persons and property, both civil and ecclesiastical, within the same.

So I fail to find a single instance where we did not provide that they should be citizens of the United States. Who then, I say, raises the issue of imperialism? Why, it is those who voted for the resolution declaring that those people should never be citizens of the United States, and that their country should never be an integral part of our Government; in other words, that they should never be admitted into the Union of States.

Who is apologizing, Mr. President, for the Declaration of Independence and the Constitution of the United States? Who is it that has suddenly discovered that the theories of government contained in these great instruments are inapplicable to human affairs? Why, the Senator from Wisconsin and those who agree with him. The rest of us can read the Declaration of Independence on the Fourth of July, and we can hope that other people will throw off the yoke of despotism and tyranny and adopt our Constitution as a model of free government. But the imperialists, those who are apologizing for the Declaration, those who think we have outgrown the Constitution, of course can no longer hope that people anywhere in the world shall adopt our form of government as a model. We who disagree with this infernal imperial policy can vote for a resolution of sympathy with the struggling Republics of Africa, but the imperialists in this body can not. Such a change in their heart, such a change in their methods of thought, was never before heard of, outside of a miracle, in the history of the world.

Last Fourth of July Administrationists began to drift from their moorings, and could no longer celebrate that glorious day without apologizing for the document which it commemorates; but three years ago, after the campaign of 1896, when the great money power took control of this country and of its affairs, they could have read the Declaration and loved and praised it and wished that others would follow it as well as we can to-day. What they will do next Fourth of July I know not, but I am sure they can not read that Declaration with any heart or pleasure; and after they have done it, they must apologize to the listening crowds for their interpretation of it.

Who is it that is apologizing for Lincoln and asserting upon this floor that he fought the war of the rebellion to overthrow the fundamental position around which was woven his entire political life? Who is it that undertakes to say that the war of the rebellion was waged on his part to destroy the doctrine that all governments derive their just powers from the consent of the governed? I say not those of us who are opposed to imperialism and aggression and robbery and wrong; but it is the Senator from Wisconsin, it is the imperialists of this body, who find it

necessary to blacken the character of Abraham Lincoln. Let us see what Abraham Lincoln said about this. Lincoln said:

The Chief Magistrate derives all his authority from the people, and they have conferred none upon him to fix the term for the separation of the States. The people themselves can do this also if they choose, but the Executive, as such, has nothing to do with it. His duty is to administer the present Government as it came to his hands and to transmit it, unimpaired by him, to his successor. By the frame of the Government under which we live this same people have wisely given their public servants but little power for mischief, and have with equal wisdom provided for the return of that little to their own hands at very short intervals. While the people retain their virtue and vigilance no Administration, by any extreme wickedness or folly, can very seriously injure the Government in the short space of four years.

Here, then, Lincoln refutes the slander placed upon him. He says that this Government and the relation of the States and how they might be separated was only for the people to determine—the whole people—for the States to determine by an understanding or an agreement; that his duty was to carry out the doctrine around which his whole life centered—the doctrine of the Declaration of Independence.

Mr. HAWLEY. Will the Senator permit me to read a little from the Declaration of Independence, three or four lines?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. PETTIGREW. If only three or four lines, I am perfectly willing the Senator should read them; otherwise, not.

Mr. HAWLEY (reading)—

The good People of these Colonies, solemnly PUBLISH and DECLARE, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do.

Mr. PETTIGREW. Very good, Mr. President. I indorse every line of it, according to the spirit of the document itself, according to the ideas that all governments derive their just powers from the consent of the governed. That document—the portion of it read—absolutely refutes the idea that any power is given to conquer other people and hold them in subjection. Let us see what Lincoln said:

Let us discard all this quibbling about this man and the other man—this race and that race and the other race being inferior, and therefore they must be placed in an inferior position, discarding our standard that we have left us; let us discard all these things and unite as one people throughout this land until we shall once more stand up declaring that all men are created equal. * * * I leave you, hoping that the lamp of liberty will burn in your bosoms until there shall no longer be a doubt that all men are created equal.

This was in Philadelphia, on his way to Washington to take the oath of office as President of the United States. He further said:

Your worthy mayor [of Philadelphia] has expressed the wish, in which I join with him, that it were convenient for me to remain in your city long enough for me to consult your merchants and manufacturers, or, as it were, to listen to those breathings arising within the consecrated walls wherein the Constitution of the United States and, I will add, the Declaration of Independence were originally framed and adopted. I assure you and your mayor that I had hoped on this occasion, and upon all occasions during my life, that I shall do nothing inconsistent with the teachings of these holy and most sacred walls.

I have never asked anything that does not breathe from those walls. All my political warfare has been in favor of the teachings that come forth from these sacred walls. May my right hand forget its cunning and my tongue cleave to the roof of my mouth if I ever prove false to those teachings. I have often inquired of myself what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of the separation of the colonies from the motherland, but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but hope to all the world for all future time. * * * Now, my friends, can this country be saved upon this basis? If it can, I shall consider myself one of the happiest men in the world if I can help to save it. If it can not be saved upon those principles it will be truly awful. But if this country can not be saved without giving up that principle I would rather die than abandon it.

Yet Senators stand here upon this floor and say that Lincoln spent four years of his life and went to a martyr's grave to overturn that very principle. Then he goes on:

Those arguments that are made, that the inferior race are to be treated with as much allowance as they are capable of enjoying; that as much is to be done for them as their condition will allow—

He must have prophesied or seen in advance the speech that the Senator from Wisconsin [Mr. SPOONER] was going to make, and the speech of the Senator from Indiana [Mr. BEVERIDGE] also, Mr. President—

what are these arguments? They are the arguments that kings have made for enslaving the people in all ages of the world. You will find that all the arguments in favor of kingcraft were of this class; they always bestrode the necks of the people, not that they wanted to do it, but because the people were better off for being ridden.

To-day we revive the argument that those people are inferior, and that we have got to bless them with our presence and we have got to shoot civilization into them; that we have got to butcher them by tens of thousands in order to make them more happy, and then that we are going to send our missionaries to christianize them, when already the percentage of their people who are members of the Christian church is much greater than ours.

But this argument that the Constitution is worn out or outgrown and this argument that the Declaration of Independence is simply one of the nursery rhymes sung around the cradle of the Republic is not new. I read again from Lincoln. Lincoln, July 17, 1858, in a speech, made this statement:

Mr. Brooks, of South Carolina, in one of his speeches, when they were presenting him canes, silver plate, gold pitchers, and the like, for assaulting Senator Sumner, distinctly affirmed his opinion that when the Constitution was formed it was the belief of no man that slavery would last to the present day. He said that "I think the framers of our Constitution placed the institution of slavery where the public mind rested, in the hope that it was in the course of ultimate extinction." But he went on to say that the men of the present age by their experience have become wiser than the framers of the Constitution, and the invention of the cotton gin had made the perpetuity of slavery a necessity in this country.

Why, Mr. President, I do not suppose that the advocates of imperialism or the doctrine of conquest, the burlesquers of the Constitution, the repudiators of the Declaration of Independence, had read that speech of Lincoln or had studied Brooks very much; yet they are not new, it appears, in their position. Brooks then thought that he had outlived the Constitution; the cotton gin made it necessary that slavery should continue; and here to-day the new interpreters of the Constitution and of the Declaration of Independence tell us that it is necessary to abandon those documents in order that we may conquer people in the interests of trade.

The gist of the argument of the supporters of the Administration is that we wish to extend our trade and commerce throughout the world. It is of interest in this connection to see what success we have had in the Philippines.

I hold in my hand the monthly summary of the commerce of the Philippine Islands for July, August, and September, 1899, prepared by the division of customs and insular affairs, War Department, Washington, D. C., Government Printing Office.

This pamphlet shows the total trade of the Philippine Islands for the three months stated herein: Imports, $7,077,000 from all over the world. From the United States they imported $331,000, or one dollar to every twenty of their imports came from the United States. I find by examining the different pages of this document that of the $331,000 of trade with the United States $110,300 was liquor. So, after all, if trade follows the flag it must be the liquor trade.

This certainly is not an encouraging prospect for the vast expenditure of life and money in order to conquer the Philippines and extend the trade relations of the United States. Three hundred and thirty-one thousand dollars out of an import trade of $7,077,000, and $110,300 of that was American liquor!

This cry that we are going to bless the Filipinos, this talk that we are there for their good and their happiness and their prosperity, is also old. It has been heard before. It is the plea of the hypocrite. It is well personified in one of Dickens's works as follows:

Stretching forth his flabby paw, Mr. Chadband lays the same on Jo's arm and considers where to station him. Jo, very doubtful of his reverend friend's intentions and not at all clear but that something practical and painful is going to be done to him, mutters, "You let me alone. I never said nothink to you. You let me alone."

"No, my young friend," says Chadband, smoothly, "I will not let you alone. And why? Because I am a harvest laborer, because I am a toiler and a moiler, because you are delivered over untoe me and are become as a precious instrument in my hands. My friends, may I so employ this instrument as to use it toe your advantage, toe your profit, toe your gain, toe your welfare, toe your enrichment! My young friend, sit upon this stool."

Jo, apparently possessed by an impression that the reverend gentleman wants to cut his hair, shields his head with both arms, and is got into the required position with great difficulty and every possible manifestation of reluctance.

So it appears human nature is about the same whether in England or in Asia. But let us see. This doctrine that we are going to do them good, is older even than Dickens.

I have read McKinley's proclamation to the Filipinos, and I have put together the proclamation to the people of the Philippines and the proclamaiton of the King of Assyria, written eighteen hundred years before Christ. A man would think McKinley had plagiarized his proclamation from that.

Ragozin, in his history of Assyria, gives a literal translation of a proclamation issued by Asshurbanipal to the people of Elam. The Elamites had gone to war. No, their country had been invaded by Asshurbanipal's forces, he had overrun the land, cutting down the trees, filling up the wells, killing the inhabitants. He captured their capital city, killed their king, took 208,000 of their people into captivity as slaves, drove off most of the cattle of the rest of them, and then sent them this affectionate proclamation:

The will of the king to the men of the coast, the sea, the sons of my servants.

My peace to your hearts; may you be well.

I am watching over you, and from the sin of your king, Nabubelzikri, I have separated you. Now I send to you my servant Belibni to be my deputy over you; I have joined with you, keeping your good and your benefit in my sight.

Mr. McKinley says to the Filipinos:

Finally, it should be the earnest and paramount aim of the Administration to win the confidence, respect, and affection of the inhabitants of the Philippines by insuring to them in every possible way the full measure of individual rights and liberty which is the heritage of a free people, and by

proving to them that the mission of the United States is one of benevolent assimilation, which will substitute the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission, while upholding the temporary administration of affairs for the greatest good of the governed, there will be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands.

Mr. ALDRICH. Will the Senator from South Dakota yield to me to make a conference report?

Mr. PETTIGREW. I will finish in a minute, and then it can be made. I should like to finish, as it will take me but a minute.

How much like King George this reads. King George said:

I am desirous of restoring to them the blessings of law and liberty equally enjoyed by every British subject, which they have fatally and desperately exchanged for the calamities of war and the arbitrary tyranny of their chiefs.

This is what King George said to us when we rebelled. Here is another sample of how God is in all these things. We have done it to the glory of God and for the good of those people. How common it is for men, especially when they want to do mean things, to undertake to silence their conscience by appealing to the Deity:

LOS ANGELES, CAL., *June 10.*

I am not given to talking about prize fights, and I fear the public will not understand me when I say that the Lord of Hosts was in the battle of last night. Like all other battles, this is a victory for our Lord and Saviour—

This is Jeffries's father after he had licked Fitzsimmons—

My boy won it because the Lord so willed it, and if he had been defeated it would have been through a power greater than we know of.

I supposed he won it because he outweighed Fitzsimmons and outfought him.

Thus reflected the preacher father of Jim Jeffries, the world heavy-weight champion prize fighter, when asked his opinion upon the results of the now celebrated contest. The fact can not be disguised that Mamma and Papa Jeffries, the big brother, and three sisters are supremely happy that the big boy won the battle, and that the possibilities of defeat have caused serious reflection. All day the curious, idle, and jubilant friends of the family have crowded around and about the Jeffries home in East Los Angeles.

Now, Mr. President, I wish to read simply an extract from Professor Creasy in his Fifteen Decisive Battles of the World:

There has never been a republic yet in history that acquired dominion over another nation that did not rule it selfishly and oppressively. There is no single exception to this rule, either in ancient or modern times. Carthage, Rome, Venice, Genoa, Florence, Pisa, Holland, and republican France all tyrannized over every province and subject state where they gained authority.

Mr. President, I believe that if this policy is continued there is no limit to its bounds; that if we can justify taking the people of the Philippines and governing them against their will, if we can justify conquering countries where our Constitution can not go, our armies will soon be seen marching across Mexico, down the Isthmus to South America, laying death and desolation in their track, rearing upon the ruins of those free governments a tyrannical, despotic policy, and when it is done our liberties will be gone.

Oh, you can not control this question in the United States without an immense navy and a standing army. You must have one man given supreme control of all, so that he can move with rapidity, so that decisions can be made in a day and armies marched and ships moved where danger is seen, and therefore despotism must be the result.

Mr. President, a republic and an empire can not exist under the same flag. No country should be brought within our bounds where our Constitution can not go, and no people should ever undertake to send their constitution to a country whose inhabitants have not the capacity and ability to maintain and support it.

Mr. PETTIGREW subsequently said: This afternoon I intended to ask to have printed as an appendix to my speech in regard to the Philippine Islands certain extracts from the reports of our officers with regard to the character of the people of the islands. There is no original matter whatever in it. Some of it is from newspaper correspondents, but most of it is official, from the officers of the Government, from the officials' reports, and from Document No. 62. I ask to have it printed as an appendix to my remarks.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from South Dakota? The Chair hears none, and the order is made.

The matter referred to is as follows:

APPENDIX.

CHARACTER OF FILIPINOS.

It may be well to quote Gen. T. M. Anderson in the Chicago Times-Herald:

"As to the Filipinos themselves, I understand many erroneous impressions are current. I was in the Philippines until the latter part of March, having been sent there in June, 1898, in command of the first military expedition, and during that time I had some chance for studying the Filipino character and mind. I regard the Filipinos, such as have been carrying on operations against our forces in the island of Luzon, as being not far below the Japanese in intelligence and capability of culture. Nearly all can read and write; they have many schools, and there are a number of newspapers. Their cities are populous and well laid out and kept. There are many engineers and artists among the Filipinos."

Gen. Charles King is a close observer of people. He spent quite a time in the Philippines and fought the Filipinos, yet he wrote the following letter to the Milwaukee Journal:

SAN FRANCISCO, *June 22, 1899.*

To the Editor of the Journal, Milwaukee, Wis.

DEAR SIR: Thinking over your telegram and request of June 7, I find myself seriously embarrassed. As an officer of the Army there are many reasons why I should not give my "views of situation in the Philippines, how long fighting is likely to continue, and thoughts as to America's part in future of islands."

The capability of the Filipinos for self-government can not be doubted; such men as Arellano, Aguinaldo, and many others whom I might name are highly educated; nine-tenths of the people read and write; all are skilled artisans in one way or another; they are industrious, frugal, temperate; and, given a fair start, could look out for themselves infinitely better than our people imagine. In my opinion they rank far higher than the Cubans or the uneducated negroes to whom we have given the right of suffrage.

Very truly, yours,

CHARLES KING.

As to the government maintained by the Philippine republic, I shall quote from a letter of Lieut. Henry Page, of the United States Army, to the Chicago Record. It was written February 25, 1899. In it he says:

"When we reached the headquarters of Santa Ana another surprise awaited us, for here was found some of the machinery of Aguinaldo's government. Among the papers scattered about in confusion by the retreating officials were telegrams, letters, and commissions showing something of their system. One letter was from a township governor asking relief from his duties. A surgeon's certificate was inclosed. It had been forwarded through official channels to Aguinaldo's secretary of state and returned, with abundant indorsements, approved. With it was an order to the governor of the province to have a new election. Another letter was a complaint made against another local governor for maladministration. It stated the charges in real legal form and was duly signed. The numerous papers concerning school-teachers' appointments showed that the Filipinos had already perfected arrangements for the education of the youth on a large scale.

"I might also mention the deeds of property, records of births, deaths, etc., to show that Aguinaldo's organization is at least not a laughable farce. I might mention also meteorological and other scientific instruments and records to show that the Filipinos did not neglect science during those busy, warlike times. Letters dated February 4, from Malolos, showed that they had a good courier system. A book on tactics, engravings of the several uniforms, beautiful topographical maps, copies of the declaration of independence and the revolutionary constitution, military and state seals, and other articles all went to show that labor and intelligence were united in their production."

Notwithstanding the difficulties under which the Filipino government existed, how much inferior was it, as indicated by Lieutenant Page's letter, to our own Government? Was it the work of a people who need the guardianship of the United States?

In a letter to the Secretary of State Agoncillo said, on January 4, 1899:

"The Philippine Islands are in a state of public order. They possess a government satisfactory to their inhabitants, and are without an enemy within their borders offering any resistance to its just operations, and they find themselves to be at peace with all the world."

Every people, if left to themselves, will have as good government as they are entitled to, and they can not be given a better one. It is a novel doctrine that a remote people must have a government satisfactory to us. Since when has it become essential that every weak people must have a government of our choosing?

CAPACITY OF FILIPINOS FOR SELF-GOVERNMENT.

Lieut. John D. Ford, United States Navy, of the *Olympia*, who left Manila May 9, 1899, interview in Baltimore:

"The Filipinos are of an intelligent, industrious character. The women are virtuous, more so, perhaps, than those of almost any other nation. It is believed by many that they are a very ignorant race, but such is not the case. There is hardly a man or woman, even in the middle class, who can not read and write. The children are given early education and are quick to learn. The half-savage Negritos are no more representatives of the Filipino race than our Indians are representatives of this great country. There are only about 100,000 Negritos in a population of between 7,000,000 or 8,000,000 Filipinos, and it is unfair for these people to be classed with them." * * *

Gen. Charles A. Whittier before peace commission:

"I went over the line of the only railroad in the Philippines, leaving one Saturday morning (in August, 1898) and going up 120 miles through the rice fields, a country of marvelous and most extraordinary fertility. The next morning we started out early and went up to Dagupan Bay, the terminus of the road. * * *

"At this time I was collector of the port, and during this time I heard all sorts of expressions, and I think I had a very fair opportunity—being amused with the natives and studying their peculiarities—to form a fair judgment. I stand a little isolated in my opinions, however, perhaps. Men so quickly dismiss the natives from their minds as simply 'niggers' and 'savages;' but when you think of all they have done you must give them credit for great capacity."

Edwin Wildman, United States vice-consul at Hongkong, in the Munsey, April, 1899:

"Hundreds of natives speak English and thousands Spanish; some have been educated in Madrid and Paris. There are native assistants in the Manila observatory who handle the delicate instruments for measuring sound waves, registering seismic oscillations, determining the movements of atmospheric disturbances, and calculating weather prognostications. The richest man in the archipelago is a native. Native curés occupy many of the churches in the provinces. * * * Unquestionably there is good material in our newfound friend the Filipino, for it is inconceivable that he will decide to be our enemy; and the time is ripe for his development into a worthy and self-respecting member of the family of nations."

Capt. H. L. Wells, Second Oregon Volunteers, in October, 1898, witnessed a grand review of the army of the Republica Filipinos at San Fernando, and a ball, and of these he wrote in the Pacific Monthly:

"When I beheld the display of wealth, the bitterness of feeling of the planters against Spain, and their enthusiasm for the cause of liberty, I understood better than before how it had been possible for Aguinaldo to carry on the insurrection and maintain his army of barefooted warriors in the field. These rich, educated, and intelligent landed proprietors are the brains and sinew of the revolution, while the common herd, which is guided by them as absolutely as the populace of any country is managed by the aristocracy, is the bone."

Brig. Gen. Charles A. King, interview in Catholic Citizen, Milwaukee, after his return home:

"The Americans here do not realize the truth that nine-tenths of the people in the Philippines can read and write. Men have told me again and again that they can not credit it. I told those whom I met it was certainly so, and I have as authority the Jesuits, whose friendship I was fortunate in making

in Manila, who are capital men and who assured me that this is so. You see the people are all Catholics, and their children are educated in the parochial schools. They have a good common-school education. There is no culture, excepting among the higher classes of course, but there is fair education everywhere; and many people have ability. The men in power whom I met are gentlemen, many of them scholars, educated abroad, polished in manners, perfect in courtesy, broad minded, and ripe in judgment. There is no reason in the world why the people should not have the self-government which they so passionately desire, so far as their individual ability to carry it on goes."

Letter of Admiral Dewey August 29, 1899, to peace commission in Paris:

"The population of Luzon is reported to be something over 3,000,000, mostly natives. These are gentle, docile, and under just laws and with the benefits of popular education would soon make good citizens. In a telgram sent to the Department on June 23 I expressed the opinion that 'these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.' Further intercourse with them has confirmed me in this opinion.

"Panay, Cebu, Negros, and Leyte are very thickly populated and well cultivated. In these islands the natives are conceded to be the best educated and furthest advanced in civilization."

Lieut. Henry Page, U. S. A., in letter in Chicago Record, May, 1899:

"When we reached the headquarters at Santa Ana another surprise awaited us, for here was found some of the machinery of Aguinaldo's government. Among the papers scattered about in confusion by the retreating officials were telegrams, letters, and commissions, showing something of their system. One letter was from a township governor asking relief from his duties: a surgeon's certificate was inclosed. It had been forwarded through official channels to Aguinaldo's secretary of state and returned with abundant indorsement approved. With it was an order to the governor of the province to have a new election. Another letter was a complaint made against another local governor for maladministration. It stated the charges in real legal form, and was duly signed. The numerous papers concerning school-teachers' appointments showed that the Filipinos had already perfected arrangements for the education of the youth on a large scale.

"I might also mention the deeds of property, records of births, deaths, etc., to show that Aguinaldo's organization is at least not a laughable farce. I might mention also meteorological and other scientific instruments and records to show that the Filipinos didn't neglect science during those busy, warlike times. Letters dated February 4 from Malolos showed that they had a good courier system. A book on tactics, engravings of the several uniforms, beautiful topographical maps, copies of the declaration of independence and the revolutionary constitution, military and state seals and other articles all went to show that labor and intelligence were united in their production.

"Very naturally the whole Filipino structure is built upon the Spanish model. Their uniforms, like every detail of government, are copied more or less exactly. But the Filipino is an imitative little body. He is always anxious to learn new methods, and he masters them very quickly."

Provisional constitution, proclaimed June 20, 1898:

"ART. 2. As soon as the inhabitants of each town are free from Spanish domination, the most intelligent and capable of the people, distinguished by their intelligence, social position, and honorable conduct, both in the towns, villages, and provinces, shall assemble in open public meeting and there proceed to elect, by a majority of votes, a chief of the town, and also a head man or chief of each suburb or village, recognizing as such suburbs or villages not only those before as such, but as well the existing centers of population. All those inhabitants that possess the character stated in the conditions expressed, that are lovers of the independence of the Philippine Islands and have arrived at 21 years of age, shall have the right to compose this public meeting and be eligible for election."

Capt. Mark L. Hersey, quartermaster, Twelfth United States Infantry, interviewed in Boston Globle, August, 1899:

"Is Manila a good place for Americans?"

"For the capitalists, I should say yes. For the laboring man, no. Labor is too cheap. Why, you can hire the best of male servants for $4 American money a month. There are vast coal fields there. American capital, aided by native labor, could produce coal at $3.50 per ton, whereas it costs about $17.50 per ton. The country is fertile beyond any standard we have in this country."

"What about the people?"

"They are far from being the ignorant men that they have been represented to be. They are not idol worshipers, but belong to the Catholic church, and are well grounded in the tenets of their belief. They are an intelligent people, a large part of them being able to read and write. In my army experience I have come in contact with the Mexican greasers and the Cubans. From what I saw and heard while in Manila I have no hesitation in saying that they are the superior of either of these people. They are men of education and refinement."

"Are they competent to govern themselves?"

"Well, the Mexicans have succeeded very well in that direction, and I see no reason why the Filipinos shouldn't, inasmuch as I believe them far more intelligent than the former."

"What sort of field is it for the missionary?"

"Well, they might just as well send them to convert the people of Spain. There is just as much chance to make converts."

Gen. Charles A. King, letter to Milwaukee Journal from San Francisco, June 22, 1899:

"The capability of the Filipinos for self-government can not be doubted. Such men as Arellano, Aguinaldo, and many others whom I might name are highly educated. Nine-tenths of the people read and write. All are skilled artisans in one way or another. They are industrious, frugal, temperate, and, given a fair start, could look out for themselves infinitely better than our people imagine. In my opinion, they rank far higher than the Cubans, or uneducated negroes to whom we have given the right of suffrage."

President Schurman, interview in Chicago, August 21, 1899:

"What sort of people are the Tagalos?"

"Well, most of them are Christians. They and the people of the Visayas and parts of the people of all the other islands of the Philippines are Catholics, converted to Christianity by the Spaniard. Some of those in Luzon are still barbarians. They have a heathen form of worship of the Malayan sort."

President Schurman interviewed in Omaha Bee, August 19, 1899:

"It will be a surprise to many Americans to know," said President Schurman, "that the educated Filipino is the equl to any other civilized people in the world. You may take their lawyers, doctors, artists, and educated business men and put them alongside of the same class of any other country, and they will equal them in mental capacity and in every attribute of citizenship. Great are the possibilities of these people and their country. They are quick to perceive the advantages of Western civilization; they are inspired by a hope to improve their condition intellectually and materially. Americans must deal gently with the Filipino. He is entitled to sympathetic consideration. There are many pleasing traits in his character; his home life is exemplary, and as a class he is well disposed toward his neighbor or his superior. Once his confidence is gained, if dealt with in a frank, straightforward manner, the misunderstanding will all be dissipated and the Filipino will realize that the American is his friend."

The Catholic World gives the following statistics of the church membership in the Philippines:

Under Augustinans	2,082,131
Under Recollects	1,175,156
Under Franciscans	1,010,753
Under Dominicans	699,851
Under Jesuits	213,065
Under secular clergy	937,294

Extract from a letter by Orman Osbon, of the First South Dakota, dated at Bacolor, Philippine Islands, August 31, 1899:

"There are in this town many wealthy people who were glad to see us come. Many in the States doubtless believe this country a wilderness and the people savages. I would like to take them into some houses here and see them stare. There is one gentleman here who formerly practiced in the Manila courts. While you might not expect him to be quite a savage, you would scarcely look for a fine Greek scholar in the jungles of Luzon; yet here is surely one. There is another family of musicians here. They have a very fine place, and I have spent some as pleasant evenings there listening to the piano, violin, mandolin, harp, and singing as I ever passed in my life.

"Señor Joven is a scientist quite up in modern electrical research. His house is lighted by an electric plant of his own manufacture. He was educated in Hongkong and Japan, and is a Freethinker. But the man I am most interested in is the principal of the schools, from whom I am taking instructions in Spanish. I go down at 3 o'clock and business begins. I teach him English and he teaches me Spanish."

Captain O'Farrell in the Irish World:

WASHINGTON, D. C.

Editor Irish World:

There are about 600 islands in the Philippine group, but there are only 11 of them large enough to merit consideration, viz: Luzon, Mindanao, Samor, Panay, Negros, Polaun, Mindoro, Leyte, Cebu, Masbate, and Bojol. Luzon, the largest of these islands, contains about 43,000 square miles—nearly equal in size to Virginia or Ohio.

The population has been estimated at about 10,000,000, but is not accurately known. We are indebted to the priests for census and maps of the islands.

The Sulu, or Moros, should not be confounded with the Philippine or Christian islands.

There are five Catholic bishops, with their respective dioceses, in which the members are enumerated as follows: The diocese of Manila, 1,817,445; Cebu, 1,748,872; Jaro, 1,310,752; Viga, 997,629; Camarines, 691,298, making a total of 6,565,998.

These people have their colleges, schools, churches, and convents throughout the islands.

There has not been a city or village captured by our army but had well-appointed separate schools for boys and girls, while the large cities have fine colleges and seminaries. Foreman, in his book on the Philippines, published by Scribner's Sons, 1899, says: "The teaching offered to students in Manila was very advanced. The curriculum in the Athenæum embraced algebra, arithmetic, agriculture, commerce, commercial law, commercial geography, English, French, geometry, Greek, history, Latin grammar, Latin composition, mechanics', mercantile arithmetic, natural history, physics, chemistry, philosophy, painting, rhetoric and poetry, Spanish classics, Spanish composition, topography, and trigonometry.

"In the high school for girls the following was the curriculum:

"Arithmetic, drawing, dress cutting, French, geography, geometry, geology, history of Spain, history of the Philippines, music, needlework, physics, reading—prose and verse—Spanish grammar, sacred history.

"There are still higher colleges where students study theology and law."

Foreman further says: "The natives have an inherent passion for music. Musicians are to be found in every village, and there was scarcely a parish without its orchestra."

Of course we know that the people are mainly of the Malay race, and are divided into several tribes. They speak about twenty different dialects. The two greatest or most important divisions are the Tagals and the Visayans. It is stated that 70 to 80 per cent of the Tagals can read and write their own language, which, to their credit be it said, they have preserved, despite the efforts of the government to force the Spanish language upon them.

Magellan discovered these islands in 1521. Engl and conquered them from Spain in 1762.

The natives under the leadership of General Anda, who was the Aguinaldo of that day, continued the war against the British for about two years, fighting over the same ground contested between Otis and Aguinaldo during the past six months.

In 1764 a treaty of peace was made between England and Spain, when the British withdrew. It appears that they were glad to get out of the place, as they failed to collect a ransom of $5,000 which they levied on Manila at the time of its capture. I may also state here that a royal commission had previously advised Philip III, King of Spain, to abandon the islands because they were unproductive and costly. His Majesty declined on account of the salvation of the souls of the natives who had been converted.

The chief products of the islands are sugar, rice, tobacco, and hemp.

GENERAL REEVE'S TESTIMONY—SAYS DIFFUSION OF KNOWLEDGE AMONG FILIPINOS IS GENERAL—DOMINICAN UNIVERSITY WITH 5,000 STUDENTS—CONCILIATORY METHODS WOULD HAVE PREVENTED THE WAR—OTIS'S ARROGANT POLICY.

[From the San Francisco, Cal., Republican.]

When I was appointed chief of police of a city of 350,000 inhabitants I deemed it wise to ascertain as soon as possible something definite and to the point regarding the character, traits, disposition, and intelligence of the native population. Accordingly I sought the counsel of the leading English, Scotch, and German merchants. They told me that the Filipinos were intelligent, industrious, peaceable, and fond of home life. Personal investigation convinced me that the natives were engaged in all branches of industry. In the professions of law and medicine were many of the natives.

The best dentist in Luzon was an officer in Aguinaldo's army. In the field of mechanical and railway pursuits the Filipinos were active and promising.

I was surprised to ascertain that the diffusion of knowledge was general. The percentage of natives able to read and write was large.

The enrollment of students in the San Thomas and Dominican universities and the attention paid to such branches of knowledge as law, medicine, liberal arts, and civil engineering excited my surprise.

Five thousand students were enrolled at the Dominican University. I mention these facts to dispel the impression that the Filipinos are ignorant and unlettered savages.

Throughout the provinces in the island of Luzon good common schools and high schools are maintained, the teachers being native priests.

In the provinces we found courts and schools established, and found local authorities administering affairs of government. Here was a system of collecting and disbursing the money so collected in the interests of the governed.

The disposition of the natives was that of extreme friendship toward Americans.

In the city of Manila the Filipinos, especially those who were wealthy, were anxious to remove the impression that they were ignorant of the requirements of modern life and the usages of civilization. They readily extended the hospitality of their homes to American officers of the military and civil service.

While I was General Garcia's guest I met an officer of the staff who spoke English fluently. Naturally the future of the islands was the topic of conversation, which brought forward the question whether the natives were capable of self-government. General Garcia's talk was interpreted. He favored a policy of permitting the natives to test their ability to govern themselves under the protection of the United States. The same sentiments were expressed by Aguinaldo.

General Reeve was asked if the bloodshed—the conflict of arms—could have been averted by an intelligent policy of conciliation, and to the question he replied:

Conciliatory methods would have prevented the war.

General Otis's unfortunate proclamation of January 4 rendered conciliation almost impossible. He adopted the policy of ignoring the natives, of treating them as half-civilized savages.

Now, we all agree to the proposition that the insurrection must be suppressed, but in the beginning a conciliatory course was not adopted.

No indication was given to the Filipinos as to the future intentions of the Government. In August, September, and October, immediately following the capture of Manila, the Filipinos kept inquiring what we were going to do, and our authorities replied, "We can not tell until the Paris Commission gets through." The Filipino would ask, "What will you do if you acquire the islands?" And still no hint was given to them by General Otis until it was too late. He ignored them completely. At every step of the peace negotiations he stipulated that nothing should be considered until the Filipinos laid down their arms. Herein is where the natives mistrusted the Americans. The Filipinos had many lessons from Spain in the folly of laying down arms. They were not able to comprehend the difference between Spanish and American promises.

ADMIRAL DEWEY'S GOOD OPINION OF THE FILIPINOS.

Admiral Dewey entertains a high opinion of the industry and intelligence of the natives. He employed many of them at Cavite Arsenal, and spoke highly of them. The natives expressed great admiration for the Admiral. He holds to the opinion that the Filipinos are capable of self-government, and, in my judgment, he firmly believes that the war could have been honorably avoided by an enlightened policy of conciliation in dealing with the natives. The Filipinos are much better fitted for independence and self-government than are the Cubans. It is my understanding that Admiral Dewey has on several occasions stated that the Filipinos were capable of self-government, and that a wise policy of conciliation would have averted the war against the natives.

NAVAL PAYMASTER WILCOX FOUND A GOOD GOVERNMENT AND A HIGHLY CIVILIZED PEOPLE.

[Paymaster W. R. Wilcox, United States Navy, in the Independent.]

No doubt it is a misfortune that the Filipino does not understand American valor, and I dare say it is equally unpleasant that the average American does not know the true character of the natives of the Philippine Islands. Diplomacy could do much, and justice as we claim for ourselves could do more.

HOSPITALITY OF THE FILIPINOS.

I was fortunate in being allowed by Admiral Dewey to make a long journey through the island of Luzon; in fact, I covered the whole northern portion from Manila to Apari with the then Naval Cadet Sargent, and in no country have I been treated with more kindly hospitality.

On reaching Aritao, the presidente local put us up in an old convent, and his band serenaded us at night, and in the morning everywhere the same generous kindness was shown. Our next stop was at Bambang, where the nephew of Aguinaldo met us some distance out of town, guns firing and convent bells ringing.

AGUINALDO'S POLISHED COURTESY.

In the evening a fine orchestra was stationed in the hall, and lulled two sleepy Americanos to rest in sweetest strains, for almost all Filipinos can play some sort of music. In leaving this spot we were accompanied by soldiers, as usual, and by Aguinaldo himself, to Bayombong, capital of the province of Nueva Viscaya. I was met at the bank of the river by the presidente local, and we rode into town amid flags flying and the band playing, and were taken to the municipal building.

PEOPLE OF THE INTERIOR HIGHLY ACCOMPLISHED.

From this place our next important stop was Iligan, the capital of the province of Isabella, where millions of dollars come in annually to purchase the product of tobacco which is grown in this perhaps most fertile province in the whole of Luzon. On our first night in this inland capital we were given a dance, at which 50 well-dressed young ladies and the same number of gentlemen attended; I was sorry, indeed, I had not my dress suit. One young lady with whom I danced had a splendid gown of rare silk, handsomely embroidered, and she danced, I confess, better than I; she was a fine player on the piano, and sang many songs for us. The next night a theater was given, and the players were quite as good as in some shows in a more pretentious country.

GENERAL LAWTON'S PROTEST.

Rev. Peter McQueen, of Boston, returned in August from the Philippines, and he reports Maj. Gen. Henry W. Lawton as saying:

"The Filipinos are a very fine set of soldiers. They are far better than the Indians. The latter never fight unless they have the absolute advantage. The Tagals are what I would call a civilized race. They are good mechanics, imitative—they manufacture everything. They have arsenals and cartridge factories and powder mills. They can manufacture everything they need. There is a rude arm they are getting the knack of making. Taking everything into consideration—the few facilities they have, the many drawbacks—they are a very ingenious and artistic race. And taking into account the disadvantages they have to fight against in arms, equipment, and military discipline, without artillery, short of ammunition, powder inferior, shells reloaded until they are defective, inferior in every particular of equipment and supplies, they are the bravest men I have ever seen. The Filipinos are not military by nature. They are rather domestic in tastes and habits, peace loving and industrious.

"Among the Filipinos there are many cultured people who would ornament society anywhere in the world—ladies who have studied and traveled; men who have had a good education and a fine brain. Take them as a class, there can as many of them read and write as the inhabitants in many places in America. As for their treachery, you would not have to come so far as this to find that. There is plenty of it in North America. All nations are treacherous, more or less. Some men and nations have treachery trained out of them more than others. What we want is to stop this accursed war. It is time for diplomacy, time for mutual understandings. These men are indomitable. At Bacoor bridge they waited till the Americans brought their cannon to within 35 yards of their trenches. Such men have the right to be heard. All they want is a little justice."

[Hongkong Telegraph.]

THE FILIPINOS.

From the constantly growing crop of exploded stories concerning the moral turpitude and general worthlessness of the Filipinos, it is very evident that much of our previous information on the subject has been inspired by other motives than a desire to tell the truth about them. Our experience with the Cuba prevaricator seems to have been duplicated in the Philippines, and for this reason it seems particularly unfortunate that none of our consular officials in Manila or Hongkong, who from longer residence best understand their character, were sent to Paris along with General Merritt for the more complete enlightenment of our peace commissioners.

General Merritt's information and opinions concerning the military and naval situation at Manila, reinforced as they undoubtedly are by those of Admiral Dewey, were, of course, vitally necessary to the commissioners at this time. But it could not be expected that after an experience of but four or five weeks of army operations in and around Manila, he could furnish that variety and exactness of information concerning the natives that either Consul-General Wildman or Consul Williams is possessed of.

It is a somewhat significant fact that both of these civil officials, who have lived with and closely observed the Filipinos for several years, have a much higher opinion of them than do the all-wise and absolutely truthful press correspondents, with a few weeks' observation in a time of turmoil and revolution and a great desire to send a good "big story" over the cable to their papers.

The consuls, however, happen to be backed in their favorable opinion of the natives by Admiral Dewey and also by Prof. Dean C. Worcester, who spent nearly four years on the whole archipelago, engaged in his researches and collections as a naturalist, and who undoubtedly came in contact with more classes and varieties of the Philippine natives than any other white man who has ever visited them.

This is a part of what Professor Worcester has to say on this subject in the October Century: "The people of mixed blood and the civilized natives really constitute the bulk of the population, and for our present purpose may be treated as one class. In characterizing them I shall quote the opinion of a former British consul, not only because I agree with him, but because I wish to make plain the fact that my good opinion of them does not lack for confirmation:

"'Rarely is an intratropical people a satisfactory one to eye or mind. But this can not be said of the Philippine Malay, who in bodily formation and mental characteristics alike may fairly claim a place, not among the middling ones merely, but among the higher names inscribed on the world's national scale. He is characterized by a concentrated, never-absent self-respect; an habitual self-restraint in word and deed, very rarely broken except when extreme provocation induces the transitory but fatal frenzy known as "amuck;" an inbred courtesy equally diffused through all classes, high or low; by unfailing decorum, prudence, caution, cheerfulness, ready hospitality, and correct, though not inventive, taste. His family is a pleasing sight—much subordination and little constraint, liberty, not license. Orderly children, respected parents, women subject but not oppressed, men ruling but not despotic, reverence with kindness, obedience in affection—these form a lovable picture by no means rare in the villages of the Eastern isles.'"

This is, indeed, a very different story from those we have been hearing, and while Professor Worcester does not think the Philippine native is yet capable of complete self-government, does it not seem that by an entirely considerate, just, and humane leading hand extended from this great nation of ours he may ultimately become so, and make his country fit for a colonial union, at least, with the United States?—*Boston Times.*

FILIPINO CIVILIZATION, AS DISCOVERED BY A SPECIAL CORRESPONDENT OF THE MINNEAPOLIS TIMES AND UNITED STATES ARMY OFFICERS.

MINNEAPOLIS, *July 19, 1899.*

A special from Manila to the Times from its special correspondent contains the following:

"Those who believed that the natives in the country districts were wild and untutored savages have been most agreeably surprised. The Tagalogs of central Luzon are by no means a barbarian people, even though their feet are uncovered and their right to bare arms has not been infringed. The Pampangese, or the natives of Pampanga province, are more refined in appearance, larger in stature, and more intelligent than their southern neighbors, the Tagalogs, and speak a different dialect. Every town has its church and school, and in almost every house the soldiers found books, well-written letters, and other evidences of intelligence and education.

"The scrawny and measly-looking rabble that makes Manila hideous is not to be compared with the Filipinos of the country districts.

The Times correspondent took particular pains to inquire into the kind of government that had prevailed in the different towns during the régime of the Filipino republic. In Baliuag, the largest town captured by Lawton's flying column, President Marciano, a full-blood native, was directing affairs of local government in a manner highly satisfactory to the business men and other residents of the charming pueblo.

The 25,000 or 30,000 inhabitants of the town were amply protected in their personal and civil rights by a police force consisting of twelve picked natives. An apartment in the upper story of the large and magnificent church was used as a council chamber and a court room, where civil and criminal cases were tried. Serious crimes, however, are of rare occurrence among the natives.

When San Miguel was taken several prominent Filipino business men of the town remained behind, trusting to the generous treatment of the victorious invaders. Simon Teeson, president of the pueblo, had departed for the mountain districts with the majority. His residence was made brigade headquarters. Its interior decorations were superb, and bore high testimony to the skill of the native as a painter, a fresco artist, and a wood carver.

As General Lawton and Colonel Somers indulged in a game on the departed insurgent mayor's billiard table, they remarked that at home people were still of the opinion that the soldiers here were fighting savages armed with bows and arrows. Said Lawton: "No one would believe us over in the States if we told them of finding such luxuries as this in the 'wilds of the Philippine jungle.'"

Simon Teeson had been mayor of San Miguel during the Spanish régime, but became an active spirit in the revolutionary councils at the time of the rebellion in 1896. Every native that the writer talked with at San Miguel was of the opinion that the Filipino government, both national and local, was satisfactory, and those who were informed on political events all expressed the belief that the present trouble would not have occurred had the Administration at Washington given the Filipino people a definite promise of independence, either immediate or future. The proclamation by General Otis, January 4, crushed their hopes, and they could not understand why the

United States should not treat them in the same way as the Cubans. San Miguel has always been an insurgent hotbed, and its numerous wealthy natives have contributed large sums of money to the revolutionary cause.

After San Miguel, the next important town taken was San Isidro, in the province of Nueva Ecija. This place had been the capital of the Filipino republic since the fall of Malolos, and here Aguinaldo and members of the cabinet and congress were well known.

Each day's developments are disclosing the base duplicity employed by the McKinley Administration in dealing with the Spanish-American and McKinley's private war in the Asiatic country. General Reeves, General King, Commodore Ford, Surgeon McQuestion, and many other Army and Navy officers who have returned from the Philippines, to say nothing of the scores of privates who have been discharged after nearly a year in that country, demonstrate beyond question that the Filipinos, the soldiers themselves, and the public generally, have been "flimflammed" for the past year completely by the "board of strategy" at Washington, ostensibly consisting of Alger, Corbin, and McKinley. Of course behind this body of war managers are the millionaire bondholders and franchise speculators who guide the acts of the public servants, and with the assistance of the Associated Press trust and secret news censor, news is manufactured and public utterances made by those in charge. Secretly the Government is being committed to entirely a different position.

The public has been given to understand that the Cuban people are being rapidly "christianized" and efforts made by our war managers to put them in condition for self-government from our American standpoint, while everything possible has been done secretly to disorganize and discourage them and give the world to understand they are treacherous and villainous in the extreme. Our space at this time will not permit us to give in detail the numerous dastardly outrages that are being perpetrated upon these people under the pretended guise of education, but every thoughtful citizen who has followed the trend of our national official managers knows the tableau behind the scenes will not bear the scrutiny of rigid public consciousness.

What is true of Cuba concerning the duplicity practiced through the connivance of the dollar-above-man speculators, aided by their willing tools in charge of governmental affairs, has been more than duplicated tenfold in the Philippine Islands.

The Spanish-American war was instituted by Congress in the interest of humanity, to free from industrial slavery what was supposed to be about 400,000 Cuban people who were not so well equipped for self-government as the 8,000,000 Filipinos, if Admiral Dewey is to be believed, yet from the very outset, early in 1898, the Administration was secretly conniving to change our form of government, fought for at Bunker Hill and Gettysburg, and adopt an imperial government under the pretense of expansion, which was to commit the 8,000,000 people to industrial slavery in the Philippine country.

Early in the summer of 1898, Maj. F. T. Green, of the United States Volunteers, was instructed to investigate the Philippine Islands and see whether our insurgent allies were in possession of that country, and if they were such people as were able to govern themselves, and also to report on the resources of the islands. On August 30, 1898, Major Green made his report (see Senate Document No. 62, Fifty-fifth Congress, third session) to General Merritt, and through him the War Department, and among other things said:

"In August, 1896, an insurrection broke out in Cavite under the leadership of Emilio Aguinaldo, and soon spread to other provinces on both sides of Manila. It continued with varying success on both sides, and the trial and execution of numerous insurgents, until December, 1897, when the governor-general, Preino de Rivera (Spanish), entered into written agreement with Aguinaldo. It required that Aguinaldo and the other insurgent leaders should leave the country, the (Spanish) Government agreeing to pay them $800,000 in silver, and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, and the expulsion of secularization of the monastic orders.

"Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money, $400,000, was deposited in the banks of Hongkong, and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs named Artcho, which is interesting on account of the honorable position taken by Aguinaldo. Artcho sued for a division of the money among insurgents according to rank. Aguinaldo claimed that the money was a trust fund and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they did not, it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Artcho $5,000. Aguinaldo is now using the money to carry on operations of the present insurrection."

This was Major Green's official report to the War Department at Washington, made August 30, 1898. It clearly showed the insurgent leaders were willing to be exiled from their country in order that the Filipinos might receive the benefit of the Spanish reforms promised. The same report also showed none of the reforms promised by the Spanish Government were given, and Aguinaldo had kept the money to prosecute another insurrection for the freedom of his countrymen from Spanish industrial slavery. So that when Admiral Dewey learned of the ability of the leading insurgents he was anxious to cooperate with them in driving away the Spaniards, and he secured communication with General Aguinaldo in April, 1898, and assisted him with arms and munitions of war, giving him to understand his countrymen would be treated the same as Cuba and have their independence. With this state of facts and many more before the Administration, last winter they caused the report to be sent out that Spain had bought Aguinaldo off and that he was a mercenary and dishonest scoundrel, with no ability, and justly ought to be killed, in order that the Mohammedans might christianize the rest of the Filipinos.

DEWEY'S VIEWS.

In June, 1898, Admiral Dewey wired the Administration at Washington of the fitness of the Filipinos for self-government, and his sympathies were with the struggling insurgents in securing them their independence. Knowing the mercenary motives of the Administration managers, it was the most natural thing in the world for Admiral Dewey to cut the cable and keep the gang at Washington from having direct communication with him for several months. He was aware of the secret work of the Administration in their silent effort to prepare for the subjection of the Philippine Islands and making industrial slaves of these struggling Malays, and being a true American who had assisted in freeing 400,000 black slaves under our Declaration of Independence, he used his efforts to give the Filipinos their freedom.

Accordingly he prepared another telegram for the secret managers at Washington (see Senate document, No. 62, above referred to) with a view to aiding these Asiatic insurgents in securing their independence before the treaty with Spain was closed and we paid the Spanish bondholders the $20,000,000 for their quitclaim deed for something they did not own. His second one read as follows:

"UNITED STATES NAVAL FORCE ON ASIATIC STATION,
"FLAGSHIP BALTIMORE, MANILA, PHILIPPINE ISLANDS, *August 28, 1898.*

"In a telegram sent the Department on June 23, I expressed the opinion that 'these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.' Further intercourse with them has confirmed me in this opinion.

"DEWEY."

Is it any wonder that the hero of Manila should have become disgusted with the Washington commercial warriors who were prostituting the fundamental principles of this Government, and asked to be returned to the United States?

CONSUL-GENERAL.

In this same Senate document is more interesting correspondence which shows the agreement made with General Aguinaldo to secure his leadership in driving the Spaniards from the Philippines, even before Admiral Dewey destroyed the Spanish fleet.

Consul-General Pratt wired Washington officials as follows:

CONSULATE GENERAL UNITED STATES,
Singapore, April 28, 1898.

On the evening of the 23d instant, I was confidentially informed of the arrival here of the supreme ruler of the Philippines, General Aguinaldo, by H. W. Bray, an English gentleman of high standing, who, after fifteen years' residence as a merchant and planter in the Philippines, had been compelled by the disturbed condition of things resulting from Spanish misrule, to abandon his property and leave there, and from whom I had previously obtained much valuable information for Commodore Dewey regarding fortifications, coal deposits, etc., at different points in the islands.

Being aware of the great prestige of General Aguinaldo with the insurgents, and that no one, either at home or abroad, could exert over them the same influence and control that he could, I determined at once to see him, and at my request a secret interview was accordingly arranged for the following morning, Sunday the 24th, in which, besides General Aguinaldo, were only present the general's trusted advisers and Mr. Bray, who acted as interpreter.

I telegraphed the Commodore the same day as follows, through our consul-general at Hongkong:

"Aguinaldo, insurgent leader, here; will come to Hongkong and arrange with Commodore for general cooperations with insurgents at Manila if desired. Telegraph.

"PRATT."

The Commodore's reply regarding this:

"Tell Aguinaldo come as soon as possible.

"DEWEY."

I received it late that night and at once communicated to General Aguinaldo, who, with his aid-de-camp and private secretary, all under assumed names, I succeeded in getting off by the British steamer *Malacca*, which left here on Tuesday the 26th.

E. S. PRATT,
Consul-General, Singapore.

"This Senate Document No. 62 gives the following further evidence of an agreement with Aguinaldo, which was wired to Washington:

SINGAPORE, *May 5, 1898.*

I regret to have to report that the circumstances attending the departure from here of General Aguinaldo to join Commodore Dewey, which I had endeavored so hard to prevent being disclosed, were, in substance, made public in yesterday's edition of the Singapore Free Press. The facts are, in the main, properly given.

E. S. PRATT,
United States Consul General, Singapore.

Senate Document No. 62 contains the article above referred to by the consul-general which appeared in the Singapore Free Press, and a part of it reads as follows, and was by Pratt said to be correctly given:

"The consul-general of the United States, coinciding with the general views expressed during the discussion, placed himself at once in telegraphic communication with Admiral Dewey, between whom and Mr. Pratt a frequent interchange of telegrams consequently took place.

"General Aguinaldo's policy embraces the independence of the Philippines, whose internal affairs would be controlled under European and American advisors. American protection would be desirable temporarily, on the same lines as that which might be instituted hereafter in Cuba."

This Singapore Free Press said the above were the arrangements with General Aguinaldo, and Mr. Pratt said that this was the agreement.

With these facts and hundreds of a similar character before the Administration at Washington for more than a year past, under the censorship of Government officials the public has been given a much different view of pretended existing facts. Who can expect the public to believe in this National Administration when the facts are plain that deception of the grossest character was practiced on the Filipino insurgents, and also on the patient people of the United States? The Journal will from time to time give its readers more of the duplicity of the national servants at Washington and elsewhere.

At this interview, after learning from General Aguinaldo the state of and object sought to be obtained by the present insurrectionary movement, which, though absent from the Philippines, he was still directing, I took it upon myself, while explaining that I had no authority to speak for the Government, to point out the danger of continuing independent action at this stage, and having convinced him of the expediency of cooperating with our fleet, then at Hongkong, and obtained the assurance of his willingness to proceed thither and confer with Commodore Dewey to that end, should the latter so desire, I telegraphed the Commodore the same day as follows through our consul-general at Hongkong:

"Aguinaldo, insurgent leader, here. Will come Hongkong arrange with Commodore for general cooperation insurgents Manila, if desired. Telegraph.

"PRATT."

The Commodore's reply reading thus:

"Tell Aguinaldo come soon as possible.

"DEWEY."

I received it late that night, and at once communicated to General Aguinaldo, who, with his aid-de-camp and private secretary, all under assumed names, I succeeded in getting off by the British steamer *Malacca*, which left here on Tuesday the 26th.

The General impressed me as a man of intelligence, ability, and courage, and worthy the confidence that has been placed in him.

A few days later Consul Pratt reported some conversations with Aguinaldo and closed with this:

"The General further stated that he hoped the United States would assume protection of the Philippines for at least long enough to allow the inhabitants to establish a government of their own, in the organization of which he would desire American advice and assistance."

In order to understand how this conference came about and the events leading up to it, Consul Pratt forwarded to the Department of State a clipping from the Singapore Free Press giving an account of the conference and some preliminary history, as follows:

"In order to understand and appreciate this interesting historical incident

properly, it will be necessary to allude to the causes leading to the second rebellion in the Philippines, which was almost coincident with, though not instigated by, the strained relations between Spain and the United States.

"In December last General Primo de Rivera, who above all other Spanish generals has an intimate knowledge of the country and its inhabitants, found the position untenable for both parties. Neither of these had the remotest chance of terminating the rebellion decisively—the rebels secure in their mountain fastnesses, the Spaniards holding the chief towns and villages on the coast. Primo de Rivera therefore sent two well-known Philippine natives, occupying high positions in Manila, to propose terms of peace to General Aguinaldo in Biac-na-Bato. A council of the revolutionary government was held, in which it was agreed to lay down arms on condition of certain reforms being introduced. The principal of these were:

"1. The expulsion, or at least secularization, of the religious orders, and the inhibition of these orders from all official vetoes in civil administration.

"2. A general amnesty for all rebels, and guarantees for their personal security and from the vengeance of the friars and parish priests after returning to their homes.

"3. Radical reforms to curtail the glaring abuses in public administration.

"4. Freedom of the press to denounce official corruption and blackmailing.

"5. Representation in the Spanish Parliament.

"6. Abolition of the iniquitous system of secret deportation of political suspects, etc.

"Primo de Rivera agreed to these reforms in sum and substance, but made it a condition that the principal rebel leaders must leave the country during His Majesty's pleasure. As these had lost all their property or had had it confiscated and plundered, the Government agreed to provide them with funds to live in a becoming manner on foreign soil.

"The rebels laid down their arms and peace was apparently secured, but no sooner had they done so and returned to their houses than the intransigent religious orders commenced at once to again persecute them and trump up imaginary charges to procure their rearrest. The Spanish Government, on its side, imagining itself secure, desisted from carrying out the promised reforms, thinking another trick like that played on the Cubans after the peace of Zanjou, arranged by Martinez Campos, might succeed. The Filipinos however, with their business before them, refused to be made dupes of, and have taken up arms again, not alone in the immediate districts around Manila, but throughout the archipelago, which merely awaits the signal from General Aguinaldo to rise en masse, no doubt carrying with them the native troops hitherto loyal, and for which loyal service they have received no thanks but only ingratitude."

This brief account of the events leading up to the last rebellion against Spanish rule preceded the story of how General Aguinaldo and his men came to be in Singapore to consult with the Filipino leaders there and the narrative of the conferences between the Filipino leader and the representative of the United States. The article sent by Consul Pratt concluded with the following terse summing up of the policy of the Filipinos:

"General Aguinaldo's policy embraces the independence of the Philippines, whose internal affairs would be controlled under European and American advisers. American protection would be desirable temporarily, on the same lines as that which might be instituted hereafter in Cuba. The ports of the Philippines would be free to the trade of the world, safeguards being enacted against an influx of Chinese aliens who would compete with the industrial population of the country. There would be a complete reform of the present corrupt judicature of the country under experienced European law officers. Entire freedom of the press would be established, as well as the right of public meeting. There would be general religious toleration, and steps would be taken for the abolition and expulsion of the tyrannical religious fraternities who have laid such strong hands on every branch of civil administration. Full provision would be given for the exploitation of the natural resources and wealth of the country by roads and railways and by the removal of hindrances to enterprise and investment of capital. Spanish officials would be removed to a place of safety until opportunity offered to return them to Spain. The preservation of public safety and order and the checking of reprisals against Spaniards would, naturally, have to be a first care of the Government in the new state of things."

THE PHILIPPINE CENSORSHIP—PRESIDENT M'KINLEY DETERMINED TO SUPPRESS DAMAGING TRUTHS ABOUT HIS WAR OF AGGRESSION—PHRASES WHICH, IT IS SAID, WAR DEPARTMENT SUPPLIES—"SITUATION IMPROVING," "REBELS DISINTEGRATING," "ENEMY ROUTED WITH GREAT SLAUGHTER," "BETTER CLASS OF NATIVES FRIENDLY," ETC.

[Special to the New York World.]

WASHINGTON, *June 16, 1899.*

The President is determined to continue to enforce the censorship of private and press dispatches at Manila. Within a few days he has intimated forcibly to General Corbin that too much information is being made public from the War Department.

General Otis is in supreme authority over the Manila censorship, and it is not within the War Secretary's province to order its abatement.

NEWSPAPER CORRESPONDENTS WARNED.

Newspaper correspondents are forbidden by General Otis to file press reports from Hongkong, and are warned that if they evade the censorship by this method their "usefulness to their papers will cease immediately."

Colonel Thompson, the first press censor at Key West, is now in charge at Manila. In a private letter to an officer here Colonel Thompson writes: "My duties are exceedingly trying."

STEREOTYPED PHRASES WHICH IT IS SAID WAR DEPARTMENT SUPPLIES.

Authentic information regarding the true situation in Manila can not be obtained from the dispatches posted at the War Department. Advices regarding the situation are suppressed. It is said that the War Department officials go so far as to insert phrases in the official reports as given out. Among the favorite expressions of the official editors of the advices from Otis are: "Situation improving; rebels disintegrating." "Enemy routed with great loss." "Rebels routed; do not think will make another stand." "Better class of natives friendly to Americans."

The World correspondent is informed on high authority that the President himself not only approves this method, but has directed it, so that the public shall not get the truth from Manila.

FILIPINOS DANGEROUS FOES—ADMIRAL DEWEY'S FLEET ENGINEER SAYS IT WILL BE HARD TO CONQUER THEM.

BALTIMORE, *June 16, 1899.*

Commander John D. Ford, who was Admiral Dewey's fleet engineer, has returned to his home here from Manila.

"When I left," he said to the World correspondent to-night, "we did not hold quite as much ground as during the first of August last year, and our lines were restricted to the suburbs of Manila. The troops did push out into the country, but could not hold the ground they made by raids.

IT WILL TAKE IMMENSE ARMY TO CONQUER PHILIPPINES.

"It is impossible to conquer the people or to gain the islands without more troops. If we send a great many more and bend all our energies to doing it we can beat them and take the islands, but it would mean a great loss of life. As it is now it is all we can do to hold our own.

The line is always active and there is no relief. Men spend months in the trenches, subjected to great mental and physical strain and never knowing at what moment they may be assailed.

A LIBERTY-LOVING PEOPLE, FULL OF COURAGE.

The Filipinos pictured in the papers are not the men we are fighting. The fellows we deal with out there are not ignorant savages fighting with bows and arrows, but an intelligent liberty-loving people, full of courage and determination. Their courage is undoubted, and they fight to the death.

FILIPINOS HAVE A GOOD GOVERNMENT, WHICH OPERATES SUCCESSFULLY.

They are stronger, more determined, and more skillful in the art of war than when the fighting started, and they have 11,000,000 of people to draw from. They are armed with Mausers, the best rifle in the world, and are far better marksmen than the Spaniards.

They have a good government, which they are operating successfully, and preserve law and order. They certainly don't think theirs is a hopeless fight, and I don't think anyone else does who knows anything about it.

TO PLEASE ENGLAND—THAT IS THE REASON M'KINLEY DECIDED TO KEEP THE PHILIPPINES—CAPTAIN O'FARRELL FURNISHES FACTS—THE IMPERIALIST CHARGE OF BRIBERY AGAINST AGUINALDO A CALUMNY.

In last week's Irish World Capt. Patrick O'Farrell furnished some interesting facts concerning the educational status of the people of the Philippines. He also gave documentary evidence amounting to proof that the Filipinos were led to believe that they were allies of the United States against Spain, and that they welcomed Americans as deliverers who came to give them freedom and self-government. Captain O'Farrell concludes his letter as follows:

"It must not be supposed that it was Aguinaldo who organized the rebel forces in Luzon, for long before either Dewey or Aguinaldo reached Cavite there was a strong rebel force threatening Manila. Aguinaldo's arrival encouraged and increased this force."

Our consul at Manila writes, March 19, 1898:

"Rebellion never more threatening to Spain. Rebels getting arms, money, and friends. They outnumber the Spaniards—residents and soldiery. * * *

"OSCAR F. WILLIAMS,
"*United States Consul, Manila.*"

He sends another dispatch later on:

* * * "The Crown forces are now building a cordon of small forts on city's outskirts for defense against natives. * * * Eight thousand native insurgents are encamped only 5 miles away.

"OSCAR F. WILLIAMS,
"*United States Consul, Manila, March 27, 1898.*"

(Note that this was five weeks before Dewey got there.)

Let us now turn from the Navy to the Army, and what do we find? General Anderson was the first general to assume command of our military forces in front of Manila. On July 4, 1898, he wrote as follows:

HEADQUARTERS FIRST BRIGADE, UNITED STATES FORCES.

Señor Don EMILIO AGUINALDO,
Commanding Philippine Forces, Cavite, Luzon.

GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands.

For these reasons I desire to have the most amicable relations with you and to have you and your people cooperate with us in military operations against the Spanish forces.

THOMAS M. ANDERSON, *Brigadier-General.*

HEADQUARTERS FIRST BRIGADE UNITED STATES FORCES,
Cavite Arsenal, Philippine Islands, July 19, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: The bearer, Maj. J. F. Bell, United States Army, was sent by Maj. Gen. Wesley Merritt, United States Army, to collect for him, by the time of his personal arrival, certain information concerning the strength and positions of the enemy and concerning the topography of the country surrounding Manila.

I would be obliged if you would permit him to see your maps and place at his disposal any information you may have on the above subjects, and also give him a letter or pass, addressed to your subordinates, which will authorize them to furnish him any information they can on these subjects, and to facilitate his passage along the lines upon a reconnoissance around Manila, on which I propose to send him.

I remain, with great respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, United States Volunteers, Commanding.

HEADQUARTERS FIRST BRIGADE,
UNITED STATES EXPEDITIONARY FORCES,
Cavite Arsenal, P. I., July 21, 1898.

Señor Don EMILIO AGUINALDO,
Commanding General, Philippine Forces.

GENERAL: I have the honor to request that passes and such other assistance as practicable be given to the bearer, Lieut. E. J. Bryan, and party, who are making a reconnoissance of the surrounding country. Thanking you for assistance given on previous occasions,

I remain, with great respect, your obedient servant,

THOMAS M. ANDERSON,
Brigadier-General, United States Volunteers, Commanding.

Any fair-minded man will see from the foregoing dispatches from our consuls, naval officers, and generals that we were in Luzon as the friends and allies of the Filipinos—especially as our declaration of war against Spain disclaimed any intention of land grabbing in Cuba. By a much greater force the "Teller" declaration should apply to the Philippine Islands on the other side of the globe.

M'KINLEY CHANGED HIS POLICY TO SUIT ENGLAND'S DESIGNS.

At first we did not intend to keep the Philippines. About the early part of June, 1898, the English papers began to publish articles urging the Americans to keep the Philippines. England became alarmed at the prospect of a

republic being set up in the Orient. It would be like starting a prairie fire among her Malay subjects in Borneo, Singapore, Hongkong, and her other East India possessions. Hence President McKinley did not wish to start another Paul Kruger to set a bad example to the subjects of the Empress of India.

The London Spectator, on the Philippines, hoped the United States would keep them, saying: "The weary Titan needs an ally, and the only ally whose aspirations, ideas, and language are like his own is the great American people."

"By their action the government has recognized the false principle that Canada is obliged to assist the empire in its wars, which do not interest us. This principle is full of menace to us; it may bring us to civil war."

The vigorous opposition among French-Canadians to the dispatch of the contingent was very strikingly illustrated in this city when the members of the Montreal unit left to take the steamer at Quebec. Not a solitary bugle note sped the volunteers on their way; not a single member of the city council was present at the railway station to give an official aspect to the occasion; not a flag or streamer floated from any of the city buildings.

It was a different scene that Montreal presented some thirty years ago, when a contingent of papal zouaves, enrolled from among the French-Canadians of the Province, left to fight the battles of the Pope.

(See General Green's report, page 421, Senate Document No. 62.)

Aguinaldo is looked up to by his own people as a pure and unselfish patriot.

Our Government offered to bribe him with a commission in our Army, just as was done with the Sultan of Sulu and his chiefs, but he spurned the offered gift.

But it is said that we paid Spain for her sovereignty. Had Spain any sovereignty at the time we forced her to take twenty millions of our good American dollars? In the American Encyclopedia of Law, the doctrine is stated that "a state is sovereign when it has the supreme power of controlling its citizens or subjects."

I should like to ask what sovereignty Spain had at the time she sold out her interests to us.

The governor had previously "skedaddled" on a German ship, part of her army was besieged in Manila, and Aguinaldo had the rest of them in his possession as prisoners.

"WHAT SHOULD WE DO WITH THE PHILIPPINES?"

Almost nine out of every ten imperialists say: "I wish we never had gone down there, but now that we are there we should support the Administration until we conquer or exterminate them."

Here is Christian logic. We admit that we are wrong, but we should keep on doing wrong. What would the world say if we commenced to do right now? At war! Congress has not declared war. This is McKinley's war.

Congress should appoint a commissioner to go to Aguinaldo and say that the American people are and always have been his friends; that we are going to withdraw our armies; that all we want is a good harbor for a coaling station; that we will leave a few of our ships to keep our flag flying in the Philippines, so as to say to all the world, "Hands off!" Aguinaldo and his people can start a government of their own. We can remain as their allies and friends—not their protectors.

In a few years we would see a Philippine republic, with a new flag flying on the ocean's highway. A new republican nation born and brought forth by our efforts. We would then have a nation of friends, which would be much better, in every way, than a dominion of subjects who would be always our enemies.

PATRICK O'FARRELL.

WASHINGTON, D. C., —.

PRESIDENT AGUINALDO'S PROCLAMATION.

The following is a translation of President Aguinaldo's proclamation:

[Official.]

Manifesto issued by the President of the Revolutionary Government.

To my brothers the Filipinos, and all accredited consuls, and foreigners:

The proclamation of his excellency General Otis, major-general of volunteers of the United States, published yesterday in the newspapers of Manila, obliges me to circulate the following manifesto in order to make known to all those who can read and understand it that the present document is my solemn protest against all that is contained in the proclamation hereinafter referred to, because my conscience compels me to do so in fulfillment of my pledges to my beloved country and the special and official relations with the North American nation.

General Otis gives himself the title in the proclamation in question of military governor of the Philippine Islands. I protest once and a thousand times and with all the energy of my soul against such authority.

I proclaim solemnly that I have not promised, either verbally or in written document, either in Singapore, Hongkong, or the Philippines, to recognize the sovereignty of America on this beloved soil.

On the contrary I say that I returned to these islands, transported on an American man-of-war, on the 19th of May last year, with the distinct and manifest intention of making war against the Spaniards in order to recover our liberty and independence. This is stated in my official proclamation of the 24th of the said month of May, and published in the manifesto addressed to the Filipino nation on the 12th of June last, when, in my native town of Cavite, I unfurled for the first time our blessed national flag as the sacred emblem of that sublime aspiration; and afterwards reasserted to the American General, General Merritt, the predecessor of General Otis, in the manifesto I addressed to the Filipino nation a few days before, demanding from the Spanish General Jaudenes the surrender of the city of Manila, in which manifesto it is clearly and distinctly stated that the forces of the United States, on sea and land, came to give us our liberty and to overturn the corrupt Spanish administration. I declare, once and forever, that both natives and foreigners are witnesses that the United States forces on land and sea have recognized by this the belligerency of the Filipinos, not only respecting our national flag but according it public honors, as it was triumphantly navigated in our internal waters before all the foreign nations here represented by their respective consuls.

With reference to the instructions from His Excellency the President of the United States, alluded to in his proclamation by General Otis, dealing with the administration of the affairs of the Philippine Islands, I protest solemnly, in the name of God, the root and fountain of all justice, on behalf of my beloved brothers, against the intrusion of the Government of the United States in the sovereignty of these islands.

I thus protest, in the name of all the Filipino nation, against the intrusion referred to, because in reposing their confidence in me by electing me—unworthy though I may be—to the position of president of this nation they have imposed upon me the duty to maintain, even to death, the liberty and independence of the Filipinos as a nation.

Lastly, I protest against this unexpected act of the American Government in claiming sovereignty in these islands, in virtue of the documents in my possession dealing with my relations with the American authorities, the which state, in the most unequivocal manner, that the United States did not bring me here from Hongkong to make war against the Spaniards in the interests of the United States, but for the sake of our liberty and independence, for the preservation of which I received verbal pledges, together with a promise from them of help and efficacious cooperation. That is the position of affairs, and oh, my dear brothers, if we stand united throughout the country, they can not filch from us the idea of the liberty and absolute independence which has been our noble aspiration.

Help all of you to effect the end desired with the force that comes from conviction of the justice of our demands. There must be no turning back in the path of glory upon which we have already entered.

AGUINALDO.

MALOLOS, *January 5, 1899.*

The above proclamation was posted throughout the city this morning, but was torn down by order of the United States authorities.

I hear the Americans are sending out troops to protect the pumping station at the waterworks at Santo'an. If they do this, I feel sure hostilities will commence. The natives will not make the first move, but they will resist any hostile move on the part of the Americans.

The situation is certainly very threatening. It is lamentable to think that it is due to the procrastination of the Americans to declare a firm and definite policy with regard to the Philippines.

General Whittier, before the peace commission:

"On October 25, in the company of H. L. Higgins, general manager of the Manila Railway, Limited, to Malolos for an interview arranged the day before with Aguinaldo. I found his headquarters were in a very nice house, ten minutes drive from the railway station; a guard of twenty or thirty soldiers in the courtyard below. We were soon ushered by one of his officers who spoke English to the waiting room upstairs, and I met Buen Camino, a wise looking counsellor, whom I met at Ayuntamiento the day after the fall of Manila. He carried up to the presence of the insurgent leader and president, who was dressed, contrary to his usual daily garb, in a black smoking jacket of low cut, waistcoat, and trousers, both black, large white tie; in fact, the evening dress common at our clubs during the summer."

Lieut. John D. Ford, United States Navy, of the *Olympia*, in a Baltimore interview: "Aguinaldo is in every sense a patriot, and I believe he is sincere in his efforts for his people and means well. He is also a fighter, and says he means to keep on warring until the natives get a government of their own."

John Barrett, ex-minister to Siam, in Review of Reviews, July, 1899:

"When Manila was occupied on August 13, and Aguinaldo was not allowed to share the honors of occupation and he was asked to withdraw his forces from the neighborhood of Manila, he advanced the very logical argument that according to General Merritt's remarkable agreement with General Jaudenes it was possible that the American forces might withdraw from Manila and leave the Spaniards in possession; and hence he wished to be in a strong position in or about Manila to fight the Spaniards if necessary. This situation gave Aguinaldo a unique strength of argument in his discussions with the American leaders, of which he took full advantage. When he would say that he could not withdraw far from Manila, because the Americans did not themselves know then whether they would remain in possession of the islands, it was impossible for his statement to be refuted. In fact, from a logical standpoint, his conclusion was altogether wise, for if he had withdrawn and left the Spaniards in control of Manila they could have held out until the arrival of reinforcements, and prepared themselves to reorganize the island."

One of Dewey's officers, writing January 31, 1899, said:

"Aguinaldo reached Manila on May 20 of last year, at which time there was no evidence, that we knew of, of a native organization. He created an army in a short time, and immediately commenced to win victories. These were to us at the time astonishing, for he defeated detachment after detachment of the Spanish army, took fort after fort, captured regiments with arms and ammunition, and in a short time had captured every Spanish soldier on the island of Luzon or had driven those not captured into Manila. Before August 31 these insurgents had actually captured the whole of Luzon, excepting Manila, from the Spaniards. After taking all of Luzon, with the exceptions named, they conquered the Spanish in the island of Negros and the city of Cebu, and before we reached Iloilo they had that city and the whole island of Panay."

Consul-General Pratt, of Singapore, to Secretary Day, April 28, 1898:

"General Aguinaldo impressed me as a man of intellectual ability, courage, and worthy of the confidence that had been placed in him. No close observer of what has transpired in the Philippines during the past four years could have failed to recognize that General Aguinaldo enjoyed, above all others, the confidence of the Philippine insurgents, and the respect alike of the Spanish and foreigners in the islands, all of which vouched for his justice and high sense of honor."

AGUINALDO AND HIS OFFICERS.

John Foreman, in Contemporary Review, July, 1898, with other papers published by Congress with the treaty of peace:

"Gen. Emilio Aguinaldo is a smart, intelligent man, of a serious mein, small in stature, and apparently a little over 30 years of age. He has served as the petty governor of his native town in Cavite province and speaks Spanish very well for a native. He is by no means an adventurer, with all to gain and nothing to lose, but a landed proprietor. He is a would-be reformer of his country, but, convinced that all appeal to Spain is futile, he has at last resorted to force. General Primo de Rivera is now safely back in Madrid, and the Philippine islanders and the treaty of Bac na Bato are laughed at. This is a repetition of Cuban policy. It is on these grounds that Aguinaldo holds himself justified in returning to the scene of his battles, not again to fight for reforms to be effected by those who have no honor, but to cooperate in forcing the Spaniards to evacuate the islands."

Joseph T. Mannix, in Review of Reviews, June, 1898:

"I was in Manila last autumn (1897), inquiring into the conditions—political, social, and industrial. * * * I met many kind-hearted and courteous rebel leaders in Manila. These men were holding regular meetings, raising money with which to prosecute the insurrection, and were in constant communication with Gen. Emilio Aguinaldo and the other rebel leaders, who were then quartered in the mountains immediately to the northward from Manila. * * * I went secretly beyond the city walls and mingled with the natives at Malaben and elsewhere. The home of every rebel or rebel sympathizer was the hospitable resting place of any American or other traveler who was taking sufficient interest in these people to investigate the situation. That they are a law-abiding people and easily governed is evident from the fact that when the present insurrection began, in August, 1896, there were but 1,500 Spanish troops in the islands—about one-twentieth the number that the British Government has garrisoned in Ireland to-day. And these 1,500 troops were natives of the islands.

"That they are entirely amenable to discipline when they have confidence in and respect for their leaders and advisers is evident by the fact that for more than a year Gen. Emilio Aguinaldo, their acknowledged leader, was

able to maintain good order and comparatively good discipline among his 40,000 to 50,000 followers, and under circumstances where chaos and disorder would be the most natural conditions."

Rounseville Wildman, United States consul at Hongkong, to Assistant Secretary Moore, July 18, 1898:

"There has been a systematic attempt to blacken the name of Aguinaldo and his cabinet on account of the questionable terms of their surrender to Spanish forces a year ago this month. It has been said that they sold their country for gold, but this has been conclusively disproved, not only by their own statements, but by the speech of the late Governor-General Rivera in the Spanish senate June 11, 1898. He said that Aguinaldo undertook to submit if the Spanish Government would give a certain sum to the widows and orphans of the insurgents. He then admits that only a tenth part of this sum was ever given to Aguinaldo, and that the other promises made he did not find it expedient to keep.

"I was in Hongkong in September, 1897, when Aguinaldo and his leaders arrived under contract with the Spanish Government. They waited until the 1st of November for the payment of the promised money and the fulfillment of the promised reforms. Only $400,000, Mexican, was ever placed to their credit in the bank, and on the 3d of November Mr. F. Agoncilla, late minister of foreign affairs in Aguinaldo's cabinet, called upon me and made a proposal, which I transmitted to the State Department in my dispatch No. 19, dated November 3, 1897. In reply the State Department instructed me 'to courteously decline to communicate with the Department further regarding the alleged mission.' I obeyed these instructions to the letter until the breaking out of the war, when, after consultation with Admiral Dewey, I received a delegation from the insurgent junta, and they bound themselves to obey all laws of civilized warfare and to place themselves absolutely under the orders of Admiral Dewey if they were permitted to return to Manila. At this time their president, Aguinaldo, was in Singapore negotiating through Consul-General Pratt with Admiral Dewey for his return."

Rounsevelle Wildman, United States consul at Hongkong, to Mr. Day, November 3, 1897:

"Since my arrival in Hongkong I have been called upon several times by Mr. F. Agoncilla, foreign agent and high commissioner, etc., of the new republic of the Philippines. Mr. Agoncilla holds a commission, signed by the president, members of cabinet, and general in chief of the republic of Philippines, empowering him absolutely with power to conclude treaties with foreign governments.

"He is a very earnest and attentive diplomat and a great admirer of the United States."

Gen. Charles A. Whittier before the Peace Commission:

"From that time the military operations and the conduct of the insurgents have been most creditable. Positions taken and the movement of troops show great ability on the part of some leader. I do not say it was necessarily Aguinaldo, but he gave the directions."

E. Spencer Pratt, United States consul at Singapore, to Secretary Day:

"SINGAPORE, *April 28, 1898.*

"I have the honor to report that I sent you on the 27th instant, and confirmed in my dispatch of No. 211 of that date, a telegram, which, deciphered, read as follows:

"'SECRETARY OF STATE, *Washington:*

"'General Aguinaldo gone my instance Hongkong arrange with Dewey cooperation insurgents Manila.

"'PRATT.'

"The General impressed me as a man of intelligence, ability, and courage, and worthy the confidence that had been placed in him."

Consul Pratt to Secretary Day, Singapore, June 2, 1898, with inclosure:

"I have the honor to submit inclosed a telegram from Hongkong of the 25th ultimo, on the situation in the Philippines, published in Singapore yesterday afternoon, the 1st instant.

"Considering the enthusiastic manner General Aguinaldo has been received by the natives and the confidence with which he already appears to have inspired Admiral Dewey, it will be admitted, I think, that I did not overrate his importance and that I have materially assisted the cause of the United States in the Philippines in securing his cooperation."

SECRETARY OF NAVY, *Washington:*

Receipt of telegram of June 14 is acknowledged. Aguinaldo, insurgent leader, with 13 of his staff, arrived May 19, by permission, on *Nanshan*. Established self Cavite, outside arsenal, under protection of our guns, and organized his army. I have had several conferences with him, generally of a personal nature. Consistently I have refrained from assisting him in any way with the force under my command, and on several occasions I have declined requests that I should do so, telling him the squadron could not act until the arrival of the United States troops. At the same time I have given him to understand that I consider insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government.

"MORE CAPABLE OF SELF-GOVERNMENT THAN THE NATIVES OF CUBA, AND I AM FAMILIAR WITH BOTH RACES."

Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed to pass by water recruits, arms, and ammunitions, and to take such Spanish arms and ammunition from the arsenal as he needed. Have advised frequently to conduct the war humanely, which he has done invariably. My relations with him are cordial, but I am not in his confidence. The United States has not been bound in any way to assist insurgents by any act or promises, and he is not, to my knowledge, committed to assist us. I believe he expects to capture Manila without my assistance, but doubt ability, they not yet having many guns. In my opinion, these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.

DEWEY.

GENERAL ANDERSON ASKED AGUINALDO TO COOPERATE WITH HIM IN MILITARY OPERATIONS.

When Admiral Dewey sent the above dispatch there were no American troops in the Philippines. The first detachment, under command of General Anderson, did not arrive until June 30, three days after the sending of the afore-quoted dispatch from Hongkong, and, landing in Cavite, General Anderson lost no time in putting himself in communication with Aguinaldo, whose forces had locked up the Spanish in Manila. On the 4th of July, anniversary of the great Republic's natal day, General Anderson wrote:

"Señor DON EMILIO AGUINALDO,
Commanding Philippine Force, Cavite, Luzon.

"GENERAL: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands. For these reasons I desire to have the most amicable relations with you and to have you and your people cooperate with us in military operations against the Spanish forces."

ANDERSON SAID AMERICANS CAME "TO FIGHT IN THE CAUSE OF YOUR PEOPLE."

Now, clearly after receiving such communication Aguinaldo had good reason to believe that General Anderson, and as representing the United States, sympathized with the aspirations of the Filipino people. Or rather, would we say, there was nothing in such communication to disabuse Aguinaldo of such belief, but only that to confirm him in the undoubted impression that his negotiations with Consul-General Wildman and others had left upon him. Aguinaldo promptly rejoined to this communication of General Anderson in one of like friendly tenor, whereupon General Anderson, on July 6th, wrote to Aguinaldo, and requesting him to set aside additional camping ground for American troops, as follows:

"I am encouraged by the friendly sentiments expressed by your excellency in your welcome letter received on the 5th instant to endeavor to come to a definite understanding, which I hope will be advantageous to both. Very soon we expect a large addition to our forces, and it must be apparent to you, as a military officer, that we will require much more room to camp our soldiers and also storeroom for our supplies. [Cavite alone was then in control of the American forces. Over all the other territory around Manila Aguinaldo's forces held control.] For this I would like to have your excellency's advice and cooperation, as you are best acquainted with the resources of this country."

And three weeks later yet, before the arrival of General Merritt and when General Anderson was still in supreme command, we find him requesting Aguinaldo for assistance in procuring means of transportation for the American Army, "as it is to fight in the cause of your people." Clearly we have not done by Aguinaldo as we led him to expect.

GOVERNMENT DEPOSITARIES IN THE PHILIPPINE ISLANDS, ETC.

Mr. HAWLEY. Mr. President, I am about to move that the Senate proceed to the consideration of executive business, but I yield to the Senator from Rhode Island [Mr. ALDRICH], who desires to present a conference report.

Mr. ALDRICH. I present the conference report which I send to the desk.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The report will be read.

The Secretary read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9388) to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: At the end of line 10 of said Senate amendment strike out the period and insert the following: ": *And provided further*, That this act shall apply to Cuba only while occupied by the United States;" and the Senate agree to the same.

NELSON W. ALDRICH,
EDWARD O. WOLCOTT,
G. G. VEST,
Managers on the part of the Senate.

H. A. COOPER,
R. R. HITT,
W. A. JONES,
Managers on the part of the House.

The report was agreed to.

COLLECTION OF TAXES IN THE DISTRICT.

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

Mr. GALLINGER. I want to make an appeal to the Senator from Connecticut. Three days ago I asked consideration for a bill very important to the District of Columbia, and the Senator from Alabama [Mr. MORGAN], under a misapprehension, made objection. The bill has been read, and it will take but one moment to pass it. It is exceedingly important that it should be passed at this session.

Mr. HAWLEY. I yield to the Senator, but I almost despair of doing any more business in the Senate at this session.

Mr. GALLINGER. I thank the Senator.

I ask for the consideration of the bill which I send to the desk. It has been read, and there are simply committee amendments to be acted upon.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill (H. R. 11326) to regulate the collection of taxes in the District of Columbia; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments, in line 3, after the word "That," to strike out "hereafter, beginning with" and insert "for;" in line 6, after the word "May," to strike out "of each year" and insert

"1901;" in line 8, after the word "in," to strike out "each" and insert "said;" in line 11, before the word "one," to insert "one-half of;" and on page 2, line 11, after the word "for," to insert the following proviso:

And provided further, That for the fiscal year beginning July 1, 1901, and thereafter, taxes on real and personal property may be paid in two installments, as is now provided by law.

So as to make the bill read:

Be it enacted, etc., That for the fiscal year commencing July 1, 1900, the whole tax on real and personal property in the District of Columbia shall be due and payable in the month of May, 1901; and if said tax upon real and personal property shall not be paid before the 1st day of June in said year, the same thereupon shall be in arrears and delinquent, and there shall then be added, to be collected with said tax, a penalty of one-half of 1 per cent upon the amount thereof, and a like penalty on the 1st day of each succeeding month until payment of said tax and penalty; and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner now provided by law: *Provided*, That the Secretary of the Treasury is hereby authorized and directed to advance to the disbursing officer of the District of Columbia, in the manner now prescribed by law, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, and to reimburse the Treasury for the one-half advances payable by said District out of the taxes and revenues collected, as herein provided for: *And provided further*, That for the fiscal year beginning July 1, 1901, and thereafter, taxes on real and personal property may be paid in two installments as is now provided by law.

The amendments were 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.

PRIVILEGES OF SECOND-CLASS MAIL.

Mr. HAWLEY. I yield to the Senator from North Carolina, who desires the appointment of a member of a conference committee.

Mr. BUTLER. A few days ago when the bill (H. R. 10308) to give certain publications the privileges of second-class mail matter as to admission to the mails came to the Senate with the notice of the disagreement on the part of the House to the Senate amendments, and asking for a conference, the Chair appointed as conferees on the part of the Senate the Senator from New Hampshire [Mr. CHANDLER], the Senator from Montana [Mr. CARTER], and myself. At that time the chairman of the Committee on Post-Offices and Post-Roads [Mr. WOLCOTT] was absent. Upon his return, the Senator from New Hampshire resigned, and asked the Chair to appoint the Senator from Colorado, the chairman of the committee, in his stead; and that was done. Now the Senator from Colorado is busy with other matters, and resigns from the conference committee, and asks that the Senator from New Hampshire may be reinstated in his place, and the conferees stand as they were appointed by the Chair on Friday last.

The PRESIDENT pro tempore. If there be no objection, the Senator from Colorado [Mr. WOLCOTT] will be excused from further service on the committee, and the Senator from New Hampshire [Mr. CHANDLER] appointed in his place.

EXECUTIVE SESSION.

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

The PRESIDENT pro tempore. The question is on that motion.

Mr. SULLIVAN. Mr. President, I suggest the absence of a quorum.

Mr. HAWLEY. I am very sorry for that. I have been entreated by five or six or eight Senators to yield, and I thought finally I would not yield any more.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

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

Aldrich,	Depew,	Lindsay,	Rawlins,
Allen,	Elkins,	Lodge,	Ross,
Bacon,	Fairbanks,	McBride,	Scott,
Bard,	Foraker,	McComas,	Sewell,
Bate,	Foster,	McEnery,	Shoup,
Berry,	Frye,	McLaurin,	Simon,
Burrows,	Gallinger,	Mallory,	Stewart,
Butler,	Hanna,	Martin,	Sullivan,
Caffery,	Hansbrough,	Mason,	Taliaferro,
Carter,	Harris,	Money,	Teller,
Chandler,	Hawley,	Morgan,	Thurston,
Clark,	Heitfeld,	Perkins,	Tillman,
Clay,	Hoar,	Pettigrew,	Turner,
Cullom,	Jones, Ark.	Pettus,	Warren,
Daniel,	Kean,	Platt, Conn.	Wetmore.
Davis,	Kenney,	Platt, N. Y.	
Deboe,	Kyle,	Quarles,	

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. A quorum is present.

The question is on the motion of the Senator from Connecticut [Mr. HAWLEY] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were reopened.

EULOGIES ON THE LATE REPRESENTATIVE HURLEY.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *June 4, 1900.*

Whereas the late Hon. DENIS M. HURLEY, member of the Fifty-fifth Congress from the Second district of the State of New York, died on the 26th day of February, 1899, immediately preceding the final adjournment of the Fifty-fifth Congress; and

Whereas the pressure of public business in the few days then remaining of the Fifty-fifth Congress prevented a day being set apart for the customary tributes to the memory of the said deceased:

Resolved by the House of Representatives (the Senate concurring), That members of the Senate and of the House of Representatives be permitted to print in the RECORD appropriate remarks in eulogy of the said Hon. DENIS M. HURLEY, deceased.

The PRESIDENT pro tempore. The question is on concurring in the resolution.

The resolution was concurred in.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SETTLE.

Mr. LINDSAY. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives concerning the death of Mr. SETTLE, late a member of that body.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolutions indicated by the Senator from Kentucky, which will be read:

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *April 21, 1900.*

Resolved, That the business of the House be now suspended in order that suitable tribute be paid to the high character and eminent public services of the Hon. EVAN E. SETTLE, late a distinguished member of the House of Representatives of the United States from the State of Kentucky.

Resolved, That as a mark of respect for the memory of the deceased the House, at the conclusion of these memorial exercises, shall stand adjourned.

Resolved, That the Clerk of the House transmit a copy of these resolutions to the family of the deceased statesman.

Resolved, That the Clerk communicate these proceedings to the Senate.

Mr. LINDSAY. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The Senator from Kentucky submits resolutions, which will be read.

The Secretary read as follows:

Resolved, That the Senate has heard with profound regret the announcement of the death of Hon. EVAN E. SETTLE, late a Representative from the State of Kentucky.

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.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions.

Mr. LINDSAY. Mr. President, EVAN E. SETTLE, late a member of the House of Representatives, died at his home in Owenton, Ky., in November last. He died in the prime of life, and when his apparently vigorous health gave promise of many years of usefulness. His sudden and unexpected death shocked his friends in every portion of the Commonwealth that gave him birth and of which he was a distinguished citizen.

He was born in Frankfort, the capital city of Kentucky, and there spent the earlier years of his life. His education he completed as a graduate of the high school of the city of Louisville. He began the study of law whilst the merest youth, and was authorized to enter on the practice of his profession by a special legislative enactment before he had completed his twenty-first year. He located in Owenton, Owen County, and there followed the vocation of a lawyer with gratifying success for thirty years. More than once he represented the county of Owen in the general assembly of Kentucky, and for many years was the leader of his party in the politics, State and national, in his own and the adjoining counties. He was chosen to serve the Ashland district in the House of Representatives for the Fifty-fifth Congress, and without opposition in his own party was nominated for reelection and subsequently reelected to serve in that House during the present Congress.

In the enduring memorial to result from the present action of the two Houses of the National Legislature, I would have his name handed down to posterity in his real character and as typical of the life he actually lived.

As a lawyer his standing was enviable, and as a wise counselor and eloquent advocate he had no superior. His service in the Federal Congress was too brief to rank him amongst the six or eight recognized leaders of the House of Representatives, yet his fellow-members bear cheerful testimony to the fact that he achieved during the two sessions he lived to serve more than many who eventually become leaders of that body succeed in accomplishing in three times that length of service. He satisfied the requirements of an exacting constituency. He commanded the respect of those who opposed his political affiliations, and won and enjoyed

the affectionate confidence and earnest support of those of his constituents who shared his political sentiments and convictions. This would be a high compliment to any man who might assume, as did Mr. SETTLE, to sit for a Congressional district that had been represented in the past by Henry Clay, John J. Crittenden, John C. Breckinridge, and James B. Beck.

Henry Clay died when Mr. Settle was yet an infant, but he enjoyed the privilege of living in the same town with John J. Crittenden, who survived until he was 14 years of age. He was the follower and supporter of Mr. Beck, and the personal friend and admirer of the great Kentuckian who presided over this body from March 4, 1857, to March, 1861, and who, though disfranchised and politically proscribed from the close of the civil war to the end of his life, was honored and loved by the people of Kentucky as no other man had ever been before, and I venture to say as no other man will ever be again.

Around the little city in which our deceased colleague was born, and in which he spent the years of his boyhood, cluster all the historic memories of Kentucky, and within its limits, in the most beautiful cemetery I have ever seen, sleep some of those who laid the foundations of the State, and many of those whose lives and achievements go to make up the history of the first-born American Commonwealth west of the Alleghenies. Among them Boone, the pioneer; Richard M. Johnson, the soldier, the Representative, the Senator, and Vice-President; McKee and young Henry Clay, soldiers who gave up their lives in the defense of American honor on the field of Buena Vista, the last two at the foot of a monumental shaft that bears the names and commemorates the heroism and soldierly qualities of the Kentuckians who fell in the Indian wars at home, at Tippecanoe, in the defense of our northern frontier during the war of 1812, and on the battlefields of Mexico. With these associations and amid these surroundings it was natural that young SETTLE should cultivate the ambition to serve his State and to enroll his name among those who honored it and whom its people delight to honor.

This commendable ambition was not required to overcome the disadvantages of extreme poverty, but the daily exertions to meet the inevitable necessities of life moved hand in hand with the contest for advancement and promotion. Success most worthily won eventually came. It came as the legitimate result of personal superiority and honest labor without the adventitious aids or influences that attend on wealth.

EVAN SETTLE proved equal to the duties and responsibilities of all the official positions to which he was called by the people among whom he lived, and carried with him to the grave a spotless name and an unsullied reputation.

He was a party man in the strictest sense, but never a partisan in the execution of a public trust. Yielding ready obedience to the mandates of his party authorities, he was far above the policy of proscription or intolerance in his relations with those who could not always see their way to such obedience.

As citizen, neighbor, and friend, as husband and father, he was even more attractive than in the walks of public life. Handsome and graceful in person, gracious but dignified in bearing, modest and unassuming in demeanor, he everywhere commanded attention, and by "the warmth of genial courtesy" won the kindly regard of everyone with whom he came in contact.

Looking on the great crowd of friends and neighbors that stood around his grave, when his remains came to be consigned to their eternal resting place, I felt that the scene gave convincing testimony of the affectionate regard in which he was held by those with whom he had lived during the years of his manhood, those who knew him best, and so knowing, loved him most.

Too young to take part in the civil war, he was the representative of the generation that followed the changes wrought in the institutions, traditions, and domestic policies of our country by the culminating events of that great conflict. Southern in all his instincts, he sympathized deeply with the people of the South in their efforts to regain the right of self-government through the renewed control of their State governments, but he had no resentments to gratify, no deep-seated prejudices to overcome, and no personal wrong or injuries, real or supposed, to avenge. Proud of his State, he was jealous of Federal interference with the legitimate exercise of her sovereign authority, but in all his instincts he was an American as well as a Kentuckian. He based his conception of public duty on the conviction that patriotism demands that the hopes and possibilities of the future shall be preferred by the people of both sections, the victors as well as the vanquished, to the exultation and the disappointments inseparably connected with and following internecine war. In harmony with this conviction he, on the occasion of the removal of the last vestige of Confederate disabilities, eloquently congratulated the country that out of our war with Spain we would come forth "new men and new women, clean every whit, with sectional hate and sectional bitterness gone forever."

He was a genial and wholesome companion, an ardent and faithful friend, a kind and considerate neighbor, an humble Christian, and in his domestic relations an affectionate and indulgent father, and a tender and loving husband.

His life work in this world is finished. He sleeps with his fathers in the bosom of the State that gave him birth, and of which he never ceased to be a citizen. The memories that cluster round his name embellish, as they exemplify, the sublime truth that "there is no death," and that "the thing we call death is but another, sadder, name for life."

Mr. CHANDLER. Mr. President, when we contemplate the whole life of each of the older States of the Union as a historic entity to be judged like the whole life of any public individual, there are to be seen faults and virtues, foolish mistakes and wise actions, failures and achievements, excesses and self-restraints, hostilities and friendships, narrow sectionalism and broad nationalism, and in the end, in the year 1900, in the case of each State, we behold a complete record of which as a whole her citizens need not be ashamed, but, on the other hand, are justly proud. All black clouds to-day in any sky are but transitory, sure to be soon dispelled by the full glories of the noonday sun.

It is not strange that Kentucky is a State whose people are quick to engage in deadly conflicts. The traits are inherited. A historian born in the State (Shaler, page 21) says: "This homicidal humor was no invention of Kentucky; it was in the fierce blood of their ancestors." Her territory was conquered from the savages by the bloody wars of her bold pioneers, who had nothing but self-help to give them success; their brave hearts, their strong arms, their keen eyes and ears, and their unerring rifles.

Harrod, beginning in 1774, and Boone in 1775, with their comrades, seized the wilderness with little help from the parent State of Virginia, and amid turbulence and conflicts of all kinds at last separation was effected. The foundations of the new Commonwealth were laid, and on June 1, 1792, the indomitable people, only 75,000 in number, forced their way into the Union as the fifteenth State—the second child of the old thirteen. They had done some of the hardest fighting of the revolution against the British and their Indian allies. The same historian (Shaler, page 21) says: "The Kentucky spirit was the offspring of the Revolution. The combative spirit left by the Revolutionary war was elsewhere overwhelmed by the tide of commercial life; here it lived on, fed by tradition and by a nearly continuous combat down to the time of the rebellion."

So peace did not come to Kentucky with her union with the other States. The savage wars continued, and her sons were compelled to look, as before, to their own bravery and efforts and endurance for their preservation. Away to the east, over the Alleghenies, was the parent State from which they sprung and the feeble nation which they had so lately joined; but neither the mother State nor the nation sent adequate help to their struggling children who were conquering and holding for them the fertile regions of the interior of the country and pressing on to the occupation of the Mississippi Valley.

Louisiana seemed likely, as a great Spanish colony, amply supplied with men and munitions of war through the broad Gulf and the majestic river, to threaten the very existence of the new State. The men of Kentucky justly demanded a vigorous policy from the National Government of the new Republic. Failing to arouse this, there were mutterings of discontent among the Kentuckians. There was some danger they would join the Wilkinson scheme for a treaty with Spain and Burr's conspiracy to set up an independent government in the valley of the Father of Waters; but when the test came, the Americans of both sections were found wise and faithful and true.

The men of Kentucky stayed with the Union and the Government of the Union stood by the colonists of Kentucky, and determined that they should not have foreign neighbors on the west, but that the Atlantic seaboard States and the great mountain region of the Alleghenies and the broad valley of the Mississippi should be the soil of an enduring national republic. The firmness of the Kentucky riflemen, the fighters of "the dark and bloody ground," and the wisdom and patience and pertinacity of Thomas Jefferson gave to us our inland empire and made us the great continental power we soon found ourselves to be.

Although the causes of the war with England in 1812 did not appear to greatly concern the mountaineers of Kentucky, yet she sent 5,500 volunteers to the conflict, 1,500 to go to Hull at Detroit. They fought in the battle of Frenchton Fort, and saw the sad massacre of their forces by Proctor's Indians on the Raisin River. Her soldiers were with St. Clair in his defeat; and with Harrison's army they won the victory over Proctor on the Thames, when Colonel Johnson killed Tecumseh. Some of them were in Perry's fleet on Lake Erie, and 1,280 men, under General Thomas, fought with General Jackson at New Orleans.

Nor did the Kentuckians hold aloof from the Mexican war, although that also was not so important to them as to those new

States beyond the great river which Kentucky's persistency and valor had contributed to secure to the American Union; and she sent to the armies of Taylor and Scott private soldiers and captains who were the bravest of the brave. Twenty-four hundred men were called for; ten thousand wanted to go. Zachary Taylor, William O. Butler, Thomas Marshall, John S. Williams, Henry Clay, jr., gave added luster to the honors of their State. General Taylor had, at Buena Vista, 4,759 men, 500, or one-fifth, of whom were Kentuckians; and General Scott had Williams's famous company at Cerro Gordo.

But the hardest trials, the bloodiest battles, the most warlike experiences were to come to this fighting race during the war for secession in 1861. The sufferings of the border States of the South during the civil war were most pitiful. Every town, almost every family, saw a divided duty. The white population of the whole State was only 919,484. More than 40,000 Kentuckians fought for the Confederacy. Out of a total Union enrollment of 133,493 citizens of military age 76,335 men entered the United States service. There were 7,000 more not mustered in and 10,000 home guards, so that 93,000 fought for the Union, according to the recorded facts, making in all on both sides "a larger per cent of the population given to war than has ever been furnished by any modern State in a term of three years;" and there were unrecorded conflicts almost between neighbors involving fierce struggles, misery in all forms, vast destruction of property, and woeful losses of life. The State was fought over from one end to the other, according to the varying fortunes of the war, until the bitterness of the strife engendered seemed likely never to yield—as, however, fortunately it has done, after a third of a century—to the beneficent influences of peace and reunion.

With such an ancestry it is not to be expected that the present generation of Kentuckians should not be a combative race. They have necessarily inherited more than the people of any other State—self-reliance, self-will, tenacity of purpose, too much distrust of the people of other communities, natures too suspicious and too ready to take offense and to fight to an extreme in private and public quarrels.

But it is not to be doubted that these extreme characteristics will correct themselves in time. The conditions for improvement, if such is needed, are in every way favorable. There has been very little foreign immigration into Kentucky. The historian says: "Kentucky has had the fortune to inherit a nearly pure English blood." Her people are exactly an Anglo-Saxon race, with modifications wholly American, and they are to-day possessed by sentiments of the purest and strongest patriotism.

They have every inducement to bring their beloved Commonwealth into the highest possible repute in the face of their sister States and the whole civilized world. Let them consider their natural advantages. Their magnificent hills are fertile to the very summits; the uplands and the lowlands—the meadows of their famous rivers—are capable of illimitable production; bounteous crops of hemp, grain, and tobacco reward the industrious toilers; salt, lime, coal, and iron exist in unstinted abundance; grassy fields sustain the finest horses and other domestic animals to be found in the world, while the glorious forests are in themselves fortunes to their owners, and the mild and healthy climate helps to nourish the bravest of men and the most beautiful of women.

The progress of Christianity with civilization among such a people will not fail to develop in the end the best possible form of human government, and equally with every other section of the Union Kentucky will learn the benefits of self-control and respect for law. Our New England poet was not at heart out of sympathy with the great military conflicts which have done so much for humanity, even when in one of his quiet Quaker moods he appealed to his countrymen for peaceful ways:

> The burden of thy holy faith
> Is love and life, not hate and death.
> * * * * * *
> Oh, touch the hearts of men and show
> The power which in forbearance lies.

This republican system of ours is still on trial as it begins the new century. Even the strengthening experiences of a hundred years have not lifted it beyond all peril, in view of its assumption of those new duties in our oriental possessions which have been forced upon us in the inevitable course of our unselfish and noble war for the liberation of the oppressed Cubans. Yet the hope of the world for popular government depends upon our success. The Swiss Republic has no inherent strength. The French Republic is far from sure stability. The Central and South American states abound in revolutions. The South African republics are being crushed out of existence by the cruel greed of our mother country. So that this our one great, most promising republic must outlive all forms of danger if any governments of the people are to prevail among men.

But we can survive as a pure democracy only by fidelity to these fundamental principles: (1) Obedience to law; (2) dependence for security to life, liberty, and property against crime upon due process of law; and (3) submission of the defeated party in every popular election to the will of the majority as expressed at the ballot box. This fidelity we must and shall not only promise, but maintain. Let us always be hopeful. Temporary disturbances and dangers will pass away. In every State of the Union intelligence and virtue, real manhood, and the love of fair play, the civilization of which we boast, and the Christianity whose spirit will not forsake us, will triumph over every form of wrongdoing, until it may be truly said of every one of our forty-five noble Commonwealths, "Thy Gentleness hath made thee Great."

One among the first and foremost of Kentucky's sons, most likely, so it seemed a few months ago, to help carry on the State to true and enduring renown with no stain upon its banner, was Representative EVAN E. SETTLE, of Owenton, whose memory we in this Senate Chamber to-day recall and honor. Born on December 1, 1848, the civil war had ended when he was 17 years of age and began his career of usefulness and prominence. With only a high-school education, he secured admission to the bar when he was less than 21 years old. While this advent into the practice of his profession without sufficient literary training had its disadvantages, there was this benefit: He was able to give the hopefulness and enthusiasm and untiring labors of his earliest youth to efforts toward actual success in his chosen calling. There was no failure. At once he sprung to the front and became a lawyer of eminence; an orator of superior powers. Two promotions soon came to him, as is usual in the case of such men born to stand among the leaders in our communities; he was elected a county attorney and later became a member of the State legislature.

After these experiences his position was assured, and even if he had remained at home and avoided further participation in politics, his character and career would have been highly creditable to his State. But new duties were before him; his friends, his neighbors, and his party associates called upon him, and he responded to their requests to change the current of his life and to enter Congress, which he did in 1896, from the old Ashland district, made famous by Henry Clay, and kept in remembrance by a line of other distinguished Representatives. Unfortunately, he was not permitted a long service. In the State canvass of 1899 his overwork in speeches fatally weakened him, and he died in Kentucky on the 16th day of November.

There is no difference of opinion concerning the characteristics of Mr. SETTLE. His knowledge of the law was full and ample. As an advocate before juries he was unsurpassed and had more than a due measure of success. As an orator he was attractive and fascinating. His speech in Congress on June 1, 1898, when a bill removing from all citizens any disability to serve in the United States Army was passed, was a model of good taste and felicitous utterance, while his address before the Hamilton Club in the Auditorium at Chicago captured all hearts and gave him a national reputation. Better than all this, it may be truthfully said that he was a man of gentle nature, considerate and kind to all about him; a devoted husband and father; a beloved leader among the Baptists, who were the religious pioneers in his State and still hold the first place, and who proudly claim him for their worthy son; an unselfish, generous man, poor indeed in this world's goods, but lavish of what he had to give to his fellows—his time, his money, his help in every hour of need, good advice, and true and enduring friendship.

Because the career just begun on a broad field of action of such a man as Mr. SETTLE was cut down, prematurely, as it seems to his family and intimate friends, they need not mourn without consolation. A higher wisdom than ours does all things well. He was fitted for work in the Master's Kingdom, and who shall say that it would have been better if he had been held back for inferior service in this lower sphere?

> The Good, they drop around us One by One,
> Like stars when morning breaks. Though lost to sight
> Around us are they still in Heaven's own light,
>
> Building their mansions in the purer zone
> Of the Invisible.

The faith that this is a true vision should be our strongest help in time of pain and trouble and despondency. When Mr. Gladstone was asked in his latest days what one sentiment seemed to him to be most important to the progress of the human race, he quickly replied, "Faith in the invisible." This undoubtedly is the highest stimulant to patient endurance and noble endeavor.

Two days ago I stood alone looking from one of the galleries down into the Senate Chamber. It was empty; there was no sight or sound of man. Closing my eyes, behold, I saw you all in your accustomed places and heard the familiar voices of to-day. Opening and again closing them, I saw another vision, the forms of those whom I have here known during the last thirteen years, but who have preceded me to the future world, and their accents came pleasingly to my ears.

Hear the death roll:

George Hearst,	Randall L. Gibson,	Calvin S. Brice,
Leland Stanford,	James B. Eustis,	Joseph N. Dolph,
Eli Saulsbury,	Ephraim K. Wilson,	Nathan F. Dixon,
Alfred H. Colquitt,	Charles Gibson,	Joseph H. Earle,
Patrick Walsh,	Francis B. Stockbridge,	Isham G. Harris,
Joseph E. Brown,	James Z. George,	Richard Coke,
Daniel W. Voorhees,	Edward C. Walthall,	Justin S. Morrill,
James F. Wilson,	Algernon S. Paddock,	Harrison H. Riddleberger,
Preston B. Plumb,	John R. McPherson,	John S. Barbour,
Bishop W. Perkins,	Zebulon B. Vance,	John E. Kenna,
James B. Beck,	Henry B. Payne,	Philetus Sawyer.

But I can not make them dead. They are not dead, but as surely as God liveth, and the great universe which we plainly see around us exists in His keeping, they also are living and laboring, learning and loving, serving and rejoicing in their new homes among the stars, in the many mansions in the Father's house.

Mr. BATE. Mr. President, the Representative from Kentucky, the late EVAN E. SETTLE, was from the old Ashland district, in the heart of Kentucky. Kentucky may be said to be the twin sister of Tennessee, whose people are in touch in almost every respect with those I in part represent in this Chamber.

Kentucky had an infantry brigade, known as the Kentucky Brigade, which took a gallant and brilliant part on the Confederate side of our great interstate conflict and made a brilliant and distinctive feature. I was honored by having it for more than a year in my command. EVAN SETTLE was too young to take part on either side. Numbers of his friends and kindred were in that command and now live in the district he represented and are my friends.

For these reasons, if for no other, there mingles with the mournful pleasure of paying the last tribute to departed worth a sense of duty to the people he so well represented as well as to his memory.

The short term of one Congress constituted the whole of his official political life, but in that short period his brilliant intellect and forceful character gave him a standing and an influence seldom gained in a much longer term of service.

In many respects Mr. SETTLE was a man of remarkable traits of character, and won his position in his party's ranks by the strength of his convictions and the courage with which he maintained them. An orator of force and brilliancy, his campaigns, in that State of orators and statesmen, were always attended by large numbers of voters, attracted not only by the force of his speeches, but by the lovable traits of his character, which made an attractive personality. His thirty years of practice of the law placed him in the front rank of the strong and brilliant Owenton bar and justly won for him the reputation of a brilliant advocate.

His service in the legislature of Kentucky not only inured to the benefit of his constituents, but prepared him for the arena of the National House of Representatives, where at his first appearance he made the mark of distinction so seldom earned by Representatives in their first Congress. That he was a man of a high order of intellect, with ripened culture, is recognized by all who were drawn within the circle of his influence.

He was an industrious and painstaking student, mastering the details of his subject and classifying them for their best presentation. Ornate, but logical, seeking strength and force, looking to convincing and persuading, he ranked well among the great Representatives who have made that old Ashland district famous in the American Congress and in American history. Mr. Clay seems to have left the impress of his oratory upon it, and I think it but the truth to say that more specimens of fine American orators have lived in and represented that Congressional district than any other in the United States.

The tributes paid to Mr. SETTLE's memory in the House of Representatives by those who knew him best attest the high place he had won in that great assembly, and also emphasize the fact that traits of personal character exert an influence in the sphere of legislation sometimes greater than the highest abilities, and when these characteristics are combined, as they were in him, give an earnest of future success and usefulness, and further show that in politics there is a place for the amiable and the lovable, as well as for the able and the brilliant.

It was in the restricted field of committee work, where industry, intelligence, and legal ability are exhibited and where the ties of party ceased to bias judgment and to exert their influence that the diligence, industry, and abilities of Mr. SETTLE won that appreciation which gave his efforts on the floor their full effect.

An earnest Christian gentleman, he devoted time and means to the building of the Baptist church, of which he was for many years a consistent and devoted member.

His home circle was enriched by a devoted care and attention, where affection and duty united to secure happiness to wife and children.

EVAN SETTLE, Mr. President, was ambitious. His mental, moral, and physical make-up entitled him to be, for nature had provided him with elements of character and capacity to bring success in that line under the conditions that prevail in our country.

It was not, however, that ambition which, with haughty brow, is "clothed with a beauty that bewilders thought and unthrones peace forever," nor that cold, selfish ambition "that turns the heart to ashes, with not a spring left in the bosom for the spirit's lip and then dies of its own thirst." His was an ambition to serve his country and his people in a manner that recognized all the relations of life and all duties that grow out of and correspond with those relations.

Official place, with all its blandishments, could not allure him from his Christian faith or from that home circle where woman is queen and where love and tenderness abound.

Although an idol of his personal friends and his political party, and always obedient to official duties, he never forgot the corresponding duties which belong to true manhood.

The limits of his friendship, confined by no boundaries, extended over the State of Kentucky, where he achieved an enviable reputation as a political orator, that necessarily threw him actively into a heated and exciting canvass which probably resulted in his death. The last convention of his party, the Democratic party, was probably the most exciting ever held in that State, and he left that convention to enter upon a contest which, trying and straining every organ of his constitution, resulted in prostrating his physical energies, and illness was followed by premature death—a sacrifice to party, which to him meant country, and illustrated the unselfish character of the man.

"Low ambition and the thirst of praise" had no place in his character. He found that life was duty, and in its true and faithful performance his ambition was gratified.

> Born for success he seemed,
> With grace to win, with heart to hold,
> With shining gifts that took all eyes,

his short career was one of usefulness and good.

> And then he bore without abuse
> The grand old name of gentleman.

One of the most attractive features that adorned his life, as all those who have paid tributes to his memory unite in saying, was the beautiful devotion and sweet domesticity that encircled his household.

Hon. Mr. SMITH, of the House of Representatives, who seems to have known him longest and best, speaks of his domestic relations in the following beautiful way:

> In his home there was an inexhaustible fountain of love, whose pure streams of peace, happiness, and pleasure nourished the highest and best aspirations of the human heart. Surrounded by a true and tenderly loving wife, bright, attractive, and happy-hearted children, his home to him was the gem of the earth, and the companionship of those loved ones the essence of life itself.

Mr. President, his love of home and all that that old Saxon word implies, inspired by a Christian faith, carried with it to him a charm as redolent as the rose. But "Thy scythe and glass, oh, Time, are not the emblems of thy gentler power," for thou cutteth down alike the rose and the thorn; and now, although the rose is crushed, its aroma lingers to sweeten the history of his life.

> You may break, you may shatter the vase if you will,
> But the scent of the roses will hang round it still.

Men with taste and habits and love of home, like EVAN SETTLE, never forget the old home, with its latticed porch and trellised vine. The trump of fame, the love of glory, the applause of the multitude may stir for a while the ambition within, but there steals over them in the silent, quiet hour the dream of home, entrancing the soul like music. This love of home EVAN SETTLE had.

Mr. President, this home love—this soul of sentiment and music—was given an undying life by Howard Payne, so sweetly, so pathetically, that we never weary of hearing—

> 'Mid pleasures and palaces though we may roam,
> Be it ever so humble, there's no place like home:
> A charm from the skies seemed to hallow us there,
> Which, seek thro' the world, is ne'er met with elsewhere.
> The exile from home, splendor dazzles in vain;
> Oh, give me my lowly thatched cottage again;
> The birds singing gaily, that come at my call;
> Give me them, and that peace of mind, dearer than all.

Mr. CARTER. Mr. President, although not advised until a brief time ago that these exercises would take place in the Senate this evening, I can not allow this occasion to pass without offering my tribute of respect to the memory of this distinguished son of Kentucky.

Twenty-five years ago, when but 20 years of age, as a law student at Louisville, Ky., I became acquainted with EVAN E. SETTLE, who resided then and continued to reside until his death at the town of Owenton, in the northern part of that State. He was in the enjoyment of a lucrative law practice. His clients had abiding confidence in their counsel, and that confidence was well justified by the man's personal and professional character. He was a man gifted with great wisdom and remarkable fluency of speech.

He was genial, conservative, and kind in manner, respected by all his neighbors, esteemed by his professional associates, and considered, all in all, as one of the most profound young lawyers in the State of Kentucky.

There was no limit to his future, if judged by the estimate of his neighbors. It was no surprise to me to learn that the people of the Congressional district in which Owen County is situated elected him to the high office of Representative in the National Congress. He came to the House of Representatives splendidly equipped for the service, well learned in the law, possessed of unimpeachable integrity, imbued with deep devotion to the interests of his people. Permeated throughout with a love of the General Government of the United States, he was indeed a fitting Representative for his splendid constituency in the State of Kentucky.

He was a mild, kind, generous man. He was a Christian man. He believed in doing unto others as he would have others do unto him. Guided by this thought, he stood well at the bar of the State of Kentucky. His associates had confidence in his word, and no written stipulation was required in a case where EVAN E. SETTLE extended the time for answer. His word was his bond, and upon it all who knew him relied with unswerving faith.

I regarded him twenty-five years ago as one of the most brilliant young men I had ever met. He was capable of expressing himself upon any subject with which he was acquainted with fluency and with force. He was incapable of attempting to express himself upon a subject which he did not understand. Thus it was that when Mr. SETTLE addressed himself to the court or to the people upon any subject well-informed men gave attention, knowing that his words expressed thoughts and gave utterance to mature reflection.

His career in the House of Representatives was creditable to him and to the State of Kentucky. The position which he had acquired at the bar of his native State was justified most amply in the position which, by common consent, was accorded to him in the National House of Representatives.

In his death, Mr. President, in mature manhood, in the vigor and prime of life, the State of Kentucky and the district which he so ably represented not only sustained a great loss, but our common country was called upon to mourn the untimely end of an able, conscientious, and patriotic statesman.

The suggestions of the Senator from New Hampshire [Mr. CHANDLER], culminating in a call of the roll of recently departed members of this body, brought to my mind reflection which has often occupied my thoughts in connection with the public life of this Capitol. In the last twelve years we have witnessed the coming and the going of able, brilliant, worthy men in both branches of Congress.

Just about the time friendships are thoroughly cemented, just about the time men begin to understand each other, when dispositions have become subjected to the test of complete analysis, it too often happens that the friend and associate and colleague passes from the scene. It is one of the sad reflections connected with the public life of our country. The calling of the roll this afternoon brought back memories connected with the names that were mentioned that, upon reflection, will bring sadness to the hearts, if not tears to the eyes, of each and every member of this body.

In the heat of debate, in the impatience which naturally follows long continued sessions of Congress, ill temper gives vent to unkind words and ungenerous thoughts, but upon an occasion of this kind we fully realize, we are compelled to realize, that it is the duty of every man in public life to deal in a charitable way with all the frailties and shortcomings of the human nature of which we all partake.

In the history of my brief experience in this Capitol, extending over only a dozen years—and that is a very brief time compared with the century that has gone and the centuries that are to come—I do not recall a single case where the indulgence of an unkind feeling or a base suspicion was entirely or even partially justified.

On this occasion I feel, however, that we have no apology to make for infirmities. Mr. SETTLE was a well-rounded, well-equipped, thoroughly enlightened, and an entirely honorable gentleman. He was educated in the law schools of Kentucky. This Chamber has witnessed, not only in its delegations from the State in Senatorial capacities, but likewise in a great forensic contest which occurred here over thirty years ago, something of the splendid capacity of the Kentucky lawyer. I do not believe that there is any State in this Union, Mr. President, that produces now, or has produced in the past, more thoroughly accomplished and learned lawyers than the State of Kentucky.

Mr. SETTLE came up to the standard of the Kentucky lawyer. He came up to the standard of the Kentucky statesman. He came up to the standard of the highly accomplished representative of the people. As an old-time acquaintance of our departed friend, it is to me a sad pleasure to be permitted to place this evidence of my respect and esteem for him upon the records of the Senate on this occasion.

Mr. DEBOE. Mr. President, as I remember the many faces that were here when I first entered this Chamber and are now pale in the cities of the dead, I am reminded that soon the summons will come to us all. Death seldom comes other than as an untimely visitor, no matter what the span of life may have been.

The news of the death of Hon. EVAN E. SETTLE, unexpected as it was deplorable, caused a shock throughout the State in which he lived and where he numbered his friends by the thousands.

In the very prime of life another heart has ceased to beat. Night came at noonday, and he passed over the desert of death into the unknown. It would be hard to find a more courteous and genial man than he, or one more ready to make friends and hold them.

He was born in Frankfort, Ky., in 1848, and educated in the schools of that city and Louisville, where he graduated at the age of 18. He moved to Owen County, where he studied law and was admitted to the bar before his majority by a special act of the legislature.

His unusual intelligence and ability as a young lawyer soon attracted the attention of his associates at the bar, as well as gained for him the respect and confidence of the public. He was gifted with many noble and valuable qualities of heart and brain which challenged the love and admiration of his neighbors. He was a man of pronounced opinion and individuality and force in the public affairs in his State some time before he came to the Congress of the United States. Three times he was elected county attorney of Owen County and served two terms with conspicuous ability in the legislature of the State. His capabilities and peculiar qualities and attractions, which endeared him to his political associates and qualified him for valuable public service, were quickly recognized by his constituency and the leaders of his party. Seldom do we find one so richly endowed with the gift of eloquence and power of expression that he possessed, that power which not only enables the speaker to enthuse and hold the attention of his hearers, but to carry deep convictions to their minds.

He was amiable, gentle, and kind in his treatment of his fellowman, always recognizing and granting others the same rights and privileges he claimed for himself.

It is difficult to understand, as we stand face to face with the great mystery that shrouds the world so often in sorrow, that one so full of life and usefulness should be summoned to eternity in the prime of his manhood.

Mr. SETTLE was not blessed with the riches that often smooth the rugged pathway of life and aids one to easily climb the ladder of fame and renown. He was a self-made man and fought the battles of life unaided and alone, and belonged to that class of men who have made the history of this country richly shine with their deeds of valor and struggles for the welfare and happiness of mankind.

It is only in our calm and reflective moments that we fully appreciate the noble and admirable qualities of such a man as he was.

In 1896 his party nominated and elected him to the Fifty-fifth Congress from the Seventh district of Kentucky, which had been made historical in the United States Congress by such illustrious men as Henry Clay, John C. Breckinridge, Tom Marshall, John J. Crittenden, James B. Beck, and W. C. P. Breckinridge. While he was permitted to serve only a short time, he distinguished himself as but few new members ever do and proved that he was worthy of the confidence imposed in him by his people. Coming from this historical district his every act was closely watched by his associates, and his friends were not disappointed when an opportunity presented itself for him to show his true worth and ability to succeed such distinguished and able men.

His colleagues, irrespective of party, admired and respected him for his great worth and kindly and gentlemanly disposition. He served his people faithfully and well, and in his death his State lost a noble son and the nation a loyal and true servant.

Mr. SETTLE's life, it is said, shone more beautifully in his home than anywhere else. He was most happy when surrounded by his faithful and devoted wife and his loving, cheerful, and intelligent children. His beloved family have our most sincere sympathy in the dark hours of sorrow.

The PRESIDENT pro tempore. The question is on the adoption of the resolutions submitted by the Senator from Kentucky [Mr. LINDSAY].

The resolutions were unanimously agreed to.

Mr. LINDSAY. Mr. President, as a further mark of respect to the memory of Mr. SETTLE I ask that the Senate take a recess until 8 o'clock.

The PRESIDENT pro tempore. The Senator from Kentucky, as a further mark of respect, asks unanimous consent that the Senate take a recess until 8 o'clock. Without objection, it is so ordered.

The Senate thereupon took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

COST OF ARMY TRANSPORTATION, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 23d ultimo, a letter from the Quartermaster-General of the Army, containing certain information relative to the cost to the United States since May 1, 1898, of the transportation paid to or due to railroad companies for the transportation of officers and men in service with the Army of the United States, and of the animals, property, munitions, equipment, arms, and supplies of every kind belonging to the Quartermaster's, Commissary, and Ordnance Departments of the Army, sent to the Philippines from the Pacific coast, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

NORTH AMERICAN TRUST COMPANY OF HABANA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 22d ultimo, certain information relative to the organization and composition of the North American Trust Company; the nature of the Government's financial business transacted by that company, etc.; which, with the accompanying papers, was ordered to lie on the table and 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 further insists upon its amendments to the amendments of the Senate numbered 9 and 58, disagreed to by the Senate, further insists upon its disagreement to the amendments of the Senate numbered 50, 51, 52, and 53 to the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. CUMMINGS managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. BROWNLOW, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendment of the Senate numbered 129 to 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, disagrees to the residue of the amendments of the Senate to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution providing that during the remainder of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided for by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be written by hand; in which it requested the concurrence of the Senate.

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. 504) granting an increase of pension to William T. Lowry;

A bill (H. R. 2322) for the relief of Joshua Bishop;

A bill (H. R. 2357) for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of Lavaca Wharf Company;

A bill (H. R. 2362) granting a pension to Bethuel H. Brasted;

A bill (H. R. 2916) to grant right of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Ariz.;

A bill (H. R. 3044) for the relief of John M. Martin, of Ocala, Fla.;

A bill (H. R. 6063) to amend chapter 2 of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897;

A 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;

A bill (H. R. 9389) to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory;

A bill (H. R. 9510) to amend section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia;"

A bill (H. R. 10210) granting an increase of pension to Ellen Miles Brown; and

A bill (H. R. 11214) to amend an act entitled "An act for the erection of a public building at Anniston, Ala."

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the act (S. 359) to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg.

JOHN G. B. MASTERS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which, on motion of Mr. GALLINGER, was referred to the Committee on Pensions:

To the Senate:

In compliance with a resolution of the Senate of the 4th instant (the House of Representatives concurring), I return herewith the bill of the Senate S. 1551, entitled "An act granting a pension to John G. B. Masters."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *June 5, 1900.*

WILLIAM BLADES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which, on motion of Mr. GALLINGER, was referred to the Committee on Pensions:

To the Senate:

In compliance with a resolution of the Senate of the 4th instant (the House of Representatives concurring), I return herewith the bill of the Senate S. 2962, entitled "An act granting an increase of pension to William Blades."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *June 5, 1900.*

LEWIS C. BEARD.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which, on motion of Mr. GALLINGER, was referred to the Committee on Pensions:

To the Senate:

In compliance with a resolution of the Senate of the 5th instant (the House of Representatives concurring), I return herewith the bill of the Senate S. 2483, entitled "An act granting an increase of pension to Lewis C. Beard."

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *June 5, 1900.*

ENROLLMENT OF BILLS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That during the remainder of the present session of Congress the engrossing and enrolling of bills and joint resolutions by printing as provided for by act of Congress approved March 2, 1895, may be suspended and said bills and joint resolutions may be written by hand.

PETITION.

Mr. CHANDLER presented a petition of sundry citizens of Trenton, N. J., praying for the enactment of legislation for the prevention of the denial or abridgment of the right of citizens of the United States to vote on account of color; which was referred to the Committee on Privileges and Elections.

REPORT OF A COMMITTEE.

Mr. DEPEW, from the Committee on Claims, to whom was referred the bill (H. R. 3376) for the relief of Franklin Lee and Charles F. Dunbar, reported it without amendment, and submitted a report thereon.

HISTORY OF THE RED CROSS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. LODGE on the 4th instant, reported it with an amendment, in the nature of a substitute, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print 65,000 copies of certain addenda to the History of the Red Cross, authorized to be printed and distributed by Senate concurrent resolution No. 42, Fifty-fifth Congress, second session, embracing the work of the Red Cross in Cuba and the Philippines, of which number 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and 50,000 for the American National Red Cross, to be distributed by Miss Clara Barton, president. The said addenda herein provided for to be distributed by the president of the American National Red Cross shall be transmitted through the mails free of postage when contained in a wrapper bearing the following inscription: "Public Document. History of the Red Cross. Free."

BILLS INTRODUCED.

Mr. WOLCOTT introduced a bill (S. 4954) granting an increase of pension to William S. Rice; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4955) for the relief of the heirs of James H. Baugh, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BATE (by request) introduced a bill (S. 4956) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.; which was read twice by its title, and referred to the Committee on Commerce.

DELIA A. JONES.

Mr. DAVIS. I ask unanimous consent for the present consideration of the bill (H. R. 10147) granting a pension to Delia A. Jones.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Delia A. Jones, widow of Lucian N. Gilman, late of Company K, Thirty-first Regiment Iowa Volunteer Infantry, and to pay her a pension of $12 per month.

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

RICHARD KING.

Mr. CLARK. I ask unanimous consent for the present consideration of the bill (S. 328) for the relief of Richard King.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Military Affairs with an amendment, in line 6, before the word "thousand," to strike out "five" and insert "three;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Richard King, out of any money in the Treasury not otherwise appropriated, the sum of $3,000, being compensation in full for expenses incurred and permanent injury sustained by said Richard King by reason of being shot by the gross carelessness and neglect of a soldier of the United States Army.

The amendment was agreed to.

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

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

PROPOSED ANTI-TRUST LEGISLATION.

Mr. JONES of Arkansas. Mr. President——

Mr. PETTIGREW. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PETTIGREW. I wish to know what is the status of the anti-trust bill.

The PRESIDENT pro tempore. The motion to refer that bill is before the Senate, and this proceeding is by unanimous consent.

Mr. PETTIGREW. Then that bill can be taken up at any time.

The PRESIDENT pro tempore. It is in order at any time.

Mr. JONES of Arkansas. I want to call up the bill, which is a very important one, to ratify an agreement between the Cherokee Indians and the United States Government. That bill ought to pass and ought to go to conference.

Mr. PETTIGREW. Why not have a vote now upon the anti-trust bill?

Mr. SEWELL. Will the Senator allow me to have a conference report on an appropriation bill laid before the Senate?

Mr. JONES of Arkansas. I want to find out whether I can get the floor. Of course, if I can not, the Senator can do what he chooses.

Mr. SEWELL. I have no objection; but I want to have the conferees appointed on an appropriation bill, which is important.

Mr. JONES of Arkansas. I have no objection to that.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SEWELL. I ask that the Chair lay before the Senate the action of the House of Representatives on the Military Academy 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. 11538) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1901, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SEWELL. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

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. SEWELL, Mr. WARREN, and Mr. HARRIS were appointed.

AGREEMENT WITH CREEKS.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes.

Mr. HANSBROUGH. I shall be obliged to object to that request for unanimous consent in regard to that bill.

Mr. JONES of Arkansas. I hope the Senator will not object to the bill. It is an important public measure and involves no expense. It is absolutely necessary for the division of lands in the Creek country. It is to ratify an agreement made by the Interior Department with the Creek Indians. The Secretary of the Interior has urged its passage. It has passed the House of Representatives, and there can be no reasonable objection to it by anybody. If the Senator thinks there is any objection to it, I should be glad to have him state it and let us all understand the facts.

Mr. HANSBROUGH. I understand a Senator has an amendment which he proposes to offer to the bill.

Mr. JONES of Arkansas. I presume I understand the allusion of the Senator from North Dakota. An amendment was offered to this agreement in the House. It passed in the bill, but the Indian Committee of the Senate recommends striking out every amendment which was put into the bill in the House. The Senate committee would not agree to pass the bill except as the agreement was made between the Interior Department and the Indians. The provision for the leasing of oil, gas, coal, asphalt, and other mineral lands was stricken out on the recommendation of the committee, and I would not myself vote for the bill with that provision in it.

Mr. HANSBROUGH. My colleague [Mr. MCCUMBER], who is absent from the Senate at the present time, has a bill on the Calendar here, reported from the Committee on Indian Affairs, to ratify an agreement with the Turtle Mountain tribe of Indians. That treaty has likewise been repeatedly reported favorably from the Committee on Indian Affairs, and recommended by the Interior Department. My last conversation with my colleague was to the effect that he desired to offer the bill in relation to the Turtle Mountain Indians as an amendment to the bill providing for the treaty which the Senator from Arkansas proposes here. As I have stated, my colleague is absent at present, and I think that that matter is of sufficient importance to go over until the next session of Congress. I do not believe that a bill of this character should be pushed through here at this time of the session.

Mr. JONES of Arkansas. I will say that I should be glad to have the Senator's colleague get his bill passed; but the preventing of important legislation because a Senator can not carry out what he chooses, it seems to me, puts the rest of us on notice that we might as well agree that legislation shall stop for this session. If a measure of this kind can not be passed in an orderly way we may as well all stop.

Mr. HANSBROUGH. After some experience I had last night, I think legislation has stopped for this session.

GENERAL DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, agreeing to the amendment of the Senate numbered 129 to 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, disagreeing to the residue of the amendments of the Senate, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

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. HALE, Mr. ALLISON, and Mr. TELLER were appointed.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendments of the Senate numbered 50, 51, 52, and 53 to the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, insisting on its amendment to the amendments of the Senate numbered 9 and 58, and agreeing to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. That bill is already in conference. I ask the Secretary to keep the papers on the table, so that they may be sent for by the conferees, who will meet in about an hour.

PROPOSED ANTI-TRUST LEGISLATION.

The Senate resumed 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.

Mr. BUTLER. Mr. President——

Mr. ALLEN. Mr. President, I should like to make an inquiry. Yesterday I gave notice that at the conclusion of the morning business I should address the Senate for a short time; and I am somewhat like the junior Senator from West Virginia [Mr. SCOTT]. I wish to know exactly my status and where my rightful place is, and as to my right to proceed at this time.

The PRESIDENT pro tempore. The Senator from Nebraska has given notice of his intention to speak, as did also the Senator from North Carolina [Mr. BUTLER]. The Chair will recognize either Senator at any time he addresses the Chair and desires to speak.

Mr. BUTLER. I had addressed the Chair; but I do not wish to take precedence of the Senator from Nebraska. I do not know whether either one of us had the floor.

Mr. ALLEN. I do not care about the order in which I proceed. I had just as lief be the last man as the first one, so that I get an opportunity some time before the Senate adjourns to not only enlighten the Senate, but to enlighten the country respecting my position on this important matter of our relations with the Philippines. I waive my right now, and take second place to the Senator from North Carolina.

The PRESIDENT pro tempore. The Chair recognizes the Senator from North Carolina [Mr. BUTLER].

Mr. BUTLER. Mr. President, as I understand it, there is before the Senate now House bill 10539, known as the anti-trust bill, which the Senator from South Dakota [Mr. PETTIGREW] has moved to take up for present consideration, and the Senator from New Hampshire [Mr. GALLINGER] has moved, as a substitute motion, that the bill be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. That is the pending motion.

Mr. BUTLER. That is the pending motion.

Mr. President, the situation is this: There are now on the statute books two anti-trust laws, one known as the Sherman anti-trust law, and the other, I think, known as the Morgan or Gorman or Wilson anti-trust law. Both of these anti-trust laws have proven to be ineffective, partially, I might say, on account of their inherent defects and partially for want of effective execution.

The House proposes to amend one of those existing anti-trust laws, the Sherman Act, with the amendments contained in House bill 10539. A few days ago the House passed this bill, the purported purpose of which is to amend and strengthen the Sherman anti-trust law. The House passed it after it had been considered by the House Committee on the Judiciary, and it is now here. To-morrow we shall probably adjourn. The question therefore is, Shall we pass the House bill before we adjourn or shall we do nothing?

The Senator from Nevada [Mr. STEWART] said to-day that this bill was imperfect, that he thought there were some unconstitutional sections in it, and that, therefore, it should go to a committee. I am glad the Senator from Nevada is in his seat now. But, Mr. President, if this bill amending the Sherman law is defective, I call the Senator's attention to the fact that it is this bill or nothing.

Mr. STEWART. Would you vote for this bill?

Mr. BUTLER. We will end this session by doing nothing to destroy or suppress trusts or we will pass this bill. The Senator asks me if I will vote for it.

Mr. STEWART. Does not the Senator believe it is unconstitutional?

Mr. BUTLER. I did not say that I believed it was unconstitutional. The Senator from Nevada said that. I believe that with these amendments added to the Sherman anti-trust law, that law will still be ineffective. I believe we shall not meet the evil with the Sherman law and these amendments added; but I am willing to vote for it, and take the chances of it doing some good. If there are any unconstitutional sections in it, then the court will knock them out and they will fall; but there are some sections in it that are clearly constitutional and may do some good. Therefore I would vote for it and let those sections that are unconstitutional stand, as they would stand, and accomplish whatever good they could.

Mr. STEWART. There is no good in it at all.

Mr. BUTLER. Mr. President, I admit that there is not much good in it, because that bill is not directed at the evils that produce trusts. I will agree with the Senator on that; but there are some provisions in it that will be of a certain restrictive nature that may result in some good, and therefore we can try them.

One provision of this bill provides that a criminal and unlawful trust shall be denied the use of the mails. That will do some good.

Mr. STEWART. You have got to determine what are criminal or unlawful trusts before you can do that.

Mr. BUTLER. That will do some good, and that is constitutional.

A member of the House months ago, Mr. GAINES of Tennessee, offered that provision as a separate measure. It was debated in the House, and the provisions of his bill are put into this. There are other provisions that might be put into it. You can tax trusts out of existence, just as the Government taxed State banks out of existence. Did we not kill State banks by putting a tax of 10 per cent on them?

Mr. President, no one knows better than I do that these amendments, with the Sherman anti-trust law and the Wilson-Gorman anti-trust law, all combined, will never break up trusts. It will not break up trusts, because it will not remove the causes that inevitably produce trusts. The way to kill trusts is to remove the causes that produce them. But this bill may do some good.

In this connection I want to ask why the House offered this amendment to the Sherman anti-trust law? We have been in session since the 4th day of last December. The House waited until the dying hours of the session to offer it. We are therefore put in this position, that we must take the House measure as it comes or do nothing. To refer this bill to the committee means to do nothing. Did the House mean that we should do nothing? If the House did not mean that, then why does the Senate oppose passing the House amendment, and why should any Senator favor doing that which would kill the House bill?

Mr. President, I have myself some very clear ideas, or at least I have some very strong convictions about how this trust evil should be dealt with and what the remedy is. I have to some extent imperfectly set out those ideas in a Senate joint resolution, which I introduced on January 10, known as Senate joint resolution No. 59, which I send to the desk and ask to have read.

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

The Secretary read as follows:

Joint resolution (S. R. 59) declaring the duty, power, and purpose of Congress to destroy trusts by removing the causes that produce them, to restore competition, and open the door of opportunity to individual and independent business enterprises.

Whereas the only logical and effective way to destroy trusts is to remove the causes that logically and inevitably produce them; and

Whereas those who control the instruments of commerce have it in their power to control commerce, to build up one section and tear down another, to build up one city or private business enterprise at the expense of another, to destroy all competition, and put any and every business into a trust at will; and

Whereas the Constitution of the United States confers upon Congress the power, and makes it its duty, to regulate commerce between the States; and

Whereas Congress can exercise and perform this power and duty in no other way except by controlling and regulating the instruments of commerce; and

Whereas each instrument of commerce is a great natural monopoly, and, therefore, should never be owned by private enterprise, but should belong to all the people and be regulated by their agent, the Government, with ustice to all and favoritism to none; and

Whereas the failure of Congress to perform this constitutional duty has resulted in private enterprise taking possession of all the instruments of commerce, and by using them for private gain and power has enabled such private enterprises to absolutely dominate the business world, creating a few great industrial monopolies known as trusts, which, with the cooperation and favoritism of those who control the instruments of commerce, are enabled to drive every competitor out of business and close the door to individual effort, besides centralizing in a few hands a power over the life and liberty of the people greater than the power of the Government itself: Now, therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the three great instruments of commerce, money, the means of exchange; the national highways, the means of transportation; the post-office, the telegraph, and the telephone, the means of the transmission of intelligence, are, and of right ought to be, public functions.

Second. That to this end the national banking system, which delegates to a few private corporations the great governmental function of issuing currency and regulating its volume as selfish whims or private avarice may dictate, should be abolished, and the sole power of issuing money and regulating its volume should be restored to the representatives of the people, in Congress assembled, where it constitutionally belongs; that every dollar of money issued by the Government, whether of gold, silver, or paper, should be full legal tender, equal in purchasing and debt paying power with every other dollar, and that its volume should be from time to time increased to keep pace with the demand of increasing population and business, to the end that prices may remain stable and that debts contracted may be paid in a dollar representing the same amount of labor and product as the dollar of the contract.

Third. That the power to build up one city or section and destroy another, the power to build up one business enterprise and close the doors of another, to centralize any line of business into one great industrial trust and to crush out all competitors by discrimination in freights and fares, and by exercising the most powerful, unlimited, and unrestrained taxing power known to the civilized world, which Congress has permitted a few private interests to usurp and control, should, by appropriate legislation, be reclaimed by the people, to the end that the national highways should be open to the use of all on equal terms, to be maintained by taxes or tolls no larger than necessary to maintain the cost.

Fourth. That the telegraph and the telephone, which, with the post-office, constitute one of the three great instruments of commerce, should, as speedily as possible, be reclaimed from private hands and added to the people's great national postal system, where they rightfully belong, to the end that every post-office where citizens live and are taxed to support the Government may have the benefit of all that science and invention have contributed toward equipping a modern up-to-date postal system.

Fifth. That when Congress, by thus exercising its constitutional powers and performing its constitutional duties, shall have reclaimed from private hands the trust on money, the trust on transportation, and the trust on the transmission of intelligence, and restored these three great instruments of commerce to the use of all the people as a public blessing, the three greatest trusts for evil known to civilization will have been destroyed, and at the

same time the causes which have logically and inevitably produced the aggregation of great industrial trusts will be forever removed, the reign of monopoly will be at an end, the door of opportunity be again reopened, and the era of competition, with equal rights to all and special privileges to none, will be reenthroned.

Mr. BUTLER. Mr. President, I now wish the attention of the Senate for a short while to discuss the evils that produce trusts and the remedies to remove these evils as set forth in the joint resolution which has just been read.

Trusts are cancers—industrial cancers—on the body politic. They are eating cancers; they are spreading cancers; they are fatal to the prosperity and life of the Republic. Everybody admits this; everybody is opposed to trusts; yet trusts continue to thrive and prosper and to multiply each day. Why is this? Because the voters have been deceived and misled about the causes that produce trusts and the true remedy to root them up and crush them out.

In December, 1896, President Cleveland, in his last annual message to Congress, went out of his way to discuss the question of trusts. He warned the people against this growing menace to our industries and to our Government, but closed by saying that Congress was powerless to remove the evil, and that the remedy lay with the legislatures of the several States.

President McKinley, in his inaugural address and in several messages to Congress since, has arraigned and denounced trusts more severely even than his predecessor. He has said that the life of the Republic demanded that this monster—this insidious and blighting curse—should be plucked from our industrial syssem; yet he has offered no remedy. A few years ago the Republicans passed an anti-trust law which they said would remedy the evil. It did not. The Democratic party denounced the Republican anti-trust law as a sham and a fraud, and charged that the Republicans never intended to pass a law that would be effective. In this they were right. But what happened? When the Democratic party, under the Cleveland régime, came into power, the Cleveland Democrats proceeded to pass an anti-trust law of their own, which they claimed would remove and eradicate the evil.

If has not done so. To-day the Republican anti-trust law and the so-called Democratic anti-trust law are both on the statute book side by side and in full force. Yet trusts continue to grow and prosper and multiply in numbers as never before. What is the matter? In the first place, the officers of the Government have not done their duty in trying to enforce these laws. But even if they had they could not have eradicated the evil. Why? The truth is that neither of these so-called anti-trust laws contains the true remedy. Neither of them is directed at the causes that produce trusts.

The bill which passed the House a few days ago, and which is now before the Senate, to amend the Sherman anti-trust law, is not sufficient. I am not sure that it would even improve the Sherman law if it were passed, but I am ready to vote for it, as weak and ineffectual as it would be.

But, Mr. President, Congress should be honest with itself and the people, and stop this trust tinkering for campaign purposes.

The so-called Democratic and Republican anti-trust laws now on the statute book are ineffective; first, because the evil laws now in existence and in full force, which inevitably produce trusts, are not repealed; next, because the so-called anti-trust laws are not directed at any of the fundamental conditions that foster and promote the existence of trusts.

A statute declaring that water shall not run down hill would be ineffective unless the statute should repeal the law of gravitation. To state it another way, the attempt to remove and cure the industrial cancers called trusts with the so-called anti-trust laws is as futile and foolish as it would be for a physician to attempt to heal a cancer growing out of blood poison by an application of salves. The only cure for such a cancer is a constitutional tonic that will remove the blood poison from the system.

The Democratic and Republican political doctors have each been applying their anti-trust salves to the industrial cancers on the body politic for years, while the disease has increased and the patient has grown sicker with each application. To-day the whole nation is sick nigh unto death with a chronic and constitutional disease—the complication of trusts that infests our industrial system.

Congress is about to adjourn. Has anything been done to eradicate or even to check or palliate these evils? No. The whole session has passed, and nothing has been done and nothing has been attempted until the closing hours of this Congress; and what is that? During the past few days an anti-trust bill, to which I have just referred, and an anti-trust amendment have both been offered in the House by the dominant party. It is simply a cheap, cuttlefish performance to attempt to muddy the waters and again fool the people.

The bill which passed the House and which came over to the Senate yesterday professes to strengthen and improve the Sherman anti-trust law; but if it were to become a law now, it would not in any sense remove the evil, because the bill does not propose to remove the causes that produce the evil. The anti-trust constitutional amendment which the Republican majority offered, to give Congress the power to regulate and suppress trusts, is an absurd proposition. It is as follows:

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.

This proposed amendment was clearly intended for nothing but campaign purposes. Congratulate the House upon voting it down, but those who voted against it should have offered as a substitute not a constitutional amendment, but a bill to remove the causes under the present Federal Constitution. But in offering this amendment the majority of the House has admitted that Congress ought to legislate to break up trusts, but they claim that Congress has not the power. Congress now has sufficient power under the Constitution, as I will soon show, to deal with this evil effectively. No constitutional amendment is needed. The present Constitution gives Congress the power to remove the evils that have produced every trust in existence.

While this mock performance was going on in the House, I noticed from the press that several New York Democratic politicians were down here to see Democratic leaders in Congress, and to urge upon them to take the position that Congress had not the power nor the right to deal with the trust question, but that the whole matter should be left with the States. The trusts have had no better friends than these New York Democratic politicians. They were here in the interest of the trusts. The States can deal with trusts only in a limited and restricted way. The States can not remove the causes that produce trusts. The States can pass only restrictive anti-trust legislation. Congress is the only power that can go to the root of the evil and destroy trusts by removing the causes that produce them. But this point I will discuss a little later. The States and Congress should act concurrently.

Mr. President, within the next few weeks both of the old political parties will hold their national conventions. They will both in their national platform denounce trusts as the overshadowing evil of the age, but will they both stop with that harmless performance? Will either of them point out the real causes that produce trusts and offer to remove these causes as a remedy? That remains to be seen. To simply use high-sounding adjectives in denouncing an evil that is universally recognized and condemned without pointing out the causes of the evil and offering the remedy is an easy and harmless thing to do. It does not hurt the trusts. Indeed, it is their method of campaigning. It is their cuttlefish method of muddying the waters and fooling the people while they continue to rob them.

The People's Party national convention has already been held at Sioux Falls, S. Dak., on May 9. It also denounced trusts as the overshadowing evils of the age; but did it stop there? No. It proceeded in a bold, intelligent, and courageous manner to point out the real and fundamental causes that have produced these evil results. The plank of the People's Party platform on trusts reads as follows:

Trusts, the overshadowing evil of the age, are the result and culmination of the private ownership and control of the three great instruments of commerce, money, transportation, and the means of the transmission of information, which instruments of commerce are public functions, and which our forefathers declared in the Constitution should be controlled by the people through their Congress for the public welfare. The only remedy for the trusts is that the ownership and control of these instruments of commerce be assumed and exercised by the people.

Thus we see that the People's Party has squarely and bravely met the issue. It has pointed out, clearly and concisely, the remedy. If there are any who do not think that this remedy offered by the People's Party is the true remedy, then we challenge them, before criticising, denouncing, or opposing this remedy, to offer their remedy. The American people, who are every day and every hour being robbed of millions upon millions by these gigantic combinations called trusts, are tired of being humbugged about this tremendously serious matter. They will not be satisfied to have politicians attempt to secure their votes again by exhausting the vocabulary of adjectives in denouncing this evil unless these politicians will offer a remedy and pledge themselves if put in power to enact it into law. A party that is not intelligent enough to know what the remedy for trusts is or that has not the honesty or courage to declare for that remedy is not a fit party to be in charge of the affairs of this Government.

I will now proceed to analyze this remedy proposed by the People's Party, and will show that it is not only the true remedy and the only remedy, but that this remedy can be applied by Congress

under the present Constitution. Indeed, that the present Constitution makes it the duty of Congress to apply this remedy.

Before proceeding with that argument, let us stop and see what a trust is. A trust is a scheme or a device to establish a complete monopoly of any line of business. Whenever any number of individuals organize themselves into a corporation and get a complete monopoly of any line of business, so that they can crush out all kinds of competition and regulate absolutely the price of not only the manufactured article sold to the public, but also the raw material bought from the producers to make the articles, then we have a typical modern trust.

But the all-important question is, How can any corporation get a complete monopoly of any line of business? That is, How is it possible for such a monopoly—such a trust—to be organized and maintained? Are not the thousands of people in a certain line of business more powerful than one syndicate or corporation in the same business? Are not 70,000,000 of people more powerful than a half dozen of that number? They are if they have equal opportunities.

Then how is it possible for a very small number of men to drive out of business and crush their thousands of competitors, secure a complete monopoly, and maintain it in the face of the remainder of the nation? There is but one way in which it can possibly be done. The monopolists must first get control of the instruments of commerce. Those who control the instruments of commerce can, of course, control commerce itself, can destroy all competition, and can put any kind of business and every business into a trust at will.

Now, what are the instruments of commerce? They are three in number.

The first is money—the measure of values, the medium of exchange—which is the vital element in every business transaction. Money is the lifeblood of commerce, and business stagnates when the supply is cornered or when the quantity in circulation does not increase with the increase of population and business, just as the human body grows weak from congestion or loss of blood. When the supply of money increases faster than the increase of population and business, then we have all the evils of business intoxication.

The second great instrument of commerce is transportation. Cheap transportation that can be used by all is an essential factor of business in any country, but the larger the country the more important is transportation. In a country of the immense distances of ours the transportation question is of equally vital importance with the money question.

But the opportunity and the right to use this instrument of commerce to transport products from one end of the country to the other at the same prices and on the same terms that your competitor pays or enjoys is of even more importance in preventing the building up of trusts than the question of cheapness. Whenever there is discrimination in freight rates, no matter whether the freight charges are high or low, a powerful leverage is given to those who have the benefit of rebates and favoritisms to crush out competition.

Do such discriminations exist? Yes, and necessarily so, when a few great bankers and syndicates own and control this powerful instrument of commerce, and can therefore regulate rates and make discrimination in favor of monopolies and trusts with which they are allied. What do we see to-day? Two or three men, representing a foreign gold syndicate, owning and absolutely controlling, as the agents of the gold trust, all of the biggest railroad systems of the nation.

These powerful railroad systems, with the tributaries which they dominate and control, comprising more than half of the railroad mileage of the nation, govern every means of modern transportation in all of the great populous and important sections of the nation from ocean to ocean. These few railroad magnates, representing the cold-blooded Shylocks, the descendants of the money changers whom Christ drove out of the temple, can to-day sit down around a table and control absolutely nearly every mile of railroad transportation in the nation.

By a stroke of the pen they can lock the wheels of every locomotive, they can put up rates or they can put them down, they can build up one section and tear down another, they can form partnerships with other industrial pirates, and they can organize trusts until there will not be an independent business left in the nation.

The third great and vital instrument of commerce is the transmission of intelligence. As far as the business world can use the Post-Office Department everyone stands on a fair and equal footing; but the information that controls the markets and affects vitally the business world, from the Associated Press dispatches to the daily newspapers, the stock reports, and so on down, are transmitted by telegraph. The tremendous importance of this instrument of commerce is not generally realized.

The actions of men are controlled by their opinions; their opinions are formed on the information they receive. Therefore the opinions and actions of the wisest and best men are sadly at fault if the truth has been kept from them or if it has been colored or perverted. Those who can control what we read can control our thoughts; those who control our thoughts can control our votes; those who can control our votes can control our pocketbooks and the destinies of the nation.

Here, then, are the three vital instruments of commerce—money, transportation, transmission of intelligence. How should they be used and by whom should they be controlled? Can agencies so powerful, and the proper use of which is absolutely essential to the welfare of all the people, be trusted in the hands of a part of the people to be used for their own private gain and power? Clearly not. Then, how should they be used and controlled in order to give equal opportunities to all and to promote the general welfare?

Clearly these instruments of commerce should be used as public functions at the lowest possible cost and without discrimination in favor of one person and against another. This must be done in order to put every industry and business enterprise on an equal footing. Has this been done? No. But instead we have permitted the reverse to be done. These vital instruments of commerce are to-day completely in the hands of private individuals and speculators, who therefore have the business world at their mercy.

Whenever a government permits the instruments of commerce to go into private hands, it has surrendered its most important function of sovereignty. It has surrendered its power to "establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty." It is to secure these rights that governments are established among men.

The instruments of commerce are natural monopolies—they are natural trusts. When they are used as public carriers, open and free to the use of all on like terms and conditions, then there is healthy competition, with widespread industrial activity and general prosperity and happiness. Under such just and happy conditions it is impossible for an industrial trust to be organized and maintained.

But when these natural monopolies, these natural trusts—the instruments of commerce—are controlled by private individuals and corporations for private gain and power, they become the parent trusts that produce general business stagnation in the midst of plenty and breed industrial trusts to absorb every line of business; and when such industrial trusts are organized and maintained they aggravate the conditions that gave them birth.

The causes that destroy competition and individual and independent business enterprises are the causes that produce trusts.

Put into the hands of a few men the instruments of commerce that all men must use, and how can the remainder of mankind compete with them or do business at all except upon their terms—terms dictated by selfishness and greed?

In short, those who have a trust on money, a trust on transportation, and a trust on news have it in their power to levy tribute on every man and every industry in the nation in order to enrich themselves and their allies. They have other and, if possible, still more dangerous powers; they can use the instruments of commerce to extend princely favoritisms to some and to make deadly discriminations against others.

Thus, as I have said, they can build up one section of the country at the expense of another; they can build up one business and tear down every other business competing with it. By this selfish, greedy, and tyrannous use of such tremendous powers they have made millions of paupers to make a few millionaires. They have taken the Government itself by the throat, and they have the people at their mercy.

They are directly responsible for the organization of every trust. Was there a trust in existence before half of the people's money was destroyed by burning the greenbacks and demonetizing silver and the control of our finances was placed in the hands of a banking syndicate? Was there a trust in existence before the railroad and telegraph, the other two instruments of commerce, were monopolized by private greed?

During the thirty years in which a few private individuals, organized into corporations, have secured a trust on money, a trust on transportation, and a trust on intelligence there has sprung up, grown and multiplied the aggregation of monster industrial trusts which are to-day blighting our industrial system and saping the lifeblood of the Republic.

These facts are too plain for controversy. Here, then, we have the causes that produce trusts.

But what is the remedy? Clearly it is to remove these causes. Clearly it is to see that the instruments of commerce are wrested from the hands of private and corporate greed and operated as public functions for the public good.

And whose duty is it to take charge of and regulate these instruments of commerce for the public good? Clearly and unquestionably the duty of Congress. Section 8, Article I of the Constitution, in enumerating the powers and duties of Congress, lays

down as the third power and duty to be exercised the following:

To regulate commerce with foreign nations and among the several States and with the Indian tribes.

Thus we see that every Congressman and Senator, when he takes the oath to support the Constitution, swears that he will use his vote to regulate commerce. But how can he use his vote to regulate commerce, or how can Congress, acting as a whole, regulate commerce, without regulating the instruments of commerce? Does Congress regulate these instruments of commerce to-day? No. They are regulated by private persons and corporations in the interest of private and corporate greed.

Monopolists and corporations use the people's instruments of commerce as the most powerful agencies and weapons in the industrial system of the nation to oppress, tyrannize, intimidate, and rob every independent person and business enterprise. They bleed the country, make themselves millionaires, and then use a part of their ill-gotten gains, their red-handed blood money, to control and dominate Congress itself.

It is true that Congress pretends to regulate these instruments of commerce, but the fact is that those who control the instruments of commerce control Congress, prevent the passage of effective laws to cure the evil, and on the other hand secure the passage of other laws in their own interest which aggravate the evil. Congress made its fatal mistake when it put into the hands of private persons and syndicates these powerful, vital, and constitutional instruments of commerce, which make trusts, and make them greater than Congress.

In all our political campaigns the allied monopolists which have a trust on money, a trust on transportation, and a trust on intelligence combine. They select the conventions they will control; they elect the candidate they have selected. Of course they control them after they are elected. This has gone on until to-day these allied trusts control and dominate every branch of our Government.

What a terrible mistake Congress has made in surrendering to private greed such powerful weapons and indispensable public agencies for general business prosperity and the preservation of good government! If the commanding officer of an army should disarm his own soldiers, turn over his guns to the enemy, and then attempt to fight a battle, he would not act more foolishly or treacherously than Congress has done in failing to execute in behalf of the people its vested powers in a matter of such vital importance to the general welfare of the country and the life of the Government.

Can there be any excuse for this gigantic blunder perpetrated by Congress in the light of and in defiance of the teachings of all history since the dawn of civilization? Does not the experience of mankind, in every country and in every age since government was first organized, teach that whatsoever power has controlled the instruments of commerce—whether it has been a government or a combination of business interests—that power has always controlled commerce itself?

Yes. And the whole experience of mankind further teaches that whenever a government has failed to control the instruments of commerce, and has left their control to private interests, these private interests have not only controlled commerce but have also controlled and dominated the government.

This great danger was clearly seen by the founders of our Government when the Constitution was framed and adopted. When we read the debates in the Constitutional Convention, we find that those who opposed monarchical ideas and Hamiltonian theories declared undying opposition to all forms of monopoly.

They took the position that a natural monopoly should never be allowed to go into private hands; that a business which was a natural monopoly was a monopoly at birth, and that therefore no one could honestly claim to oppose monopolies if he favored putting such a business into private hands.

The result of that discussion and of the patriotic foresight of the founders of our Government was that every instrument of commerce as then existing was made a public function.

Did not the fathers declare undying opposition to banks of issue? Did they not provide that the Government should issue all money, the first great instrument of commerce?

The second instrument of commerce, transportation, at that time was the dirt roads—the king's highways—our lakes, rivers, and other navigable waters. Did not the fathers provide with jealous care that the rivers and other navigable waters should be public highways—should not be owned and controlled by private syndicates, but should be kept open and navigable at public expense and used on equal terms by everyone? Since that time inventive genius has made the steel rails supersede, as a vital instrument of commerce, the old cart and wagon ruts.

If it was important that the old dirt roads should be public highways, maintained at public expense for the public good, free to all alike, then is it not a hundredfold more important that this new, improved instrument of commerce, this modern means of transportation, shall be controlled, maintained, and operated in like manner?

Go read the debate over the proposition to establish a post-office system and operate it as a public function. Did not our fathers take the ground that this, being a natural monopoly, should never go into private hands, but should be operated by the Government as a public function for the public good?

Now, every argument that controlled our wise and patriotic forefathers in dealing with the instruments of commerce and providing against the birth and growth of monopolies and trusts at that time should control us to-day in dealing with the instruments of commerce in their present form—the mail system improved by electricity, the iron highways, and the circulating volume of money.

Take these great natural monopolies, which are the three vital instruments of commerce, from private hands and use them (as the fathers did) as public functions, and we remove at once the three most powerful and dangerous trusts—the trust on money, the trust on transportation, and the trust on news.

We do more. By removing the control of these natural monopolies, which in private hands are the parent trusts, we remove the causes that produce the aggregation of monster industrial trusts that to-day threaten the institutions of the Republic. Therefore, if we wish to deliver our Government and our industrial system from the deadly clutches of the monster trusts, we must hasten to retrace our steps, correct our mistakes, and boldly take the same action that the fathers did with reference to these great natural monopolies.

In short, our fatal error has been in departing from the doctrines of Jeffersonian Democracy. Apply to present conditions the principles of Jeffersonian Democracy and the constitutional remedy above pointed out, and we shall have the three greatest instruments of commerce—money, transportation, and the transmission of intelligence—in their modern form, operated as public functions at cost, without discrimination against any and with equal opportunities to all.

Thus the one vital, comprehensive, and paramount question confronting our people to-day is this: Shall we have a government by the foreign gold trust and its allied monopolies, which have captured our instruments of commerce, with the industrial trusts of which these are the parents—a government of the trusts, by the trusts, and for the trusts; or shall we, by reestablishing the principles of Jeffersonian Democracy, under which the instruments of commerce must be used as public functions, break the power of these industrial demons which are devouring us and reenthrone a government of the people, by the people, and for the people?

Let this be done, and then the causes that produce trusts will be removed; let this be done, and then every trust in existence will vanish as a fog before the rising sun. Let this be done, and then equal opportunities for every individual and every independent business enterprise will be restored; let this be done, and then the old-time economy, simplicity, and purity in politics and government will be restored; let this be done, and then, and not till then, will there be a permanent condition of general prosperity.

Mr. MCMILLAN. Will the Senator from North Carolina yield to me to present a conference report?

Mr. BUTLER. I yield for that purpose.

EMERGENCIES IN RIVER AND HARBOR WORKS.

Mr. MCMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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 modifications of provisions heretofore made 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 6, 13, 19, 26, 28½, 38, 43.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 9, 10, 12, 14, 15, 16, 17, 20, 21, 24, 25, 27, 28, 30, 31, 34, 36, 39, 40, 41, 42, 44, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out and insert at the end thereof the following: "and in expending any such allotment advertisement for bids may be dispensed with on the recommendation of the local engineer;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"The river and harbor front of the city of Camden, Ark., on the Ouachita River: With a view to improving said harbor and grading and protecting the river bank in front of said city, the expense of said examination and survey to be paid out of any fund now available for the improvement of the Ouachita River."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In the language proposed strike out the words "retaining the harbor as it originally existed" and insert in lieu thereof the words "restoring it;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"KENTUCKY AND TENNESSEE.

"The 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 of constructing such works as may be required to prevent overflows along said section of the river, such examination and survey to be made under the direction of the Mississippi River Commission, the cost thereof to be paid out of the unexpended balance authorized to be expended by said commission."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In the language proposed strike out the words "Long Prairie River and its sources;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Cape Fear River with a view to obtaining a navigable channel from Wilmington to Fayetteville of 4, 6, or 8 feet at mean low water."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"OHIO RIVER.

"Continuing and completing the survey of the Ohio River from Marietta to the mouth of the Miami River in accordance with the provisions of the river and harbor act of March 3, 1899, the expense thereof to be paid out of any moneys already appropriated and not expended for the general improvement of the Ohio River."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon and Washington: with a view to the construction of a canal and locks to overcome the obstructions to navigation."

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 language proposed insert the following:

"Brazos River from its mouth to the city of Waco: With a view to procuring a navigable depth of 4, 5, and 6 feet, first, from its mouth to the town of old Washington, in Washington County; second, from said town to old Washington to the city of Waco. In case a survey is made, the report thereon shall 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."

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 language proposed insert the following:

"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: With a view to improving said river."

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 language proposed insert the following:

"Milwaukee Harbor: With a view to necessary enlargement and suitable protection therefor: *Provided, however*, That at the following-named localities preliminary examinations only shall be made:

"Mapon Harbor, Delaware;

"Long Prairie River, Minnesota, and its sources; 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; but the work on said rivers as now authorized shall not be suspended because of this provision;

"Sioux River, South Dakota."

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 language proposed insert the following:

"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, 1879, entitled 'An act to amend an act entitled "An act making appropriation 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 including real estate now used by them for the maintenance of said channel, or such portion of said plant as he may deem desirable, and in case the Secretary of War and the heirs or legal representatives of the estate of James B. Eads, deceased, are unable to agree upon the price to be paid for said dredges and plant, including real estate, or so much thereof as the Secretary of War may deem necessary to purchase, then such price shall be assessed by a board of three appraisers to be appointed as follows:

"One appraiser to be appointed by the Secretary of War, one by the heirs or legal representatives of James B. Eads, deceased, and in case these two fail to agree they shall jointly choose a third appraiser, and the three so appointed shall by a majority vote duly appraise the price to be paid for said dredges and plant, including real estate, and in case such appraisal is approved by the Secretary of War the same shall be deemed to be the price which the Secretary of War is authorized to pay for said dredges and plant, including real estate, or so much thereof as the Secretary of War may deem necessary to purchase: *Provided*, That in no event shall more than $200,000 be paid for all the dredges, plant, and real estate owned or possessed by the heirs or legal representatives of James B. Eads, deceased, at or about the South Pass. 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 by virtue of the provisions hereof or by expiration 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 appropriation to the contrary notwithstanding."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In the language proposed, after the word "dredges," in line 10, insert "owned or controlled by the Government;" and the Senate agree to the same.

JAMES McMILLAN,
G. G. VEST,
KNUTE NELSON,
Managers on the part of the Senate.

T. E. BURTON,
WALTER REEVES,
T. C. CATCHINGS,
Managers on the part of the House.

During the reading of the report,

Mr. FORAKER. I should like for identification to have the number of the amendment which the Secretary is reading. It relates to changing the improvement of the Ohio River, so as to create a 9-foot instead of a 6-foot stage of water.

The SECRETARY. Amendment No. 33.

After the reading had been concluded.

The PRESIDENT pro tempore. Without objection, the conference report will be agreed to.

Mr. FORAKER. What is agreed to? I want to dissent from one proposition that has been agreed upon by the conferees as reported. If this is the proper time, I desire to have action taken upon it now.

I called attention to one point, as the report was read, and the Secretary reported to me that it was amendment No. 33, as I understood him, but by reference to the bill as it passed the Senate I do not find that it was that number. But what I call attention to is this:

A scheme for the improvement of the Ohio River was adopted some years ago which contemplated providing for a 6-foot stage of water at low water in that river. A number of dams have been constructed in accordance with that scheme, providing for a 6-foot stage of water. When this bill came up in the House a section was incorporated in it as No. 21, providing for a 9-foot stage of water. That section was stricken out in the Senate and a section was here adopted providing for a continuation of the improvement of the river according to the 6-foot scheme at low water. As I understand it, the conferees now report that they have acceded to the demands of the House and have reincorporated a provision that contemplates a 9-foot stage of water to be provided by the improvements that are to be made by the Government.

I wish to say to the Senate, and I state it upon the authority of engineers, that it would cost anywhere from fifty to a hundred million dollars to make that change and to make the improvements in accordance with that provision, and I want to oppose it. The constituency that I represent is opposed to it. It is no sufficient answer to say that according to the provision as reported by the conferees the present scheme of improvement is to be continued without interruption, because I think we ought here and now to say that a 9-foot stage of water is not necessary, especially not when it involves such an immense expense as that which will be made necessary, according to the opinion of the engineers, if we adopt that scheme.

We have already built some six or seven dams—I do not know the exact number—but according to a letter which I have seen written in the Engineer Department it will be necessary to increase the depth by either lowering all those dams, building new foundations at a very extraordinary expense, or by increasing them at an equally extraordinary expense.

Mr. CULLOM. The Senator knows, I suppose, that he can get no relief except by rejecting the conference report?

Mr. WOLCOTT. That is it.

Mr. NELSON. I think the Senator from Ohio misapprehends the effect of the agreement of the conferees on this amendment. I think if he understands it he will look at it in a different light.

Mr. FORAKER. I do not think so. I understand that it has been agreed in the conference committee that the improvement shall continue according to the scheme that has heretofore been acted upon, but that in the meanwhile there shall be a survey made as to the desirability of increasing it to a 9-foot stage of water. We already know enough, by reason of what the engineers have reported from time to time, to know that this will involve a reconstruction practically of this entire work, at an enormous expense, as every report on the subject has indicated, and it will delay the work indefinitely.

The people I represent do not want this change made. They think that a 6-foot stage of water, to be provided by the present improvement, is sufficient; and therefore, if it is necessary, I will make whatever motion will reach the case, desiring to reject only this particular part of the conference report.

In answer to an inquiry addressed to me by Senators around me, I will state that I understand it will make not less than $50,000,000 additional expenditure, and perhaps more than a hundred and fifty millions of expenditure, because not only will all the dams provided for in the Ohio River have to be changed or reconstructed entirely, but in order to make this available like improvements will have to be made in the Monongahela River and in other rivers that are tributary to the Ohio. The people whom I represent and who have given particular attention to this matter and are supposed to be benefited by it are very much opposed to it and have entered their protest against it.

I do not understand that we have to reject absolutely the conference report, which embraces a great many items, in order to reach one particular item. But if that is the case, I move to reject the whole conference report, for I think we can not——

The PRESIDENT pro tempore. It is nothing but a survey.

Mr. FORAKER. It is suggested to me that it is nothing but a survey. I feel that we ought not to enter upon a survey of that which we know at the beginning is an impracticable thing and a thing that ought not to be encouraged, and something that will gather strength as we proceed with it, which I want to kill off now as an unnecessary expense. If it is in order I move that the conference report be agreed to except only as to this one item.

The PRESIDENT pro tempore. That can not be done.

Mr. FORAKER. That can not be done? Can not any motion be made except only that the conference report be agreed to or be rejected?

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. NELSON. There are two amendments which were in conference in reference to the Ohio River, amendments Nos. 21 and 22, on page 13.

Mr. FORAKER. Mr. President. I have not yielded the floor. I move then, if that is the only motion in order, that we disagree to the conference report and we ask for another conference.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. NELSON. I think the Senator from Ohio might defer his motion until we have had a chance to explain the conference report.

Mr. FORAKER. I can make the motion and then listen to the explanation afterwards.

Mr. NELSON. There are two sides to this question. There are two amendments in the bill relative to the Ohio River. The first amendment, No. 21, as originally stated in the House, provided for a survey and an examination and estimate of that reach of the Ohio River for the purpose of securing a 9-foot depth of water. I want to call the attention of the Senator from Ohio to page 2 of the bill, which provides that in all these cases, except where we have otherwise provided, there are to be both a preliminary survey and a complete survey with an estimate—that is, there is to be first a preliminary survey to ascertain whether the work is worthy of improvement in a general way, such as the ordinary preliminary surveys. Then if the War Department are of the opinion that the work warrants a further survey, they can go on and make a complete survey, with estimates and plans.

Now, we have taken this amendment numbered 21 here of the Ohio River entirely out of that class. We have simply provided in reference to that feature of the amendment that there shall simply be one of those naked preliminary surveys that do not involve a final survey, an estimate, or a plan. It is simply an advisory matter, and in order that it may not interfere with the work and plan that is now going on upon the river we have provided that this preliminary survey shall in no matter stop or interfere with the work that is now going on.

There is a contract existing for the improvement of the Ohio River to a depth of 6 feet. This work, including the locks and dams which are a part of it, is to continue, and this is simply a naked preliminary survey. It does not interfere with that work, and does not lead to anything more than furnishing us simply the necessary information as to whether there ought to be something more definite. It does not involve even an estimate and a plan. It is simply advisory information, and can in no manner affect the plan of this enterprise.

The other amendment as to the Ohio River simply is a slight modification limiting the survey between Marietta to the mouth of the Miami River. This preliminary survey does not lead to any change in the work or the plan. It simply furnishes the Committee on Commerce further information as to whether it would be desirable to enter upon a greater and more extensive scheme of improvement.

Mr. BERRY. Mr. President, there are a large number of other items in the conference report affecting numerous States all over the country and matters of great importance. If the conference report is defeated it would probably defeat all of those.

As I understand this proposition, it is only for a preliminary survey. It does not bind the Government to anything. It does not in any way obligate the Government to adopt the 9-foot plan.

If it be true, as the Senator from Ohio says, that all engineers say it is not feasible, or that it would cost $6,000,000, then the only expense that would be incurred would be the small amount of expense which attaches to a preliminary survey.

I know nothing about whether the depth ought to be 9 feet or 6, nor is it material. It is simply a preliminary survey, which binds nobody. It can not be carried out unless the engineers will recommend it and Congress should find it was the proper thing to do.

I do hope the Senator from Ohio will not defeat this report, because it is important on account of a great many other surveys that are contained in it, some put in by the House and some by the Senate.

Mr. WOLCOTT. Mr. President, I do not pretend to see further into a millstone than anybody else, but in the discussion which has taken place—and this entering wedge which has come from the conference committee as to preliminary surveys about the Ohio River to determine whether or not the dams shall be 9 feet or 6 feet—I can already foretell that it is the opening attempt of the Geological Survey to gauge the Ohio River. [Laughter.] Mr. President, I want to urge those Senators who live along the banks of that pellucid stream to protect themselves as far as they can at the initiatory steps against that octopus getting hold of the river, which will not only suck up all the river but all the money its farmers can raise.

I speak with some impartiality, Mr. President, because I come from a State where our only ships are prairie schooners, where all the advantage we get from your annual appropriation is by way of a geological survey, which we do not want and which does us no good. The only benefit which we receive from it is that you unload a lot of embryo and unbaked college graduates upon us, who at the expense of the Government bring us very insufficient and inaccurate and valueless information.

The Senator from Minnesota has said there are two sides to this question; and there are two sides to the Ohio River. The Senator from Ohio, who lives in Cincinnati, has given to the Senate very clearly an argument that seems to me unanswerable. He says that there were to be six dams built in the Ohio River, which would give them a 6-foot depth of water, all they need for their ships, which draw but a small amount of water; that four of those dams are already built; that everybody is contented with it; and now comes the conference committee and proposes to continue that work, which has cost a great deal of money, and to inject for the first time a survey to see whether or not the dams ought not to be sunk to 9 feet.

I am informed that the Senators on the other side of the river—that the Senator from Kentucky [Mr. LINDSAY] agrees with the Senator from Ohio in his opinion that it is entirely unnecessary. Whether we have to differ with the whole conference report or a part of it, I trust that we will give the Senators along each side of the bank of this stream a chance to determine what sort of navigation they ought to have.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. WOLCOTT. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LINDSAY. Mr. President, it is perfectly apparent that unless we attempt to change the plan upon which the dams on the Ohio River have been built and to abandon the work that has already cost a large amount of money, there is absolutely no necessity or propriety in making this survey. If the survey is to be adopted, then all the work we have done will be virtually thrown away and all the money we have expended will virtually have been expended in vain. Now, then, if we are not to adopt the survey when made, why put an obstacle in the way of the further progress of this work by holding everything up until an experimental survey can be made which is to result in no good and is not to be adopted after it has been made?

Mr. BERRY. Will the Senator allow me to ask him a question?

Mr. LINDSAY. Certainly.

Mr. BERRY. On the contrary, the Senator from Minnesota says that the conference report expressly provides that the work shall go on and not be held up. The report simply provides for a preliminary survey. It does not interfere with the work, and it can not interfere with it unless there be an act of Congress changing it hereafter, after a full report from the engineers.

After what the Senator from Colorado and the Senator from Ohio have said, I think it is proper to state that the chairman of

the conferees in the House is a very distinguished Representative from Ohio. Mr. BURTON knows about it.

Mr. WOLCOTT. Let me ask the Senator from Arkansas if he does not live 400 miles north of Cincinnati?

Mr. BERRY. I have no idea where he lives.

Mr. WOLCOTT. He lives in Cleveland, Ohio.

Mr. BERRY. He lives in Ohio, and that is all I know.

Now, I ask the Senator from Kentucky if he thinks it is fair simply to prevent a survey that can injure no one, and which will cost but a small amount of money, which binds the Government in no way hereafter to adopt the scheme, and which can never be adopted except both Houses of Congress vote to adopt it? Does he think it is fair to defeat a conference report that has been framed in the interests of twenty States or more in this Union, and which contains items that are very important indeed to those States, simply because he thinks a survey will amount to nothing which does not affect the work in any way whatever?

Mr. LINDSAY. If the rejection of this conference report and sending the bill back to conference would amount to a defeat of this measure there would be more force in what the Senator from Arkansas says. But this Congress has not yet fixed a time for final adjournment. We have not yet reached a period at which a long session of Congress usually adjourns. A recommittal of the report will mean only a correction in this regard and then the adoption of the conference report.

If this work is to go on upon the present plan, why should an experimental survey be made at the same time, with a possibility that we will eventually in the future abandon the work that is being done for the purpose of conforming to the new survey? The practical theory is that if the new survey is to be made with a view to its future adoption not another dollar ought to be spent and not another lick of work ought to be struck on the present plan.

Mr. HANNA. Mr. President, I wish to add just a word in regard to this proposition. I am opposed to the adoption of the conference report for the reason stated both by my colleague and the Senator from Kentucky. I repeat their language, and I say it is an outrage to ask the Government to spend money for a preliminary survey on a measure which ought to be defeated if it can be defeated in the end. The requirements for navigation in the Ohio River are confined to a class of boats that are fully accommodated with a 6-foot draft of water, and I do not know of any interest on either side of the banks of the Ohio below Pittsburg that is in favor of this expenditure or a change of the plan which it took years to digest and to accomplish. There must be and will be a heavy loss of the expenditure already made if the plans are changed, and there will be no corresponding benefit.

Mr. ELKINS. Mr. President, there are three States interested in this question that agree with the position taken by the Senator from Ohio [Mr. FORAKER]. The States of West Virginia, Kentucky, and Ohio are against the report of the conferees. I read to-day the report of an engineer on this very question, and no better report could be written after a dozen surveys, in which he says that if you give 9 feet of water as high up as Pittsburg you have got to carry the dams to Cairo, on the Mississippi, and that would cost the Government $50,000,000. We have already 6 feet of water in the Ohio River, and the boats have been built to accommodate that draft of water; and why do we want to experiment about expending $50,000,000 and running deep water clear down to Cairo?

I submit that the three States most interested here should be heard on this question, and if the interests of the States are to be considered the report should be referred back or voted down. There is no reason for another survey. There have been at least two or three surveys with a view to determining this question, and the result of the surveys was that 6 feet of water was about all, beginning at Pittsburg, that was practicable.

Now, I say, on the strength of the report of an engineer, if you give 9 feet of water at Pittsburg you have got to carry this improvement to Cairo, whereas if you carry out the 6-foot plan that has been adopted, on which has been expended $15,000,000 or $20,000,000, all you would have to do would be to go to the mouth of the Big Miami River in Indiana, and there is no reason for any other survey.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

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]. I do not see him in the Chamber, and not knowing how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. SCOTT (when his name was called). I shall vote on this question, but I want to explain my vote. If it were possible to get 9 feet——

The PRESIDENT pro tempore. That is not permissible under the rule.

Mr. SCOTT. It is not permissible? I shall vote "nay," then.

Mr. BATE (when Mr. TURLEY'S name was called). My colleague [Mr. TURLEY] is absent. He is paired with the Senator from Wisconsin [Mr. SPOONER]; but as he would vote "nay," if he were here, the Senator from Wisconsin is at liberty to vote.

The roll call was concluded.

Mr. BUTLER. I have a standing pair with the Senator from Maryland [Mr. WELLINGTON]. He is not present, and not knowing how he would vote, I withhold my vote.

The result was announced—yeas 10, nays 46; as follows:

YEAS—10.

Allen,	Jones, Nev.	Nelson,	Turner.
Berry,	Kenney,	Perkins,	
Jones, Ark.	McMillan,	Pettus,	

NAYS—46.

Bacon,	Depew,	Lodge,	Scott,
Bard,	Elkins,	McBride,	Shoup,
Bate,	Fairbanks,	McComas,	Simon,
Beveridge,	Foraker,	Mallory,	Spooner,
Burrows,	Foster,	Martin,	Sullivan,
Carter,	Gallinger,	Mason,	Teller,
Chandler,	Hawley,	Money,	Thurston,
Clark,	Heitfeld,	Pettigrew,	Tillman,
Clay,	Hoar,	Platt, Conn.	Wetmore,
Cullom,	Kean,	Platt, N. Y.	Wolcott.
Daniel,	Kyle,	Proctor,	
Deboe,	Lindsay,	Ross,	

NOT VOTING—30.

Aldrich,	Davis,	McEnery,	Stewart,
Allison,	Frye,	McLaurin,	Taliaferro,
Baker,	Gear,	Morgan,	Turley,
Butler,	Hale,	Penrose,	Vest,
Caffery,	Hanna,	Pritchard,	Warren,
Chilton,	Hansbrough,	Quarles,	Wellington.
Cockrell,	Harris,	Rawlins,	
Culberson,	McCumber,	Sewell,	

So the report was rejected.

Mr. MCMILLAN. I move that the Senate further insist on its amendments and ask a further conference with the House.

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. MCMILLAN, Mr. NELSON, and Mr. VEST were appointed.

PROPOSED ANTI-TRUST LEGISLATION.

Mr. ALDRICH. It is necessary to have a short executive session. I move that the Senate proceed to the consideration of executive business.

Mr. BUTLER. I have the floor, Mr. President.

Mr. ALDRICH. I think I was recognized, and I made the motion.

The PRESIDENT pro tempore. The Senator from North Carolina yielded simply that the conference report might be made. He was addressing the Senate.

Mr. ALDRICH. I understand, but having yielded the floor, and the conference report having been acted on, I was recognized by the Chair and made the motion.

Mr. BUTLER. I yielded for nothing but the conference report. Senators realize that I am speaking under great difficulties when, to accommodate the Senate, I yield every time a conference report comes in; but I desire to help the Senate to transact the business of the session. However, I insist that I am entitled to the floor the minute the conference report is over.

The PRESIDENT pro tempore. The Senator from North Carolina will proceed.

The Senate resumed 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.

Mr. BUTLER. Mr. President, in the early part of my remarks I had read a resolution which sets forth, in my opinion, the causes that produce trusts and states the remedy. I have not yet finished my remarks on the remedy proposed in that resolution, and, besides, I have some data that I wish to have published as an appendix to my speech. If the pending bill can be gotten before the Senate for action, I would desire to offer that resolution as a substitute for it, though I would not do so for the purpose of defeating the House bill. Indeed, I am so anxious to see anything passed that will enable the Government at least to in some small degree, if not wholly, control and repress trusts in their present operations that I would yield the floor at this moment for the purpose of taking a vote on the House bill, without continuing my remarks further, provided I can extend my remarks in the RECORD.

In fact, Mr. President, I now ask unanimous consent that we may take a vote upon the House bill, the pending motion being to refer, which means to kill it, and that I may be allowed to put into the RECORD my remarks and data referred to, which I have prepared, without taking up the time of the Senate to read them.

Mr. GALLINGER. Does the Senator mean a vote on the motion to commit the bill?

Mr. BUTLER. Yes; that is the parliamentary status; that means the same thing as if you kill it. If you commit it you kill it, as everybody knows.

Mr. GALLINGER. The Senator means that a vote shall be taken on the motion to commit the bill to the Committee on the Judiciary?

Mr. BUTLER. That is the parliamentary status. It is immaterial——

Mr. ALDRICH. Let us vote.

Mr. GALLINGER. Let us have a vote.

Mr. BUTLER. It is immaterial whether the motion be to take up and pass it or whether to commit it. Everybody knows that if it is committed it is dead for this session, and it is the same thing.

Mr. ALDRICH. That is the same thing.

Mr. GALLINGER. Let us have a vote.

Mr. BUTLER. I wish to have my request stated.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that a vote may now be had on House bill No. 10539.

Mr. ALDRICH. The understanding being that a vote be taken first on the motion, which is that of the Senator from New Hampshire [Mr. GALLINGER], to refer the bill to the Committee on the Judiciary.

Mr. BUTLER. Certainly.

Mr. PLATT of Connecticut. I do not understand——

Mr. ALDRICH. The understanding being that a vote will be taken on the motion of the Senator from New Hampshire to refer the bill to the Committee on the Judiciary.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. BUTLER. That is not all the request, because the request has coupled to it a further request, that I be permitted to extend my speech, with certain data which I have prepared, into the RECORD without reading.

Mr. CHANDLER. It is contrary to the rules of the Senate, and I have to object to that.

Mr. ALDRICH. The Senator can do that without asking any consent.

Mr. BUTLER. I do not understand that a Senator has the right to extend his remarks indefinitely in the RECORD without permission. I had just begun my speech.

Mr. ALDRICH. Not indefinitely. I imagine the Senator would not like to extend his speech indefinitely.

Mr. BUTLER. No; I do not desire to extend my remarks indefinitely, but only to the extent I have stated. I have carefully prepared a speech on the trust question. I would like to put it all in the RECORD. If I can not put it into the RECORD, then I will proceed with my speech.

Mr. CHANDLER. That is another reason I want to hear it. It is contrary to the rules to put it in the RECORD without delivering it, and I want to hear it.

The PRESIDENT pro tempore. The Senator from North Carolina will proceed.

Mr. BUTLER. Mr. President, I am inclined to think that the Senator from New Hampshire, who objects to my speech going into the RECORD, is opposed to this anti-trust bill and that that is one of his methods to defeat it. Therefore, as anxious as I am to put this speech, which I think is a very good production, into the RECORD, as anxious as I am to have it go there as a living monument to my opinion as to the best methods of destroying trusts, I am willing to forego that in order to get a vote. Therefore I simply request that we have a vote. I ask that we have a vote upon this bill.

Mr. PLATT of Connecticut. On the motion to refer?

Mr. BUTLER. On the motion to refer.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that a vote now be taken on the motion to commit the bill. Is there objection? The Chair hears none.

Mr. TELLER and Mr. BUTLER called for the yeas and nays.

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

Mr. BURROWS (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. PRITCHARD (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. MCLAURIN]. If he were present, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent. The Senator from Indiana [Mr. FAIRBANKS] is not paired and is absent on a conference committee. I transfer my pair with the Senator from Tennessee to the Senator from Indiana, and vote. I vote "yea."

Mr. TURNER (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN], whom I do not see in the Chamber. If he were present, I should vote "nay."

The roll call was concluded.

Mr. HANNA. I have a general pair with the Senator from Utah [Mr. RAWLINS], which I transfer to the Senator from New Jersey [Mr. SEWELL], and vote. I vote "yea."

Mr. CLARK (after having voted in the affirmative). I inquire if the junior Senator from Kansas [Mr. HARRIS] has voted?

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The Chair is informed that he has not voted.

Mr. CLARK. Then I withdraw my vote.

Mr. BUTLER (after having voted in the negative). I suggest to the Senator from Wyoming [Mr. CLARK] that we transfer our pairs. I am paired with the Senator from Maryland [Mr. WELLINGTON], and that will permit us both to vote.

Mr. CLARK. That is agreeable to me, and I will allow my vote to stand.

Mr. BUTLER. I will also allow my vote to stand.

Mr. BATE. I wish to state that my colleague [Mr. TURLEY] is necessarily absent from the Chamber. Were he here, he would vote "nay."

Mr. TURNER. I transfer my pair with the senior Senator from Wyoming [Mr. WARREN] to the junior Senator from South Carolina [Mr. MCLAURIN], and vote. I vote "nay."

Mr. FAIRBANKS. I vote "yea."

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Indiana to the fact that a transfer of pairs has been made by which he stands paired.

Mr. SPOONER. I made the transfer, and I withdraw my vote, the Senator from Indiana [Mr. FAIRBANKS] having appeared and voted.

The result was announced—yeas 43, nays 23; as follows:

YEAS—43.

Aldrich,	Fairbanks,	Kean,	Proctor,
Baker,	Foraker,	Lindsay,	Quarles,
Bard,	Foster,	Lodge,	Ross,
Beveridge,	Frye,	McBride,	Scott,
Carter,	Gallinger,	McComas,	Shoup,
Chandler,	Hale,	McMillan,	Simon,
Clark,	Hanna,	Penrose,	Stewart,
Cullom,	Hansbrough,	Perkins,	Warren,
Deboe,	Hawley,	Pettus,	Wetmore,
Depew,	Hoar,	Platt, Conn.	Wolcott.
Elkins,	Jones, Nev.	Platt, N. Y.	

NAYS—23.

Allen,	Culberson,	Kyle,	Sullivan,
Bacon,	Daniel,	Mallory,	Teller,
Bate,	Harris,	Martin,	Thurston,
Berry,	Heitfeld,	Mason,	Tillman,
Butler,	Jones, Ark.	Money,	Turner.
Clay,	Kenney,	Pettigrew,	

NOT VOTING—20.

Allison,	Davis,	Morgan,	Spooner,
Burrows,	Gear,	Nelson,	Taliaferro,
Caffery,	McCumber,	Pritchard,	Turley,
Chilton,	McEnery,	Rawlins,	Vest,
Cockrell,	McLaurin,	Sewell,	Wellington.

So the motion of Mr. GALLINGER to refer the bill to the Committee on the Judiciary was agreed to.

Mr. TALIAFERRO subsequently said: When the vote was taken on the question of referring House bill 10539, known as the anti-trust bill, to the Judiciary Committee, I was for the moment inadvertently absent from the Senate. I have a general pair with the junior Senator from West Virginia [Mr. SCOTT], who, I understand, voted without noticing my absence from the Chamber. I wish to announce now that if I had been present I should have voted "nay" on the question.

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. ALLEN. Mr. President, I would not feel warranted in detaining the Senate in the closing hours of its session to discuss the measure introduced by the senior Senator from Wisconsin [Mr. SPOONER] and reported from the Committee on the Philippines, of which I am a member, but for the fact the discussion heretofore has been so extensive and so elaborate on the other side of the Chamber that I feel I should not be doing justice or discharging my duty unless I took up this measure and analyzed it for a short time and made a brief reference to what has been said in its behalf.

The bill is anomalous in many respects. I doubt if it has a precedent in the history of our country. The bill is short, and I will read it. It is as follows:

That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

Mr. GALLINGER. Will the Senator from Nebraska yield to me to make a request?

Mr. ALLEN. I will.

Mr. GALLINGER. Mr. President, I make a request for unanimous consent that at the conclusion of the remarks of the Senator from Nebraska thirty minutes may be devoted to the consideration of unobjected pension bills on the Calendar.

Mr. SULLIVAN. I object.

Mr. WOLCOTT. I object.

The PRESIDING OFFICER. Objection is made.

Mr. ALLEN. Mr. President, this bill proposes to confer upon the President of the United States absolute and unqualified power to govern and control the Philippine Islands as he may see fit until such time as the insurrection, as it is called, shall have been completely overcome and overthrown by our Army. The President of the United States is to be given greater power by virtue of this bill, if it shall become a law, than that of any king or queen or emperor upon the face of the earth.

The President is to rule as he sees fit, and through such instrumentalities as he sees fit, and none of the checks or safeguards imposed by the Constitution are to operate in restraint of the exercise of power on his part; and yet I am not prepared to say that this bill adds to the power that the President is already exercising in the Philippine Islands so far as we have jurisdiction in that archipelago. I do not propose to discuss the question at this time of the extent of our sovereignty over the Philippine Islands. I take it for granted that it is well established that we exercise no greater jurisdiction in those islands or that our jurisdiction is no more extensive in those islands than the particular zone or zones occupied by our Army, while the great body of the population of that archipelago is entirely free from the exercise of any jurisdiction on the part of the United States.

But this bill, Mr. President, has been made the text for political discussion in this Chamber within the last week or ten days. The whole field of political discussion has been traveled over by our friends on the other side, and everything that could be said in favor of the present Administration has been said in language that it would be impossible for me to use or to imitate. I was particularly charmed, as I am always, by the very eloquent and ingenious and able address of the senior Senator from Wisconsin [Mr. SPOONER], which extended over three days.

It was especially happy in describing the great qualities of the President of the United States, in describing what he had done in the way of administering our Government for the last three years or more, and I thought, when listening to that speech, or series of speeches, that I had never heard in my life before a poor cause so eloquently set forth as the cause of the Administration was described by my friend from Wisconsin.

The Senator said, Mr. President, that imperialism was not and could not be an issue, and yet almost the entire time for three days of his learned discussion he devoted himself to the question of imperialism. I would like to know, after listening to that speech and looking it over carefully in the CONGRESSIONAL RECORD, what the Republican party has done in three years and three months of its Administration for the relief of the country?

Senators may talk in a perfunctory way; they may review this Administration in adulatory terms, if they see fit to do so; yet I dare say the man does not live and is not a member of this Chamber who can point out one important step taken by this Administration since the 4th of March, 1897, for the benefit of the country. I do not say that in disparagement of the President of the United States, because I think that under the circumstances he has done the best he could.

What important measure has been brought into Congress in either branch and advocated and incorporated into law which has resulted in benefit to this country? I am perfectly willing now and here to yield to my friend from Wisconsin, if he can point out such a measure.

In the first place, Mr. President, the first thing done by this Administration when it was installed in power was to call Congress together in extraordinary session to pass what is known as the present Dingley tariff act. Mr. Dingley had made three attempts during his service in the other branch of Congress to pass a tariff act, and the act that is now in force may properly be called the Dingley tariff bill No. 3, although it is the only one that ever became a law.

Mr. President, that act increased the cost of living to the laboring and industrial classes of this country from 50 to 100 per cent; and to-day every laboring man, every farmer, and every consumer in the country is paying from 50 to 100 per cent more for the articles he consumes than he paid before, while the prices of wages and the prices of farm produce have not increased on an average to exceed 10 per cent. So that the whole industrial and consuming classes were the losers as the result of the passage of the Dingley Act.

What was the next great measure, or supposed great measure, brought forth by the Republican party and crystallized into law? It was the currency act passed in March of this year, by which this country was committed to the gold standard. The Republican party declared in 1896 in favor of bimetallism, and in 1900 it receded from that declaration and committed the country to the gold standard by the currency act of last March.

It not only did that, Mr. President, but it created and perpetuated and added to the national debt, and gave the Secretary of the Treasury unlimited power to issue the bonds of this country from time to time as he might see fit; and there is no hope and no expectation that our national debt will ever be paid, and this, too, sir, not in response to any demand upon the part of the people, but in response to that element of our country that knows no patriotism—that would sink the Republic, if by doing so they could make money out of the transaction.

Those are the only two measures the Republican party can go before this country upon up to this date. Of course we all understand that gold and glory will be the watchwords and the battle cry. All the sordid, the greedy power in this country is to be rallied to the standard of that party in recognition of its attitude on the money question. Every man who wants to make money by plundering the people and plundering the Treasury will support that party this fall, no doubt.

Then, Mr. President, the people are to be appealed to upon the supposition that the Republican party was the party that conducted this war through which we have passed in the last year or two. It is strange that sometimes we come across men whose lives are upright in every walk, whose words can be depended upon, whose words are as good as their bonds, and yet when you touch them upon their political relations or their party relations, they will go to extremes, even to the injury of the country, to carry out party measures and party purposes.

I remember very distinctly that when the life was being crushed out of Cuba, long before the declaration of war in 1898, there could not be found on the other side of the Chamber one man to open his lips or cast a vote in favor of rescuing Cuba from Spain. Every man, without a single exception, was the champion of Spain in that contest until the *Maine* was blown up, in February, 1898. Every argument that was made in this Chamber, every resolution that was introduced and advocated for that purpose, came from this side of the Chamber and not from that.

But, Mr. President, when that treacherous act upon the part of Spain resulted in the blowing up of our battle ship and the destroying of nearly 300 of our seamen, the country demanded action on the part of Congress; and, for the first time in all the history of the controversy and of that contest, the Republican party was lashed and driven by the force of public sentiment into taking cognizance of the affair. Then came, of course, the declaration of war.

But, Mr. President, it is to be remembered that the only two great battles that were fought during that war—the battle of Manila, on May 1, and the battle off Santiago Harbor, on the 3d of July—were battles fought not by Republicans or Democrats or Populists, but they were fought by all. No party had a monopoly there. Republicans, Democrats, Populists, Independents, every patriotic American citizen, regardless of his political affiliations, was found on our battle ships or in the ranks upon land.

It so happened, Mr. President, that the great admiral who commanded our fleet at Manila was not a Republican; he was a Democrat. It so happened that the other great admiral who commanded our fleet at Santiago Harbor was not a Republican; he, too, was a Democrat. It so happened that many of the most conspicuous soldiers in this struggle were not Republicans; they were Democrats, and some of them were Populists.

Mr. SCOTT. But all Americans.

Mr. ALLEN. But all Americans, Mr. President.

So when the Republican party goes to the country this fall, as evidently it intends to go, with the statement that it was the Republican party that fought this war with Spain, they will be confronted by these irrefutable facts of history.

Now, laying aside the tariff act, the currency act, and the conduct of this war, I want to know from any gentleman upon the other side of the Chamber, and I will yield time to him to tell me or to tell the country, what the Republican party has done for this country in almost four years of its Administration. We have this Philippine question unsolved. There is a radical dispute between the parties as to what shall be done with the Philippine

Islands. No man supposed when the war with Spain began, and the Philippine Islands fell into our hands as the incident or result of that war, that there was the slightest purpose on the part of this country to permanently retain them.

It is said that they were ceded to us by the treaty of Paris. Senators argue that it is clearly competent for one country to cede territory to another. I admit the general statement, sir; I admit that if the title of Spain was undisputed and indisputable to those islands, then clearly she had the power to cede them to the United States; but I deny here that it is within the power of one nation to cede the sovereignty of a people of another nation or to transfer the sovereignty of a people of another nation by a treaty of cession or in any other manner.

I know Senators will dispute this, that they will argue and cavil about it, and claim that there is no question about the right; but I challenge any Senator to point out authority, in international law or elsewhere, by which this country by cession could transfer my allegiance to England or to France or to some other country. It might transfer the territory occupied by me, by virtue of the law of force, but it never could transfer my allegiance. No man anticipated that the Philippine Islands would ever be claimed as a part of the territory of the United States.

It was not within the range of possible conception at that time; and yet shortly after these islands fell to us as the result of the war with Spain, that greedy power which controls the action of this Government set up the claim that we ought to annex those islands and hold them permanently as a part of the domain of the United States.

Mr. SCOTT. Will the Senator from Nebraska allow me to ask him a question?

Mr. ALLEN. Certainly.

Mr. SCOTT. What would the Senator do with the islands under the circumstances?

Mr. ALLEN. Give the people their freedom. I am glad the Senator asked that question, because it gives me an opportunity to sharply accentuate my views and to announce them upon that subject. Give to the Filipinos the same liberty, the same independence, that we ourselves enjoy, and protect them in the embryonic state of the republic until they are powerful enough to care for themselves.

Mr. SCOTT. You would take them for a number of years under the protection of the United States?

Mr. ALLEN. I would take them not as a sovereign. I would have those people set up a republic as they have attempted to do there, which was torn down by our arms and destroyed. I would say to them, "Convene in your congress; adopt your constitution; organize a government there; go on and conduct your affairs as any nation would conduct its affairs, and we will stand over you to see that Europe keeps her hands off of you." But we do not propose to do anything of that kind. We engaged in the war with Spain not for conquest, but that we might shake the clutches of the Monarchy of Spain from the throat of the Cubans and set them upon the highway to liberty and to freedom.

I doubt if ever before in all the history of the world a government has been known to enter into a war from the lofty motives with which we entered into the war with Spain in 1898. We ourselves had no direct quarrel. Our citizens were not involved in that controversy. Spain was crucifying and destroying her own subjects, and prompted by a spirit of fairness, prompted by the desire to see liberty and a republican form of government live and flourish upon this continent, rather than to see those people destroyed, we intervened for their protection and preservation.

The moment the Philippine Islands were reduced to our possession, as I was about to say, that moment all the accumulated greed and desire for spoliation in this country got control of the official machinery of the United States, and now it is announced that we are to retain those islands for all time, that we may profit out of their properties and their industries. It seems to me this question is scarcely open to debate. It is not open to debate so far as the history and traditions of our country are concerned.

So far as the legal status of the question is concerned, it is not debatable, for, as I understand it, Senators upon the other side of the Chamber do not claim that we have any specific legal title to these islands and these people, but that having fallen to us as a fortune of war, instead of giving them a republican form of government, recognizing them as an independent people, as an independent nation, we shall keep them as colonies, because they have properties and commerce that may be of value to us in the years to come.

Mr. President, I never expected to live to that period of life when I should see my country indulge in so low a motive as that which seems to prevail in this instance. We are not actuated by the welfare of those people. We do not propose to consult their interests. They can get upon their knees and plead with us for the liberty we ourselves enjoy, and while recognizing the great principles of liberty, for the time being we say to them, "No; we propose to hold you in subjection, because you have a rich country, out of which we can profit and out of which we propose to make money."

Now, to gloss over this purpose, this hideous, monstrous, and damnable purpose, the Republican party is indulging in laudations of the Administration, and in expressing to the country in different forms the great things accomplished by the Republican party and the great things to be accomplished by us in the Orient in the future. The language used by the Senator from Wisconsin [Mr. SPOONER] was highly laudatory. It was more than laudatory. It was the language of adulation. It was the language of praise; and when the Senator from Wisconsin was describing the virtues and purposes and policies of the Administration so forcibly and so learnedly, I thought possibly he had taken a lesson from our treaty with Persia in 1856.

It will be remembered that in 1856 this country entered into a treaty of friendship and commerce with the Shah of Persia, and here is the first official description of the virtues of a monarch that I have ever read, and I thought, when my friend was speaking, that perhaps he had been stimulated somewhat by reading this language:

> The President of the United States of North America, and His Majesty as exalted as the planet Saturn; the Sovereign to whom the sun serves as a standard; whose splendor and magnificence are equal to that of the skies; the Sublime Sovereign, the Monarch whose armies are as numerous as the stars; whose greatness calls to mind that of Jeinshid; whose magnificence equals that of Darius; the heir of the crown and throne of the Kayanians; the Sublime Emperor of all Persia.

There never was self-praise to be found in stronger language than that I have read. There never was praise by one person of another stronger than the language used by my honorable friend from Wisconsin in his remarkable speech a few days ago. I would not rob the President of the United States of the just reward of his administration. I believe that to every man should be accorded that to which he is justly entitled regardless of whether he agrees with me politically or not. We can not afford to be unjust. I can not afford to be unjust to a Republican or to the Republican party because of my disagreement with him or it upon public policies and measures.

I can not afford to be that kind of a partisan who sees but one side of a question and ignores all other views, nor do I think any other man can afford to take the attitude of a partisan to the exclusion of the truth. Let us be just to all. If the Republican party has accomplished anything entitling it to the support and respect of the people of this country, let it have that support and respect. If it has lived and fattened and thrived on false pretenses and false claims, let it receive the just condemnation for the course it has pursued.

Mr. President, my friend the Senator from Wisconsin the other day seemed to think that it was high treason—I will put it in as strong language as possible, because I think that is what he meant—for those of us to disagree with the President respecting his policy toward the islands; and to-day we heard it repeated again and again that any man who disagreed with the policy of the Administration with respect to these islands was not a friend of his country.

I do not want to characterize that kind of an argument exactly as I feel that it ought to be characterized, because it might not be entirely in accord with the rules of the Senate. But what is to be thought of a cause that is so frail and so unsound that the motives of those who differ with its advocates are to be drawn in question and they are to be put in a false light. Whenever you have a cause that is not bottomed upon the truth, that will not bear investigation and analysis, it is a cause that the sensible and the philosophic man will abandon and not undertake to support.

Yet, Mr. President, in all the history of this magnificent country, in ancient or modern times, this greatest Republic on earth, this most powerful Government in the world, we do not find an instance where our country has espoused the cause of despotism and denied a people the right to self-government and liberty until we come to deal with these poor people of the Philippine Islands. It is said they are incapable of government; that they are not capable of governing themselves. Sir, in 1776 England declared that we were incapable of governing ourselves. In fact, the chief cause of the Revolutionary war was the declaration of Great Britain that the colonies were incapable of governing themselves; and for more than a century and a third the British Empire and English people have declared that our Republic was ephemeral; that it was founded upon the sands, and in the course of a short time it would totter and fall.

That is the argument of tyrants. There never was a tyrant from the days of Nero to this moment who did not have some subterfuge to offer for his tyranny. Unlimited discretion, unlimited power are the two instruments by which tyranny accomplishes its deadly work. But Europe did not believe Great Britain when she said the Republic of the United States could not exist. There were, thank God, those in continental Europe who did not sympathize with Great Britain in her seven and a half years of bloody struggle to maintain jurisdiction of the colonies. They