

By Mr. PHILLIPS: Papers to accompany House bill granting an increase of pension to De Witt C. Ayres, of Company I, One hundred and second Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. QUIGG: Paper to accompany House bill for the relief of James Eagan, of Company G, Tenth New York Infantry Volunteers—to the Committee on Military Affairs.

By Mr. SKINNER: Petition of the heirs of Elizabeth Gatling, deceased, late of Gates County, N. C., praying reference of her war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Liddia Haslett, deceased, of Gates County, N. C., praying that her war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of the heirs of Thomas M. Wiggins, deceased, late of Pitt County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. SHUFORD: Petition of the heirs of Jacob Sheek, deceased, late of Davie County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. WELLINGTON: Paper to accompany House bill for the relief of David C. Winebrener—to the Committee on War Claims.

SENATE.

FRIDAY, January 29, 1897.

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

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

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of William E. Mason, chosen by the legislature of Illinois a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

Mr. HAWLEY presented the credentials of ORVILLE H. PLATT, chosen by the legislature of Connecticut a Senator from that State for the term beginning March 4, 1897; which were read, and ordered to be filed.

ANNUAL REPORT OF THE BELT RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Belt Railway Company of the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. NELSON. On that I call for the yeas and nays.

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

Mr. GEAR (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON].

The roll call having been concluded, the result was announced—yeas 40, nays 12; as follows:

YEAS—40.

Allen,	Carter,	Gray,	Proctor,
Bacon,	Chandler,	Hale,	Roach,
Baker,	Chilton,	Jones, Ark.	Sewell,
Bate,	Cockrell,	Lindsay,	Smith,
Berry,	Cullom,	McMillan,	Stewart,
Blackburn,	Faulkner,	Mills,	Thurston,
Blanchard,	Frye,	Mitchell, Wis.	Turpie,
Brown,	Gallinger,	Morrill,	Vilas,
Caffery,	Gibson,	Murphy,	Wetmore,
Call,	Gorman,	Platt,	Wilson.

NAYS—12.

Allison,	Clark,	Hoar,	Peffer,
Cameron,	Davis,	McBride,	Pettigrew,
Cannon,	Hawley,	Nelson,	Sherman.

NOT VOTING—37.

Aldrich,	Hansbrough,	Morgan,	Tillman,
Erice,	Harris,	Palmer,	Vest,
Burrows,	Hill,	Pasco,	Voorhees,
Butler,	Irby,	Perkins,	Walthall,
Daniel,	Jones, Nev.	Pritchard,	Warren,
Dubois,	Kyle,	Pugh,	White,
Elkins,	Lodge,	Quay,	Wolcott.
Gear,	Mantle,	Shoup,	
George,	Martin,	Squire,	
Gordon,	Mitchell, Oreg.	Teller,	

So the motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Wyoming, praying for the examination and classifica-

tion of mineral lands within the railroad land grants in that State; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Wyoming, ss:

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed is a full, true, and correct copy of joint resolution No. 1, house of representatives, passed by the fourth legislature of the State of Wyoming.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 25th day of January, A. D. 1897.

[SEAL.]

CHARLES W. BURDICK,

Secretary of State.

(Fourth legislature of the State of Wyoming.) Enrolled joint resolution No. 1, house of representatives, State of Wyoming.

Be it resolved by the senate and house of representatives of the State of Wyoming, That the Congress of the United States be memorialized as follows:

Whereas there is now pending before the Congress of the United States a measure known as the "California mineral lands bill," which has for its object the examination and classification of mineral lands within the railroad land grants in the State of California, and, as amended in the Senate, to include like lands in the State of Oregon; and

Whereas the State of Wyoming is situated under like circumstances, having large areas of mountainous lands within the Union Pacific Railroad land grant known to be mineral in character, and is entitled to the same consideration:

Be it therefore resolved, That we are desirous of securing legislation of like character for the State of Wyoming, and we hereby instruct our Senators and request our Representative in Congress to use all honorable means to secure the passage of the California mineral lands bill so amended as to include the State of Wyoming within its operation; and

Be it further resolved, That his excellency the governor of the State of Wyoming be, and he is hereby requested to transmit to each of our Senators and to our Representative in Congress, to the President of the United States, and to the Senate and House of Representatives of the United States a copy of these resolutions.

GEORGE E. ABBOTT,

President of the Senate.

A. D. KELLEY,

Speaker of the House.

Approved January 22, A. D. 1897.

WILLIAM A. RICHARDS,

Governor.

Mr. SEWELL presented the petition of the president and professors of Princeton University, New Jersey, and of the professors of the Princeton Theological Seminary, New Jersey, praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, with the names, as follows:

To the Senate of the United States:

The undersigned respectfully represent that they, in common with great numbers of their fellow-citizens in all parts of our country, are extremely solicitous that the treaty of arbitration between the United States and Great Britain, which is now before the Senate, should be promptly ratified, and they earnestly request the honorable Senators from this State to do all in their power to bring about this result. Enlightened and Christian nations surely can and should settle their disputes by an appeal to reason instead of force, by a reference to duly authorized and properly constituted tribunals. Particularly these two great nations, bound together by such innumerable ties, should set the example to the world of providing for the peaceful adjustment of every controversy, and making the horrible arbitration of war forever impossible between them. The provisions of the proposed treaty seem to us eminently judicious and wise; and we sincerely hope that no hesitation about minor, unimportant details which may be modified hereafter, if experience shall show it to be desirable, may unduly delay its ratification, and thus jeopard the establishment of the great principle involved.

W. Henry Green, Wm. M. Paxton, Benj. E. Warfield, George T. Purves, John De Witt, W. Brenton Greene, jr., Geerhardus Vos, Chalmers Martin, professors of Princeton Theological Seminary; Francis J. Patten, president of Princeton University; James O. Murray, dean of Princeton University; John T. Duffield, professor of mathematics; Charles W. Shields, professor of harmony of science and revealed religion; Henry Clay Cameron, professor of Greek (provided it is amended); Wm. A. Packard, professor of Latin; S. R. Winans, professor of Greek; H. B. Cornwall, professor of chemistry; W. M. Daniels, professor of political economy; John Grier Hibben, professor of logic; Henry B. Fine, professor of mathematics; Woodrow Wilson, professor of jurisprudence; Andrew F. West, professor of Latin; Jesse Benedict Carter, J. Mark Baldwin, William Libbey, John M. Brooks, Edmund T. Robbins, L. W. McCay, Herbert F. Sill, Ulric Dahlgren, George Madorkie, S. Stanhope Orris, J. S. Schanck, Geo. M. Priest, H. D. Thompson, C. F. W. McClure, Howard C. Warren, Alexander T. Ormond, J. Forsyth Crawford, J. H. Westcott, Theo. W. Hunt, W. F. Magie, C. H. Hinton, W. B. Harris, Chas. McMillan, W. B. Scott, H. F. Covington, C. A. Young, Taylor Reed, F. A. Waterman, Frederic C. Torrey, H. C. O. Huss, Walter M. Rankin, Edwin S. Lewis, William K. Prentice, Willard Humphreys, C. G. Rockwood, jr., Geo. M. Harper, H. S. S. Smith.

Mr. CAMERON. I present a petition signed by a number of the most prominent citizens of Philadelphia, praying for the prompt ratification of the pending arbitration treaty with Great Britain. I ask unanimous consent that the petition be printed in the RECORD.

There being no objection, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, with the names, as follows:

To the honorable the Senate of the United States:

The undersigned citizens of Philadelphia desire respectfully to convey to your honorable body the universal prayer of the community for the prompt



ratification of the treaty with Great Britain providing for the arbitration of international questions when not settled by the ordinary process of diplomacy.

It has long been the loftiest distinction of our race that it has been foremost in emancipating man from the shackles of tradition and in leading him to a higher plane of thought and action. To us the less fortunate nations habitually look as the pioneers of progress, opening the path through which humanity can rise from the darkness and errors of the past to the destiny of a brighter future. In this progress there have been few steps more pregnant with possible good than the measure now before you. This is evidenced no less in the acclaim with which it has been welcomed by European populations, groaning under the burdens of militarism, than by the hostility of the organs of that militarism, which deprecate it as a shrewd move by the English-speaking peoples in an attempt to obtain the supremacy of the world. It is not for us to deny that the more the world is subjected to such influence the happier it will be for mankind, and it is only two nations, each in its own way serenely conscious of unconquerable strength, that can afford to set so noble an example to their overburdened neighbors.

The objections urged against the treaty, that it would expose us to disadvantage in various questions calling for settlement in the near future, would appear to the undersigned to be groundless. The measure is only tentative—limited in its period and scope. It does not preclude the possibility of war when national sovereignty or national honor is involved, but it prescribes delays which admit of the subsidence of passion and the exercise of reason. This offers a special advantage to a nation like ours, which refuses to be burdened with enormous permanent armaments, and which thus escapes the peril of attack while unprepared. Moreover, it reduces to a minimum the influence of one of the most fertile sources of international collision—the wounded vanity of statesmen worsted in diplomatic encounter and prompt to cover their failures by an appeal to the sensitiveness of national pride.

Representing as we do a great industrial community, we may be permitted to urge upon you that the immediate material advantage to result from ratification would alone justify your early favorable action. In this industrial age the interests of society are so vast and complex, and the suffering entailed by any derangement of the machinery of trade and commerce is so widespread and severe, that the averting of sudden war panics would in itself be an incalculable gain to the nation. Nor are such motives to be stigmatized as mercenary, for industrial prosperity signifies happiness and comfort to the mass of the population, while industrial distress brings want and misery. It is the duty of the highest statesmanship to guard the material interests of the people, and the people can be trusted at all times and in every emergency to vindicate the national honor.

For these and other reasons which will suggest themselves to you, the undersigned venture to express the hope that at an early day you will in your wisdom, set the seal of your approbation on a measure so beneficent in its purpose and so stimulating to the moral sense of mankind. You will thus, moreover, lead the way to further arrangements of a similar nature with other nations who are awaiting your action prior to opening negotiations for the purpose. Responsibility so great has rarely fallen to the lot of legislators, for in your hands now rests the decision whether the United States shall stand forth as the apostle of peace in a distracted world.

Charles C. Harrison; George F. Edmunds, of Vermont; William Butler, James P. Sterrett, Henry Green, Henry W. Williams, J. B. McCollison, James T. Mitchell, John Dean, D. Newlin Fell; Michael Arnold, resident judge common pleas No. 4; Charles N. Audenried, judge common pleas No. 4; James Guy Gordon, Peter A. B. Widener, W. L. Elkins, Thomas McKean, S. Weir Mitchell, John H. Converse, Samuel Dickson, W. W. Frazier, Clayton McMichael, John Bach McMaster, William Peppery, O. W. Whitaker, John G. Johnson, Henry C. Lea; Charles F. Warwick, mayor; T. K. Finletter, resident judge common pleas No. 3; Joseph C. Ferguson, William B. Hanna, W. N. Ashman, Robert N. Willson, M. R. Thayer; Charles B. McMichael, judge common pleas No. 3; F. Amédee Brégy, Clement B. Penrose, John C. Bullitt, Thomas Dolan, Charles W. Trotter, B. B. Comegys, George C. Thomas, E. T. Stotesbury, Charles Platt, Charlemagne Tower, jr., William White Wilbank, Richard C. Dale, Hampton L. Corson, J. G. Rosengarten, Arthur B. Meigs, John B. Gest, Sam. R. Tripley, George Wharton Pepper, George K. Fisher, John Cadwalader, George W. Childs Drexel, Templeton S. Hutchinson, William Sellers, F. Fraley, Thomas Leaming, Craig Lippincott, W. M. McVicker, Robert M. Lewis, L. Clarke Davis, Richard Wood, Andrew Wheeler, A. J. Cassatt, I. M. DaCosta, Charles A. Brinley, Frank Thomson, George Proctor Bispham, Joseph S. Harris, Edwin S. Stuart, Ellis Yarnall, Francis Rawle, Arthur E. Newbold, Samuel Frederic Houston, Henry M. Dechert, David Scull, William H. Rhawn, Clement A. Griscom, Charles Hartshorn, R. Dale Benson, George S. Fullerton, C. Stuart Patterson, Israel W. Morris, Francis I. Gowen, Henry C. Townsend, James W. Paal, jr., Justus C. Strawbridge, William B. Gill, Edward Shippen, Jones Wister, George Philler, James May Duane, William M. Singery, Silas W. Pettit, Sidney F. Tyler, C. H. Clark, J. Vaughn Merrick.

PHILADELPHIA, Pa., January 22, 1897.

Mr. CAMERON presented a petition of the Philadelphia (Pa.) Maritime Exchange, praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the memorial of W. D. Blackburn, publisher of the Free Press, of Mechanicsburg, Pa., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Migley Manufacturing Company, of E. Chriton & Co., of William A. Haines, of the Tygert-Allen Fertilizer Company, of Enoch Lewis, of Thomas Bray, of Alfred Clegg, of R. G. Lecomte, of Gara, McGinley & Co., and of Batchelor Bros., all in the city of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GEAR presented a petition of the Congregational church of Keosauqua, Iowa, and a petition of the Davenport Business Men's Association, of Davenport, Iowa, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. HOAR presented a memorial of the Boston Plate Printers'

Union, No. 3, of Boston, Mass., remonstrating against the passage of the so-called Chandler bill, to reduce the salaries of employees in the service of the Government; which was referred to the Committee on Appropriations.

He also presented petitions of the National Woman's Christian Temperance Union, Frances E. Willard, president; of the North Congregational Church, of Springfield, Mass., and of Edward A. Pennock and 11 other residents of the Ben Adhem House Social Settlement, of Boston, Mass., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. MITCHELL of Wisconsin. I present a petition of considerable weight, and I may say of width, also. It consists of some fifty letters from the most important business concerns in the city of Milwaukee, in favor of the passage of the Loud bill. They are original letters, and very strong letters; and they have been put together in such fashion that they can not be thrust into that legislative morgue, the pigeonhole. I trust they will be laid on the table of the Committee on Post-Offices and Post-Roads, and be read by the members with attention and benefit.

The petition was referred to the Committee on Post-Offices and Post-Roads, as follows:

The petition of the Wisconsin Marine and Fire Insurance Company Bank; of the Wisconsin National Bank; of the First National Bank; of the Milwaukee National Bank; of the Milwaukee Harvester Company; of the Plankinton Packing Company; of Kieckhefer Bros. Company; of the Northwestern Malleable Iron Company; of the Wellaner & Hoffmann Company; of the Straw & Ellsworth Manufacturing Company; of the H. Zoehrlant Leather Company; of the Bradley & Metcalf Company; of Beals, Torrey & Co.; of the F. Mayer Boot and Shoe Company; of Friend Bros. Clothing Company; of the Charles Baumbach Company; of the Jerman, Pfeuger & Kuehinsted Company; of the Pabst Brewing Company; of the Val Blatz Brewing Company; of Albert Trostel & Sons; of the E. P. Allis Company; of the S. Birkenwall Company; of the William Becker Leather Company; of John B. A. Kerr & Sons; of the E. Sanderson Milling Company; of the Miller Manufacturing Company; of the Milwaukee Gas Light Company; of the Johnson Electric Service Company; of the O. L. Packard Machinery Company; of the Shadbolt & Boyd Iron Company; of Lindsay Bros.; of the Kalamazoo Knitting Company; of the Van Dyke Knitting Company; of the T. A. Chapman Company; of Landauer & Co.; of the James E. Patton Company; of the Filer & Stowell Company; of the Cribb Carriage Company; of Layton & Co.; of Mendel, Smith & Co.; of Inbusch Bros.; of Roundy, Peckham & Co.; of the Wilbur Lumber Company; of L. Bartlett & Son, and of the Gender & Paeschke Manufacturing Company, all in the city of Milwaukee, Wis.

Mr. FRYE. I present a petition of Naval Post, No. 400, of Philadelphia, Pa., praying for the enactment of legislation forbidding the beating of seamen upon our vessels by irresponsible and brutal officers, and abolishing all allotment and advance of wages except to parents, wife, or children. I move that the petition lie on the table, the bill covering the subject having been reported from the committee.

The motion was agreed to.

Mr. FRYE. I present a resolution unanimously adopted by the Society of the Sons of the American Revolution of the District of Columbia, in which it is—

*Resolved*, That the District of Columbia Society of the Sons of the American Revolution petition Congress that immediate action be taken to preserve the old ship *Constitution*, and for its transfer to a permanent abode in the capital city of these United States.

I move that the resolution be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. NELSON presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

Mr. CLARK. I present resolutions adopted at the twenty-seventh annual meeting of the National Board of Trade, held in Washington, D. C., January 26, 27, and 28, 1897, favoring the passage of the so-called Torrey bankruptcy bill. I move that the resolutions lie on the table, and that they be printed as a document.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Board of Trade and Transportation, of Cincinnati, Ohio, praying for the passage of House bill No. 4566, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade and Transportation of Cincinnati, Ohio, remonstrating against the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.



Mr. PALMER presented the petition of H. W. Everest, president of the State Teachers' Association and of the Southern Illinois State Normal University, of Carbondale, Ill., praying for the enactment of legislation to provide for the better equipment of the National Bureau of Education; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented the petition from George W. Buzzell, of the Methodist Episcopal Church, of Hudson, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in the Capitol building; which was ordered to lie on the table.

Mr. CULLOM. I present the petition of Haggard & Marcusson, of Chicago, Ill., praying for the passage of the so-called Loud bill, relating to second-class mail matter. I wish to state that a very large number of the most prominent business men of Chicago are anxious for the passage of that bill.

I move that the petition be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. CULLOM presented the memorial of J. P. Devlin, editor, of Chicago, Ill., remonstrating against the ratification of the pending arbitration treaty with Great Britain; which was referred to the Committee on Foreign Relations.

He also presented the petition of J. Seymour Curry, of Evanston, Ill., and a petition of the Methodist Episcopal Church, of Chicago, Ill., praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

He also presented the petitions of the Falker & Stern Company, of Chicago; of Sweet, Dempster & Co., of Chicago; of I. S. Moore, of Galena; of H. Cohn & Son, of Chicago; of J. S. Stevens, of Peoria; of the Geneva Optical Company, of Chicago; of Grommes & Ullrich, of Chicago; of L. B. Mantonya & Co., of Chicago, and of Guthmann, Carpenter & Telling, of Chicago, all in the State of Illinois, praying for the passage of the so-called Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rock Island, Ill., praying that an appropriation be made for certain improvements in connection with the arsenal in that city; which was referred to the Committee on Appropriations.

Mr. BLANCHARD presented a petition of New Orleans Branch, No. 28, National Association of Post-Office Clerks, of New Orleans, La., praying for the passage of the so-called post office clerks' classification bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New Orleans Stock Exchange, of New Orleans, La., praying for the passage of the so-called Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented the memorial of H. G. Goodwyn, publisher of the Chronicle, of Colfax, La., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Philadelphia, Pa., praying for the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LODGE presented a petition of sundry residents of the Ben Adhem House Social Settlement, of Boston, Mass., and a petition of the Connecticut Valley Congregational Club of Massachusetts, praying for the ratification of the pending arbitration treaty with Great Britain; which were referred to the Committee on Foreign Relations.

Mr. SMITH presented the petition of Mrs. Cornelia Collins Hussey, of East Orange, N. J., praying for the enactment of legislation to raise the age of consent to 18 years in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the memorial of Joseph A. Dear, publisher of the Evening Journal, of Jersey City, N. J., remonstrating against the passage of House bill No. 4566, to amend the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petitions of H. B. Anthony, of Camden; of Mrs. Charles Keighley, of Vineland, and of the Woman's Christian Temperance Union of Vineland, all in the State of New Jersey, praying for the enactment of legislation to amend the postal laws relating to second-class mail matter, and also to prohibit the interstate transportation of obscene mail matter by any agency; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Jacob Stein, of the National Soldiers' Home of Virginia, late of Company A, Forty-sixth Regiment New York Volunteer Infantry, and of Company C, Fourteenth Regiment New Jersey Volunteer Infantry, praying for indemnification from the Government on account of hardships endured by him during his service in the late war; which was referred to the Committee on Pensions.

## REPORTS OF COMMITTEES.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (H. R. 6215) to increase the pension of Ambrose D. Manion, reported it without amendment, and submitted a report thereon.

Mr. CLARK, from the Committee on Patents, to whom was referred the bill (S. 3158) for the relief of the heirs at law of the late Duncan H. Campbell, reported it without amendment, and submitted a report thereon.

Mr. PEPPER, from the Committee on Pensions, to whom was referred the bill (H. R. 1168) to increase the pension of Josiah P. Hill, late of Company F, Eighty-first Regiment of Illinois Volunteers, in the war of the rebellion, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6166) granting a pension to Minnie Parker, widow of Col. and Bvt. Brig. Gen. Ely S. Parker, late of the United States Army, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL of Wisconsin, from the Committee on Pensions, to whom was referred the bill (H. R. 2725) granting increase of pension to Henry Slaughter, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 617) granting an increase of pension to Mary E. Law, reported it without amendment.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (H. R. 4001) to reinstate William Waldrup on pension roll, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5061) to pension Ira Powers, of Henderson County, Tenn., reported it without amendment, and submitted a report thereon.

Mr. PEPPER, from the Committee on Pensions, to whom was referred the bill (H. R. 7821) granting a pension to Annie Schifirli, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment providing for an appropriation to pay Frank P. Holmes for extra services as conductor of the Senate elevator from July 1, 1891, to January 31, 1892; and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

## MRS. MARTHA FRANK.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3612) granting a pension to Mrs. Martha Frank, to report it favorably without amendment. As this is a bill which proposes to pension an old lady in the State of Georgia, 102½ years old, I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place upon the pension roll the name of Mrs. Martha Frank, widow of William Frank, member of the company of Capt. John Little in the Indian war of 1818, and to allow her a pension rated at \$8 per month.

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

## MISS F. L. FAULKNER.

Mr. GALLINGER. A resolution was referred a few days ago to the Committee to Audit and Control the Contingent Expenses of the Senate which provided for the payment of one year's salary to the daughter of Chester R. Faulkner, late a messenger on the rolls of the Senate. The committee report a substitute for the resolution, the substitute providing for the payment of one-half year's salary, which is in accordance, I think, with the uniform custom of the Senate. I ask that the resolution reported as a substitute may be immediately considered.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Miss F. L. Faulkner, daughter of Chester R. Faulkner, deceased, late a messenger on the rolls of the Senate, a sum equal to six months' salary, at the rate per annum allowed by law to the messenger aforesaid, said sum to be considered as including funeral expenses and all other allowances.

## REPORT OF TREASURER OF THE UNITED STATES.

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

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 2,000 additional copies of the annual report of the Treasurer of the United States for the fiscal year ended June 30, 1896, for the use of the Treasury Department.



## BILLS INTRODUCED.

Mr. ALLEN introduced a bill (S. 3618) to prevent the overcapitalization of corporations, companies, and associations of persons doing an interstate carrying trade, and requiring the taking out of a license therefor in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. GORMAN introduced a bill (S. 3619) to reduce the interest on arrearages of taxes due the District of Columbia prior to July 1, 1895; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3620) for the relief of Joseph Prather, of the District of Columbia, for supplies and stores taken from him by the military forces of the United States for their use in said District during the war for the suppression of the rebellion; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3621) for the relief of William Johnson, administrator of Thomas I. Johnson, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883; which was read twice by its title, and referred to the Committee on Claims.

## INTERNATIONAL COURT OF ARBITRATION.

Mr. BACON introduced a joint resolution (S. R. 196) relative to the establishment of an international court of arbitration; which was read the first time by its title.

Mr. BACON. I ask that the joint resolution be read at length. The joint resolution was read 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 United States of America deprecate war, and desire the maintenance of peace and friendship with all the world, and that this desire is not limited to their relations with any one nation, but extends to their relations with all the nations of the earth, whether the same be great or small, strong or weak.

*Resolved further,* That to the end that these relations of peace and amity now happily existing between them and all nations may be perpetually preserved, and that wars may be discouraged and as far as practicable made impossible, the United States favor the principle and practice of international arbitration for the settlement of all questions in difference between them and any other nation which they may fail to adjust by treaty or diplomatic negotiation.

*Resolved further,* That the United States do hereby avow it as their future policy and intention, whenever there shall arise any question in difference between them and any other nation which they may fail to adjust by treaty or diplomatic negotiation, that they shall and will, so far as they can consistently with the national honor and established national policies, agree with such other nation to submit such question in difference to the arbitration and final decision of an international court of arbitration. Such court of arbitration shall, in the future as in the past, be constituted by agreement between the parties consenting thereto, with special reference and adaptation to the particular question in difference, and to the conditions then existing.

*Resolved further,* That the United States hereby invite all civilized nations to make a corresponding and reciprocal declaration, to the end that wars between nations may cease, and that a universal reign of peace may be inaugurated and perpetually maintained.

Mr. BACON. Mr. President, I do not propose in introducing these resolutions to submit any remarks relative thereto. I could not do so without in some measure trenching upon the subject of the pending treaty between this Government and Great Britain relative to international arbitration, which would be manifestly improper.

I simply desire to say, however, in order that attention may be called to this matter, that it must be apparent to all that such a declaration as is embodied in the resolutions, when made by Congress, which is the war-making power, must exert a much stronger influence in the prevention of war and in the encouragement of peace than can be possibly exerted by any treaty between this Government and any other one nation.

In the hope of an early report, in order that this matter which is now occupying the public mind may have a final determination by the present Congress, I ask that the joint resolution be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask be referred to the Committee on Commerce and printed. I call the particular attention of the Senator from Maine [Mr. FRYE], the chairman of the committee, to the amendment. It provides for surveys and examinations of deep waterways and the routes thereof between the Great Lakes and Atlantic tide waters in the respects indicated by the report of the Deep Waterways Commission transmitted to Congress January 18, 1897, \$150,000.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Commerce, and printed.

Mr. BAKER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be pro-

posed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Health and National Quarantine, and ordered to be printed.

## SALE OF PACIFIC RAILROADS.

Mr. ALLEN. I submit a concurrent resolution and ask that it be read.

The concurrent resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring),* That a master's, marshal, or any other judicial or execution sale of the properties of the Union Pacific and Kansas Pacific railroad companies, or either of them, without additional legislation by Congress, would not be binding on the Government of the United States, or conclude it of any legal or equitable right therein now possessed, unless such sale should be subsequently ratified by Congressional action.

Mr. ALLEN. Let the resolution be passed over, to be considered on the morning of the next legislative day.

The VICE-PRESIDENT. It will be so ordered.

## INTERNATIONAL MONETARY CONFERENCE.

Mr. CHANDLER. I ask that Senate bill 3547 may be taken up for consideration.

Mr. PETTIGREW. Have we disposed of the morning business? I should like to know.

The VICE-PRESIDENT. The morning business has not been concluded. The Senator from New Hampshire addressed the Chair.

Mr. CHANDLER. I ask that Senate bill 3547 may be taken up.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (S. 3547) to provide for the representation of the United States by commissioners in any international monetary conference hereafter to be called.

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

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment proposed by Mr. CANNON.

Mr. VILAS. Mr. President, I desire simply to express my opposition to this bill, not to engage in a fruitless debate. I shall mention but two or three points of objection, and them briefly.

In what it says, still more in its implications, the bill is worse than useless—it is highly vicious. It is another of the ambiguous and timid utterances, of the projects, illusory—perhaps it is not too much to say deceitful—by which those of our countrymen who put faith in the declarations of Congress, as guided by wisdom, are perversely taught misconception of the true principles of government, of finance, and commerce.

I do not charge that the scheme is not supported with sincerity, nor that in fact no conference is purposed to be held, or, if held, no practical result is anticipated—though for this there might be grounds of suspicion, as the Senator from California [Mr. WHITE] intimated yesterday. I take it rather as being what its words indicate, and there find it worse in effect than if merely insincere.

It proffers again to the public as sound and wise the theory that bimetalism, in the sense that a stable, practicable, and useful standard of value may be compounded of the two metals, gold and silver, both enjoying free and unlimited coinage at an arbitrary ratio, if only many nations will try it together instead of ours alone. In that it defies the teaching of history, the advice of experience and experienced men, and the deductions of sound reason.

No such bimetalism has ever existed in fact; in no country of the world does it exist now. Always and everywhere the concurrent unlimited coinage of the two metals, at any ratio, has resulted in the involuntary, unconscious, but inevitable fixation, for the time being, of one or the other metal as the standard, the vain though constant pursuit of an unattainable adjustment of relation between two different and contending standards at the same time by continual shifts of legislation, always accompanied by instability of values of the current coins, profitable only to money changers, but inflicting distress on business, and especial injury on those who depend on their labor for life and its enjoyments.

The pretense that any such system of bimetalism as created the standard out of both metals, so that the value of both became necessary components of it, has ever had existence in the world is overwhelmed by the most trustworthy historical researches and must be consigned to the limbo where the ghosts of witchcraft, astrology, demonology, and kindred superstitions have been driven by the advancing intelligence and wisdom of mankind.

It would matter little if it were granted to have once had some footing on earth, for it has none now. As I said, no country furnishes example of it. Some base their reckoning of business on silver coins; some on gold; but none on a bimetallic standard.



If such ever existed, then it has disappeared; and let him who would demand its resurrection confront the experienced progress of human intelligence.

In either aspect the pursuit of a bimetallic standard of such a character is as idle as would be human effort to divert the Gulf Stream or warm the climate of the poles.

But still more this bill implies to the public mind, and the inference is certain that such a standard of value is far better and more desirable than the present. It is complete acknowledgment of the fundamental assumption of the Bryan campaign that a gold standard of monetary measurement, however freely silver may be used within the sphere of its practical usefulness, is wrong, not right, a false, not a true, standard, the product of evil law, not of just and natural law, an injury done society by human error which can be in some way redressed, and therefore ought to be. And it fairly leads to the recent issue that but for the wicked resistance of other countries the grievous wrong might be righted and the woes of mankind, here and elsewhere, vastly alleviated. Sir, no wonder men listened to the siren tones that lured them toward this fancied blessing and said, "Let us try it alone, let us be free and independent, let us have the boon of prosperity, 'without the consent of any other nation on earth.'"

If they had been right in their basis, which this vicious and misleading bill now implies, they were right in this insistence, for it is assuredly a truth, sir, in my poor opinion, that any people under the sun may pursue alone the sound principles of finance, commerce, business, and good government, without any exception whatever of a single principle among all that rule those subjects, independently of other nations, and be gainers, not losers, by their faithful adherence to them. Not always to the full extent that cooperation with others would insure, but always to advantage and benefit far beyond any attainable by not pursuing them.

Why, then, if the free coinage of both metals at an arbitrary ratio be a principle of finance or commerce valuable to many nations together, is it not, like all sound principles of finance and commerce, helpful to the nation which pursues it alone? Sir, that appears to me a question which the average common sense of man does not find answered by the refinements and mysticism which proffer all the benefits of principle only to some hopeless application of it; and it can not be thus answered to any sound judgment. "The hills are green far away" is the sententious Irish saying that dispatches such fantastic theories.

And well may it be applied to this dream of international bimetallicism. How many more conferences do we require to satisfy us of the futility, the fatuity, of all such attempts? How many times more must we be shown that the comity of nations does indeed forbid the world to laugh in our faces, but by no means suppresses their laughter in the sleeve? Of course, if the United States shall continue to be inspired by that sort of statesmanship which will try to keep an intelligent people from bothering politicians in their pursuit of place, by putting them off with the expectation of splendid results to come "in the sweet by and by" from a millennial concord of nations in financial affairs, why, just so long polite, courteous, and sympathizing politicians in the countries of Europe will gravely consent to light a council fire and have a "big talk" with the United States. It is for nations as for Indians, a rule of politeness. And we can undoubtedly again get together at Paris, Brussels, or some other pleasant capital a delightful assemblage of the brainiest and brightest financiers of Europe, who will listen with sedate faces and blink like wisdom-laden owls while our commissioners shall unfold again the glorious joys to the human race to spring from the free and unlimited coinage of silver at 16 to 1, with all the delectable tables of mathematical confectionery which attend the winsome argument. And after a sufficient number of days have been worn away in the rites and ceremonials of financial mysticism until greater bewilderment of mind becomes impossible, and after dinners, receptions, and social festivities have begun to pall, some one will quietly point out, like Mr. Forsell, of Sweden, at the last Brussels conference, that no such a thing as this fancied bimetallicism can possibly be created because incapable of existence, and then it will gradually leak out that in point of fact the delegates from the countries where the arts of civilization have been most triumphant really were sent under instructions which practically forbid any definite agreement of any kind. And then, with many assurances of the profoundest mutual esteem, and the most distinguished mutual consideration, and the most delightful international love, they will adjourn to meet again when called together, an event that will never occur.

Three times the United States have caused this pretty play to be enacted—twice at Paris and once at Brussels—France once even joining us in the invitation to the others. And the truth is, the international farce does not please Americans longer. Perhaps they can all, or nearly all, be fooled part of the time, but the time for this foolery has passed.

We have a plain and easy path before us, and it opens to all the

prosperity, and especially to all the relief from afflicting currency disorders, which any legislation can give. We know that mankind in the whole can not be made rich or prosperous by legislation. If any class is so enriched, it is at the cost of the masses.

That, then, is the true plan of law which establishes the equality of privilege and right to all without distinction, and leaves the prosperity of individuals to individual efforts. And that is the wisest law of currency which fixes a simple, stable, certain standard, with sufficient provision for a circulation based upon and immediately and everywhere redeemable in it, elastic, convenient, and safe, and then leaves men entirely alone to transact their business without fear of change in the standard.

The currency should be as easy to enjoy as the air we breathe, as natural in operation, as wholesome to business as the oxygen to life, and as little liable to meddlesome infection by law.

Sir, the people of the United States have the right to expect such legislation as shall give them a sound currency, under the instruction of the late election. If that supreme object shall be traded off for the gain of favored classes or sacrificed to cowardice, woe to them who shall be guilty of it.

Mr. STEWART. Mr. President, I do not rise to make a speech, but I can not refrain from tendering to the Senator from Wisconsin [Mr. VILAS] my sincere congratulations. He has pictured in graphic language what I have long felt to be a supreme folly. The application to foreign powers to regulate our domestic affairs has always seemed to me to be so preposterous that it ought not to receive a moment's consideration by any American.

There is another part of his argument which challenges my admiration, and that is his profound frankness in advocating the single gold standard. He undoubtedly believes that the United States can have no money unless it can obtain the commodity gold, which European monarchs and European capitalists have cornered and hold in their firm grasp; that if we have money at all we must obtain it upon such terms and conditions as the hoarders of gold dictate, whether it rob us of our property and reduce us to slavery or not.

Believing, as I do, that money is the creation of law, and that it is the duty of the Government to furnish a sufficient volume of money to enable the country to prosper and develop its resources, I view with astonishment any man who has conceived the idea that civilization must perish if the United States can not obtain the commodity gold upon which to stamp the will of its sovereign authority and use it for money. I say that his courage in this respect challenges my admiration. I never was one of those who doubted the sincerity of the great mass of mankind who held to the theory that the world was flat, though I deprecated their fanaticism for the persecutions they inflicted upon others who thought differently; nor did I doubt the piety of the divines of the Middle Ages who thought it was sacrilegious to adopt sanitary measures to preserve health, when all that was necessary, in their opinion, was faith. I have often thought and often compared the feeling of those who believed that the world was flat and those who believed that sanitary measures to preserve health were wicked with the unctuous and enthusiastic teachings from the White House and elsewhere, that all we needed to restore prosperity was confidence. They are very similar. The confidence that civilization can be preserved by gold alone, it seems to me, stands upon the same footing as the confidence that the world was flat or that sanitary precautions were wicked. As to those gentlemen who believe otherwise, who believe that the free coinage of silver would be a good thing, and want to apply to Europe for it, when we have been three times denied it, I may question their sincerity, but when a man believes that the world can be saved with gold alone, whether we have it or not, and honestly avows that belief, his courage in stating his convictions ought to make us commend him at least personally.

The folly, however, of believing that this civilization must perish for want of money unless we can get the commodity gold from those who have hoarded it is a burlesque on human reason and is a reflection on the intelligence of the age. If it were not for the misery that it entails, if this country were not suffering distress the like of which was never before known, it would be comical to listen to the arguments to show that money, which Aristotle declared more than two thousand years ago was the creation of law, existed in any commodity whatever.

You may say to me, "Why do you want to use the commodity of silver?" My reply is: Because there is more of it than there is of gold alone, and it will come nearer rescuing this civilization from inevitable destruction than one metal alone, and also because that remedy is within our reach. That is my reason for it. Six and a half million people have declared for it, and hundreds of thousands, aye millions, of others would have declared for it if money had not voted, if they had not been deceived by being persuaded that the United States must depend upon the will of the monarchs of Europe for our domestic laws. These people will be undeceived in the next campaign. The Republican party may devise every method of deception it pleases, but the stern realities



of misery are too great to deceive the people again, and everyone knows it.

I am willing the Republican party shall try any method they have and give us another object lesson of the contempt in which our efforts to get others to legislate for us is held by those to whom we apply. Let the American people feel the full force and degradation of applying to Europe to give laws to this country whereby this people can flourish.

Mr. PETTIGREW. Mr. President, I simply wish to record my protest against the passage of this measure; in the first place, because I believe that this country is capable of managing its own affairs without the assistance of any other nation on the globe. In the second place, I do not believe that we should longer be supplicants at the feet of the European nations, who are the chief beneficiaries of the appreciation of gold, they being our creditors, and that it is humiliating enough to have asked as often as we have for a conference on this subject; that if we can not do this alone, in other words, if we can not adopt the free and unlimited coinage of silver by ourselves and thus relieve our people from the depreciation of the value of their products, then we should do something that we can do alone. We should not longer appeal to the nations of Europe, who are the chief beneficiaries of the existing conditions, for their assistance for our relief.

I contend, Mr. President—at least I am of the opinion—that there is not a Senator on this floor who believes that a bimetallic agreement with the nations of Europe will result in the establishment of a ratio between 15 and 16 to 1, or even 16 to 1. I think there is no Senator who for a moment supposes that Great Britain will change her monetary system, and I can see no excuse whatever for the introduction of this bill, except the necessity of the Republican party to satisfy many hundred thousands of people who are advocates of silver and who voted the Republican ticket, perhaps believing that something would be done. That nothing will be done is established conclusively by the result of the conferences already held.

The first conference was held in 1867, at the invitation of France, and met at Paris on June 17, 1867. Eighteen of the principal European countries and the United States participated. They voted unanimously against the single silver standard, and every nation participating in that conference voted in favor of the single gold standard but the Netherlands, and they also voted to establish the 25-franc gold piece as an international coin.

The next conference met, at the invitation of the United States, at Paris August 16, 1878. Twelve countries were represented. Germany refused to send delegates. It was proposed by the United States, first, that it is not to be desired that silver shall be excluded from free coinage in Europe and the United States; second, that the use of both gold and silver as unlimited legal tender may be safely adopted by equalizing them at a ratio fixed by international agreement.

Then the convention resolved—what? Simply this, and nothing more: That the difference of opinion that had appeared excluded the adoption of a common ratio between the two metals, and then adjourned.

The next, or third, conference was called by France and the United States, and held in 1881, nineteen countries being represented. The delegate from Sweden said that they had better reaffirm the declaration of 1878, and the conference reaffirmed that declaration and adjourned never to meet again. That declaration of 1878 was that the differences of opinion which had appeared excluded the adoption of a common ratio between the two metals.

The next conference was held at Brussels in 1892. At that conference the United States proposed, not the free and unlimited coinage of silver at any ratio, but simply this: The United States had at first sent an invitation to Great Britain, asking that Government to join us in a convention to adopt both metals at a ratio to be agreed upon. Great Britain refused to accept the invitation to the conference to discuss the question of agreeing upon a ratio for the coinage of the two metals, but when we changed the invitation so as to provide for simply meeting and discussing the question of the enlarged use of silver Great Britain joined in the conference, and this was the programme of the United States in the conference of 1892.

That in the opinion of this conference it is desirable that some measure should be found for increasing the use of silver in the currency systems of the nations.

That was all. No greater or broader resolution would be accepted by Great Britain, neither would she join us in a conference to discuss the question of the ratio. But what more? Mr. Wilson, a delegate from Great Britain, immediately said:

Her Majesty's Government did not find it possible to accept an invitation conveyed in terms which might give rise to a misunderstanding by implying that the Government had some doubt as to the maintenance of the monetary system which had been in force in Great Britain since 1816.

Speaking for Sir Charles Fremantle and himself, he said:

Our faith is that of the school of monometallism pure and simple. We do not admit that any other than the single gold standard would be applicable to our country.

Early in the session the leading delegate from Germany declared:

Germany, being satisfied with its monetary system, has no intention of modifying its basis. \* \* \* In view of the satisfactory monetary situation of the Empire, the Imperial Government has prescribed the most strict reserve for its delegates, who, in consequence, can not take part either in the discussion or in the vote upon the resolution presented by the delegates of the United States.

Germany in that conference then refused to discuss or vote one way or another upon a proposition simply for the enlarged use of silver.

Austria-Hungary, although represented in the conference, instructed their delegate to take no part in the conference, in its discussions or votes.

The delegate from the Netherlands declared—

That Holland would not enter into a bimetallic union without the full and complete participation of England is a part of the formal instructions furnished us by our Government.

France made the same declaration practically, in fact absolutely the same declaration, that she would not participate in any agreement unless England joined.

The delegate from Sweden, Mr. Hans Forssell, said that—

It would be premature to vote upon the resolution of the United States when the means were not known by which the use of silver as a monetary metal could be enlarged.

What probability was there to discuss with them the question of the ratio and the free and unlimited coinage of silver? He proposed to postpone the vote until a future meeting.

Mr. Lardy, delegate of Switzerland, made the following declaration:

The Swiss Government hastened to accept the invitation of the President of the United States, guided by the same sentiments which caused Switzerland to be represented at the monetary conferences at Paris in 1878 and 1881.

Then he goes on to declare that they are satisfied with their money system and will not change it. Why should they not be? They owe nothing, and the world owes them; their situation is the same as that of England in that respect.

Prince Ouroussoff, delegate of Russia, expressed himself in the following terms:

I must make the same reservations as others of our honorable colleagues. The Russian Government takes the most lively interest in the conference, and has therefore given instructions to its delegates to follow attentively the debates, but they may not vote upon proposals which have a definite character or involve practical resolutions.

Mr. Bengesco, delegate of Roumania, made the following declaration:

The instructions of my Government not having arrived, I consider myself bound to make the same reserves as my honorable colleagues. I declare, therefore, that I can not take part in any discussion or in any vote upon the proposals which are submitted to us.

Mr. d'Antas, delegate of Portugal, joined in the reserves made by some of his colleagues, notably by the delegates of Austria, Russia, and Roumania; he recalled the fact that similar reserves had been made by the delegate of Portugal at the last monetary conference.

The delegate from Turkey made the same reservation—in fact, pretty nearly all of them did—simply declining even to discuss the question of enlarging the use of silver.

This convention adjourned to meet again at some future time, to be called again, some time within the then coming year, but it never reassembled. Afterwards the Congress of the United States passed a bill providing for nine delegates to a monetary conference whenever we could find anybody who would confer with us; and we were unable to find anyone who would join in a conference and who would talk with us about this question, and the law lapsed by limitation of time. Now it is proposed to have another conference with the same people after more than twenty-five years of constant effort in this direction. I say I will have no part in any effort in that direction. It is humiliating enough to read the history already made without increasing its pages by further humiliation.

Who is the chief beneficiary of the appreciation of gold? The gold-using nations of the world; not their producers, not their farmers, for farming in every gold-using nation to-day has ceased to pay a profit or even the expense of production; not their manufacturers, for their chief industry to-day in the line of manufactures is to create machinery to be shipped to Asiatic silver-using countries to produce the manufactured goods heretofore produced in England. The beneficiaries, then, are the rulers of those countries, the accumulators of the wealth produced by the toil of others. England buys of the world \$750,000,000 worth of products more than she sells. How does she pay for them? She pays for them by interest upon the money the world owes her. If she can get two bushels of wheat for a dollar instead of one, she has doubled the comforts which her moneyed classes can buy with this interest money. Is she going to change that system? Not for one moment.

Mr. President, the figures in this direction ought to alarm the people of the United States. Go the world round, and there is not a single country with the gold standard where the producers of



wealth are prosperous. But there are silver-using nations that have made more progress in the last twenty years in the development of material resources, in the creation of wealth, than ever before. What fear, then, is there in our joining the nations of the world whose producers are prosperous, as we are a great nation of producers?

If the people of the United States had received in 1895 the same gold price for their products that they received in 1873 for what they exported to other countries, instead of \$807,500,000 they would have received \$1,769,000,000. If we had paid the same gold price for our imports in 1895 that we paid in 1873, we would have paid \$1,152,000,000 instead of \$731,900,000. In other words, Mr. President, the balance of trade, instead of being \$75,000,000 in our favor, would have been \$617,000,000 in our favor. These exports were principally farm products and raw material, and they declined in price so much more rapidly than manufactured products that the difference was enormously against us. If our people had had \$617,000,000 in 1895 instead of \$75,000,000, which was the balance of trade in our favor, we would have rapidly commenced the extinction of our foreign debt.

But let us see how this rule affects Great Britain. We lost by it nearly \$550,000,000. Let us see how Great Britain fared? England exported in 1895 £226,000,000 in value of manufactured products. If she had received the same price in 1895 that she received, for instance, in 1894 the difference would have been £8,500,000. If she had paid the same price in 1895 that she paid in 1894 for her imports, the difference would have been £17,000,000. In other words, the decline in price from 1894 to 1895, the result of the appreciation of gold, made a difference in England's favor of \$40,000,000, and the Statist, in commenting upon this subject, says that since 1873 the rapid decline in the value of farm products and raw materials, which are the articles that England has purchased, has made such an enormous difference in her favor that she can well afford to suffer the slight decline that has come to her manufactured products.

Mr. President, if we would bring prosperity to this country we must rescue the farmer of the country. To-day the cost of producing farm products is greater than the price in gold. It is a significant fact that if the grain crop of the United States in 1895 had brought the same price in gold that it brought in 1873, the farmers of this country would have received \$900,000,000 more than they did. If the cotton crop had brought the same price in 1895 that it brought in 1873, the cotton raisers of this country would have received \$350,000,000 more than they received for their crop, farm animals would have brought \$250,000,000 more than they did, and the difference upon these four staple items alone would have been \$1,500,000,000.

I call the attention of the manufacturers of the East to these facts and figures. If you would start your factories and your mills, you must restore prosperity to the purchasers of your manufactured articles. If the farmers of this country had received in 1895 \$1,500,000,000 more than they did, it would have employed every idle man in the United States and started every mill. Can you secure this prosperity by increasing the tariff? What argument do you present to the farmer for a remedy; and until you rescue him, no other remedy is of avail. Oh, you say you will furnish a home market for farm products. Mr. President, we can not have a home market for farm products and a gold standard. That is absolutely impossible. We must pay \$200,000,000 of interest abroad each year. We must pay \$75,000,000, the expenses of travelers abroad. We must pay the doweries of the American girls who marry the decayed branches of royalty in Europe. These sums are paid with farm products. Eighty per cent of the exports are products of the farm, and the large proportion of the other 20 per cent are mineral, oil, and silver. If we have a home market for farm products, how are you going to pay these charges abroad, to say nothing about paying for our imports? You must do it by shipping gold, and therefore a home market for farm products and a gold standard are impossible unless Senators are willing to have a gold standard without any gold.

Therefore if we would remedy the evils under which we suffer, we must raise the value of silver by increasing its use, and decrease the value of gold by decreasing the demand for it. I contend that that can be done by the United States alone; that we can take not only all the available silver, but many hundreds of millions more and enlarge our volume of metallic money, to our great advantage. If we should fail to maintain the parity, what harm would come to us? If we should fail to maintain the parity, we would simply join the only nations whose producers are prosperous to-day. We would simply leave the ranks of those nations whose producers are in ruin and distress. Not an agricultural conference has met in Europe for years that has not attributed the decline of agriculture to the demonetization of silver.

If the people of the United States would absolutely discard the use of gold, withdraw the demand for that metal from 70,000,000 people, it would have the same effect upon the price of gold as the discovery of mines of hundreds of millions of dollars in value.

Therefore, as debtors, it should be the policy of the United States to decrease the demand for gold, to throw what gold we have upon the European market, to refuse it currency as money in order to make it cheaper and easier to get. Suppose our gold should leave us. It would simply inflate the gold currency of Europe, and as we sell our surplus farm products in Europe, and as the inflation of the gold currency of Europe would raise prices in gold, or, in other words, require less of our grain and our cotton to secure the gold dollar, we would pay our European debt with less of the products of our toil. It seems to me that reason, good judgment, and common sense demand that the American people shall act for themselves. To longer trifle with the subject, to continue to be the laughingstock of the financiers of Europe, is too humiliating. I trust that the United States will rise in its might—and I believe the people will at the next election—and refuse longer to be a suppliant at the feet of the monarchies of Europe; that it will no longer beg the money changers of London for a chance to legislate for the interest of our own people.

Mr. ALLEN. Mr. President, I think it will be a serious mistake if the friends of monetary reform shall obstruct in the slightest degree the passage of the pending bill. I think our friends on the other side want us to obstruct it. The Senator from New Hampshire [Mr. CHANDLER] shakes his head at me, which is as much as to say that I am mistaken in my statement. I do not abate one jot or tittle of my belief in the doctrine that this country can never see prosperity until we have bimetallism and general monetary reform. But our Republican friends are coming into power, as a result of the recent election, on two arguments which they used last fall, to say nothing of the questionable means they employed in producing the result.

Those arguments were, first, that they were bimetallists and that they were the friends of silver. They wanted to coin silver, but they could not do it because Europe would not consent to it. If the people of this country would only give them power, when they came into the possession of the Government they would have international bimetallism: we would have an international coinage ratio, and gold and silver in the United States and in Europe would be money of equal value. Secondly, they said, "We will revise the present tariff act"—the present free-trade act, as they called it, which was a misnomer—"and will give the people a new tariff, which will protect the industries of the country and open the factories and bring about prosperity."

I think it would be a mistake on the part of the friends of silver and monetary reform in this Chamber or in the other branch of Congress to obstruct these gentlemen in the passage of these measures. I am so certain that an international agreement can not be reached, that the arguments used will fail, that I desire to see these gentlemen call upon Europe for a conference on the subject of money. I wish to witness, as I will witness if I live, their absolute humiliation and chagrin when she refuses to enter into a conference; and when she does that, the people of the United States will understand, as they do not understand now, that they have been deceived and hoodwinked again upon this subject, and that there never was any real purpose on the part of the Republican party to bring about monetary reform.

We have had six international monetary conferences since the close of the war. This will be the seventh, if this bill becomes a law and a conference is called. In every one of those conferences Europe has told us in plain terms that she would not agree to the free coinage of silver. In 1865, in Paris, at the very first conference, which was attended by the senior Senator from Ohio [Mr. SHERMAN] and by another delegate from this country, without debate and without examining the question in the slightest degree, the first thing the conference did was to resolve in favor of the single gold standard throughout the world. The subject was not agitated; the convention had barely met and organized when a resolution of that kind was introduced and passed, if I recollect aright, unanimously. In every conference from that time to this Europe has told us in language so plain that no man can mistake what she means that she will not agree to an international coin.

Mr. President, we have supplicated Europe upon this question to such an extent that it seems to me any self-respecting American citizen would feel ashamed to importune it any more. But two or three years ago we put upon one of the appropriation bills an amendment creating a commission of Senators and Representatives to meet the representatives of Europe in conference upon this subject. We have heard of no invitation from her from that time to this. Our friends upon the other side have sent one of the most brilliant of their number and one of the most brilliant and able members of the Senate to Europe to hunt up somebody to confer with, and we have not received a report yet that anybody in England or elsewhere is willing to confer with him or with us.

If we successfully obstruct the passage of the pending bill, then our Republican friends will go out to the country again and say, "Oh, the Populists and the Democrats and the free-silver Republicans and the Popocrats and all the combination in the Senate obstructed us, and we could not do anything. Just continue us



in power one Administration longer; give us full sway in the White House, as we have now, and in both branches of Congress, and we will show you that we will form a compact with Europe for international bimetalism, and that prosperity will come back to this country and abide with us." But if we do not obstruct the passage of the bill, and it does become a law, we will demonstrate to the world in less than eighteen months that the argument of international bimetalism is a pretense designed to deceive the voters of the country; that it is not in the power of the Republican party or any other party to bring about international bimetalism; and the people will not be deceived again by an argument of that kind.

Mr. President, so thoroughly am I convinced that the Republican party will be powerless to bring about prosperity to this country without domestic bimetalism and monetary reform that I wish to see our Republican friends come in here with a tariff measure of their own making. I desire to see protection from head to foot throughout the length and breadth and middle of the measure, and all through it. I desire to see them protect everything in the United States down to the point of the smallest gimlet that can be found—everything—and then I desire to see that tariff act bring to this country prosperity. We know it will not. If we give them the privilege of formulating their own laws on the subject of silver and the tariff, and they fail to bring prosperity to the country, as we believe they will fail, the arguments upon which they won the victory of 1896 will disappear and the people will repudiate the party before the incoming Administration has served out half its time.

I shall not vote for the passage of this bill; if I vote at all I shall vote against it, but I desire to see it become a law. My friend the Senator from Georgia [Mr. BACON] says to me I ought to vote for it. I will not vote for it, for it is wrong; it is a mere pretense, but I desire the pretense enacted into law, and I wish to see its companion piece make its appearance upon the surface as soon as possible, without any obstruction, so that we can demonstrate to the world that the hard times that are afflicting the people are due in no measure whatever to their refusal to engage in international bimetalism or to a lack of proper legislation upon the subject of the tariff.

Mr. WHITE. Will the Senator from Nebraska permit me to make an inquiry?

Mr. ALLEN. Certainly.

Mr. WHITE. Does not the Senator from Nebraska think that this bill is rather innocent than wrong?

Mr. ALLEN. Perhaps I should stand corrected upon that subject. It is not wrong. It is a useless thing; it is a work of supererogation. I am satisfied the Republicans upon the other side of the Chamber are hoping this minute that the bill will be obstructed by us.

Mr. CHANDLER. That is as unjust a suggestion, I will say to the Senator, as it would be for me to say that I think the Senator from Nebraska hopes that the effort to obtain international bimetalism will be defeated, in order to strengthen his political party. I do not think that kind of an argument ought to be brought into this discussion either way. We profess to be sincere, and the Senator ought to take our word for it, as we take his word for it when he says that he desires to see the free coinage of silver brought about in some appropriate way.

Mr. ALLEN. I am perfectly willing, of course, to accord to the Senator from New Hampshire and all Senators sincerity upon all great matters, but certain political conditions present themselves here of which I am satisfied Senators upon the other side of the Chamber would like to take advantage. I am satisfied that there are Senators upon the other side of the Chamber who are convinced that international bimetalism can not be brought about; that it is a mere chimera; that there is no hope of bringing it about. Therefore, they would rather have the responsibility for the defeat of this measure rest upon Democrats and free-silver Republicans and Populists than to have it rest upon their own party. That is what I mean when I say there is a lack of sincerity upon their part.

Mr. President, if prosperity can be brought about by means of international bimetalism, I am perfectly willing it shall come through that channel. I desire to see this country prosperous. I do not care whether it comes through raising taxes or international bimetalism, or by what means it comes. If we can only lift the pall of gloom that has settled over the country at this time, if we can only bring prosperity to the millions and millions of our people who are suffering, I wish to see that prosperity come, though it may utterly destroy the political party to which I belong. For these reasons I hope there will be no unnecessary obstruction to the passage of this measure.

Mr. CARTER. Mr. President, by whomsoever disputed, the fact remains that marked progress has been made toward the solution of this vexed coinage question during the past year. By common consent ambiguous phrases have been discarded; party policies and purposes have been clearly defined. Last November, by

a vote which may be considered as substantially unanimous, the electors of the country pronounced in favor of bimetalism. On the question of the method to be employed to bring about the desired result the two great contending party forces divided. The party led by Mr. Bryan proposed to solve the problem by opening the mints of the United States to the free and unlimited coinage of gold and silver at the ratio of 16 ounces of silver to 1 ounce of gold. The party led by Mr. McKinley insisted that such action would merely transfer the Government from gold monometallism to silver monometallism, and that the transfer would involve disastrous consequences to the country. At the same time his party pledged its best endeavors to bring about bimetalism through an agreement for that purpose between this country and other leading commercial powers.

Mr. Bryan and his supporters contended, and they still contend, that the proposed international agreement was and is an impracticable scheme, a mere political subterfuge, adopted as a campaign expedient and never intended in good faith to serve any other than vote-getting purposes. Mr. McKinley received a majority of the popular vote, together with a majority in the electoral college, and on the 4th of March will become President of the Republic. Anticipating that event, members of his party in the Senate present this bill, and urge its passage at this time, in order to facilitate prompt action by the new Executive looking to the consummation of the pronounced party purpose on this coinage question. Senators who supported Mr. Bryan express sympathy with the alleged purpose, but proclaim an absolute want of faith in the means suggested for its accomplishment. They say that the contemplated international agreement is a mere vision, a shadow, a schoolboy's dream, the plaything of an hour; that, regardless of any effort we may make, the movement will be doomed to failure from its inception.

The Senator in charge of the bill [Mr. CHANDLER] does not share these evil forebodings. He has faith in the movement this bill is intended to initiate. He hopes and believes that this great problem may be brought to a happy solution along the line indicated. Many earnest Senators on this side of the Chamber share his faith, and I believe it is not extravagant to assert that 99 per cent of all citizens of the country earnestly supplement his hopes.

The bill was manifestly prepared to facilitate success. Words, phrases, or elements likely to embarrass progress were undoubtedly avoided with care. It must be borne in mind, in considering any amendment offered, that if this bill becomes a law it will be the basis of all diplomatic action and correspondence preliminary to the convening of delegates in a conference representing the several nations disposed to participate with us in an effort to settle this coinage question.

The act of Congress would be published in full in every capital in Christendom the morning after its passage, and it would thereafter at all times be considered as a part of the invitation of this Government to other nations to join in a monetary conference. It is obvious that language might be placed in the bill which would render acceptance of the contemplated invitation quite embarrassing to well-disposed or friendly nations.

I know it was the object of the framer of the bill to give to the President, on whom the burden of responsibility will largely rest, all needful authority, unhampered by needless conditions. At this point an amendment is presented by the Senator from Utah [Mr. CANNON] changing the well-considered phraseology of the bill, and requiring that the conference shall be held in Washington City. At the same time he insists that in any form the movement will certainly result in absolute failure.

Mr. CANNON. Will the Senator from Montana permit me?

Mr. CARTER. Certainly.

Mr. CANNON. I do not think the Senator desires to do me an injustice. Nowhere nor under any circumstances have I ever stated that a movement for an international agreement for bimetalism based upon proper action by this Government would be a failure.

Mr. CARTER. I am glad to have the Senator correct that point, because I certainly understood him to insist that this movement would not, in the nature of things, succeed. Do I now understand the Senator to say that he believes, if his amendment is adopted and made a part of the law of the land, it will, in and of itself, result in a full and complete solution and a satisfactory adjustment by international agreement?

Mr. CANNON. The Senator from Montana may understand me to say distinctly that if my amendment shall be embodied in the bill, the people of the United States will know, when we get through with this effort for an international agreement, whether it is possible or not. If we can not get an international agreement for bimetalism, the next best thing for the people of this country is to ascertain that we can not get it.

Mr. CARTER. Upon that we have no point of disagreement. Then, sir, from prospective failure there is no pretense that his proposed amendment can or will save us. The Senator in charge of the bill [Mr. CHANDLER] thinks the amendment proposed by



the Senator from Utah [Mr. CANNON] would greatly embarrass, if not prove fatal to, the objects of the measure.

In this dilemma I submit that the wise course for the Senator from Utah is to withdraw his amendment. Should his amendment prevail, he will have accepted responsibility where he predicts inevitable failure. It is better to be entirely frank about the matter. If the effort of the coming Administration to solve the vexed question ends in failure to secure an international agreement, an important result will have been achieved in demonstrating the futility of the scheme. But, sir, the political utility of the result will be measurably impaired if it can be truthfully said that the ardent friends of silver paved the way for the failure by declining to permit the advocates of international bimetallism to proceed according to the dictates of their own party policy. How can you hereafter justly charge the Administration with responsibility for failure or delinquency if by the record it appears you insisted that the Administration should act on the lines you prescribed or not act at all?

The question at issue is beyond phrases and synonyms. The country understands it. The question is, Can an international agreement be secured establishing bimetallism in this and other countries? The people demand a demonstration, an honest demonstration, on this question. The country will not accept the result if the movement is dominated by those who predict failure from the beginning. Inasmuch as the Senator from Utah has no confidence in success even with the amendment he offers, it occurs to me, since he disclaims, and properly so, responsibility, the wise and prudent course for him is to follow the lead of the Senator from Nevada [Mr. STEWART] by withdrawing his amendment.

It has been suggested by the eminent Senator from South Dakota [Mr. PETTIGREW] that repeated efforts have been made to secure international cooperation in the solution of this money question. That fact can not be gainsaid nor can it be denied; but I submit this observation in connection with the previous efforts made. Never at any time in the history of this Republic have the people, prior to the recent election, made a direct and unquestionable issue upon the methods of procedure and purposes to be accomplished. The American people have made in this respect a determined effort of their own, and during the next four years it will devolve upon the Administration to demonstrate its ability to bring about an agreement or to demonstrate to the country the fact that such an agreement can not be obtained. It is entitled, having this mighty weight of responsibility, to the cordial and friendly cooperation of those who would see silver remonetized by either national or international effort.

Mr. CANNON. Will the Chair kindly state the status of the question at the present moment?

The VICE-PRESIDENT. The pending question is upon the amendment submitted by the Senator from Utah [Mr. CANNON].

Mr. CANNON. Mr. President, after the correction which I made of the statement by the Senator from Montana [Mr. CARTER], I did not expect to hear him repeat it in other terms. Subsequently he avers that I have no confidence in the amendment which I have proposed to the pending measure and that I disclaim all responsibility for it. Neither assertion is correct, Mr. President. I have confidence to the full extent stated by me in correcting the former assertion of the Senator from Montana. I think that I have fully as much confidence in the proposed amendment as the mover of the bill has in his own measure, and fully as much confidence in this effort for international agreement as has the Senator from Montana, whose record has been so long and so well known on this question that I may practically claim to have occupied with him identically the same ground up to the convention of last June.

Mr. President, except for the tragic element which enters into the lives and fortunes of the American people under the gold standard, this movement and the new ethics asserted for it here would have the air of grotesqueness for the American people. This measure is supported by a caucus of a party whose commanding figures do not believe that so-called "fixity of value" of gold and silver can be accomplished by the legislation of one nation or the agreement of all nations. It is supported by the caucus of a party whose newspapers declare that we are on the gold standard now, the standard of "the most enlightened nations of the earth," and that it is folly to attempt international agreement—newspapers which ridicule the pledge to promote international agreement in the platform of their own party. It is supported by the caucus of a party whose financial pillars declare that ruin and national dishonor will follow further attempts in this direction.

I am willing to waive all that, however, and, as I stated, I am willing to vote for the bill. But, at the risk of shattering the sanctities of this place, I take the liberty of questioning the propriety of the new ethics which have been presented to us here for political action and for parliamentary practice.

Both the Senator from Nebraska and the Senator from Montana declare that it is our duty to submit this entire question to the

party recently elected to power. If it has become the duty of a minority here or elsewhere in this Republic to allow a majority to work its own sweet will upon legislation, then the seats of the minority should be vacated in this Chamber. So soon as a President is elected, if his party shall have control of both branches of the National Legislature, all opposition to their purpose should cease; and then we would see destroyed the greatest guardianship which the rights of the people have had through the centuries—the watchfulness and the courage of a minority acting as a restraint or an impulsion upon the majority. The distinguished Senator from Indiana [Mr. TURPIE], whose remarks we listened to recently on the Maritime Canal Company, would under the same proposition owe it as a duty to his country and his constituency to allow the proponents of the Maritime Canal bill to pass it without an amendment and in their own form, because they have faith in it and he has not.

The VICE-PRESIDENT. The Senator from Utah will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. CHANDLER. I ask unanimous consent that the unfinished business may be temporarily laid aside to proceed with the consideration of the pending bill.

Mr. MORGAN. Before that request is put, I hope the Senator will give me a moment. I want to ask the unanimous consent of the Senate to name a day on which a vote can be taken on the Nicaragua Canal bill.

Mr. PETTIGREW. The Senator from Utah has not finished his remarks, and I ask unanimous consent that the pending order be laid aside temporarily until he concludes.

Mr. MORGAN. There will be perhaps no objection to that, but at the same time I want to ask the consent of the Senate now, before we act on that matter, to fix a day for voting on the Nicaragua Canal bill.

Mr. CHANDLER. I suggest that the Senator from Alabama allow the Senator from Utah to finish his remarks. Then—

Mr. PETTIGREW. It will take but a short time, I think.

The VICE-PRESIDENT. Does the Senator from New Hampshire withdraw his request?

Mr. CHANDLER. I withdraw the request.

The VICE-PRESIDENT. The Chair submits the request of the Senator from South Dakota that the pending order be laid aside temporarily in order that the Senator from Utah may conclude his remarks.

Mr. MORGAN. I have no objection to that.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Senator from Utah will proceed.

Mr. CANNON. Mr. President, if we shall adopt this plan on this question, the gravest which now confronts the American people, it will have become a precedent that men shall not even interpose to amend tariff laws, and if the Democracy, with a platform of tariff reform or free trade or tariff for revenue, shall some time come to the control of the Government, it will be the duty of those who do not believe that prosperity and success will attend upon the enactment of free-trade legislation here to withhold all objection thereto.

The statement by the distinguished Senator from New Hampshire [Mr. CHANDLER] that the friends of this measure have prepared it in precisely the form that they desire it to become a law, and that efforts to modify or amend would probably result only in its defeat, came to me as a great surprise. The Senator sat in this Chamber at a time not long distant when there was proposed here by the opposing party a tariff measure. The proponents of that bill declared that it would give freedom to American industry, greater prosperity to American homes. The believers in it, according to this doctrine, should have had permission to enact it precisely in the form in which it came from the House, if ratified by the majority then in the Senate. But the distinguished Senator from New Hampshire took it upon himself, in the interest of his fellow-citizens of this Republic, to offer numerous amendments thereto, as did other gentlemen. I question, sir, whether it is proper to assert, even for the sake of gaining political advantage, that the possession of power by any party in the Republic gives it the right to work its will without restraint, without amendment, without comment, or without correction.

Mr. CHANDLER. Will the Senator from Utah allow me a word?

Mr. CANNON. Certainly.

Mr. CHANDLER. I think the Senator has mistaken the point in his discussion of what he calls an ethical principle that has been asserted here. I did not notice that it was an ethical principle. The point is precisely what I shall state, not the one the Senator states now. The bill is proposed in a Senate a majority of whose members confessedly do not believe that there will come a successful result from an international agreement, and it can



not pass if, feeling that way, they choose to vote "no." In presenting the bill to the Senate under such circumstances we necessarily appeal to the generosity of those who do not believe there can be any successful result. Now, if they choose to vote it down, that is perfectly proper and legitimate. If, however, they do not choose to vote it down, they ought to show large consideration for the framers of the project and not undertake to load the project with amendments that may defeat its passage through Congress, and if it passes may defeat the object of the conference. I think I make my statement so the Senator will not do me, or any other Senator who has made that appeal, any injustice hereafter.

Mr. CANNON. Mr. President, I understand the Senator perfectly well, and I do not see any difference now between the position assumed by him and that which I asserted as having been assumed not only by himself in his original remarks on this bill, but by the Senator from Nebraska and the Senator from Montana. I do not understand, sir, that there has been any contention by the majority of this body that international agreement for bimetallicism is an impossibility. The Senator from New Hampshire says that a majority of this Chamber is confessedly in favor of this measure.

Mr. CHANDLER. Excuse me. The Senator, unintentionally no doubt, misrepresents me. I did not say that a majority of the Chamber were not in favor of trying an international conference. I said that a majority of this Chamber had no faith that a successful result would ensue. The Senator from Georgia [Mr. BACON], I think, has little or no faith that bimetallicism will be achieved, but still he thinks this bill ought to pass.

Mr. CANNON. Why, Mr. President, we are splitting hairs here. If men have no faith in a method, certainly they are not in favor of it. Sincere and conscientious men will not be in favor of a thing that they have no faith in. I recognize that a great many Senators here will undoubtedly vote for the bill in such form as it shall be when finally presented upon its passage, not necessarily because they have entire confidence in the success of the measure, but because they are willing that the party about to come into power shall be at liberty to make the attempt.

However, I do not think that we should be restricted in our right to insert such language in the bill as will make it effective and as will make it mandatory upon the President of the United States to call an international conference. It has been stated here repeatedly that the record of foreign conferences has been one of humiliation. If we must fawn forever at the feet of those who control the finances of the world, let us at least preserve self-respect and do it when we are their hosts and they are in our habitation, instead of doing it when we are their guests.

I believe the American people have the right to know the manner in which international conferences to secure bimetallicism are conducted. I believe that the very fact stated by the Senator from New Hampshire that the Western Hemisphere is for bimetallicism will have its effect upon the conferees whom Europe shall send. We saw not long since an illustration of the effect of locality. Last year there was held a convention in the city of Indianapolis at which was nominated the only gold-standard candidate for the Presidency of the United States. When the bankers of this country wanted to hold a conference in the interest of the gold standard, they promptly called it to meet at Indianapolis. The aroma of the former convention was still there. All men are affected by environment, and perhaps Europe's conferees at the conference, if held here, might be swayed advantageously.

It seems to me, sir, that if all else connected with the amendment which I have proposed shall be struck out, we should retain that provision which makes it mandatory upon the President of the United States to call the conference within ninety days after he shall have assumed his high office, and to appoint Washington as the place of the conference.

I presume, sir, since the introduction by the Senator from Georgia of the amendment which the Senator from New Hampshire says is satisfactory to him, that we can not get an amendment which will go to the length proposed by mine, but I shall insist upon a vote. Failing to carry my amendment, I shall vote for the amendment of the Senator from Georgia. Failing to get that, I shall be willing to vote for the bill in its original form, trusting that something better will come from this movement than has been predicted by those gentlemen who have absolutely no faith in attempts for an international conference.

Mr. CHANDLER. I now renew my request.

Mr. BACON. Will the Senator from New Hampshire permit me to ask that I may be indulged, say four or five minutes only?

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Georgia asks unanimous consent—

Mr. MORGAN. I call for the regular order.

The PRESIDING OFFICER. The regular order is the unfinished business, which was laid before the Senate at 2 o'clock, and which was temporarily displaced at the request of the Senator from South Dakota [Mr. PETTIGREW].

Mr. CHANDLER. Now I ask that the unfinished business may be temporarily laid aside, in order that the consideration of Senate bill 3547 may be continued.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside, that the international conference bill may be proceeded with.

Mr. CHANDLER. I think Senate bill 3547 can be finished to-day, if the Senator from Alabama will allow it to go on. The Nicaragua Canal bill, I am sorry to say, can not be concluded to-day. I am ready to vote upon it, and, to propitiate the Senator from Alabama a little, I will say I am ready to vote for it now, but I think it could not be finished to-day, and that the international monetary conference bill could be completed, if the Senator would allow it to be proceeded with.

Mr. MORGAN. Can the Senator get an hour fixed for voting upon the international conference bill?

Mr. CHANDLER. I will ask that there may be a vote upon the bill at 2 o'clock on Monday.

Mr. WHITE and others. Let us vote to-day.

Mr. FRYE. Why can we not vote to-day?

Mr. CHANDLER. It is suggested by Senators that I am too liberal, as I usually am in such matters, and therefore I will modify my request by saying 4 o'clock this afternoon.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate proceed to vote upon Senate bill 3547 and the amendments thereto at 4 o'clock this evening. Is there objection?

Mr. TURPIE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. MORGAN. The Senator from New Hampshire will see that I am not left any option. I am obliged to insist upon my proposition.

Mr. TURPIE. I will withdraw my objection.

The PRESIDING OFFICER. The Senator from Indiana withdraws his objection. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. MORGAN. Now, so far as I am concerned, I consent that the regular order, the Nicaragua Canal bill, shall be laid aside until the vote is taken—

Mr. WHITE. That it shall be temporarily laid aside.

Mr. MORGAN. That it shall be temporarily laid aside until the vote is taken upon the pending measure, when it will be resumed without prejudice.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire that the unfinished business be temporarily laid aside, that the business which has been before the Senate may be completed? The Chair hears none, and it will be so ordered.

Mr. HOAR. I desire, if the Senator from Georgia will pardon me, to address an inquiry to the Senator from Alabama.

I am one of those, as I suppose the Senator knows very well, who have endeavored to follow him and his committee in regard to the very important and interesting measure which he has in charge, and I hope and expect to continue to do so. But the Senator must see that a Senate bill which has given rise to so much discussion here, and about which the action of other branches of the Government, both at this end of the Avenue and the other, would certainly be a subject of great anxiety to the friends of the bill hereafter, I suppose I transgress no propriety in saying, ought not to prevent the Senate from accomplishing any other legislative business. If eight or ten opponents of the bill, the Senate having made up its mind and having considered the matter for years, are to address the Senate, as is their right and their duty—I make no complaint of that—and then they have to be answered at equal length, answering arguments against the bill which have not made much impression on the majority of the Senate, there is great danger not only that the bill will fail, but that it will drag down all other legislation that anyone has any interest in with it.

For one, expressing my profoundest interest in the measure and my purpose to follow the Senator from Alabama with great fidelity as an able leader, I desire to appeal to him to ask the Senate to fix a time for the disposition of the bill. If that be objected to, then I desire to ask that Senator to propose at as early a day as possible that the Senate continue in session to-night, or to-morrow night, or Monday night. Perhaps it would not do to propose it at so late an hour to-day for to-night, as the Senate has not expected to continue in session, but I ask the Senator to propose to take up the bill and continue its consideration until it is disposed of.

I beg the Senator to excuse me if I have interfered improperly in this matter.

Mr. MORGAN. Not in the slightest degree. I wish to say this about it: I gave notice on the day before yesterday, on the intimation of the Senator from Massachusetts [Mr. HOAR], that I should ask the Senate on yesterday to sit this bill out. It was very



apparent, however, to Senators here that there was a necessity for an executive session, which was protracted until the hour of 4 o'clock in the afternoon. It was equally apparent at that hour that no progress of any value could be made upon the Nicaraguan Canal bill, and Senators all around appealed to me that they should be allowed to go to the Calendar and pass unobjected cases, which I think is an important duty that we owe to each other, and I yielded for that purpose. This morning there comes this very important international silver question, brought up in the morning hour and continued over until 2 o'clock. As an act of courtesy to the Senator from Utah [Mr. CANNON], I yielded the floor and asked that he might be permitted to finish his remarks. Then the Senator from New Hampshire [Mr. CHANDLER], thinking it was a great matter, which should be attended to—and it is—asked that the further consideration of the Nicaraguan Canal bill might be laid aside to let his bill come to a vote. I then proposed that he should name an hour for voting on the silver bill, and he named the hour of 4 o'clock, which I thought was a reasonable adjustment, and that we could then get that out of the way.

Mr. President, I never get as badly scolded for anything I do here as for those things which are exactly right, and when I do a thing that is exactly right I am always looking out for censure.

Mr. HOAR. All I have done was to ask the Senator to make this application, which I have no doubt he would like to do.

Mr. MORGAN. I gave notice, following up the intimation of the Senator from Massachusetts [Mr. HOAR], that immediately we take up this bill and proceed with the consideration of it, and if Senators will remain with me here, I will stay all night, if it be necessary, though I am not a young man now.

Mr. CULLOM (to Mr. MORGAN). First ask the Senate to fix a time for taking the final vote.

Mr. MORGAN. I was about to make that suggestion. I have frequently asked the Senate to fix an hour or a day for voting on the Nicaraguan bill. I will ask now that on Tuesday next—I think that is probably time enough for all debate necessary—at the hour of 4 o'clock we commence voting on the bill without further debate, except under the ten-minute rule on amendments, and continue until the bill is finished.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that at 4 o'clock on Tuesday the Senate proceed to vote upon the Nicaragua bill. Does the Chair understand the Senator to ask that the debate continue after 4 o'clock?

Mr. MORGAN. On amendments.

The PRESIDING OFFICER. And that at 4 o'clock on Tuesday amendments to the bill be debated under the ten-minute rule, and that the vote be taken at what hour?

Mr. MORGAN. That the vote be taken at 5 o'clock.

The PRESIDING OFFICER. And that the vote be taken at 5 o'clock upon the bill and amendments. Is there objection?

Mr. TURPIE. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. ALLISON. I trust now the Senator from Alabama will not give his notice to sit this bill out on Monday, but will postpone that also for a day. I trust that he will ask that the Senate begin the consideration of the bill on Monday immediately after the routine morning business. I think that at the conclusion of a short session there is an impediment in the transaction of business here by dividing our day into two parts. We have seen here the bill of the Senator from New Hampshire occupying a week after the routine morning business until 2 o'clock. Then we have seen two weeks occupied from that hour until 4 o'clock usually in the consideration of the important question which the Senator from Alabama has in charge. If we are to transact any business from now until the end of the session, we must begin after the routine morning business with whatever we have in hand and go on with it, certainly, until 6 o'clock every evening, and after an opportunity for reasonable debate, we must vote on it, whether we vote it up or vote it down. I hope also that we shall sit here nights.

Mr. MORGAN. I accept the suggestion of the Senator from Iowa with great satisfaction, and admit the validity and force of the suggestions he has made in support of his intimation to me. That Senator knows as much about the business of the Senate of the United States and of Congress as any man on this floor, and has been a long time intimately connected with it in the most important sense. I concur with him that the better way certainly is to commence at the conclusion of the routine morning business on Tuesday.

Mr. ALLISON. On Monday.

Mr. CULLOM. And follow it up until the matter is disposed of.

Mr. MORGAN. I will say on Monday; and I hope that the Senate will enable me to bring this subject to a vote at some reasonable hour after it shall have taken the subject up as I have now suggested. On Monday, at the conclusion of the routine morning business, I desire to advise Senators that I shall move to take up this bill with that view.

Mr. HOAR. I should like to give notice that immediately after the disposition of the Nicaraguan Canal bill I shall ask the Senate to proceed with the consideration of the unfinished business, which is the bankruptcy bill.

Mr. BACON obtained the floor.

Mr. FRYE. Will the Senator pardon me one moment?

Mr. BACON. Yes, sir.

Mr. FRYE. The Senator from Alabama gave notice that he would move to take the bill up immediately after the routine morning business on Monday. If he succeeded in having the bill taken up at that time, it would then be within the morning hour, where there is no such thing as unfinished business, and the bill would lose its place as unfinished business. I think the Senator ought to ask unanimous consent that the bill may be taken up immediately after the routine business on Monday morning, and that it shall not lose its position as unfinished business at 2 o'clock.

Mr. MORGAN. Perhaps I may modify the motion.

The PRESIDING OFFICER. The Chair will suggest that in his opinion the bill would not lose its position as unfinished business if taken up in the morning hour.

Mr. HOAR. What the Senator from Maine [Mr. FRYE] suggests has not been the custom.

Mr. ALDRICH. That has not been the custom of the Senate, I would suggest to the Senator from Maine.

Mr. FRYE. It has not been?

Mr. ALDRICH. No; I am sure of that.

Mr. FRYE. Then it is unnecessary. My own impression was that the bill would lose its place as the unfinished business by being taken up in the morning hour.

Mr. HOAR. I suppose no Senator, whatever he may think, will object when it is understood that the unfinished business, whatever it may be, is not to lose whatever rights it now has; and I wish it understood that this is to apply both to the Nicaraguan bill and the bankruptcy bill. That was understood.

Mr. TURPIE. I do not understand that the Senator from Alabama—

The PRESIDING OFFICER. The Senator from Indiana will please excuse the Chair.

Mr. TURPIE. Certainly.

The PRESIDING OFFICER. Does the Senator from Massachusetts desire the request he has made to be put to the Senate, for unanimous consent?

Mr. HOAR. I desire to have it understood; yes.

Mr. ALDRICH. That is the rule of the Senate.

Mr. HOAR. If that is the rule, I will not ask unanimous consent.

The PRESIDING OFFICER. The Chair simply rules in accordance with what is his judgment upon the subject.

Mr. TURPIE. Mr. President, I did not understand the honorable Senator from Alabama to ask unanimous consent to make the Nicaraguan Canal bill the unfinished business immediately after the conclusion of the routine morning business, but only to give notice that he will at that time move to take it up.

Mr. MORGAN. That is all.

Mr. TURPIE. Of course, I have no objection to that.

Mr. MORGAN. That is all I propose.

Mr. TURPIE. Mr. President, there was one expression in the remarks of the honorable Senator from Alabama which I intended to discuss, in which he said that all debate on this bill which would be necessary would be finished by such a time. I do not think it is possible at this time for any Senator to say as to when necessary debate will be finished. I do not think it is possible at this time for the Senator from Alabama to say when necessary debate should be finished upon this measure, nor when necessary debate would be finished on any measure which is pending before us.

I recollect some four or five years ago addressing the Senate on the subject of the cloture, in which an attempt was made to lay down the line at which resistance should cease by those who were opposed to a measure pending in this body. We are far from that line now. The true divisional line has not yet been reached. As soon as that trocha may have been reached, it will be time enough to talk about fixing an hour and a day for an ultimate vote upon the bill.

Mr. THURSTON. Mr. President, there are two resolutions which have been introduced by my colleague, the Senator from Nebraska [Mr. ALLEN], with respect to the foreclosure proceedings instituted by direction of the President against the Union Pacific Railway Company. I desire simply to give notice that I wish to speak on those resolutions before they are in any way disposed of or referred; but I have no desire to press for an opportunity to do so at any early day.

Mr. BACON. Mr. President, on yesterday I offered an amendment to the pending bill, which I ask may be read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be read.



The SECRETARY. It is proposed to insert as an additional section the following:

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon.

Mr. BACON. Mr. President, I do not wish to be understood as expressing in that amendment all that I think ought to be provided in the pending bill. As an original proposition, I should very much prefer the amendment offered by the Senator from Utah [Mr. CANNON]; in other words, I think that the bill ought to provide definitely not only that this international conference may be called, but that it shall be called. But I recognize the fact that in order for this bill to accomplish anything, either directly or indirectly, it must be such a bill as the promoters and friends of it agree to. Therefore, my only object in offering the amendment is to make it sufficiently definite to put the responsibility for either the calling or the not calling of this proposed international conference upon the political party which seeks to promote it.

As stated on yesterday, the bill in its present form, without the amendments, while it may be susceptible to the construction which has been put upon it by the Senator from New Hampshire [Mr. CHANDLER], to the effect that it does already empower the President of the United States thus to call this conference—while this may be the proper construction, it is possible that there may be a difference of opinion upon it. The object of this amendment is simply to put that out of the pale of doubt or question.

I repeat, Mr. President, that if the Senators who favor the passage of this bill, and who seek to promote this international conference, would agree to it, I should very much prefer the amendment offered by the Senator from Utah; but I think it would be a mistake to impose upon the bill, even if we had the power to do so, any amendment to which they do not agree and on account of which amendment they may hereafter say that the bill failed of accomplishing its purpose.

The distinguished Senator who has charge of this bill has signified his acceptance of my amendment. Therefore it is the same, so far as the question of responsibility goes, as if it had been incorporated in the original draft of the bill.

I wish to say but one word with reference to the question of supporting this bill. There are those who have spoken to-day and on yesterday who agree with me on the general propositions relative to financial matters connected with coinage, but who are not disposed to give their support to this bill. The distinguished Senator from New Hampshire called the attention of the Senator from Utah to the fact that I was supporting the bill while I did not have faith in it, and to that the Senator from Utah responded that a Senator who did not have faith in the bill ought not to give it his support.

Mr. President, while I do not think there is any great probability of a successful issue in this attempt, I do recognize the fact that there is a possibility of such successful result; but even if I should be of the opinion that there is no possibility of success, I think that the bill ought to pass, for the reason that, whatever may be the opinion which I and others may have upon the question whether this matter of international bimetalism can be accomplished, there is no doubt about the fact that there are a great many people in the United States who are opposed to the single gold standard, who yet are standing upon the proposition that the only safe way to attempt bimetalism is through international agreement, and who believe that it is practicable to accomplish it through international agreement. They, like ourselves, are opposed to the single gold standard, and yet they do not cooperate with us because they think it ought to be done through the medium of an international agreement and not by independent action on the part of the United States Government.

Now, if those who have pledged themselves to promote international bimetalism are allowed to do it in their own way, if no impediments are thrown in the way, if, on the contrary, they are to the extent of our votes in support of the bill aided in their effort, one of two things must be demonstrated. It may be a success. If it is, I shall welcome it and be glad of it. If it is not a success, it will be forever an answer to the proposition that this Government ought not to proceed because it can be done in another way which is more practicable. For that reason I think the distinguished Senator from Utah is incorrect in his criticism when he says that one who has not faith in the success of the movement ought not to support the bill. On the contrary, I think all of us who favor bimetalism ought to support the bill, to give full opportunity to have the question tested in the fairest way, whether or not it can be done in this way.

I repeat, if it can be done in this way, although it will be an overthrow of the views which I have entertained, I shall be glad of the success. If it can be demonstrated that it can not be obtained in this way, then the road is open for the attempt more properly and successfully to be made in the way which I think this Government ought to proceed in the effort.

I do not desire, Mr. President, to follow the distinguished Sen-

ators in any discussion which has been had upon this subject as to whether or not it can be a success or will not be a success. I do not think that is a material question in the issue whether or not this bill should be voted for by those of us who are opposed to a single gold standard. For myself I shall vote for it, and I shall be very glad to see every other Senator who is opposed to the gold standard cast a like vote.

Mr. JONES of Arkansas. Mr. President, I agree to almost all that has been said by the Senator from Georgia [Mr. BACON]. I am a strong believer in bimetalism. I should be gratified beyond measure to have bimetalism accomplished by the concurrent consent of the great nations of the earth. I am one of those who have believed that it was impossible to get the nations of the world to agree to bimetalism for the present, and believing that the best interests of the people of the United States would be subserved by independent action if we could not procure concurrent action, I have favored independent action on the part of this Government.

I believe that hundreds of thousands of people in the recent election voted against the party to which I belong and for the other party because they had been made to believe that an international agreement was possible, and that the results which we all wanted could be brought about with less disturbance to business interests and with less danger to existing conditions by an international agreement than by our own independent action. The result of the election was against us. I believe that those people should have the opportunity to try the experiment, so as to determine whether or not an international agreement is feasible.

As was stated by the Senator from Montana [Mr. CARTER] a while ago, I regard the recent election as an almost unanimous declaration in favor of bimetalism. The method of procuring bimetalism seems to be the point of difference between the people of this country. Now, we are at a point when we are to determine whether or not we shall try the experiment, and whether or not international bimetalism is practical. I am in favor of allowing those who believe in that scheme to make a full and complete trial in their own way without any obstruction on our part. I confess that I have little faith in its success, but I feel that those who do believe in it ought to be allowed the fullest and freest liberty to do try it completely, so as to satisfy themselves and satisfy the people of this country who believe in bimetalism and yet who fear to take independent action on the part of the people of this country.

This scheme is not ours; we have not originated it; we do not believe it is the proper scheme for the solution of these difficulties; but there seems to be a large percentage of the people of this country who believe it, and, they believing it, I am in favor of their having a full and complete opportunity to try their plan. If it succeeds, I shall rejoice heartily with them. I believe the greatest question now challenging the attention of the civilized people in the world will have been settled and settled successfully if they can bring about an international agreement. If they fail in this, and they demonstrate that it is impracticable and impossible, then it seems to me that their failure will be a statement to the American people that we must either lie down before the powers of Europe and surrender our manhood absolutely, or that we shall assert ourselves as independent men and do that which the interests of our own country demand, and act for ourselves. It seems to me that the only question which can be presented which is likely to cause any difference of opinion amongst our people will have been swept out of the way, and that we shall have brought the pleadings down to plain and positive issue.

For this purpose and for this reason I agree with the Senator from Georgia [Mr. BACON] that the friends of this measure ought to have the absolute control of it. I shall not vote for a single amendment to their bill which they do not themselves accept. I do not propose to become in a measure responsible for it. I think, for instance, if there should be a majority of silver men in this Senate, and we should vote for the substitute proposed by the Senator from Utah [Mr. CANNON], we would at once become responsible for its enactment; it would then become our measure, and not the measure of the Republicans, not the measure of those who believe in international bimetalism, and we should be responsible for its failure in the event that it should fail. I propose to allow the responsibility to rest where it belongs, on those who believe in international bimetalism—those who believe it can be accomplished. Let us give them the fullest opportunity to try. If they succeed, I shall rejoice and bid them godspeed in their efforts to bring it about. I hope they may succeed, but I have very little faith in the effort.

Under these circumstances, I should be glad to see those who think as I do stand in the same attitude that I do toward this measure, and allow the friends of it to arrange it as they please and to put it in such shape as they choose. Let them pass it and take the responsibility for it if it should fail; and if it should succeed, as I have said, I will rejoice as much in their success as any of them.

Mr. SHOUP. Mr. President, it was not my intention to address



the Senate on the pending measure, but inasmuch as amendments have been offered by the Senator from Utah [Mr. CANNON] and the Senator from Nevada [Mr. STEWART], I must, in justice to myself and the constituency which I in part represent, explain my vote, which will be recorded in opposition to the proposed amendments and in favor of the pending bill.

It seems to me, Mr. President, that the authors of these amendments did not take into full consideration the fact that the President-elect was nominated after the adoption of a platform declaring, among other things, that:

We demand such an equitable tariff on foreign imports which come into competition with the American product as will not only furnish adequate revenue for the necessary expenses of the Government, but will protect American labor from degradation and the wage level of other lands. We are not pledged to any particular schedule. The question of rates is a practical question, to be governed by the conditions of the time and of production. The ruling and uncompromising principle is the protection and development of American labor and industries.

The platform also declared in favor of an international agreement with the leading commercial nations of the earth relating to the coinage of gold and silver. On these declarations of party principles the President was elected.

The measure presented by the Senator from New Hampshire [Mr. CHANDLER] was intended to give full authority to the President-elect to carry into effect the declaration relating to international bimetalism. I wish it distinctly understood that I have always been, and am now, an advocate of unrestricted coinage when it shall come before the Senate in a proper way, but not as a rider to any other important bill or measure, for remonetization is too important a subject to be considered in connection with other measures.

It is my opinion that these amendments are out of place at this time, inasmuch as the pending bill was intended to give the President authority to appoint commissioners to an international congress for the purpose of securing an agreement for international bimetalism. The President-elect is pledged by the Republican platform to exert his influence in accomplishing this result. Should he fail, it will then be proper for Congress to take action looking to the remonetization of silver.

Mr. President, it is not my intention to cast the slightest reflection upon the Senators who have offered the proposed amendments. I do not accuse them of bad faith, or of thwarting or trying to thwart the President-elect of the United States on the threshold of his Administration, but I believe that if these amendments should be adopted, such would be the result. The amendments are not in accord with the platform upon which he was elected, and I take it that he should have an opportunity, without being trammelled in any way, to carry into execution the declarations upon which he was elected.

I therefore sincerely hope that my friends the distinguished Senator from Nevada and the distinguished Senator from Utah will not insist upon the adoption of their amendments.

Mr. HOAR. Mr. President, I should like to say one or two words upon this matter, not to delay the vote. A good many Senators have spoken as if they think the possibility of an international arrangement for bimetalism is a mere chimera or dream, and have almost implied that those persons who propose to make the attempt are endeavoring to mislead somebody or cajole somebody or turn the attention of somebody away from what is practical in this matter. But I think those gentlemen fail to take into consideration one or two facts. There is no doubt whatever that a very large majority of the people of the civilized world are in favor of having what is known as the double standard—gold and silver—prevail. Look at the condition of public sentiment in the United States. There are a few worthy gentlemen who agree with what I understand is the opinion of my very able and industrious friend from Wisconsin [Mr. VILAS], which he has just announced. But the Democratic party and the Populist party, the supporters of Mr. Bryan, who are counted by millions in this country, believe that doctrine.

The Republican party, so far as it can be judged by its platform, has declared its belief in that doctrine, and has pledged itself to promote this result. There are a few exceptions, as I have said. There is the exception represented by my honorable friend the Senator from Wisconsin. Then there is my honorable friend the Senator from Nevada [Mr. STEWART], who says, if I understand him correctly, that he does not want foreign nations to agree to use silver as a money with us, and have it established for their benefit. He wants some money in this country, if I understand him correctly, which is so poor and cheap and miserable that even a Jap or a Chinaman will not touch it.

Mr. STEWART. I do not desire to have it so dear that an American can not get it, as it is now.

Mr. HOAR. The Americans have been getting it pretty well. The wage earners of this country have laid up what is represented by it, fifteen or sixteen hundred million dollars, in the savings banks, where they are not allowed to make a deposit of more than \$500 at once or more than \$1,500 in one name. The money

power that the Senator talks about—the money power that carried the election last fall—was the money power of the men who earn it with their hands on farms and in factories, and who have laid it up as savings; and that money power is in favor of international bimetalism.

Mr. STEWART. Did nobody contribute to the election but laboring men?

Mr. HOAR. I do not want to yield.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. HOAR. A good many thinking men did, as well as laboring men who were thinking.

Mr. President, how is it in foreign nations? I had some exceptional and unusual means of learning something about the matter this last summer when I was abroad. I had the pleasure of a long conversation with the foremost bimetalist in France, M. Fougereot, who last summer introduced into the French Assembly a resolution declaring that the present depressed condition of agriculture and manufactures and commerce in France was owing to the demonetization of silver, and pledging France to cooperate with other countries in its restoration. In the French Assembly when they introduce an important measure it is not introduced by one person alone, but very frequently the mover goes about and gets the signatures of the men who agree with him before it is presented, and that resolution bore the signatures, I think, of 867 out of 450 members; at any rate, between three-fifths and four-fifths of the Assembly. M. Melin, then and now the premier, made a speech in the French Assembly on that question in which he declared that when other countries would reestablish silver they would not have to wait for France.

Now, that is a pretty respectable addition. It is a pretty respectable capital to start with in getting this union among nations—the pledge of the party that carried this country in the last election to do it if they can, the pledge of the party who opposed them, except the Senator from Nevada, that gray-haired and hoary hermit who stands alone in this matter, that they would be glad to see it done and would help them in every way in their power, and the pledge of nearly four-fifths of the French Assembly. They have a bimetallic league that met, of which M. Melin was president, and of which his predecessor as prime minister is an honorary president. That bimetallic league represents among other persons delegations from every agricultural society in every province of France. Those agricultural societies in France are not merely associations of gentlemen devoted to fancy farming and stock raising. They are men who wield the political power and represent the political purpose of the farmers of France, now, as always, an irresistible power in shaping its policy; and with one accord, without exception, the representatives of those great French interests agree in saying that France is eager to unite with any other country.

Mr. LINDSAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. HOAR. Allow me to make this statement, and I will answer any question afterwards.

Now, we come to England. I know very well the power of that square mile in London where the accounts of the world are summed up and where England sits, where London sits, taking her toll upon the exchanges of the industries of mankind. After the great fire in 1660 the great English poet pictured the restoration of the city of London, and that picture is as true to-day as it was when it was first drawn:

More great than ever now, and more august,  
Now glorified she from her fires doth rise,  
Her widening streets on new foundations trust  
And opening, into larger parts she flies.  
Now, like a maiden queen, she doth behold  
To her high turrets hourly suitors come,  
The East with incense, and the West with gold,  
Shall stand, like suppliants, to receive her doom.

Mr. STEWART. That is true.

Mr. HOAR. I agree with the Senator from Nevada. I do not mean to have the people of the United States stand up to be counted in that company.

But how is it on the question of international bimetalism in England? I had the opportunity of a full conversation with Mr. Balfour, the present leader of the House of Commons. His opinions are known. He has made them known by his signature to the great report twelve years ago by the commission of which he was chairman. He has made them known in public speeches in the House of Commons.

Mr. STEWART rose.

Mr. HOAR. I wish to conclude this statement. Then I will answer any question. I have a mental infirmity which makes it impossible for me to resume a thread which is broken off in that way, if the Senator will allow me.

Mr. STEWART. That is not the only mental infirmity.

Mr. HOAR. I have a good many. One of the disorders under



which I labor is in being three score and ten years old, of which I do not expect to be cured. If I were young, like my friend the Senator from Nevada, I would get along better.

That gentleman has made known in every way in which it can be made known his opinion in favor of the establishment of international bimetalism by the concurrence of the civilized and commercial nations. He has defended that opinion in the House of Commons against the brutal position of Mr. Gladstone and Sir William Harcourt.

Mr. STEWART. Let me ask the Senator right here—

Mr. HOAR. I do not want to be interrupted.

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

Mr. HOAR. I decline to yield, if the Senator will pardon me. I will yield a little later on. I hope the Senator will not think it discourteous.

Mr. STEWART. I always yield to the Senator from Massachusetts.

Mr. HOAR. I know the Senator does.

Mr. STEWART. The Senator is making a statement in regard to a particular man, and I want to call his attention—

Mr. HOAR. I was present at a brilliant company in London, a lunch, and spoke of this conversation with Mr. Balfour. I said that I did not wish to repeat what he had said to me, because I did not think public men liked to have their opinions related at secondhand, and for that reason I do not repeat it here. They prefer to do it for themselves. When I said that, a gentleman, an eminent member of the cabinet of the present Government, there being two other members of the cabinet present, said, "Mr. HOAR, it is no secret that Mr. Balfour's opinions on this matter are those of a majority of Her Majesty's Government."

I am aware, as I said, of the difficulties. I suppose if Her Majesty's Government were to undertake to pledge England to complete international bimetalism next week, they would be overthrown by the power that dwells within the square mile in London, and they know it; and I suppose, with the other difficulties they have on their hands, they are not ready to do it. That, I concede, is a difficulty which may defeat this attempt—very possibly.

Now, how is it in Germany? I have in my hand a letter from one of the most eminent public men in Germany—a member of the Reichstag. I will not read the whole letter, and I will not give the name of the writer. The Senate will have to take what I say about it on my authority, therefore, and not on the authority of the writer himself. But he repeats and reaffirms this statement, which is in the second paragraph:

Besides having a bimetallic majority in our parliament, we are also backed up by a majority in the Prussian cabinet; and though still obliged to cry, "Not without England as a full partner," I consider it not at all improbable that Germany may under certain circumstances join a bimetallic union even without England.

Now, the appreciation of the currency question is growing, but to accomplish that means facing a great many more difficulties, and, worst of all, it would cause long delay and great danger to the supremacy of European civilization.

Then the writer makes some discussion about the personal qualities of the chancellor and the Emperor which it is not proper for me to read. But he goes on to express his opinion that Russia will be ready for this same union when the time comes, and he quotes a letter from a Russian friend of his, in which the latter says:

If the present French Government play their cards well, I am sure that Russia would decide for bimetalism if at the same time the United States would adopt free silver and France contributed, too, in that direction. My fear in all these diplomatic negotiations is that the diplomatists in general have never studied the question and know nothing about it, etc.

I do not wish to be understood in saying this as expressing confidence that this consummation is at hand at all, but I wish to state that the time has come for another effort. I wish to state that this opinion in these four great nations, France, Germany, the United States, and England, saying nothing of Russia and of the smaller Latin nations or of the smaller nations on the north—some of whom, though not all, are eager to follow if France and Germany will take the lead—is growing. It will be stronger twelve months hence than it is now. It is stronger now than it was twelve months ago. And it is the opinion of a vast majority of the thinking men, of the men engaged in agriculture, of the men engaged in manufacture, and also of the scholars of the universities of mankind, whether this thing will be accomplished in three months or three years, it is coming, and coming to stay.

Now, Mr. President, I wish, while I am up, to say one word on another subject. Gentlemen in their debates here and in their discussions upon the stump use the word "banker" as if it were a term of opprobrium to be a banker, and as if to be engaged in the business of banking were a degrading occupation; as if a banker is a person who delights to plunder and bleed the poor and the laboring man, a man dealing in bullion and in stocks and speculating in the necessities of life, and desiring to foment financial and industrial troubles and excitements with a view of making his own harvest out of the operation. I saw a statement that

during the last political campaign a political procession in which were two Senators of the United States had a banner or transparency with the inscription, "We will yet hang bankers in New York as they do horse thieves in Texas."

Mr. PETTIGREW. Mr. President—

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

Mr. PETTIGREW. I should like to have the Senator state who the Senators were who rode in that procession.

Mr. HOAR. I do not propose to state who the Senators were. I saw the statement in the papers.

Mr. PETTIGREW. I will say further to the Senator that if any such banner was carried, it had above it that it was a quotation from Wendell Phillips. Those were his words, and it was a quotation from him.

Mr. HOAR. I dare say; and the Senator could find quotations from Wendell Phillips in which he called George Washington "that slaveholder," and other quotations from Wendell Phillips in which he said that "the Constitution of the United States was a covenant with death and an agreement with hell." I dare say. I do not care. I am talking about the indorsers and not the maker of that sentiment.

Mr. PETTIGREW. I should like to ask the Senator if he indorses the last quotation which he has just made?

Mr. HOAR. Not in the least. I do not put it on my banner, and I do not walk in a procession that bears it. Perhaps the Senator from South Dakota knows who the Senators were.

Mr. PETTIGREW. I do not.

Mr. HOAR. Mr. President, there never was a greater mistake on the face of the earth. Of course there are in commercial cities men, men of wealth, men who get hold of banks, who are swindlers, who are defaulters, who are speculators, who are schemers, who are oppressors, just as in great cities there are men who are robbers and pickpockets and thieves of another kind, not any the less respectable, I agree. But in the main the bankers of New England, of which section I speak, are as good and respectable a body of men as can be found in this country. The direction of our national banks is made up in this way. Generally there will be eight or nine directors. It is true in every single instance in my city of 100,000 inhabitants. Five or six of those directors will be men retired from business, elderly men, not men of large wealth usually, but the sort of men whom you would trust, if you were to die to-morrow and leave an infant daughter of 2 years old, with your estate as her trustee, and be sure that twenty or thirty years hence it would be there, every penny of it safely accounted for. They are the sort of men selected to settle estates, that men take advice of in their private affairs. They have no personal end, but merely spend their lives in that way. Then two or three of those directors usually belong to mercantile or manufacturing establishments for the sake of borrowing money of the banks. They borrow up to the limit. They are engaged perhaps in a wire company or a woolen mill or a large dry goods house. If it is a village bank, the head of the village factory will be one of the directors.

But they are all men who desire to borrow money at the lowest possible rate, not to pay large rates, and they are men to whom a financial or business disturbance or the throwing of men out of work is especially odious, because, if for no other reason, their business is destroyed or injured by it. That is the way the banking system of New England is carried on, and I appeal with entire confidence to every New England Senator within sound of my voice if I have not given a correct description of them.

Mr. HAWLEY. That is right.

Mr. FRYE. The Senator from Massachusetts ought to go one step further. There is an enormous sum in the savings banks of New England which belongs to the workingmen.

Mr. HOAR. I was coming to that within a moment. I was speaking of national banks.

Mr. FRYE. I wish to call the attention of the Senator to the fact that all of the directors work without any pay whatever in seeking to invest this money for the poor people.

Mr. HOAR. We have \$466,000,000 in the savings banks of my State, banks in which you can deposit, I believe, but \$500 at any one time, and where you can not ever deposit more than fifteen or sixteen hundred dollars. I am not sure whether it is fifteen or sixteen hundred dollars. That is immaterial. The depositors in those savings banks are the wage earners of the State and their wives and children. They are the men who do the work of the State on the farms, in the factories, in the machine shops, and in all other branches of labor, and the same kind of men, as my honorable friend the Senator from Maine so well says, who manage the other banks manage these. There have been some cases of banks plundered, and of one or two savings banks' treasurers who have been defaulters. But there is no way in which the management of the concern makes a dollar out of any speculation. A director in a national bank may have a little stock. It is very seldom that a director will have more than a few thousand dollars of stock in his bank.



Mr. HAWLEY. Scarcely any of our banks have any stock to be held.

Mr. HOAR. The savings banks have no stock at all, of course. They are merely depositories. These banks are strictly regulated by law, and they are visited and carefully examined by the savings banks commissioner on the part of the State, and in the case of national banks by the United States bank examiner on the part of the nation.

Mr. President, I wish to protest against this public sentiment which has grown up. They talk about some things that have been said in the East about the West. You never hear speakers on the hustings, on the stump, in addressing any public meeting in the New England States or anywhere else in the East use an expression of opprobrium about the West. They know that the interest of New England is a prosperous West and a prosperous South. They know that we are all in one boat. They know that the political power of this Government is passing, like the star of empire, westward, and they expect it. There has not been a measure since I have been in public life or since I have known public affairs, the homestead law or any other great measure, the laws for building those railroads, and opening the Western prairies, where we have not followed the statesmen of the Western States as our leaders.

We do not think you can establish silver by this country alone. We think you must have a money which will remain stable and fixed in its value as near as the lot of humanity will admit, and that for that purpose two metals are better than one. Most of us think so. We think that if you establish and undertake to have the silver of the world coined without limit in our mints you will drive out the gold by an inexorable law; that you will get one metal, and not two; that you will get a metal which in that case will be changeable and fluctuating, going up and down like the thermometer on an April day. We think, also, that you will not have as much money then as you have now when our gold is sent off to Europe. It does not at all follow because you have cheap, poor money that it will be plenty. You have to work to get it. I have known a good many men who had very cheap and nasty clothes, and yet they did not have a great many of them. Plenty, as long as civilized man has civilized tastes, is not the necessary accompaniment of cheapness, or worthlessness, or nastiness.

Now, Mr. President, I wish to protest against this public opinion which denounces not only the whole people of the section where I live, but the worthy people whom the workingmen of the section in which I live trust to manage their savings for them in this way.

I think these great delusions which are fomented upon the stump, and which we can not help, do infinite mischief to the people of this country, taken as a whole. They do especial mischief, Mr. President, to the people who believe them and act upon them and base their public conduct upon them.

A great preacher, half a century ago, uttered a truth which some of our friends who talk about the bankers of the East and the crime of 1873, I think, sooner or later, will have occasion to bring to their own hearts. He said, "When a whole people set themselves to believe a lie, God punishes them with complete success."

Mr. GALLINGER. Mr. President, as a Republican and as a Senator representing in part a State that cheerfully and willingly assented to the platform adopted at St. Louis, which pledged the Republican party to "promote" international bimetalism, I give my hearty support to the measure now under consideration. \*I am, however, forced to feel that there is no certainty of the success of this scheme. Indeed, I have very grave doubts that the adoption of this joint resolution will result in the purposes that its promoters have in view; and yet I am profoundly impressed with the feeling that it is the duty of the American people to honestly attempt to bring about this most desirable result.

In the discussion of this question I regret that those participating in it have not in every instance kept themselves to a strict consideration of the question that is now before the Senate. I confess that I was pained on yesterday as I listened to the distinguished Senator from Nevada [Mr. STEWART] make statements that in my opinion are not borne out by any facts which he can bring to the support of his assertions, and that are calculated to do great injustice and harm to the people of our country. I was astounded to hear the Senator from Nevada say, not for the first time in this Chamber, that there are five millions of American freemen to-day begging bread and suffering the tortures of hunger in the United States. I do not believe that any such condition as that exists; and I am here to say that, in my judgment, it is a libel upon the workingmen of the United States, and an assertion that ought to be rebuked during this discussion. I regretted likewise that the Senator from Nevada, not for the first time, felt it his duty to inform the people of this great country that the silver nations of the world are more prosperous than Great Britain or the United States.

Mr. STEWART. I never made that statement.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. STEWART. I never made that statement. I said they were more prosperous than they ever had been in the history of those countries.

Mr. GALLINGER. I did not interrupt the Senator from Nevada, and if he will observe the courtesies of the Senate he will not interrupt me without my permission. The Senator will have an opportunity to reply.

Mr. STEWART. I will not.

Mr. GALLINGER. I have heard the Senator from Nevada time and time again give utterance to precisely the expressions that I have attributed to him, and I am surprised to have him enter a denial of the correctness of my statement. Let us see what the facts are. Turning to the RECORD of this morning, I find the following in the speech of the Senator bearing on this point:

The universal prosperity of silver-standard countries, by reason of the difference of exchange, leads me to wish that the United States could have like opportunities.

If that does not justify the statements I have made concerning the utterances of the Senator from Nevada, in his own time he will have an opportunity to disabuse my mind and the minds of Senators on that point.

Mr. President, I take issue with the Senator from Nevada, I take issue with the advocates of the free and unlimited coinage of silver in their contention, which they made over and over again during the last national campaign, that the condition of the silver-standard countries is such that the people of the United States need have no fears of any disaster coming to this nation if we adopt the financial policies and laws of the silver countries.

I have on my desk a letter from a gentleman who has traveled extensively all over the world, a gentleman who has traveled in Europe, in Asia, and in South and Central America, and who, under date of October 15, wrote me concerning the condition of the people in the silver countries of South and Central America. I want to put his letter in the RECORD. He says:

I herewith inclose you a memorandum of the population of the South American states—seventeen in all. There is a population of about 40,000,000 in these countries. Their currency is Mexican silver, and every one of those countries is bankrupt to-day. They have no credit in Europe or America. You could not sell the bonds of many of them for 12 cents on the dollar. The exchange for gold in some of the places is 300 to 400 per cent. I invested about \$70,000 in Santo Domingo some eight years ago; to-day it is not worth \$10,000. When my investment earns \$2.50 in Mexican silver, I only get \$1 in gold for it. I received last month \$350 gold draft on New York, and my agent paid \$775 (Mexican) for it. The Argentine Confederation is bankrupt; Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, are all bankrupt. Haiti is beyond being bankrupt. Honduras, Nicaragua, Paraguay, Peru, Santo Domingo, San Salvador, Uruguay, Venezuela, are all in a state of bankruptcy. Now, with these 40,000,000 of inhabitants, if they were to send \$5,000,000 of bonds to Europe or the United States, they could not get 10 cents on the dollar for them. They have been made poor, first, because they manufacture nothing but what grows on the top of the ground; second, because they have no currency which the world has any confidence in. It is Mexican silver, and it is almost impossible for a man to do business in those countries on account of the depreciation in the currency. You buy a barrel of flour in New York for \$3.50 and ship it out there—to Santo Domingo, for instance—and it sells for \$18.50, Mexican.

I here quote the prices of some of the goods on which they live there:

Salt pork, 30 cents, Mexican, per pound.  
One pound O sugar (made there), 10 cents, Mexican.  
One barrel flour, \$18.50, Mexican.  
One pound salt beef, 25 cents, Mexican.  
One pound ham, 50 cents, Mexican.  
One pound cheese, 50 cents, Mexican.  
One pound potatoes, 12½ cents, Mexican.  
One pound rice, 10 cents, Mexican.  
One pound onions, 20 cents, Mexican.  
One box (5 pounds) herrings, 50 cents, Mexican.  
One pound codfish, 15 to 20 cents.  
One tin coal oil (5 gallons), \$3, Mexican.

The workingmen earn from 80 cents to \$1 a day; that is what I pay them. A man could only buy 2 pounds of cheese for a day's work, or 2 pounds of ham. It would take him eighteen and one-half days to earn a barrel of flour, if he got a dollar a day; and if we have free silver in this country, we will be just as bad off as they are. The price of our products would go up, and gold will stay just where it is. There is never any change in gold; it is always in the currency that is inflated by the speculators, and if we have a silver standard, as I said before, every man would have to pay twice as much for his goods and get the same wages he does now, and there would be nothing left but starvation. We do not know what poverty is in this country at all. We pay our people more wages than any other nation in the world, and they are better off than any other nation in the world. You may travel all over the world and look at the working people on Sundays and feast days, and you will find no people that dress as well as the working people in America. Compare the people at Atlantic City and the people at St. Clue on Sunday and you will see the difference. I trust our people will never vote to degrade themselves. Their franchise is the only thing they have left.

If the Senator from Nevada can extract any comfort from that exhibit of the condition of the silver countries to the south of us, he is welcome to it.

Mr. President, I do not care to go into an elaborate discussion of the gold standard or of free silver coinage. I do not think it is germane to the question that is now under consideration by the Senate. But during the last campaign we were treated in New England by Mr. George Fred Williams, the apostle of free silver coinage in our part of the country, to a picture of the prosperity, happiness, and contentment that prevail in the sister Republic of Mexico; and we were told over and over again that we need not fear to adopt a system of currency that would put us on a par with the people of Mexico.



I think I need not say that we are infinitely better off than the people of Mexico are to-day. Our relative condition is not a matter that ought to be dignified by debate in the Senate of the United States. When citizens of this great Republic point us to the prosperity of the people of Mexico, or South America, or Central America, or China, or Japan, or India, as a reason why we should adopt their notions on the currency question, it strikes me that it is an absurdity which is hardly worth mentioning in this debate.

During the four years of the Administration of President Harrison a citizen of my own State was accredited as minister plenipotentiary to a South American republic. Very recently that gentleman has told me that he paid in that silver country \$2 a gallon for kerosene oil and \$36 a barrel for American flour. What a paradise that is for the intelligent, self-respecting workman of the United States! Is it not a wonder that every ship that sails from an American port to South America does not carry a cargo of intelligent, self-respecting American workmen to a country where they can get kerosene oil for \$2 a gallon and American flour for \$36 a barrel? Yet this is the elysium that these gentlemen are picturing before our eyes, and this is the condition that they say we can with safety to our country and to our people fasten upon the people of the United States.

Mr. President, India and China are the great silver countries of the world. Two days ago an intelligent and highly educated physician from Calcutta presented letters of introduction to me. I talked with him an hour in my committee room, and during that conversation he said to me, "While your bricklayers in America get three or four dollars a day, the bricklayers in Calcutta and Bombay are working for 4 or 5 cents per day;" and then he added sententiously, "But they live very well on that."

Our money is worth about twice what money is in Calcutta and Bombay, and I do not want to see the time come when intelligent American workmen and mechanics—men laying brick, constructing our great establishments and our homes—shall be compelled to work for 8 or 10 cents a day. If that is prosperity, it is the kind of prosperity that I do not want to see fastened upon the workmen of the United States.

That is the condition of things as regards India. As for China, we have had to enact laws prohibiting the people of that great silver country from pouring by the thousands and tens of thousands into the United States to better their condition, to accumulate money here to be carried back to the land from whence they came.

Mr. President, that is the feast that the distinguished Senator from Nevada [Mr. STEWART] invites American workmen to partake of. They refused in the last national election to follow the lead of the Senator from Nevada in that direction, and, in my judgment, they will continue to refuse to do so.

Mr. President, it may be that the effort which is being made to bring about a monetary conference in the hope that we may secure international bimetalism will fail. I trust it may not fail. I feel a profound desire that we may in some way secure the concurrence of the other great commercial nations of the world with ours in an honest attempt to rehabilitate silver and to have the two metals as standard money in this country and in the other great commercial nations of the world. If it should fail, then we shall again be compelled to face the great question, and it is a great question, that confronted us in the last campaign, namely, whether this country shall plant itself upon the gold standard alone, or whether we shall go to the free and unlimited coinage of silver.

I have myself no concealments upon this question. I have no hesitancy to declare my attitude that if international bimetalism does fail, while I respect profoundly the opinion of every honest man in this Republic who differs from me, I shall stand as an advocate and a defender of the gold standard as against the silver standard for the people of the United States.

Mr. President, this is all I care to say. I trust that the resolution may pass, as I have no doubt it will, and that an honest, earnest effort will be made by the incoming President of the United States to fully redeem the declaration that was placed, after careful and conscientious consideration, in the national platform of the great Republican party.

Mr. PEPPER. Mr. President, the people of the State that I have the honor to take part in representing are bimetalists. I think it is safe to say that 99 per cent of them believe in the use of both gold and silver as standard money. As to the methods for bringing about bimetalism now, as we do not enjoy it, our people are not agreed. I think a majority of our people are ready to risk the experiment of national bimetalism. They believe that the people of the United States, without the aid or encouragement or assistance of any other nation under the heavens, are competent in and of themselves to regulate their own monetary affairs in their own way. While that is true, a very large proportion of our people, nearly one-half of them—as much as 40 per cent, anyway—believe that it is not safe for us to return to the system that we had in vogue prior to 1853—not 1873, but 1853—without the

aid and the concurrence of the great commercial nations of the world. And I think they are as conscientious in that belief as the rest of us are in ours.

Upon that issue very largely the great battle of 1896 was fought, the most remarkable political contest in many respects that we have ever had in this country. A majority of the people, and a very large majority of the people, after a protracted and animated and earnest discussion, gave it as their opinion that we ought to have the concurrence of other nations. The party which took that position gave to the country a promise that they would honestly and earnestly endeavor to promote international bimetalism, a condition of monetary affairs with which all bimetalists the world over will be satisfied, and perhaps they will be better satisfied with international bimetalism than with national bimetalism. The Republican party promised the country that with a trial of power they would not only attempt to procure international bimetalism, but that they would revise our tariff laws in such a manner as that, putting the two great policies together, the return tide of prosperity would come over the people, that business would be revived, that our people would be rendered happier, and that in every way the country would be benefited.

I believe the people of Kansas expect of their Senators upon this floor not to place any obstacles in the way of the passage of this bill. Personally, Senators all know that I have no confidence in the accomplishment of the object sought by the bill, and that I do not believe it would amount to anything if it were accomplished, for, speaking personally, I believe the same conditions that are bringing trouble upon the gold-standard countries to-day will eventually bring trouble upon the bimetallic-standard countries of the world. But leaving all that aside (I am simply giving the reason for the vote which I expect to cast), I think the people of Kansas with practical unanimity expect both of their Senators upon this floor to place no obstacle in the way of the passage of the bill, and if a yea-and-nay vote is taken upon its passage, I shall certainly vote for the bill.

Before leaving the floor, I wish to say to my good neighbor from Utah [Mr. CANNON] and my other good neighbor from Nevada [Mr. STEWART] that I hope they will not press their amendments. I do not want to assume any responsibility for any amendment of any character that is placed upon the bill. It is presented to us by gentlemen who have been named by members of their party represented here. It satisfied them. They say to us and to the country, "This is our measure; give us this, and it is a fulfillment, and we will regard it as a fulfillment, of our pledges during the campaign."

With that statement of the views of my people and my own personal views, I have not anything further to say, only that I hope the Senators will not press their amendment.

Mr. BLANCHARD. Mr. President, I am one of those who believe that this country of ours is great enough and broad enough and powerful enough to establish and maintain a monetary system of its own. Therefore, in the recent election I supported that candidate and that platform which declared for an American financial policy, the free, unlimited, and independent coinage of both gold and silver; the restoration of the monetary laws of the country back to where they were prior to 1873.

I understand bimetalism, as applied to practical finance, to mean a monetary system resting upon both metals as equal standards of value and money of final redemption, with free access to the mints at an agreed ratio. The result of the last election was the defeat of a purely American financial system, at least for the present. The Republican party, it is true, in its platform pledged itself to promote in every way in its power the restoration of bimetalism. No one believes that anything whatever will come out of that pledge. The American people are not fooled by it one whit. Enough votes were returned to sustain the candidate of that party and its platform, but we know by what methods that result was brought about. This, however, is not the place to go into the discussion of that question. Having, though, made that pledge, the effort to pass the pending measure appears to be an honest effort on the part of certain Republican Senators to initiate a movement for the establishment of international bimetalism, looking to the fulfillment of the pledge made.

Mr. President, I, for one, desire the establishment in this country of a bimetallic system of money, and whilst I should prefer that it be brought about in the way declared for at the Chicago Democratic national convention, I shall not stand upon methods. The recent election has destroyed all hope for the free, independent, and unlimited coinage of both metals for the next four years at least. If, then, all hope of having enacted into law the declarations of the Chicago platform must be put aside for four years, I am willing to support the present movement, which looks to the bringing about of bimetalism by international agreement.

We want the free coinage of gold and silver, and I am willing to take it via international agreement rather than not get it at all. But this effort at international agreement upon this important question is foredoomed to failure, in my belief. Like the other



three attempts in that direction, this is likely to result in nothing; but let us on this side throw no hindrance in the way of this effort to carry out in good faith the pledge of a great political party.

I do not believe that under the incoming Republican Administration we will have anything for the next four years in the way of a financial system except a continuation of the gold standard, with all of its ills, and added to it a high protective tariff law, likely to be enacted in the next few months. The prospect, therefore, before the American people for four years is gold monometallism and high protection. Let us see to what it will bring the country and the people.

The Republican party will come into power under a pledge the most dangerous for any political party to make, the pledge of the restoration and maintenance of general prosperity. I fear, Mr. President, that the conditions do not exist which justify the hope of the restoration and maintenance of general prosperity, nor do I believe it will come under the gold standard and high protection. The money question, outside of the questions which affect the eternal welfare of mankind, is the most important one that can engage the intellect of man. According as it may wisely or unwisely be settled, it affects every man, woman, and child living to-day, as well as generations yet unborn.

This movement, in charge of which is the Senator from New Hampshire [Mr. CHANDLER], is a movement which its advocates promise is a step forward toward changing the present monetary system of the country and of the world. However much I may believe that nothing will come of it, I consider it my duty to support the measure, and such is my purpose.

Mr. WHITE. Mr. President, I rise simply to say that as there is an amendment pending to the bill of the Senator from New Hampshire [Mr. CHANDLER], which amendment was introduced by the Senator from Utah [Mr. CANNON], and which expresses in appropriate phrase the principles which I think should control us, and as I find myself unable to vote for that amendment, I wish to briefly state my reasons for not doing so.

While I think that the amendment of the Senator from Utah would improve this bill, yet, holding as I do that the whole scheme must prove abortive, and knowing that the Republican party is responsible for this legislation and must be held responsible in the future, I am unwilling to make any change in the measure which does not meet the approval of those who have undertaken the enterprise. I do not wish to make the bill so virtuous that it can not be taken in and absorbed and approved by our political adversaries. I am aware that their capacity for bimetalism is somewhat limited, and I do not wish to give them more than that quantity which they themselves state they are in condition to absorb. [Laughter.]

The Senator from Utah has very properly spoken of his amendment, and has given many reasons to show that the pending bill is defective; but I submit that we ought not to interfere with our friends, but permit them to formulate a measure which, as they believe, will accomplish the beneficent result referred to; and if they fail, having designed the bill themselves, we can not be charged with obstruction.

On the other hand, if we attempt to alter or amend it in any material way, it will be said afterwards, in the event of failure, that we are responsible for that failure. Let them have their bill. I shall vote for it, and I hope that it will be successful. If I doubt it, it is because of the elements surrounding the case, which I do not think the Republican and Democratic parties combined could possibly overcome. I again submit that the amendment proposed by the Senator from Utah should be voted down, not because intrinsically it contains anything that is not true, but because, under the circumstances, it is impolitic and unwise to interfere with the pending measure.

Mr. ALLISON obtained the floor.

Mr. CHANDLER (at 3 o'clock and 50 minutes p. m.). Mr. President, I find that there are three or four Senators who desire to speak—so far as I can learn only three or four—and yet they can not get through by 4 o'clock. I am very anxious that the bill should be concluded this afternoon in accordance with the unanimous agreement, and if Senators are willing to stay here and dispose of the bill I will ask unanimous consent for an extension of the time for debate.

Several SENATORS. How long?

Mr. CHANDLER. Until half past 4 o'clock.

Mr. HAWLEY. And with five-minute speeches.

Mr. CHANDLER. I do not wish to cut off the Senator from Iowa.

Mr. ALLISON. I shall not want more than five minutes.

Mr. CHANDLER. I will ask for a general extension of the debate until half past 4 o'clock, with the understanding that the bill is to be voted upon at that time, and I hope Senators will stay here.

The VICE-PRESIDENT. Is there objection to the request of

the Senator from New Hampshire? The Chair hears none, and it is so ordered.

Mr. ALLISON. I do not expect to occupy much time in this discussion; indeed, it was not my purpose to participate in it at all until I listened to some of the observations made on the other side both by those who oppose and those who favor the pending bill.

Mr. President, this Chamber seems to be divided, very much as the country is divided, into those who believe in the single gold standard because they think it is not possible to have a double standard and an equivalence of value between the two metals in circulation and those who believe it is wiser and better for us to have a single standard of silver. So I find the Senator from Nevada [Mr. STEWART] and the Senator from Wisconsin [Mr. VILAS] in loving accord opposing this measure, though I do not know but both those Senators will vote for it. I am not sure, however, as to that.

There are others who believe that the metallic money of the world consists of both gold and silver, that they have always consisted of these two metals, and that they are likely to continue to consist of them. They believe that the chief value of these metals is derived from their use as money and not from their use in the arts, and, therefore, if their use as money can be enlarged, or the use of either of them can be enlarged, it will bring their values nearer together.

The Senator from Wisconsin says the two metals have never circulated side by side. I shall not take the time to argue now that he is mistaken, but it is an historical fact that they practically circulated side by side for hundreds of years when the ratio of a given number of commercial nations was the same.

Those who believe in an international agreement on this subject of money are not abdicating, as the Senator from Louisiana [Mr. BLANCHARD] has just said, the power and independence of our nation, but they are making an honest endeavor to bring these two metals, now widely separated in their international value, nearer and nearer together, and they believe that can be done by their universal use. Those of us who believe in having a stable money in our own country, and who do not believe it is a wise thing for us to abandon our present standard and go to the single standard of silver, for which a large number of people voted at the last election, believe that it is wiser and better by practical and sensible methods, which have derived their value from experience, to see whether or not there are other commercial nations who will unite with us in an endeavor to secure the concurrent use of silver and gold without one being greater in value than the other in circulation.

This proposition is not new. It has been the established policy of the United States since 1878, by repeated acts of Congress and by repeated statements in platforms, and only departed from in a single instance by either of the great parties—at Chicago in 1896. Therefore we propose now to place within the power of the President of the United States, as we have many times before placed in his power, the money necessary to enable this Government to participate in any arrangement amongst the commercial nations whereby we can fix a ratio between the two metals and test whether hereafter, as heretofore, they will upon that agreed ratio circulate side by side. That is all we propose here, and we do not even need to do that except for the fact that we must place in the hands of the President of the United States the power to execute this purpose, which we have so often expressed and so often declared in our statutes and in our platforms.

The Senator from Wisconsin jeers at the idea that there is a possibility of securing concurrent action of the principal commercial nations of the world in this effort. He says that all the conferences we have heretofore had have been failures. They have been failures in a sense, it is true, and yet there has not been a single conference held which has not made progress in the development of what we call bimetalism in this country and in the world.

Mr. LINDSAY. I desire to ask the Senator from Iowa whether he regards the appropriation made by the act of March, 1895, as having lapsed, or whether the President may still utilize that appropriation?

Mr. ALLISON. I think, were we not to take this action, that possibly that appropriation of 1895 might be used, as the appropriation of 1892 possibly might be used.

But, Mr. President, being diverted from the suggestion I was about to make in response to the argument of the Senator from Wisconsin, I repeat that there has never been a conference which has not made progress as respects the concurrent use of both gold and silver; and I venture the assertion that, outside of the controlling portions of Great Britain and perhaps also the Scandinavian states, there is not a country in Europe that is not in favor of the effort which is proposed here and which will not support it and advocate it, excepting only Germany, which stands upon a pivot as to its parliamentary situation and as to the governing forces surrounding the Emperor of Germany. It is well known



that Austria will follow in the pathway of Germany in whatever she may say or do.

The Senator from South Dakota [Mr. PETTIGREW] took pains to make quotations from statements made by the delegates of certain European powers in the conference of 1892. It is well known by those who participated in that conference that Great Britain stood in the pathway, and Germany also, because then her Parliament or Reichstag had not expressed itself, as it has twice since, in favor of international bimetalism. So the situation now is not what it was in 1892, whether as to the Government of Germany, the Government of France, or even that of Great Britain. It is well known, as the Senator from Massachusetts [Mr. HOAR] has already stated, that all of the governing forces in France now favor bimetalism. Why? Because France and Belgium and Holland and Switzerland and Italy have in their circulation nearly \$1,300,000,000 of silver money, which circulates there only as domestic money, on a par with gold, which is their standard of value. We have \$600,000,000, or nearly so, of like money. Is it not the part of wisdom on the part of those countries to make our domestic money interchangeable without having behind it, as we have now and are obliged to have, the power of this Government to keep it on a par with gold? Should you take away that power, the silver money would no longer circulate, as it does circulate, on a parity with gold.

Mr. President, I do not advocate this policy because it is found in the platform adopted at St. Louis. I advocate it because I believe it is in the interest of the concurrent circulation of these two metals in the world and because it promotes the commercial interest of the world to minimize the difference in the power of exchange between great connecting trading countries. One or the other of those metals, so long as these conditions prevail, will be the paramount metal, and so long as it is the paramount metal the other will fluctuate up and down in the markets of the world. That is the situation to-day.

Mr. PETTIGREW. Will the Senator allow me just one moment?

Mr. ALLISON. As the Senator will see, I can not yield to him now.

Mr. PETTIGREW. I simply wish to correct a statement of the Senator.

Mr. ALLISON. The Senator can correct it afterwards. I may have made some error, but the statement is practically correct as I have made it.

Which of these two metals is to be paramount until we have the concurrent action of nations? It is that which is the standard of money in the nations having the chief trade of the world. Who are those nations? Are they China, Japan, or the South American States, some of them having a gold standard, some of them having a silver standard, and all of them upon a depreciated paper standard but one? Here lies Europe, with its silver and its gold, having the gold standard, with a trade twelve times as great as all the trade of all the silver countries combined. Therefore it is, unless we can minimize this difference in the value of these two metals in the exchanges of the world, this divergence will go on, and the people who have the silver money are those who will be most distressed in the exchanges which are necessary to be made.

Without reference to party platforms or party alliances here or there, can it be possible that the American people, growing as they are growing, in the commerce of the world, will not make whatever effort can be made to secure as nearly as possible the power of exchange among the nations which use silver and gold?

Mr. President, I shall vote for this measure.

Mr. GORMAN. Mr. President, I shall vote for the proposition presented by the distinguished Senator from New Hampshire [Mr. CHANDLER], and I think the country is to be congratulated upon the result of the debate upon this proposition to-day. With practical unanimity on the part of those who have spoken, it appears that the members of the Senate are in favor of making this earnest, honest effort to secure an international agreement. I shall vote for it, notwithstanding the fact that it gives power to the incoming President of the United States to appoint the commissioners to represent this Government in whatever conference may be held; I shall vote for it, as I have voted for all like propositions since I have been a member of the Senate, even the one of 1895, when Congress, making the provision for calling a conference, elected six of the commissioners, three by the House of Representatives and three by this body, leaving the present President of the United States to appoint a number of commissioners. The failure to carry out the law of Congress as expressed in that resolution, in my judgment, intensified the feeling of this country, certainly in the Democratic party, to such an extent that the extraordinary declarations of the Chicago convention were made.

I agree with the distinguished Senator from Massachusetts [Mr. HOAR] that a great majority of the people of this country are in favor of bimetalism. The American people will not very much

longer, in my judgment, submit to a dalliance with this question, which does not bring about results, and which is not intended to bring about results. But viewing the condition of the country, which has been produced by various causes, not only by the difficulties regarding the circulating medium, but from others, we see that distress prevails from one end of the land to the other, which does not disappear, but which intensifies, until we stand to-day not as well off as we were one year ago. But for the fact that the great famine abroad has enabled our people to send their products hence, so that the balance of trade within the year is \$300,000,000 in our favor, no man could tell what would occur during these winter months. The distress of others has saved us from a great calamity.

I will not impede by any act of mine any measure that will tend to create a better condition of affairs for our people under the next Administration. I prefer, because it is a mere matter of verbiage, that the party about to assume power shall deal with this question precisely as they deem best. The methods by which they may attain it, so far as concerns my vote, must be theirs. But having voted for the bill, as I shall, I wish to say to the other side that the great reforms which you have promised will not end with the passage of the pending bill. Nothing but results will satisfy the American people, and results which will better the condition as it stands to-day. A result must follow which will give sufficient revenue to the Government without imposing unjust burdens upon the masses of the people or give favoritism to a few. The structure, as to the ordinary currency of the country, which has been created not by Democratic policies, can not be permitted by the Republicans to remain as it is now, so that whenever there is a panic or a slight disturbance in business affairs runs upon banks and the Treasury will occur again.

Having come in power, you are entitled to have fair treatment upon those questions which affect the Treasury, as the matter now under consideration affects the whole structure. I, for one, do not intend to obstruct that policy unless it be made purely political by those on the other side of the Chamber. I can not afford as an American citizen and as a Senator having a vote here, representing in part a State, to fail to take into consideration the immense embarrassment under which our people are laboring. I will not even express the opinion that this measure will be a failure. My belief is that we have failed in the past because those in the executive branch who have had the management of our financial affairs have never had their heart in the matter. Our representatives have been embarrassed by the conviction on the part of those whom they met in conference that if there was a failure the American people would quietly submit to it, as we have. I desire to see this commission go abroad with the encouragement of both Republicans and Democrats, to say to the other nations of the world that we intend to have this question adjusted fairly and in the interest of the people.

I was gratified to hear the Senator from Massachusetts [Mr. HOAR], with all his learning, in his splendid speech to-day, say to the American Senate that the English Government, or a majority of that Government, is in favor of bimetalism. But he said that within a square mile in London there is power enough to prevent the achievement of a great act for the benefit of mankind; that they would overturn the English Government. Mr. President, within 1 mile of the city hall in New York there has been power enough to stay and stop the consummation of this question in the United States. Within the radius of a mile in the city of Paris there has been enough power to stay and stop the men who govern France. Let these representatives of the United States under the next Administration go abroad and say that no longer shall this power thus concentrated in three or four great cities throttle all the freemen of the world; but that if they do so on the other side, the American Republic will march along in the immediate future to relieve our people at home.

Mr. STEWART. Mr. President, two or three of my friends who have spoken have great difficulty in understanding what I say or in interpreting what I mean. The Senator from New Hampshire made a statement that I had said that the silver-standard countries are more prosperous than our own country. I never made any such statement. What I did say is true, that since the demonetization of silver and the difference of exchange forced by that demonetization the silver-standard countries had prospered more than they ever did before in history; and if there is anything true on earth, that is. The man who does not know that the silver-standard countries, having availed themselves of cheap silver, are reaping a rich reward is ignorant of current history.

The Senator from Massachusetts [Mr. HOAR] made some sport at my expense. He told us how nicely the aristocracy of Europe treated him and what kind things they said. We have had those reports for twenty years. There is no doubt that you can get honeyed words from those gentlemen. They are very polite. In alluding to Mr. Balfour he was unfortunate, however. Mr. Balfour understands this question as well as any man living. He is in sentiment a bimetalist. But a short time ago in Parliament



he conceded that it was impracticable, and he was unwilling to place the administration against the mile square in London. He is as much in dread of that as the Senators on this floor are in dread of the mile square in New York.

The Senator made another unfortunate allusion. He referred to the savings banks, and by implication let it be understood that they were contributors to the vast corruption fund which did a large part of the voting at the last election. I have heard it stated before that the very honest men whom he described contributed of the funds deposited in savings banks to swell the volume of the vast fund which voted in the last election. I did not believe it. If it is true, it speaks badly for their honesty. In regard to savings banks, I have this to say: It is true that \$1,500,000,000 has been deposited by the laborers and others in the savings banks of the United States. Those \$1,500,000,000 are invested in securities. It is not true that those securities are of the same value that they were when the investments were made. The savings banks are trembling on the brink of ruin. If the gold standard is maintained, they can not convert their securities into money and pay their depositors. I will not mention, as I could do, a large number of savings banks whose situation is very delicate, but I undertake to say that the gold standard, if pursued, will so depreciate the securities they hold that few if any of them can close up and pay their depositors. They can not convert the securities they hold into money, and in almost every city the savings banks are making every effort to prevent a run. In Chicago a few days ago they claimed that they availed themselves of the privilege of demanding the full notice allowed by law. That is the situation of the savings banks.

I did not think my friend the Senator from Iowa [Mr. ALLISON] really misunderstood my position. He said that I am in favor of the single silver standard. I am not in favor of confining the money to any particular commodity. I am in favor of restoring silver and using the two commodities, but if the two commodities are not enough, as they frequently have not been, I am in favor of our Government saving this civilization by the exercise of its sovereign power, which has been used in every emergency by every great government, to create money out of something else. As I said the other day, there is but one case in which metallic money was used in a great war. That was the case of Germany in the war with France, when she used silver. She remained on the silver basis throughout the war. If in a great emergency of war, when national existence and national life are at stake, governments have the inherent power to create a circulating medium which will save their existence, why is it necessary that in time of peace the people should be destroyed because there is not enough of any particular material? I believe the use of both metals will furnish a reasonable amount of material out of which to make money.

It is suggested that silver will be used altogether, and that I am a monometallist. What I ask is that the mints shall be opened to each, and that if silver does not come to the mints, let gold come. If gold does not come, let silver come. Let something come that will stand between the American people and the extinction of civilization. If the misery that now stalks abroad in the land does not appeal to the Senate, what will? The suffering is greater to-day than it ever was in war. I am called to account because I said 5,000,000 are out of employment and in want. My statement was no exaggeration. There are more than 5,000,000 people who are practically idle because enterprise is stopped, and those who work upon farms are toiling for comparatively nothing. Their farms have depreciated in value. Mortgages have been converted into deeds. Misery stalks abroad in the land, and I say under these circumstances it behooves the American Senate to inquire if there is no remedy in peace for unendurable calamities.

With this situation before us, with our people struggling to live, misery everywhere, we are going to Europe to ask a mile square in London if they have blood money enough; if they are satisfied to give us some of their gold; if they are satisfied to let us use some silver; if their greed to increase their hoards by increasing the purchasing power of money is satiated. That we must petition them for that it seems to me is the depth of humiliation and disgrace. Suppose during the war either side had left home and gone to Europe to get aid and comfort. Suppose they had applied to Europe for the right to make their own money. Everybody would have said they were unpatriotic. It is equally unpatriotic to-day to let millions starve and perish while we apply to Europe for relief.

I agree with the remarks of the Senator from California and with others who have said that it is our duty, as a matter of expedience, to allow the Republican party to make this fourth application to Europe for relief, because they have made many people believe that Europe has more regard for the people of the United States than has the Government of the United States for the people which placed it in power. Many have been misled to that extent. Let them try it again; and perhaps after twenty-four or

twenty-five years of experiment a sufficient number of American people will have faith in their own Government and in the power of their own Government to save the people in this emergency. That being the case, let it go on. We can do nothing else. Let them have the spectacle, and I desire to have it presented in their own bill. I appeal to my friend, the Senator from Utah [Mr. CANNON], to withdraw his amendment. Let us put no obstruction in the way. Let them show to the world just what this thing is. Do not let us bear any of the responsibility of obstructing. We want the object lesson. One more object lesson will suffice, I am satisfied. With one more object lesson all the money in the savings banks in the United States, if you take it all out, will be insufficient to cast a majority vote in the next election.

Mr. HAWLEY. Mr. President—

Mr. CHANDLER. Will the Senator from Connecticut allow me? I ask unanimous consent that the time for a vote may be extended, so that the Senator from Connecticut [Mr. HAWLEY] and the Senator from Illinois [Mr. PALMER] may address the Senate.

Mr. WHITE. Will we have a vote this afternoon?

Mr. CHANDLER. Immediately thereafter.

The VICE-PRESIDENT. Is there objection?

Mr. MORGAN. I object.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from New Hampshire.

Mr. HAWLEY. I shall occupy the time of the Senate for but a very few moments. I am as anxious to come to a vote as is any other Senator.

The VICE-PRESIDENT. The Chair will state that the agreement was to take a vote at half past 4 o'clock. The Chair submits to the Senate the request of the Senator from New Hampshire that the time be extended in order that the Senator from Connecticut and the Senator from Illinois may address the Senate.

Mr. CHANDLER. I am very anxious to get the bill through to-night, but not so anxious but that I would like to have the Senator from Illinois as well as the Senator from Connecticut have a chance to make a speech. No other Senators have hitherto indicated a desire to speak. Those are the only ones who wish to speak, and I hope they may have an opportunity.

The VICE-PRESIDENT. The Chair submits to the Senate the request of the Senator from New Hampshire.

Mr. PALMER. I would prefer that the request be limited to an extension of time so as to permit the Senator from Connecticut to speak.

Mr. PETTIGREW. I shall object unless the time is extended so that all who choose to speak can do so.

Mr. CHANDLER. The Senator from South Dakota can object if he pleases.

Mr. GALLINGER and Mr. FRYE. Let us have a vote.

Mr. PETTIGREW. I shall not object if the time is extended so as to allow every Senator to speak who wishes to do so.

Mr. GALLINGER. I object to that.

Mr. CHANDLER. No other Senator has indicated a wish to speak until now.

Mr. HOAR. I suggest that if any other Senator now indicates a wish to speak the extension of time can be enlarged so as to include him. I understand that the Senator from Illinois [Mr. PALMER] withdraws his desire, so that no Senator has indicated a wish to speak except the Senator from Connecticut [Mr. HAWLEY].

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from New Hampshire. Is there objection?

Mr. PETTIGREW. I object.

The VICE-PRESIDENT. Objection is interposed. The hour has arrived at which the Senate agreed to vote. The question is upon agreeing to the amendment submitted by the Senator from Utah [Mr. CANNON], which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause down to and including the word "conference" in line 12, and insert:

That within ninety days after the 4th day of March, 1897, the President of the United States shall invite the leading commercial nations of the world to appoint representatives to an international monetary conference, to convene on or before October 1, 1897, at such place in the city of Washington as the President may designate; and also, within said ninety days after the 4th day of March, 1897, the President shall appoint five commissioners to represent the United States at such conference, the duty of which United States commissioners shall be to urge the adoption by said conference of a plan for the free and unlimited coinage of silver and gold at some ratio ranging between 15 to 1 and 16 to 1 by the nations represented at such conference.

Mr. CHANDLER. I hope the Senator from Utah will withdraw the amendment. I ask him in behalf of the friends of the original bill to withdraw it.

Mr. CANNON. I prefer to allow the amendment to be voted upon by the Senate.

Mr. CHANDLER. Then I move to lay the amendment upon the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire to lay on the table



the amendment submitted by the Senator from Utah [Mr. CANNON].

Mr. BERRY. On that I ask for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER]. If he were here, I should vote "nay."

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS], and therefore withhold my vote.

Mr. FAULKNER (when his name was called). I understand from the Senator from New Hampshire that my colleague [Mr. ELKINS], with whom I am paired, would vote "yea" on this question if he were present. I will therefore vote. I vote "yea."

Mr. GEAR (when his name was called). I have a general pair with the Senator from Georgia [Mr. GORDON]. If he were present, I should vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from New York [Mr. HILL]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "yea."

Mr. McBRIDE (when the name of Mr. MITCHELL of Oregon was called). My colleague is absent from the Chamber. He has a general pair with the senior Senator from Wisconsin [Mr. VILAS]. If my colleague were present, I have no doubt, believing that the bill in its present form would best promote the object intended to be attained by it, he would vote against the pending amendment and all proposed amendments to the bill.

Mr. MITCHELL of Wisconsin (when his name was called). I have a pair with the Senator from New Jersey [Mr. SEWELL]. I understand the Senator from New Jersey is opposed to the amendment, and I will therefore vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. GEAR (when Mr. MORRILL's name was called). The senior Senator from Vermont requested me to state that he has a general pair with the Senator from Tennessee [Mr. HARRIS].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea."

Mr. PALMER (when his name was called). I have a general pair with the Senator from North Dakota [Mr. HANSBROUGH]. I do not know how he would vote, and therefore withhold my vote.

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. If he were present, I should vote "yea."

Mr. VILAS (when his name was called). I am paired generally with the Senator from Oregon [Mr. MITCHELL]. I am informed by his colleague that he would be against the amendment. Therefore I shall vote in the affirmative upon this question. The Senator from Oregon would be in favor of the passage of the bill, while I would be against it. Upon this amendment I shall vote the same way in which he would if present. I vote "yea."

Mr. WILSON (when his name was called). I have a general pair with the junior Senator from Florida [Mr. PASCO], and I am not advised how he would vote upon this question. If he were present, I should vote "yea."

The roll call was concluded.

Mr. BLANCHARD. I have a general pair with the Senator from North Carolina [Mr. PRITCHARD] who is absent. The money question, however, was excepted from the operation of the pair. I understood from him that his sentiments upon that question are the same as my own, and under the circumstances I feel authorized to vote. I vote "yea."

Mr. BATE. My colleague [Mr. HARRIS], who is unable to be here this evening, is paired with the Senator from Vermont [Mr. MORRILL].

Mr. McBRIDE. I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. I am informed by his colleague that if present he would vote in favor of the motion to lay on the table. I therefore feel at liberty to vote. I vote "yea."

The result was announced—yeas 41, nays 8; as follows:

YEAS—41.

Allison,	Faulkner,	Lindsay,	Stewart,
Bacon,	Frye,	McBride,	Thurston,
Baker,	Gallinger,	McMillan,	Tillman,
Blackburn,	Gibson,	Mills,	Turpie,
Blanchard,	Gorman,	Mitchell, Wis.	Vilas,
Brown,	Gray,	Murphy,	Walthall,
Cameron,	Hale,	Perkins,	Wetmore,
Carter,	Hawley,	Platt,	White.
Chandler,	Hoar,	Pugh,	
Cullom,	Jones, Ark.	Sherman,	
Davis,	Jones, Nev.	Shoup,	

NAYS—8.

Allen,	Butler,	Clark,	Pettigrew,
Bate,	Cannon,	Peffer,	Roach.

NOT VOTING—40.

Aldrich,	Elkins,	Mantle,	Quay,
Berry,	Gear,	Martin,	Sewell,
Brice,	George,	Mitchell, Ore.	Smith,
Burrows,	Gordon,	Morgan,	Squire,
Caffery,	Hansbrough,	Morrill,	Teller,
Call,	Harris,	Nelson,	Vest,
Chilton,	Hill,	Palmer,	Voorhees,
Cockrell,	Irby,	Pasco,	Warren,
Daniel,	Kyle,	Pritchard,	Wilson,
Dubois,	Lodge,	Proctor,	Wolcott.

So the amendment was laid on the table.

The VICE-PRESIDENT. The question recurs upon the amendment of the Senator from Georgia [Mr. BACON]. The amendment will be stated.

The SECRETARY. Insert as an additional section:

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference, to assemble at such point as may be agreed upon.

Mr. CHANDLER. I understood that the friends of the bill accepted that amendment when it was offered so far as they could do so.

The VICE-PRESIDENT. Is the amendment accepted without objection?

Mr. FRYE and others. Agreed.

The VICE-PRESIDENT. The amendment is agreed to without objection. The bill is still as in Committee of the Whole, and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

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.

Mr. COCKRELL. Let the third reading be in full.

The bill was read the third time, as follows:

*Be it enacted, etc.*, That whenever after March 4, 1897, the President of the United States shall determine that the United States should be represented at any international conference called by the United States or any other country with a view to securing by international agreement a fixity of relative value between gold and silver as money by means of a common ratio between these metals, with free mintage at such ratio, he is hereby authorized to appoint five or more commissioners to such international conference; and for compensation of said commissioners, and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of any such conference, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated.

SEC. 2. That the President of the United States is hereby authorized, in the name of the Government of the United States, to call, in his discretion, such international conference to assemble at such point as may be agreed upon.

The VICE-PRESIDENT. The question is, Shall the bill pass as amended?

Mr. BATE. On that let us have the yeas and nays.

The yeas and nays were ordered.

Mr. THURSTON. I am compelled to leave the Chamber to take a train. I ask unanimous consent that my vote may be recorded in favor of the passage of the bill without waiting for the roll call.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. HALE. Let the name of the Senator from Nebraska be called.

The Secretary called the name of Mr. THURSTON, and he voted in the affirmative.

The VICE-PRESIDENT. The Secretary will call the roll on the passage of the bill.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I have a general pair with the Senator from Colorado [Mr. TELLER]. I do not know how he would vote on the bill. I therefore withhold my vote.

Mr. CHANDLER. I desire to inform the Senator from Arkansas that I am authorized by the Senator from Colorado [Mr. TELLER] to pair him in favor of the bill.

Mr. BERRY. If the Senator from New Hampshire can get a pair for him, I hope he will do so.

Mr. CHANDLER. The Senator from Arkansas is at liberty to vote.

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. Not knowing how he would vote, I withhold my vote.

Mr. FAULKNER (when his name was called). I am informed by the Senator from New Hampshire [Mr. CHANDLER] that my colleague [Mr. ELKINS], with whom I am paired, would vote in the affirmative on the passage of the bill. I will therefore vote. I vote "yea."

Mr. GEAR (when his name was called). I am informed that the Senator from Georgia [Mr. GORDON], with whom I have a general pair, would vote, if present, in favor of the bill. Therefore I will vote. I vote "yea."

Mr. LODGE (when his name was called). I have a general



pair with the Senator from New York [Mr. HILL]. If he were present, I should vote "yea."

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. GEORGE]. I am informed by his colleague that he would vote for the bill. I will therefore vote. I vote "yea."

Mr. McBRIDE (when the name of Mr. MITCHELL of Oregon was called). I again announce the pair of my colleague [Mr. MITCHELL] with the Senator from Wisconsin [Mr. VILAS]. My colleague, if present, would vote "yea."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from New Jersey [Mr. SEWELL]. As we are of one mind on this question, I will vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. NELSON (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], but I am authorized by his colleague to vote, and therefore I will vote "yea."

Mr. PALMER (when his name was called). I beg again to announce my pair with the Senator from North Dakota [Mr. HANSBROUGH]. I will withhold my vote.

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS].

Mr. VILAS (when his name was called). I have already announced my pair with the Senator from Oregon [Mr. MITCHELL]. I suggest to the Senator from Massachusetts [Mr. LODGE] that we exchange our pairs so as to be enabled to vote.

Mr. LODGE. I agree very gladly to that arrangement.

Mr. VILAS. Very well; then let the Senator from Oregon [Mr. MITCHELL] stand paired with the Senator from New York [Mr. HILL]. I vote "nay."

The roll call was concluded.

Mr. CLARK. I wish to announce the absence of my colleague [Mr. WARREN] on account of severe illness, and that if present he would vote "yea."

Mr. WILSON. I again announce my pair with the Senator from Florida [Mr. PASCO]. If he were present, I should vote "yea."

Mr. LODGE. In view of the transfer which has just been made by the Senator from Wisconsin [Mr. VILAS], I desire to vote. I vote "yea."

Mr. BATE. I wish to announce that my colleague [Mr. HARRIS] is absent on account of indisposition, and is paired with the senior Senator from Vermont [Mr. MORRILL].

The result was announced—yeas 46, nays 4; as follows:

YEAS—46.

Bacon,	Cullom,	Jones, Ark.	Platt,
Baker,	Davis,	Jones, Nev.	Pugh,
Bate,	Faulkner,	Lindsay,	Sherman,
Blackburn,	Frye,	Lodge,	Shoup,
Blanchard,	Gallinger,	McBride,	Thurston,
Brown,	Gear,	McMillan,	Tillman,
Call,	Gibson,	Mills,	Turple,
Cameron,	Gorman,	Mitchell, Wis.	Walthall,
Cannon,	Gray,	Murphy,	Wetmore,
Carter,	Hale,	Nelson,	White.
Chandler,	Hawley,	Peffer,	
Clark,	Hoar,	Perkins,	

NAYS—4.

Allen,	Pettigrew,	Roach,	Vilas.
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NOT VOTING—39.

Aldrich,	Dubois,	Martin,	Smith,
Allison,	Elkins,	Mitchell, Ore.	Squire,
Berry,	George,	Morgan,	Stewart,
Brice,	Gordon,	Morrill,	Teller,
Burrows,	Hansbrough,	Palmer,	Vest,
Butler,	Harris,	Pasco,	Voorhees,
Caffery,	Hill,	Pritchard,	Warren,
Chilton,	Irby,	Proctor,	Wilson,
Cockrell,	Kyle,	Quay,	Wolcott.
Daniel,	Mantle,	Sewell,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel;

A bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes; and

A bill (H. R. 10085) for the relief of Elnora Shuman.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. MORGAN. I ask the Chair to lay before the Senate the regular order.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3247) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889.

Mr. MORGAN. Mr. President, I take the floor on the Nicaragua Canal bill this evening for the purpose of presenting to the Senate a report of the Select Committee on the Construction of the Nicaragua Canal, which sets forth a statement made by Hiram Hitchcock, of New York, president of the Maritime Canal Company, and which I will ask to have printed and laid on the table.

Mr. FRYE. And printed as a document?

Mr. MORGAN. And printed as a document, of course.

Mr. SHERMAN. We can not hear on this side of the Chamber, The VICE-PRESIDENT. The Chair was unable to hear the remarks of the Senator from Alabama. The Senate will be in order.

Mr. MORGAN. I said that I took the floor this evening on the bill for the purpose of presenting a report of the Select Committee on the Construction of the Nicaragua Canal, which sets forth a statement of Mr. Hiram Hitchcock, of New York, president of the Maritime Canal Company, in reference to the present relations between the company and the States of Nicaragua and Costa Rica, and it is submitted without any comment on the part of the committee. I should like very much, as it is a matter of consequence to the Senate, that the report may be printed in the RECORD as well as in ordinary report form, unless there is objection to it.

Mr. SHERMAN. Let it be printed in the form of a document, because it is easier to read in that form than in the RECORD.

Mr. MORGAN. Yes; in the form of a document, and in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

STATEMENT OF MR. HIRAM HITCHCOCK, OF NEW YORK, PRESIDENT OF THE MARITIME CANAL COMPANY, OF NEW YORK, BEFORE THE SELECT COMMITTEE ON THE NICARAGUA CANAL OF THE UNITED STATES SENATE, ON THURSDAY, JANUARY 28, 1897.

The committee met at 10.30 a. m.

The CHAIRMAN. This meeting has been specially called to hear the statement of Mr. Hiram Hitchcock, president of the Maritime Canal Company of Nicaragua, who has been summoned by the committee to give the committee information with reference to the canal company.

I will first ask you, Mr. Hitchcock, what differences, if any, your company has had with the Governments of Nicaragua and Costa Rica in connection with the building of the canal?

Mr. HITCHCOCK. The same is true with regard to any substantial differences as was true when I was first called before the Senate Committee on Foreign Relations, June, 1890. I then said: "I may as well perhaps say, as you ask me the question, with reference to that, that there is no point of difference remaining unsettled between the company and Nicaragua at the present time. That leads me to say (without assuming to be able to give you gentlemen the least information on that point) that it is proper that you should know from us officially the relations which exist between us and Nicaragua, and in fact Central America generally. It is, as I said before, perhaps unnecessary to state these facts, but there are complicated questions. The rights to the San Juan River, the boundary questions between Nicaragua and Costa Rica, always come up when any question of transit across that Isthmus arises. You will find that under Tyler's Administration, in 1842, this matter was somewhat considered by Mr. Webster, and it has been before every Secretary of State in some aspect from that time to this. It involves the canal question. Now, the question of the respective rights in this particular route was supposed to have been settled under the treaty of limits between those two powers of 1858. Under that treaty, while Nicaragua owns the entire route, yet Costa Rica has the right to navigation and has the right to be consulted.

"Now I come down to the point where it concerns this particular concession. The Nicaragua Canal Association, which was formed in 1886, set out early in 1887 to obtain a concession to build this canal. Nicaragua had the right to give this concession, and in it gave us the fullest freedom to locate the route; but for the reason that the treaty of 1858 gives to Costa Rica the right of navigation and that in the construction of the canal waters would be made to overflow Costa Rican territory, Costa Rica took the ground that Nicaragua should have recognized that treaty to the extent, at least, of obtaining the consent of Costa Rica to this concession. Nicaragua did not do that. We accepted the concession in good faith, believing Nicaragua had the absolute right to grant it. The first thing we encountered was a protest, thirty or forty days



thereafter, from Costa Rica, announcing that the concession was of no value because she had not been consulted. The Government of Nicaragua could have consulted her before, and have gone on and satisfied her for any damages which the overflow might do to her territory, but we were left to make terms with Costa Rica. We then, for six months, negotiated to obtain a concession from Costa Rica, when this was accomplished. Nicaragua immediately protested against our concession from Costa Rica. We assured Nicaragua that we had accepted the concession from Costa Rica simply in the nature of a quitclaim of any rights she might have; and when we formed our company and accepted the Costa Rica concession we accepted it only in so far as it did not conflict with the territorial rights and proprietary interests of the Republic of Nicaragua. Thus we were entirely open and frank in the whole transaction.

"Now, you will readily see that up to that point it was useless to talk about the sale of bonds with the protest of either Government pending. Then when the first expedition, sent out after the Maritime Company was organized, commenced work on the 3d of June, 1889, Nicaragua officially notified us that, while she would protest against our concession from Costa Rica, yet she would not go beyond protesting and would not interfere with the construction of the canal. But in July Nicaragua ordered the stopping of our work at Grey Town. We did not pay attention to that order, because she immediately modified it by saying that she would not regard the work as an official commencement of permanent work. The troubles continued and were fostered by parties from England, whose names I know, who wanted to have the 24th day of October arrive and the Government of Nicaragua not recognize that we had begun our work, so that our concession would lapse. On the 16th of September, 1889, the Government of Nicaragua notified us officially that if we did not confine ourselves within her limits, thereby ignoring any rights or claims of Costa Rica, she would not approve our surveys nor recognize the commencement of the work of construction, and that on the 24th of October she should consider our concession as having lapsed.

"This course of Nicaragua was so unjust that I went immediately to the Government here, through the State Department. I stated the case fully. Mr. Blaine met the question with great fairness and promptness, and immediately wired to the American minister at Central America (Mr. Mizner) to go to Nicaragua and say to the Nicaraguan Government that he was surprised at the report of the attitude of the Nicaraguan Government toward this company, and wished him to examine into the facts and report to the State Department here, and at the same time to assure the Government of Nicaragua that the Government of the United States would not remain passive and see the rights of its citizens threatened. That dispatch of Mr. Blaine had the desired effect. Mr. Mizner and Mr. Hall, our permanent agent there, arranged a plan by which Nicaragua could recede from her position with dignity, which was in the form of a joint declaration. On our part we agreed to go on and build the canal in good faith under the concession, and the Nicaraguan Government agreed to approve the surveys and work, so that the work of construction was recognized officially as commenced on the 8th of last October. I will submit copies of the telegrams between the President of Nicaragua and myself."

[Copy of telegram sent October 9, 1889.]

His Excellency PRESIDENT OF NICARAGUA, *Managua*:

Please accept my sincere congratulations upon the happy termination of all differences, and the company's assurance that it will vigorously prosecute the work of the canal in the interest of Nicaragua and the whole commercial world.

HIRAM HITCHCOCK,  
*President Maritime Canal Company of Nicaragua.*

[Translation of telegram received from the President of Nicaragua in reply to ours of October 9.]

MANAGUA, October 11, 1889.

*President of the Maritime Canal Company of Nicaragua:*

I congratulate myself jointly with you upon the happy settlement of the canal question, and with the greatest satisfaction I offer the cordial assistance of my Government to the efforts of the company for the realization of this grand enterprise.

ROBERTO SACASA,  
*President of the Republic.*

Mr. Hitchcock explained that this was mainly a repetition of his statement before the Committee on Foreign Relations June 5, 1890.

The CHAIRMAN. Mr. Hitchcock, will you please relate to the committee in detail your interview with Mr. Blaine just referred to?

Mr. HITCHCOCK. I have here a memorandum made at the time of a confidential interview with the Hon. James G. Blaine, Secretary of State, in Washington, on the 7th of May, 1889, at which were present ex-Chief Judge Charles P. Daly, Engineer A. G. Menocal, and myself. I stated to Mr. Blaine that the Maritime Canal Company of Nicaragua, chartered by Congress, had just

been organized, and recited to him the history of the enterprise up to that time, including some of the numerous interests opposed to the construction of the canal, and that the opposition had in vain endeavored to induce President Cleveland not to sign the charter of the company. The last move of the enemies of the canal was to bring an ineffectual suit in New York to prevent our organizing under the charter of the United States.

Mr. Blaine gave us some valuable information with reference to the relations of the United States to the Central American States, and then said that the canal must be built and controlled by the United States, and he believed that more tonnage would pass through it in a short time after its construction than was passing through the Suez Canal. I suggested to Mr. Blaine that it might be proper for the Government to say to us that it expected us to faithfully comply with the charter and build the canal, and also state to the Governments of Nicaragua and Costa Rica that it would expect them to afford us every facility for building the canal under the respective concessions. Mr. Blaine then said:

I serve notice on you now that the Government does expect you to execute the charter faithfully and to build the canal, and if you do so you will have the Government with you. I will also cable the minister to Central America to go to Managua to look after our interests, and will send for the ministers to Nicaragua and Costa Rica and talk with them.

Our object in this conference was to determine the fact that we could go on with the work of building the canal and rely upon the support and protection of the United States, the power that had given us the charter, and we felt fully satisfied on that point.

I sent to Mr. Blaine, at his request, copies of all papers connected with the canal, beginning with the concessions.

I will say here that messages of congratulation on the organization of the company, May 7, were exchanged between President Carazo, of Nicaragua, and myself, as president of the Maritime Canal Company.

Not long after this, the Nicaraguan minister at Washington telegraphed his Government about the organization of the canal company, and said:

Costa Rica insists upon a director. If he remains, Nicaragua must recall its director. The company observes both concessions.

After our agent in Nicaragua had talked with President Carazo about this, the President instructed the minister in Washington to limit himself to protest and assured our agent that Nicaragua would not hinder the beginning of the work. On the strength of Mr. Blaine's request to keep him fully informed, I wrote him, June 21, 1889, stating that I had that day received a letter from the Hon. Henry C. Hall, former United States minister to Central America, who had become our agent at Central America, advising me by cable that Nicaragua proposed to stop our work, which had been going on since June 3, on the ground that our surveys had not yet been approved by her engineers. I then wrote:

Our surveys were long since completed, at great expense, and received the approval of our engineers and also of the able advisory board of five American engineers. Three months ago they were submitted to the two engineers appointed by the Government of Nicaragua.

And this obstruction to our work was, notwithstanding the letter of Minister Zavala to Minister Hall, on the 12th of October, 1888, in which Zavala says that the Government of Nicaragua—Will not place any obstacles to the construction of the canal in accordance with her concession, but on the contrary will contribute with all those facilities within the power of the Government, anxious as it is to see the work carried on to a successful termination.

On the 16th of July, 1889, I went to Washington by request of the minister of Nicaragua, and at his request endeavored to allay any unpleasant feeling that existed between the Governments of Nicaragua and Costa Rica with reference to the canal concessions. He requested me to confer with the minister of Costa Rica on that subject. When I reached the residence of the latter he was about sending for me, and showed me a telegram from the President of Costa Rica asking me, as president of the Maritime Canal Company, to obtain the mediation of the United States Government. The result of repeated conferences between us was a letter addressed by me July 18, 1889, as follows:

MARITIME CANAL COMPANY OF NICARAGUA,  
*New York, July 18, 1889.*

DEAR SIR: The Maritime Canal Company of Nicaragua respectfully asks you to direct the American minister at Central America to say to the Governments of Nicaragua and Costa Rica that having learned of serious differences between those two Governments which affect the Maritime Canal Company of Nicaragua, the Government of the United States offers its mediation in regard to the same and requests the said Governments to give their resident ministers at Washington full powers to confer with the president of the Maritime Canal Company of Nicaragua as to those differences, and then with him to submit the same and all questions relating thereto to the President of the United States for his decision, which shall be final and binding upon each and all of the said parties.

Very respectfully,

HIRAM HITCHCOCK, *President.*

HON. JAMES G. BLAINE,  
*Secretary of State.*

This letter is approved by the ministers of those countries.

This letter, unfortunately, did not reach Mr. Blaine, who was absent from Washington, until some weeks afterwards.



On the 16th of September, 1889, I addressed Mr. Blaine the following letter:

MARITIME CANAL COMPANY OF NICARAGUA,  
New York, September 16, 1889.

DEAR SIR: A crisis in the affairs of this company being at hand, it became necessary to submit the case, through you, to the Government of the United States, that we may be advised and protected. This is made easy on account of the great interest that you personally take in the enterprise, and the full liberty you have always given me to come to you. That we shall be protected through your wise aid and counsel I well know, and have known since your cordial assurances to that effect, in Washington, when I went out with Judge Daly and Chief Engineer Menocal, on the 7th of May, to announce the organization of the company under the charter granted by the United States. From that day we have felt and now feel that we can go in and build the canal and rely upon protection by the power that granted us a corporate existence.

I have formally asked in writing the friendly aid of the Government, as will appear from my communications to you of June 21 and July 18, and I am aware that you directed Minister Mizner to Managua, where he now is. I have also written you from time to time of the progress of our affairs.

In my last letter, of August 1, I strongly protested against the position taken by the Government of Nicaragua with reference to this company. On the 17th of August the Hon. Henry C. Hall, our agent at Nicaragua, was received very warmly by the new President, Dr. Sacaza, and had a most gratifying interview.

On the following day, August the 8th, Mr. Hall cabled me as follows:

"I have seen the President. He is favorably impressed with everything, and I have no doubt that matters can be settled in accordance with your wishes."

But on August 28 Mr. Hall wrote as follows:

"For a long time I have been convinced that there is some secret influence at work with the Nicaragua Government adverse to the company. This influence in my opinion is British. I do not say it comes direct from the British Government, but it comes from British capitalists who are anxious to get control of the enterprise. Mr. Climie tells me, as mentioned in a former letter, that the Blackman scheme could obtain all the capital it might need in London, and from what he let drop at the same time I am satisfied that his partner, Mr. Passmore, had conferred with Mr. Blackman in London, and that he (Climie) had conferred with him in New York. This influence has been more than ever apparent since the death of Mr. Carazo. I had counted upon Modesta Barrios as a friend of the enterprise to be relied upon. I now find him imbued with the same ideas that were entertained by Urtecho in regard to the Costa Rica contract, that is, that while that contract exists Nicaragua must not permit the commencement of canal work; and further, that if on the 24th of October next, the limit of time which they claim for the commencement of the work, the company shall not have released itself from Costa Rica, the Nicaragua Government shall then declare its concessions forfeited. And these views he says are those of his associates and of the President. A few days before Carazo's death, he (Barrios) expressed to me that the action of the Government in refusing to permit the commencement of canal construction was unjustifiable. What influence could have been brought to bear upon him since he became a member of the cabinet is more than I can imagine. The object of all this is clear to me. They hope to bring about a conflict between Costa Rica and the company, then Nicaragua will break with the company, and the latter will be left without the support of either. As matters now stand, Costa Rica is in honor bound not to permit that the canal shall fall through her contract with the company, nor that Nicaragua shall so contemptuously ignore it.

"President Bogran, of Honduras, has sent as commissioner to Nicaragua and Costa Rica Señor Manuel Colindres, one of the most prominent and able public men of that State.

"He expects to receive the same appointment from the President of Guatemala. His mission is solely in regard to the canal, in whose success both Presidents take great interest. I have had several conferences with him, and have given him all the information at my disposal. He considers the attitude of the Nicaragua Government wholly untenable. Before doing or saying anything to the Government, he will await the arrival of Mr. Mizner, so as to act in concert with him."

To-day Dr. Guzman notifies me, through Engineer Menocal, that he wishes me to call a meeting of the board of directors of this company (and which I have called for Thursday, the 19th), to present an important communication or ultimatum from his Government, the full nature of which I do not know, but one part of it is a demand that we shall break our contract with Costa Rica. The board will receive this official paper, and before acting upon it will undoubtedly appoint a committee to confer with you in this exigency.

I shall be glad to know by the bearer that you receive this and at what time and place it may be your pleasure to receive such committee. Dr. Guzman will insist on an immediate reply, which it is not likely we will be able to give without first having a conference with you.

I was in hopes, when you "served notice" on me personally, May 7, that the United States expected and required us to comply with our charter and build the canal—and also notified the ministers of Nicaragua and Costa Rica that the United States expected those two Governments would not obstruct, but would aid in the great work—that all danger of difficulty had passed; but it seems they have paid no attention to the warning. And the assurances of the company that it would faithfully carry out its concessions under its charter (which it has thus far done), and our presence there in force and quietly at work since June 3, has not been received by them in a proper spirit.

Very respectfully,

HIRAM HITCHCOCK.

HON. JAMES G. BLAINE,  
Secretary of State.

In this I inclosed the following memorandum:

MEMORANDUM CONCERNING THE COSTA RICA CONCESSION.

The following is from the opinion of the Hon. Jos. E. McDonald, one of the incorporators of this company and formerly counsel of the Republic of Nicaragua:

"The Menocal-Zeledon contract has been rendered necessary by the fact that at the time the Nicaragua concession was negotiated Nicaragua assumed that the treaty of 1858, between herself and Costa Rica, was not in force, and that after the President (then Cleveland) had declared it to be in force, and that the rights of Costa Rica (under Article VIII) to be consulted with respect to any canal grant across the territory of Nicaragua that involved the valley of the San Juan River was more than advisory, it has then become necessary for the company to negotiate with Costa Rica or to entirely disregard her rights under that treaty."

I will add what I have before stated to you, that Nicaragua herself wished the company to come to terms with Costa Rica, and the company regards the Costa Rica concession as merely in the nature of a quitclaim. And the Maritime Canal Company accepted this concession with the following reservations:

"It is hereby understood, however, that the said concession is accepted by

the Maritime Canal Company of Nicaragua upon the condition that nothing therein contained shall be construed to affect the sovereign rights or property in interests of the Republic of Nicaragua so far as the same may have been established by the treaty of April 15, 1858, between the Governments of Nicaragua and Costa Rica."

To this Mr. Blaine sent the following reply:

Personal.]

BAR HARBOR, September 17, 1889.

MY DEAR SIR: I have your favor and the accompanying memoranda. I am sorry to hear of the impending difficulties in the way of the canal company. But I do not think that Nicaragua or Costa Rica or both together will deprive you of your rights.

I go hence on the 23d instant to Richfield, N. Y., to witness the marriage of my son on the 26th, thence to New York and Washington, reaching the latter on the 30th of September.

Very respectfully,

JAMES G. BLAINE.

HIRAM HITCHCOCK, Esq.

On the 23d of September, 1889, I met Mr. Blaine in Boston, by appointment, and was accompanied by Judge Daly and other gentlemen connected with the canal enterprise.

I stated to Mr. Blaine that we had received a communication from the Government of Nicaragua notifying the company that its concession would be forfeited October 24 unless the causes referred to in their ultimatum were removed—that is, unless we broke our contract with Costa Rica. He then carefully perused the papers submitted and asked what answer had been made, and was informed that the company had made no reply, but had appointed us as a committee to consult with him before replying to the communication.

After a full discussion of the matter, Mr. Blaine said:

The United States Government by granting to your company a Congressional charter practically guaranteed to give you such support as might be necessary for the protection of your rights. This obligation is not expressed in the charter, but exists just the same by implication. In other words, there is a moral obligation on the part of the Government to see that you have fair play. It would be absurd for the Government to incorporate you gentlemen for the purpose of doing a certain thing and then not to see that you are not deprived unjustly of your rights.

Mr. Blaine asked what rights were needed from Costa Rica, and Mr. Menocal showed him a plan of the canal route and pointed out to him how the dam at Ochoa would cause the flooding of the lands of Costa Rica.

After further discussion, Mr. Blaine wrote and read to us the following dispatch, which he caused to be sent to Nicaragua, addressed to Minister Mizner:

The United States Government learns with surprise of rumors of an attempt to impair or deprive the Maritime Canal Company of Nicaragua of its rights as embodied in the contract granted by Nicaragua to that country. The United States can not understand how a company chartered under its laws should be treated with injustice by Nicaragua. You will please ascertain whence these disquieting rumors have arisen and communicate with me as soon as possible. You will also leave a copy of this dispatch with the Nicaraguan secretary of foreign affairs. The United States Government can not remain passive when the rights of a corporation organized under its laws are threatened with injustice.

The result was that on the 9th of October Mr. Blaine sent me the following dispatch:

HITCHCOCK, Fifth Avenue Hotel, New York:

Mizner telegraphs "all difficulties settled. Papers executed in triplicate. This Government will retain one."

BLAINE.

Mr. Guzman telegraphed the same day:

Mr. HIRAM HITCHCOCK, New York:

I sincerely congratulate the company and yourself upon the good news received from Nicaragua.

H. GUZMAN.

The following messages were also sent October 9:

His Excellency PRESIDENT OF NICARAGUA, Managua:

Please accept my sincere congratulations upon the happy termination of all differences and the company's assurance that it will vigorously prosecute the work of the canal in the interest of Nicaragua and the whole commercial world.

HIRAM HITCHCOCK, President.

On the 11th of October the following dispatch was received:

PRESIDENT OF THE MARITIME CANAL COMPANY OF NICARAGUA:

I congratulate myself jointly with you upon the happy settlement of the canal question, and with the greatest satisfaction I offer the cordial assistance of my Government to the efforts of the company for the realization of this grand enterprise.

ROBERTO SACAZA,  
President of the Republic.

On the 12th of November Mr. Hall, the agent of the company, cabled from Managua as follows:

The Government of Nicaragua has approved plans submitted by Chief Engineer Menocal for the Nicaraguan Canal, entrance at San Juan del Norte. They are satisfied perfectly.

The agreement referred to in Mr. Mizner's telegram to Mr. Blaine, as signed in triplicate, was a joint declaration that the company on its part would adhere strictly to the concession, acknowledging the jurisdiction of the Nicaraguan Government over the canal and its ports, and Nicaragua, on its part, revoked the orders prohibiting formal beginning of canal construction and approved the plans.

On the 18th of September, 1890, in a conference with Mr. Blaine, at Bar Harbor, we went over the entire canal situation, especially



considering the articles of noncompliance, which would cause a forfeiture of the concession. We agreed that the only remaining cause of forfeiture would be the failure to do work upon the canal to the amount of \$2,000,000 on or before the 8th of October, 1890. I said to him that we had put much more than that into the work, and therefore no question should arise; but from the fact that we had had some misunderstandings with the Nicaraguan Government, I thought that I would take every precaution in the matter. On the following day Mr. Blaine sent the following dispatch to Mr. Mizner at Central America:

Be at Managua from the 4th until the 10th of October. Witness the settlement of accounts between the Government of Nicaragua and the Nicaraguan Company and protect the rights and interests of this great American enterprise. If any question arises, you will act judiciously but firmly for the full protection of such rights and interests.

During the conversation reference was made to the various attacks of the enemies of the canal, referring particularly to the last one, the attempt to repeal our charter, and the admirable adverse report on that attempt which was made by Chairman Baker, of the Committee on Commerce of the House of Representatives, by the unanimous direction of the committee.

The Nicaraguan Government ascertained that more than \$2,000,000 had been expended on the canal, and that therefore Article XLVII of the concession had been complied with; and later I received the following letter:

LEGACION DE NICARAGUA, Washington, December 13, 1890.

MY DEAR SIR: It affords me great pleasure to inform you that I am in receipt of a cablegram from His Excellency the President of Nicaragua, in which he directs me to inform you that Article XLVII of the concession has been fully and completely complied with.

In conveying this information to you, I desire to congratulate most heartily yourself and the other members of the Maritime Canal Company of Nicaragua for the success which so far has crowned the great enterprise. I remain, dear sir,

Very truly yours,

H. GUZMAN.

MR. HIRAM HITCHCOCK,

President of the Maritime Canal Company of Nicaragua, New York.

As will be seen by Article LIII of the concession, this last act in fulfillment of Article XLVII rendered the concession non-forfeitable.

On the 22d of August, 1893, Minister Guzman received in Managua, from the minister of fomento, a full power of attorney, giving him authority to settle and compromise with the company, ad referendum, any and all differences or claims which may arise from the failure of the company to comply with any of the provisions of the concession. Dr. Guzman returned to the United States late in September, and was present at a meeting of the board of directors held November 2, 1893. The following is an extract from the minutes of said meeting:

The president asked Dr. Guzman whether, in view of his recent visit to Nicaragua, he had any information to present to the board. In reply, Dr. Guzman said that he wished to assure the company that the relations between the Government of Nicaragua and the company were of the most cordial nature, and that the Government was very desirous to aid the company in its work in every way possible; that his Government had given him full authority with reference to all matters connected with the canal, which authority he had exhibited to the president of the canal company, and he wished to assure the board that he should do everything in his power, both as minister and as member of the board, as well as an individual, to preserve the friendly relations between his Government and the company, and to promote the interests of the canal; and that when he failed to do that, he should insist upon resigning as the representative of his Government and as a member of this board; that he should do everything in his power in Washington this winter to secure cooperation of this Government in construction of the canal, and that if after a reasonable time such cooperation should be found not practicable, then he should advocate that his Government, in cooperation with the company, should go abroad for such financial assistance as might be found necessary to carry on the enterprise to completion.

I hereby certify that the foregoing is a correct copy.

THOMAS B. ATKINS,  
Secretary and Treasurer.

Made January 28, 1897.

Since the said meeting of November 2, 1893, Dr. Guzman has repeatedly stated that it was his Government's intention to give the company all the time it needed to recover from the panic of 1893.

Soon after that we received notice of seizures of some of our property at Grey Town which we regarded as illegal, and I went to Washington with the papers bearing on the case and laid the matter before Secretary of State Gresham, and on the 23d of April, 1894, Mr. Gresham cabled Minister Baker at Central America as follows:

It is reported here that property of the Maritime Canal Company has been seized at Grey Town as the property of the construction company. Papers exhibited to me indicate that the seizure was unauthorized. You are expected to give the matter your attention, and to do what you consistently can for the protection of the property and rights of the canal company.

On May 10, 1894, I received the following letter:

A.

DEPARTMENT OF STATE, Washington, May 9, 1894.

DEAR SIR: I have just received a telegram from Minister Baker, saying he can do nothing in the canal matter without the assistance of an able lawyer who understands the Spanish language and practice; that matters are in the worst possible shape; that the canal property has been virtually confiscated and the concession attacked.

Yours, truly,

W. Q. GRESHAM.

HIRAM HITCHCOCK, Esq.,

New York City, N. Y.

On the 26th of April, 1894, I was surprised to receive a copy from Minister Guzman of a letter addressed by Señor Gamez, of the Nicaragua cabinet, misdirected to the agent of the Inter-oceanic Canal Company at Granada April 7, 1894, which was in effect a notification that Nicaragua regarded the company's concession as forfeited. At the same time some of the company's property was seized at Grey Town. The company then sought the protection of the power that created it—the United States—and the then honorable Secretary of State, the late Judge Gresham, reviewed the case, examined the concession, and arrived at the conclusion that there was no existing cause whatever for the forfeiture of the concession, and by his direction the United States minister at Managua cooperated with the general agent of the company, and the Government of Nicaragua withdrew the notice. And on the 2d of July, 1894, I received the following dispatch:

I have just received a telegram from Minister Baker, as follows:

"Gamez's letter forfeiting canal franchises withdrawn. All serene."

W. Q. GRESHAM.

I also received from Minister Guzman a copy of a cable from President Zelaya to him stating the same thing. On the 3d of January, 1895, Dr. Guzman was present at a meeting of the board of directors of the Maritime Canal Company, and I will read to you the following extract from the records of the meeting on that date:

Mr. Bryan asked for information as to the relations existing between the company and the Government of Nicaragua. Minister Guzman replied that they were of the most cordial nature; never were they so much so as at the present time; that the Government were most anxious to aid the company in the construction of the canal, and was ready to concede whatever might be necessary to insure success.

I hereby certify that the foregoing is a correct copy.

THOS. B. ATKINS,  
Secretary and Treasurer.

Made January 28, 1897.

In the summer of 1895 the form of an agreement on the Tipitapa Canal question was discussed at Managua between the Government of Nicaragua and the general agent of the Maritime Canal Company, and then the Government sent a special representative, Señor Gamez, with our agent to New York, where the matter was further discussed and changes were made in the form of agreement. It was also agreed and understood that the question could rest without prejudice to either party for a year.

In the summer of 1896 the special agent came again to New York with the agent of the company, and on the 28th day of August, 1896, the consideration of the subject was further postponed until May, 1897.

On the 7th of July, 1896, the Hon. Lewis Baker, minister of the United States to Central America, wrote to me the following letter:

MANAGUA, July 7, 1896.

DEAR SIR: Mr. Christanto Medina, of Paris and Central America, remarked to me a few days ago that you and some of your confrères were uneasy lest this Government may take some steps to disturb or cast a shadow over the Maritime Canal concession; and he asked me my opinion as to such a probability.

I answered him promptly and with perfect assurance of the absolute correctness of my statement, that the Government of Nicaragua has no intention of doing anything of the kind. Mr. Medina fully agrees with me in this.

To you I will say, the fact is that the movement or threat made prior to the visit of General Macaulay was nothing more nor less than a blackmailing scheme of a shrewd person, but he failed to find an accomplice in the General, and the threat was withdrawn in a legal and an honorable way.

Since that day the company has been in no danger whatever. Further, I have had the positive assurance, and have had it several times repeated to me by the President, that nothing will be done by this Government to disturb the concession or to alarm its friends who are attempting to raise money for the prosecution of the work.

If both the Maritime Company and the Government of the United States show a desire to have the concession so changed as to permit the Government to build and control the canal, and therefore desire the time extended sufficiently to enable the latter to complete the work, I have the assurance of the President that such a change and extension would be readily agreed to by the Government of Nicaragua.

The fact is, since the Leon crowd have been completely banished, there is no longer any honest opposition to the canal.

I will say this for the President. Since the reorganization of the Government he is the undisputed master. He "sits at the head of the table." He is unselfishly in favor of the building of the canal by the present company, if it has the means, or by the United States Government.

I have satisfactory reasons for making this statement, and I am assured by Mr. Medina that his information accords with mine, as stated. This gentleman will be in New York soon, he informs me, and will no doubt see you.

No answer is required to this letter. It is written for the sole reason of giving you the assurances that are set forth in it. If they are worth nothing, they cost nothing.

Very truly yours,

LEWIS BAKER.

H. HITCHCOCK, Esq., New York.

On the 23d of November, 1896, President Zelaya, of Nicaragua, wrote me as follows:

MANAGUA, November 23, 1896.

DEAR SIR: Your very esteemed letter of the 29th of October last, to which I have the pleasure to refer, reached me in due time.

By the contents of your letter I learn of the efforts made by you and by Mr. Wieser toward the organization of the works to build railroads in the country and also of coining, and which to you appear of feasible realization.

The country is at the present moment in very favorable conditions to undertake such enterprises, and offers to immigrants all sorts of guarantees.

I trust that, in conformity with your promise, as soon as the electoral campaign be over and confidence restored, you will kindly favor me with favorable reports in regard to the construction of the canal.



Once more I take pleasure in assuring you of my consideration and esteem, and please accept my thanks in the name of this Government for your wishes for the prosperity of the country over which it is my honor to preside.

I remain, respectfully, yours,

J. A. ZELAYA.

HIRAM HITCHCOCK, Esq.,  
President of the Maritime Canal Company of Nicaragua,  
54 and 56 Broad street, New York.

I was consequently amazed to read in the CONGRESSIONAL RECORD of January 22, instant, the letter addressed by Minister Rodriguez to the Secretary of State, and by him transmitted to the Senate, as follows:

DEPARTMENT OF STATE, Washington, January 22, 1897.

SIR: In the matter of the various bills now pending in Congress looking to the construction of an interoceanic canal through Nicaragua, I have the honor to inclose herewith for the information of your committee a communication just received by me from the minister of the Greater Republic of Central America at this capital.

Respectfully, yours,

RICHARD OLNEY.

Hon. JOHN SHERMAN,  
Chairman Committee on Foreign Relations, United States Senate.

LEGATION OF THE GREATER REPUBLIC OF CENTRAL AMERICA,  
Washington, January 15, 1897.

The undersigned, envoy extraordinary and minister plenipotentiary of the Greater Republic of Central America, has the honor to address his excellency the Secretary of State, informing him that, as several bills relative to the construction of an interoceanic canal through Nicaragua have been for some time pending before both Houses of the American Congress, his Government recently instructed him to examine them, and to make, under certain conditions, suitable representations to his excellency the Secretary of State.

The undersigned has consequently examined said bills, which are five in number, to wit:

Three introduced in the House of Representatives—one by Mr. MAHON, December 3, 1895, another by Mr. DOOLITTLE, and the third by Mr. BARHAM, both the latter having been introduced December 6, 1895.

Two introduced in the Senate, one by Mr. PERKINS, December 30, 1895, and the other by Mr. MORGAN, June 1, 1896.

All these bills take it for granted, with minor differences of detail, that the American Government is to take an important part in the enterprise, and that it is to furnish the money necessary for the construction of the canal by the Maritime Canal Company of Nicaragua, whose constitution and organization they essentially modify.

Unfortunately, the undersigned observes that the provisions of these bills are at variance, both generally and in matters of detail, with the stipulations of the contract of April 24, 1857, between Nicaragua and the company aforesaid, from which contract the company derives its existence and which is the basis of its enterprise.

That contract stipulates, in its eighth article, that the concession therein provided for shall in no case be transferable to governments or to foreign public powers, and Article LIII provides that any contravention of this stipulation shall entail a forfeiture of the contract. As it can not be denied that the bills to which the undersigned has reference—although they do not expressly say so—effect that transfer most fully, making the Government of the United States of America the absolute owner of the enterprise and of the canal and its rights, the result to which they inevitably conduce is the forfeiture of the contract.

Article XLVII of that instrument provides that the company shall undertake, at its own expense, the final surveys of the ground and the location of the line of the canal by a commission of competent engineers, two of whom are to be appointed by the Government of Nicaragua, and the aforesaid Article LIII provides that a failure to comply with this stipulation shall entail the forfeiture of the concession. The bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America, and according to its plans; and that three engineers shall be designated by the President for that purpose, who shall make the explorations and estimates. This provision likewise conduces to the forfeiture of the contract.

"The people of all nations shall be invited to contribute the necessary capital to the enterprise. \* \* \*

"Of the capital with which the company shall organize, and which it proposes to distribute among the different countries interested in the enterprise, there shall be reserved at least five (5) per cent for the Central American Government and citizens that may desire to subscribe." These provisions of Article VII of the contract are antagonized by the bills, which distribute the capital of the enterprise among the United States of America, Nicaragua, Costa Rica, and the company.

"The capital stock of the final company shall be composed of shares, bonds, or obligations of any other kind, in such proportion as it may deem convenient." This is another provision of the ninth article. The bills, however, fix the amount of the capital stock in shares, of which they dispose in such a way that they are of no use for the work of the enterprise, as they ought to be, according to the intent of the contract. For the work of the enterprise the bills create bonds, which must thus be converted into capital stock or be left out of the contract. The undersigned need not here point out the infractions which the bills involve.

According to Article X of the contract, the board of directors is to be composed of persons at least one-half of whom shall be chosen—by the company, of course—from the promoters who may yet preserve their quality as such. The bills organize the board of directors with 11 members, 8 of whom are to be appointed by the President of the United States, in different capacities, 1 by Nicaragua, 1 by Costa Rica, and 1 by the canal company. The difference between this provision and the stipulation referred to could not be more marked than it is.

Among the benefits which Nicaragua reserves to herself, in consideration of the valuable privileges and rights which she surrenders, is 6 per cent of the shares, bonds, certificates, or such other obligations as the company may issue with a view to raising the capital. Now, notwithstanding the fact that the company has made several issues, it has not fulfilled this obligation; and as the bills say nothing on this particular point of shares, bonds, certificates, or other obligations which were to be issued and have not been issued in favor of Nicaragua, these securities would probably either be lost in the new form of the enterprise, or would be liable to troublesome and tedious litigation.

Two of the bills in question have already been reported by a committee, so that they may finally exclude the others; nothing, however, is established in them with regard to the shares that would belong to Nicaragua; and it might happen, owing to this, that Nicaragua would get none at all.

If the company were to issue a hundred or a hundred and fifty million dol-

lars' worth of bonds in order to meet the cost of the work, which bonds, as I have already remarked, would have to be considered as capital or be left out of the contract, Nicaragua would be entitled to her 6 per cent in virtue of the stipulation above referred to; but the bills leave no door open to such a possibility, nor do they allow her any participation in the issue which is to be made in order to pay for the work already done.

The company, by Article XIV of the aforesaid contract, has contracted the solemn obligation to construct, at its own expense, within the term of three years, reckoned from the commencement of the work upon the interoceanic canal, a navigable canal between Lake Managua and the navigable part of the Tipitapa River, near Pasquero, of sufficient dimensions to admit of the free passage of vessels drawing 6 feet and of 150 feet in length. That term expired a long time ago, but the company, notwithstanding the most earnest solicitation, has made no pretense of meeting that obligation, or of definitely adjusting the compensation which it ought to pay in order to be discharged therefrom. The bills establish nothing on this other point, and Nicaragua's rights in this matter might thus be annulled in consequence of their silence.

By the plan involved in the new form which the bills devise for the enterprise, the present company is extinguished, and nothing remains of it, in its relations with the enterprise, save the shadow of a personality represented by a vote in a board of directors of eleven members; while in its relations with Nicaragua it may always claim full personality as the holder of the concession, although having none of the means necessary to enable it to meet its obligations.

Finally, it is to be observed that, while the bills contravene and set at naught stipulations of the contract, they do not state whether the remaining ones still remain in force or not, although among these latter there are very many which are of no great importance to Nicaragua in particular, and to Central America in general.

The undersigned is convinced of the good faith of the gentlemen who have introduced these bills in both Houses, and of those who advocate their passage; he takes, moreover, pleasure in stating that he recognizes these efforts as the result of the legitimate interest which they feel in behalf of the construction of an interoceanic canal, in which the confederation that he represents is quite as deeply interested. And, in calling attention to the serious objections enumerated, which would render these efforts nugatory, the only object that he has in view is to protect just rights which he thinks are menaced by the bills aforesaid.

It seems evident that the company is unable to raise money to fulfill its contract unless the United States of America furnish it therewith, and since that contract excludes the possibility of attaining that result, the undersigned, having been duly authorized to do so, proposes to his excellency the Secretary of State that the two Governments—relying upon the favorable disposition of the Government of the United States of America—shall come to a direct understanding on the subject, on the basis of the Zavala-Frelinghuysen treaty, with such modifications as may be agreed upon, and endeavoring to reach a just arrangement with the Maritime Canal Company of Nicaragua, so that it may renounce a concession whose conditions it is unable to fulfill.

The undersigned, in thus obeying the instructions of his Government, avails himself of this occasion to reiterate to his excellency Secretary Olney the assurances of his most distinguished consideration.

J. D. RODRIGUEZ.

His Excellency RICHARD OLNEY,  
Secretary of State of the United States, etc.  
Washington, D. C.

I replied to this letter on January 23, as follows:

THE MARITIME CANAL COMPANY OF NICARAGUA,  
New York, January 23, 1897.

DEAR SIR: My attention has been called to the CONGRESSIONAL RECORD of January 22, containing a copy of a letter addressed by the minister of the Greater Republic of Central America at Washington to you, and transmitted by you to the Senate, in which the minister reflects upon the Maritime Canal Company of Nicaragua, a company chartered by the United States, and which company, in compliance with a provision of said charter, reports annually its transactions to the Government of the United States, through the Department of the Interior, and which holds concessions from the Governments of Nicaragua and Costa Rica, under which the construction of the Nicaragua Canal has been commenced and is to be completed.

It therefore becomes my duty to briefly call your attention to some of the statements contained in the minister's letter, and to note some omissions. Referring to certain bills before the Congress of the United States, he says that "the bills, however, provide that the canal shall be constructed under the surveillance of the Department of Engineers of the Army of the United States of America and according to its plans;" and adds, "this provision likewise conduces to the forfeiture of the contract." But he omits to inform you that the final surveys and the location of the line of the canal were made and concluded by a commission of engineers, in strict conformity with Article XLVII of the concession, and were formally accepted by the Government of Nicaragua on the 8th day of October, 1880.

He quotes from Article IX of the concession, "the people of all nations shall be invited to contribute the necessary capital to the enterprise," but omits the remainder of the sentence, namely, "and it shall be sufficient for the fulfillment of this requirement to publish an advertisement for thirty consecutive days in one of the principal daily papers of each of the cities New York, London, and Paris." He quotes further, "there shall be reserved at least 5 per cent for the Central American Governments and citizens that may desire to subscribe," but he omits to inform you that soon after its organization the company fully performed all these conditions of Article IX in the manner required therein.

Referring to the 6 per cent of shares that the concession obligates the company to issue to Nicaragua, the minister says the "company has not fulfilled its obligations." The fact is that the company issued this stock to Nicaragua on the 31st day of October, 1890, and notified that Government that the certificate was at its disposal, but the Government has not yet appointed an agent to receive the same as provided in Article I of the concession.

The minister states that the company has failed to meet its obligations to construct the Tipitapa Canal under the terms of Article XIV of the concession. As to this I will say that the surveys for the canal as described in Article XIV were made, and then the Government of Nicaragua asked for a deeper canal than the concessions provided for. Before a resurvey was completed a desire was expressed for a still deeper canal. Pending negotiations on this subject, and notwithstanding the fact that the Government had failed to place at the disposal of the company the lands required for the line of the canal, the Government issued a notice to the effect that it considered the canal concession forfeited. The company then sought the protection of the power that created it—the United States—and the then honorable Secretary of State, the late Judge Gresham, reviewed the case, examined the concession, and arrived at the conclusion that there was no existing cause whatever of forfeiture of the concession, and by his direction the United States minister at Managua cooperated with the general agent of the company, and the Government of Nicaragua withdrew the notice. Whether the Tipitapa Canal will be constructed, and of what dimensions, or whether compensation



will be made in lieu thereof, are matters still under negotiation, and any differences that may arise in the consideration thereof are not causes of forfeiture, but are to be settled by arbitration under Article LV of the concession.

While the honorable minister may not have intended any injustice to the company by his letter, yet he must be supposed to have made a careful study of the canal question, the concessions and the operations under them, and if so, his letter seems inexplicable.

It would appear from his letter that a contemplation of possible Congressional action in amending the charter of the Maritime Canal Company has interposed itself between him and the true relations existing between the Government of Nicaragua and Costa Rica and this company under the concessions.

In this connection it is pertinent to say that in an interview with the honorable minister since his arrival from Central America I alluded to the bills before Congress and stated to him in substance that they were generally believed to be the result of a strong desire on the part of the Congress to hasten the construction of this vitally important connection of the coast lines of this continent; and I added that, whatever the outcome might be, the Maritime Canal Company could accept of no measure that would be unjust to the powers from whom it received the concessions.

This letter of the minister is an attack upon the integrity of the Maritime Canal Company and its concessions, and on behalf of that company I ask the protection and aid of the Government of the United States in the defense and maintenance of its concessionary rights and its property.

Very respectfully,

HIRAM HITCHCOCK,

President of the Maritime Canal Company of Nicaragua.

Hon. RICHARD OLNEY,  
Secretary of State.

The CHAIRMAN. Now, Mr. Hitchcock, do you know in what manner the passage of the bill by the Senate in January, 1895, was received by the minister of Nicaragua, then resident at this capital, and what expression he gave as to the happiness of the people and Government of Nicaragua over the passage of that bill, if any?

Mr. HITCHCOCK. In reply I will say that on the last day of January, 1895, I received the following letter from Minister Guzman:

WASHINGTON, January 30, 1895.

DEAR MR. HITCHCOCK: I am sorry you could not be here the day our bill passed the Senate, but I saw by your telegram that you were detained by a sad loss in your family.

I should have written you before this about the great victory, had I not been sick. I was taken with a bad attack of quinsy, and I only left my bed yesterday.

Please accept my congratulations for the success of the bill, and let me hear, as soon as possible, about your future plans. I am sure that my cablegram announcing the victory was received with joy in Nicaragua.

Very sincerely, yours,

H. GUZMAN.

Later I received a letter from the Hon. Lewis Baker, minister to Central America from the United States, written from San José, Costa Rica, on the 28th of January, 1895, saying:

I have a telegram from the general minister of Nicaragua this morning informing me that the canal-guaranty bill had passed the Senate. If this good news is confirmed, I shall fully expect the bill to pass the House. If this proves true, won't you do me the favor to cable me promptly, giving me the facts? On the statement of the Nicaragua minister, I have sent congratulatory messages to both the Nicaraguan and Costa Rican Governments.

The CHAIRMAN. From the fact that you had made a full statement of all your troubles with Nicaragua, if I may call them troubles, and that the Government of Nicaragua had expressed itself as being fully satisfied that all the terms of the concession had been complied with, and after receiving this letter from Mr. Baker, which you have just quoted, and after receiving the letter, which is above set out, from President Zelaya, and after receiving the letter from Mr. Guzman, which you have just quoted, did you have any suspicion or expectation that there was any real remaining difficulty or difference between your company and the Government of Nicaragua?

Mr. HITCHCOCK. I had not, except that the Tipitapa question was a matter that we were arranging for arbitration if necessary.

The CHAIRMAN. And that matter had been postponed for that purpose?

Mr. HITCHCOCK. That question had been postponed.

The CHAIRMAN. The Tipitapa Canal had no connection whatever with any right of forfeiture on the part of Nicaragua of the concession, and if there was any possible default on the part of the company, which I understand you to deny, the arrangement or settlement of that matter was entirely apart from your right to go on and build the main canal?

Mr. HITCHCOCK. Entirely apart.

The CHAIRMAN. Are you yet convinced, notwithstanding the protest of the minister from the Greater Republic of Central America, that Nicaragua is friendly to your company and desires to see the canal succeed?

Mr. HITCHCOCK. My belief is that President Zelaya and his present administration in Nicaragua are very friendly to the company and exceedingly desirous to have the canal completed, and I believe them to be desirous that the company shall be aided by the United States in order that the completion may be hastened.

The CHAIRMAN. Is there not a remaining jealousy or antagonism between Nicaragua and Costa Rica, growing out of old disputes, which has not been entirely quieted, and with which you have no concern, and may not that jealousy be at the bottom of the movement of the Greater Republic of Central America?

Mr. HITCHCOCK. That is quite possible, and may be more than

that. It may be highly probable. But the company has but one object, and that is to carry out both its concessions from those Governments in the utmost good faith under the charter granted by the United States.

The CHAIRMAN. Has not your company put itself to a great deal of trouble, inconvenience, and expense in the effort to reconcile those two Governments with each other upon the subject of the construction of this canal?

Mr. HITCHCOCK. We have done our best in that direction frequently for the last ten years, as will be shown by what I have already stated before the committee.

The CHAIRMAN. It has been asserted that your company is bankrupt. Is that true?

Mr. HITCHCOCK. That is not true. The Maritime Canal Company of Nicaragua is and always has been entirely solvent, and has no outstanding debts we are not able to meet. Anyone making a different statement confuses the Maritime Canal Company with the construction company, which held a contract with the Maritime Canal Company to construct the canal, and which was obliged to suspend and go into liquidation in 1893. This latter fact is not surprising when it is remembered that during that period of great financial depression such vast corporations as the Erie Railroad, the Baltimore and Ohio, the Reading, and the Union Pacific were obliged to default on their obligations and to resort to reorganization of their companies.

HIRAM HITCHCOCK.

Mr. MORGAN. I wish to present one more paper, and then I will yield the floor. I received recently a letter, upon another topic entirely, from a gentleman in California, who is a very eminent man, a very learned lawyer, and was writing to me about some questions of law. In the course of his letter he presented a statement that I wish now to read:

In 1851-52 the late Commodore Van Derbilt (he always spelled it so himself) was at the head of a New York company organized to build such a canal, and at his instance I spent about a twelvemonth on the Isthmus as general agent of the company. Living right on the lake shore, and frequently moving up and down the river, I became, of course, familiar with the route and the whole situation. In fact, the first passenger steamer that ascended the river passed the Machuca Rapids with my foot on the safety valve and Mr. Van Derbilt at the helm, and I have gone the whole 125 miles of the river in a skiff.

That effort at interoceanic navigation seems now almost forgotten, but the way it came to be abandoned is worth recalling. The company relied on getting capital in England, and Van Derbilt and Joseph L. White (then lately a member of the House of Representatives from Indiana) went to London in the fall of 1851 and opened negotiations with the Barings for \$28,000,000—the estimated cost of the work. They carried with them elaborate surveys, field notes, and estimates made by a Colonel Childs, a New York engineer of repute, who had made their surveys. I think Childs accompanied them himself for explanations. The project was laid before the Barings, who gave it close attention, and after a study of available statistics decided to take it up and finance the undertaking, if Colonel Childs's estimates could pass the scrutiny and win the approval of a board of English engineers, to whom they referred the question. The canal then projected was much smaller than that now contemplated, and was not expected to pass a ship drawing more than 13 feet of water (about 80 tons). I still have a tracing of Childs's map, and somewhere (though not now findable) of his detailed statements. After some weeks delay, during which the bankers were most gracious and pleasant, the English engineers reported favorably, and the Commodore believed the negotiation had been quite successful, but after another, though shorter delay, the aspect of things suddenly changed and the financial gentlemen having consulted with some Government officers and eminent merchants, etc., declined the whole negotiation. The Commodore gave expression to his emotions in his fashion, by a little genteel profanity, but White, who was very deeply interested, and more politic, sought the cause of the change in the views of the bankers, and after a little hesitation learned from them that on consultation with eminent authorities on the subject they had come to the conclusion that the canal if built as proposed would result in throwing the whole commerce of the Pacific into American hands, and they were naturally averse to embarking English capital in an enterprise likely to be destructive to English interests, by building up American commerce where England then enjoyed a monopoly. The justice of this excuse was undeniable, and the American negotiators returned, disappointed.

I yield the floor with the single remark that both of the Senators from California here know this gentleman, and if any Senator desires to inquire in respect to his character and standing, they can easily ascertain.

Mr. HOAR. I ask unanimous consent to lay aside the pending order informally to take up Senate bill 3588.

Mr. MORGAN. The Senator from Massachusetts does not seek to displace the pending measure?

Mr. HOAR. No.

Mr. FRYE. It is to be only informally laid aside.

The VICE-PRESIDENT. The Nicaragua Canal bill will be laid aside informally, if there be no objection.

THE LA ABRA AND WEIL CASES.

Mr. HOAR. I ask the Senate to proceed to the consideration of the bill (S. 3588) to insure a full bench in the Court of Claims for the hearing of the cases entitled "The United States against La Abra Silver Mining Company and others," and "The United States against Alice Weil and others." It is a measure which has already been read. The Senator from Wisconsin [Mr. VILAS] desired to examine it, and he will propose a slight amendment, which will take but a moment.

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



Mr. VILAS. After the word "the," at the end of line 12, I move to insert the words "supreme court of the;" so that instead of reading "of any circuit or district court of the United States or of the District of Columbia" it will read "or of the supreme court of the District of Columbia." That practically gives definite expression to what I suppose is really intended.

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 preamble was agreed to.

#### EASTERN NEBRASKA AND GULF RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3555) to amend an act entitled "An act granting to the Eastern Nebraska and Gulf Railway Company right of way through the Omaha and Winnebago Indian reservations, in the State of Nebraska," by extending the time for the construction of said railway.

The amendment was, in line 9, to strike out "four" and insert "three."

Mr. ALLEN. I move that the Senate concur in the amendment. The motion was agreed to.

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 6902) granting a pension to Mrs. Mary A. Viel; and a bill (H. R. 10085) for the relief of Elnora Shuman.

The bill (H. R. 10002) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

#### SUBMARINE TELEGRAPH CABLE LINES.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 9149) to regulate the establishment of submarine cable lines or systems in the United States.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The bill was read.

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

Mr. STEWART. I would rather that that bill should lie over.

Mr. FRYE. The bill has been reported favorably unanimously by both the Committee on Foreign Relations and the Committee on Commerce, and there is no opposition to it. The opposition which appeared perhaps a month ago has been withdrawn.

Mr. NELSON. I am opposed to that bill.

Mr. BLACKBURN. I am opposed to it, also.

Mr. NELSON. And I have no recollection of the bill having been considered in the Committee on Commerce at all.

The VICE-PRESIDENT. Objection is interposed to the consideration of the bill.

Mr. FRYE. It is on the Calendar as having been reported from the Committee on Commerce.

Mr. NELSON. I do not know how the bill got there.

Mr. FRYE. I am very much surprised. We gave hearings in the Committee on Commerce and invited everybody to appear before that committee who had anything to say about the bill, and only one company appeared and had a hearing.

Mr. STEWART. Under the circumstances, I think the bill had better lie over.

The VICE-PRESIDENT. Objection is interposed, and the bill will go over.

Mr. FRYE subsequently said: I desire to make a remark. I made a statement that the bill the consideration of which I had asked for had been reported by the Committee on Commerce without any objection. The Senator from Minnesota [Mr. NELSON] called my statement in question. I hold in my hand the printed report on the bill made by the Senator from West Virginia [Mr. ELKINS] to the United States Senate. The same bill was pending in the Committee on Foreign Relations, and by the instruction of the committee I reported it from the Committee on Foreign Relations, and it took the place of the other committee bill; and this is the one. I am not in the habit of making statements which I do not know to be true.

Mr. NELSON. I understood the Senator to say this was a bill which had been reported from the Committee on Commerce.

Mr. FRYE. It has been reported, and I hold the report in my hand.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS of New York, Mr. GRIFFIN, and Mr. TYLER managers at the conference on the part of the House.

#### MINERAL OIL LANDS.

Mr. CLARK. I ask unanimous consent for the present consideration of the bill (S. 3551) to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims; and further provides that lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this act the same as if such filing, claim, or improvement were subsequent to the date of its passage.

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

#### MILITARY ACADEMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 9707) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1898.

Mr. PETTIGREW. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. PETTIGREW, Mr. PERKINS, and Mr. BRICE were appointed.

#### HARRIET F. HERRICK.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 2859) granting an increase of pension to Harriet F. Herrick.

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, at \$12 per month, the name of Harriet F. Herrick, of Beverly, State of Massachusetts, widow of Moses S. Herrick, deceased, late a member of Company E, Eighth Regiment Massachusetts Volunteer Infantry.

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

#### SPECULATION IN CLAIMS AGAINST THE GOVERNMENT.

Mr. LINDSAY. I ask unanimous consent for the present consideration of the bill (H. R. 6834) to prevent the purchasing of or speculation in claims against the Federal Government by United States officers.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 10, after the word "purchase," to insert "at less than the full face value thereof;" in line 11, after the word "indirectly," to insert "any claim for fee, mileage, or expenses of;" in line 12, after the word "witness," to strike out "fee or claim, or the fee or claim of any;" in the same line, after the word "juror," to strike out "or the fee or claim of any;" in line 13, after the word "or," to strike out "the fee or claim," and in line 14, after the word "other," to strike out "person" and insert "officer of court;" so as to make the section read:

That it shall hereafter be unlawful for any United States marshal or deputy marshal, or any clerk or deputy clerk of any court of the United States or of any Territory thereof, or any United States attorney or assistant attorney, or any United States judge, or United States commissioner, or other person holding any office, employment, or position of trust or profit under the Government of the United States to purchase, at less than the full face value thereof, either directly or indirectly, any claim for fee, mileage, or expenses of any witness, juror, deputy marshal, or of any other officer of court whatsoever against the United States Government.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "shall," to strike out "be guilty of a violation of the first section of this bill shall be liable to an indictment by the grand jury of the United States," and insert "violate this act shall be deemed guilty of a misdemeanor;" in line 5, after the word "find," to strike out "in any sum of not less than fifty nor more than;" in line 6, before the word "five," to insert "not exceeding;" in the same line, before the word "dollars," to strike out "thousand" and insert "hundred;" and after the word "dollars" to strike out "and final judgment against the defendant shall ipso facto operate



as a removal of the person convicted and render his office or position vacant;" so as to make the section read:

SEC. 2. That any person who shall violate this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding \$500.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That all laws or parts of laws in conflict with this bill are hereby repealed.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

#### TRAFFIC BRIDGE OVER THE OUACHITA RIVER.

Mr. BLANCHARD. I ask unanimous consent for the present consideration of House bill 6750. It is a bridge bill which has been favorably reported by the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6750) to authorize the mayor and city council of Monroe and the police jury of the parish of Ouachita, La., to construct a traffic bridge across the Ouachita River opposite said city.

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

#### ESTATE OF RICHARD LAWSON.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 3239) for the relief of the estate of Richard Lawson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the administrator de bonis non of the estate of Richard Lawson, late of Baltimore, Md., to sue in the United States Court of Claims for the said Lawson's individual interest as a partner in the late firm of John McFadon & Co., and also the late firm of William McFadon & Co., formerly of Baltimore, Md., on account of French spoliations committed prior to the year 1800, the court to pass upon the facts and law in the case and report the same to Congress.

Mr. PLATT. I do not understand that bill, Mr. President.

Mr. BACON. I have the report here.

Mr. PLATT. I should like some explanation of it.

Mr. BACON. It is simply in the nature of a bill to authorize a party to sue under the act of January 20, 1885, to establish the validity of a claim under the French spoliations act. He has been barred, not by his own neglect, but it was a case where the claim was that of a firm, and it turned out, pending the investigation, that the member of the firm in whose name the suit originally had been filed within the time limited by the act had prior to that time assigned his individual interest.

Mr. PLATT. The bill does not propose to create any additional liability in the French spoliation claims beyond that which the Senator has stated?

Mr. BACON. None whatever. It simply allows this man to avail himself of the act of 1885, from the provisions of which he is now barred.

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

Mr. COCKRELL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 1, 1897, at 12 o'clock meridian.

### HOUSE OF REPRESENTATIVES.

FRIDAY, January 29, 1897.

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

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

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

#### ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. POWERS. Mr. Speaker, I call up the conference report on the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

The SPEAKER. The gentleman from Vermont calls up a conference report which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

In line 2 of said amendment numbered 1, and after the word "to" where it

occurs the second time, insert the words "the United States;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by said amendment insert the words "except such as may have been incurred for wages or supplies in the operation of the property purchased;" and the House agree to the same.

That the Senate recede from its disagreement to the amendments of the House numbered 3 and 4, and agree to an amendment as follows: After the word "Provided," in line 32 of the bill, insert as follows:

"That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of \$100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock for the purchase or construction of additional road, or for equipment or betterments, may be issued by the corporation upon the payment into its treasury thereof of the full par value thereof in cash, or in return for labor or property estimated at its actual value; but no such additional stock shall be issued by said corporation until such issue shall be approved by the Secretary of the Interior as actually representing money, labor, or property estimated at its actual value, at the full or par value of said issue of stock. The total stock issued under the provisions of this act shall not exceed \$100,000,000."

And the House agree to the same.

That the House recede from its amendment numbered 5.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows:

"*Provided further*, That in case any uncompleted contracts for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts."

And after the word "company," in line 4 of said amendment numbered 6, insert the words "to any bona fide settler and occupant in a tract of 640 acres or less."

Also, strike out from line 7 of said amendment numbered 6 the words "said contracts for the sale of lands," and in lieu thereof insert the words "any such contract."

Also, after the word "of," in line 12 of said amendment, insert the word "any."

Also, strike out from line 12 of said amendment the word "contracts" and insert in lieu thereof the word "contract."

And the House agree to the same.

That the House recede from its amendment numbered 7.

H. HENRY POWERS,  
GEO. P. HARRISON,  
GROVE L. JOHNSON,

Managers on the part of the House.

DAVID B. HILL,  
O. H. PLATT,  
C. D. CLARK,

Managers on the part of the Senate.

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

The amendment of the House numbered 1 seeks to subject the new corporation to all the obligations and duties to the United States imposed upon the original company by the charter of 1866. Hence the words "the United States" are added to the amendment by the conference committee to make such meaning clear and certain.

The amendment of the House numbered 2 would subject the purchasers to payment of all the unsecured indebtedness of the old corporation, whereas on foreclosure of mortgage such purchasers take no liability in respect thereto. The conference committee has imposed such liability to the extent of all obligations for wages and supplies incurred in the operation of the road legally chargeable against the old company.

The amendments of the House Nos. 3 and 4 are contradictory. Amendment No. 3 restricts the issue of additional stock to cash payment at par; amendment No. 4 provides for such issue on prior approval of the Secretary of the Interior in exchange for money, labor, or property estimated at its actual cost value. To harmonize this the language of each amendment has been embodied in one amendment wherein the issue of such stock is restricted to the actual value of the property when exchanged therefor, as ascertained by the Secretary of the Interior, regardless of its original and probable increased cost.

The amendment of the House No. 5, wherefrom the House conferees recommend that the House recede, requires the purchasers at foreclosure sale, and as a condition precedent to reorganization, to relinquish to the United States all interest in the lands granted the original company situate opposite road unconstructed at date of the forfeiture act approved July 6, 1886. The bill as passed by the Senate broadly protects all rights of the United States in this regard. The validity of the forfeiture act is now under submission before the United States Supreme Court in a case wherein the United States has been fully heard in argument. If that court sustains the validity of such forfeiture act, then these prospective purchasers could take no possible interest in such lands, and the amendment of the House would be unnecessary. Should the court decide that the grant was not so subject to forfeiture, then, as matter both of law and justice, the old company and these purchasers should not be foreclosed by present legislation. The bill as now framed carefully preserves all existing rights of the United States against both in this respect.

The amendment of the House numbered 6 requires the new company to protect the land warrants and contracts of the old. It is not clear that the amendment applies to executory land contracts whereon the purchaser has made partial payments, and language has been added so providing in terms.

With respect to executed land contracts, the conference committee believed that such liability should extend to actual settlers and occupants purchasing in tracts of 640 acres or less, following legislative precedent in this regard as illustrated by the general railroad land grant forfeiture act of September 29, 1890, section 3 (26 Stat. L. 496), where the right is so protected to a maximum of 320 acres on payment to the United States of \$1.25 per acre. Here the new company is required to recoup the purchaser for loss of title to the extent of 640 acres, but without any compensation therefor.

The amendment of the House numbered 7, wherefrom the House conferees recommend that the House recede, empowers the States wherein this railroad may now or hereafter extend to require the new company to become incorporated under the laws of each of such States.

This new company would be a Federal corporation. Congress has always retained control of such corporations, but left the property thereof to the operation of State laws of taxation, police power, and like subjects within State regulation and control. To reach this result no affirmative legislation is necessary in this act. Surrender of control over the corporate franchise,



if hereafter deemed wise by Congress, should be accomplished by general law applicable to all such Federal corporations and not extended to one only by special legislation.

H. HENRY POWERS,  
GEO. P. HARRISON,  
GROVE L. JOHNSON,  
*Conferees.*

Mr. POWERS. Mr. Speaker, there are several amendments—

Mr. McRAE. If the gentleman will permit an interruption, I should like to know if we can have some understanding about the time to be allowed for debate.

Mr. POWERS. I am content that that should be so.

Mr. McRAE. What is the purpose of the gentleman as to calling the previous question?

Mr. POWERS. I have not called for it.

Mr. McRAE. How much time does the gentleman propose to give for debate?

Mr. POWERS. How much time do you want?

Mr. McRAE. I can not very well tell. I think we should have an hour.

Mr. POWERS. I am content that an arrangement shall be made for an hour's debate on each side.

The SPEAKER. Is there objection to the proposition that the debate shall cease at the end of two hours, one-half to be allotted to either side?

Mr. BARRETT. Mr. Speaker, there is a question involved in this report which probably does not interest the gentleman from Arkansas [Mr. McRAE], and if he is going to control the debate in opposition, it seems proper that some allowance should be made for my colleague from Massachusetts [Mr. MOODY].

The SPEAKER. There is no proposition to control the debate.

Mr. WADSWORTH. How much time do you ask for?

Mr. POWERS. An hour on a side.

Mr. WADSWORTH. I object to that.

Mr. TERRY. I will say to the gentleman from Vermont [Mr. POWERS], reserving my right to object—

Mr. DOCKERY. Why do you not let them finish the Agricultural appropriation bill?

Mr. TERRY. I will suggest to the gentleman from Vermont [Mr. POWERS] that this affects a number of States, and in the course of the debate a number of Representatives here will see that their constituents are affected by this matter. I would suggest that we have an hour and a half debate on each side.

Mr. POWERS. It is entirely immaterial to me, I will say to my friend, how much time is allotted. If the gentleman will make that request, I will accede to it.

Mr. TERRY. I ask that.

The SPEAKER. The gentleman asks unanimous consent that there be an hour and a half of debate on each side.

Mr. WADSWORTH. I object.

Mr. DOCKERY. Let him finish his Agricultural bill.

Mr. POWERS. Mr. Speaker, a parliamentary inquiry. If no arrangement is entered into, how much time do we have for the consideration of the bill?

The SPEAKER. The gentleman is in charge of the bill.

Mr. POWERS. And I have an hour's time.

The SPEAKER. An hour's time.

Mr. TERRY. What was the answer of the Chair?

The SPEAKER. The Chair said that the bill was in charge of the gentleman from Vermont [Mr. POWERS].

Mr. POWERS. I will endeavor to yield to my friend a reasonable share of the time.

The SPEAKER. The gentleman from Vermont [Mr. POWERS] is recognized.

Mr. POWERS. Mr. Speaker, this was a Senate bill which came to the House for its concurrence. The House passed seven different amendments to the Senate bill, and a conference committee was appointed to consider the disagreeing votes of the two Houses. That committee have made their report, and copies of it will be found on the desks of members. Some of these changes in the amendments adopted by the House are purely clerical in their character. Others are substantial. I assume that no gentleman has any objection to the adoption of such of the amendments as are clerical in their character. For instance, No. 1 reads:

But such new company shall be subject to all the obligations and duties to which said Atlantic and Pacific Railroad Company was subject under its charter or act of incorporation.

The conference committee have inserted after the word "duties" the words "to the United States," as that was the plain meaning of the amendment, doubtless, on the part of the gentleman who proposed it. I ask that that amendment be agreed to.

The SPEAKER. This is a conference report, and it is not divisible.

Mr. POWERS. Can it not be agreed to in detail?

The SPEAKER. This is a conference report, and as such it must be adopted as a whole or rejected as a whole.

Mr. POWERS. Very well, then, I will point out to the House that amendment No. 1 is simply adding the words "to the United

States" after the word "duties," because in the original text the duties did not apply to anybody, and here they are specifically named.

The second amendment as adopted by the House reads:

But nothing in this act shall make such purchasers and their associates—

Alluding to the bondholders under this mortgage that are seeking this incorporation—

or such new corporation liable for any debt or claims or contracts of the old corporation not "expressly assumed in their contract of purchase at said judicial sale."

That is modified in the conference committee so as to read:

Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by said amendment insert the words "except such as may have been employed for wages or supplies in the operation of the property purchased."

This is to make the new corporation liable for the debts of the old corporation that the old corporation incurred for supplies and wages in the operation of the property. Of course no gentleman would ask to have the mortgages made chargeable with any debts of the old corporation to which their mortgage was paramount. But it is a principle of equity jurisprudence announced by the Supreme Court of the United States and announced in various States that wages of employees and supplies that have been furnished for the operation of a road have an equitable preference over the rights of the bondholders; and we have made that certain by incorporating in it an express stipulation that it shall be so, although in my own judgment there was no necessity for it, because the rules of law already require it. I take it that no gentleman has any objection to that amendment.

Amendment No. 3 relates to the proposed issue of new stock. When this bill was pending in the House, this amendment was put on; but it is not explicit enough to protect the rights of the stockholders and the rights of the public. Therefore the committee of conference have given it a new draft, retaining the substance of the amendment, but putting it in more specific and explicit language to make it effectual to carry out the purpose. It reads:

That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of \$100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure.

The conference committee have substituted for the word "mortgage" the word "funded;" so that it shall read, "shall not exceed the amount of the funded debt;" because it transpires that this corporation has both a mortgage debt *eo nomine*, and has, in addition, another mortgage that is specified in railroad nomenclature as funded debt. Now, the object of foreclosure is to foreclose the debt known and described as the mortgage debt and the debt known and described as the funding debt. So we use the generic term "funded" as covering both, rather than the specific term "mortgage" as used in the amendment, with the proviso—

That additional stock for the purchase or construction of additional road, or for equipment or betterments, may be issued by the corporation upon the payment into its treasury therefor of the full par value thereof in cash, or in return for labor or property estimated at its actual value; but no such additional stock shall be issued by said corporation until such issue shall be approved by the Secretary of the Interior—

And that it shall not exceed \$100,000,000.

Mr. MOODY. Mr. Speaker, I should like to ask the gentleman a question, if he will yield. Do I understand the gentleman to state to the House that the limit imposed by the House amendment is not changed by the report of the conference committee?

Mr. POWERS. It is not changed, unless we quibble over the word "mortgage."

Mr. MOODY. I understand the gentleman to say, and I want to know whether I am right or not, that there were two mortgages—one designated as a mortgage debt, and the other as a funded debt—and that this mortgage debt *eo nomine* and the funded debt were both to be comprised in the foreclosure?

Mr. POWERS. Yes.

Mr. MOODY. If that is true, there is no difference in the effect of the House amendment and the conference report.

Mr. POWERS. Well, substantially none. The word "mortgage" is a term more specific than "funded." "Funded" is a generic term, and it covers both debts.

Mr. MOODY. Does it have the same effect?

Mr. POWERS. Precisely so, as I understand.

Mr. BARRETT. Will the gentleman allow me to state the difference of the effect?

The SPEAKER. Does the gentleman from Vermont yield?

Mr. POWERS. Well, I will allow the gentleman to state it when the time comes for him to debate. I will state my view, and if he wants to correct me in my grammar or in my legal proposition, he can do so.

Mr. BARRETT. I thought the gentleman from Vermont, the chairman of the committee making this conference report, would be very glad, as he seems disposed to be, to have all the information he can, that this matter go before the House at the same time.

Mr. POWERS. I should be thus happy, Mr. Speaker, but when



I am searching for information I prefer to choose my own instrumentalities.

Mr. MOODY. Will the gentleman yield for another question? This is a mere question.

The SPEAKER. Does the gentleman from Vermont yield?

Mr. POWERS. Certainly.

Mr. MOODY. I would like to ask the gentleman if, under this bill, together with the rights of succession to the powers of the corporation whose property is foreclosed, it will be possible for the reorganized company to issue not only the amount of stock which is named in this amendment, but also a corresponding amount of bonds, so that there shall be in existence at one time, in stock and in bonds together, just double the amount of the actual investment under these foreclosure proceedings? I ask for information.

Mr. POWERS. Mr. Speaker, the practical working of the proposition is this: The parties who now hold the mortgage bonds upon these railroads are permitted by this act to reorganize themselves into a corporation and to utilize their mortgage bonds in the shape of stock. That is to say, the holder of \$1,000 in bonds may take ten shares of stock in the new corporation, converting his bonds into stock. That is the way the capital stock is made up. That is the way the capital stock is always made up in the reorganization of a railroad company by bondholders who reorganize and put in their mortgage bonds as stock and not as bonds. Now, the question of the gentleman from Massachusetts, as I understand him, is, Can not the corporation issue a new mortgage, equaling in amount the stock that will be provided for by this amendment? I say unhesitatingly they can. I say unhesitatingly they ought to have that right. If a corporation, after it is organized as a corporation, finds it necessary to issue a mortgage for proper purposes, it should have that right.

Mr. MOODY. Mr. Speaker, I will ask the gentleman what are "proper purposes?"

Mr. POWERS. Any purpose that the law recognizes as proper. I am sure my friend would not say—he is too good a lawyer to say—that a railroad corporation ought not to have the right to issue, under proper circumstances, a mortgage upon its property. It may become necessary for new construction; it may become necessary for any one of a dozen lawful purposes.

Mr. MOODY. Let me say to the gentleman from Vermont that I have no objection to the issuing of a mortgage for consideration; but I want to see very clearly that, on account of the same specific sum of money, there can not be in existence in the market two obligations of bonds and of stock, each representing the same money. Let me say further that it has been asserted to me—I know not with what truth—that the reorganization committee have advertised to the bondholders that under this reorganization they shall obtain not only new bonds in place of those they now hold, but an equal amount of stock in addition. I would like to ask the gentleman from Vermont if he has investigated that question and is ready to make a statement to the House in relation to it upon his own responsibility?

Mr. POWERS. I have not investigated that question. I have not chased down all the rumors that interested parties may have circulated with reference to this proposition. I tie myself down to the language of this bill and the language of this amendment. The language of this amendment is that they may issue stock not exceeding \$100,000,000. The language of the bill is that the new company shall succeed to the original rights accorded under the franchise of the old company. Now, under the franchise of the old company they had no right to issue a mortgage except for a proper legal purpose.

Mr. BARRETT. Will the gentleman allow me time now to answer the question asked by my colleague?

Mr. POWERS. I must decline, Mr. Speaker, to have my time taken up by the gentleman from Massachusetts in answering questions asked by his colleague. If I do not answer them properly or satisfactorily, his colleague will doubtless apprise me of the fact.

This issue of stock is limited to \$100,000,000. The amount of the funded debt provided for in this amendment aggregates about \$40,000,000, and the additional stock is only to be issued with the consent and approval of the Secretary of the Interior, so I assume that it is sufficiently guarded to prevent the "watering" of stock or any abuse of that kind.

Amendment No. 5 was proposed by the gentleman from Illinois [Mr. COOKE] and the substance of it is that this company shall not take any right under this new charter except upon the condition precedent that it shall relinquish all its rights to the land grant that was given to the original company and which is covered by this mortgage now under process of foreclosure. In answer to that I have this to say: Congress has already passed an act providing for the forfeiture of unearned land grants made to different railroad corporations, and the question whether the land grant made to this old corporation comes within the operation of that act has been argued, only a week since, in the Supreme Court

of the United States. A case was made up, and the United States have been fully heard in argument.

The question is ripe for decision by that court, and the decision is expected in the immediate future. If the court decides that these lands have been forfeited, then of course this new company can have no rights under this amendment. If, on the other hand, the courts decide that the lands are not forfeited, then this new company, upon every principle of right, upon every principle of justice, will be entitled to those lands. They were granted to the original company. They were mortgaged by that company, and the mortgagees ought not to be taken by the throat and told by the American Congress that unless they relinquish the rights given them by their mortgage they shall not be allowed to be incorporated under a law of Congress. No one can justify any such proposition.

Mr. COOKE of Illinois. Will the gentleman yield for a question?

Mr. POWERS. I will if the question is not too long.

Mr. COOKE of Illinois. Did not a committee of Congress in the first session of the Forty-ninth Congress make a report, after a thorough investigation of this whole subject of the forfeiture which should take place concerning these lands, and after the act of 1871, which this bill sets forth, gave the right to this company to mortgage its lands—did not that committee, after such examination, report the act of 1886, which was afterwards passed, declaring the forfeiture?

Mr. POWERS. My understanding, Mr. Speaker, is that Congress made inquiry into the various land grants that had been made to railroad companies—this, among others.

Mr. COOKE of Illinois. If the gentleman will allow me, I will call his attention to the particular report upon this particular land grant, Report No. 193, made February 8, 1886; and this report deals only with this land grant; it is a thorough and elaborate examination and discussion of the entire question as to whether any valid mortgage had been made upon this land grant under the act of 1871; and notwithstanding the act of 1871, the committee came to the conclusion that a forfeiture should be declared, and the House adopted their conclusion by the passage of the forfeiture act of 1886, which affected over 32,000,000 acres of land.

Mr. POWERS. I am not in controversy with the gentleman as to the proceedings taken by Congress, for I have already conceded that an act was passed declaring the forfeiture of these lands. What I am urging is that this is a legal question now pending before the courts; and I have confidence enough in our courts to say that we can fully trust the disposition of this question to them.

Now, what is the effect of this amendment? It provides that, no matter what the courts may decide about the legality of that forfeiture act, we ourselves insist that this company shall relinquish its claim to these lands; otherwise we deny them the rights accorded conditionally by the bill. Now, I think this is the wisest course. I think it is most in accord with the ordinary course of judicial proceeding, most in accord with the spirit of fairness which ought to influence legislators, that we should say, "If the court declares the act valid, then we are entitled to the rights we claim; if, on the other hand, they say that the forfeiture is invalid, we lose those rights."

Mr. COOKE of Illinois. Will the gentleman allow me a moment further? I call his attention to the title of this bill—"An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871." Then the bill goes on and uses this language:

That whenever any mortgage made by the Atlantic and Pacific, etc., under and by virtue of acts of Congress is foreclosed, etc., and any sale of the road, equipment, lands, etc., the purchaser, etc., shall be entitled to hold and possess the franchises and property so sold, and, to exercise, etc.

Now, I ask the gentleman to answer this question—whether this bill, if passed, would not operate as an enabling and enlarging act additional to the act of 1871 so as to validate still further by the action of this Congress the supposed right to mortgage those lands covered supposedly by the act of 1871—whether this bill does not directly recognize the construction of said act of 1871, which is claimed on the part of this railroad company, that they have the right to mortgage those lands perhaps in perpetuity?

Mr. POWERS. I did not yield for a speech, but I confess I am somewhat surprised to see an able lawyer stand up on the floor of the American Congress and insist that the title of a bill has anything to do with the body of it except to state in a general way the purpose of the act. The point of this proposed enactment is in these words:

Provided further, That as a condition precedent to reorganizing the purchasers of the railroad company and their successors shall relinquish in writing and convey to the United States by a proper deed, etc., all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company, etc.

My answer to the gentleman is that we have no right, as fair-minded men, to say to the mortgagees, "You shall not have any power to foreclose your mortgage, you shall not have your legal



rights in court unless you will relinquish a portion of the property that was conveyed to you by your contract of mortgage." I say that is a species of blackmail; and as long as that very identical question is pending in the Supreme Court, let that court determine the rights of these men, and let us not undertake to say in addition that these mortgagees shall have no rights even if the court says that they have.

Mr. COOKE of Illinois. May I ask the gentleman—

Mr. POWERS. I can not yield any further to the gentleman, because he interposes a stump speech when he undertakes to propose a question.

The sixth amendment adopted by the House provided that "in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns," etc., shall be preserved. This language was not explicit enough to protect the rights of these settlers, and the conference committee has undertaken to make it more clear by changing the phraseology so that it shall read as follows:

*Provided further,* That in case any uncompleted contracts for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts.

And after the word "company," in line 4, insert:

To any bona fide settler and occupant, in a tract of 640 acres or less.

Now, under the usual limitation of bills of this character the rights of settlers have been guarded heretofore where they claimed no more than 320 acres. With reference to that we have a general statute on this subject, an act passed on the 29th of September, 1890 (26 Statutes at Large, page 496), where the right is so protected to a maximum of 320 acres only. We go further in this case, because the land is very poor, and in some cases the purchasers acquired as much as a whole quarter section; and so we extended the mantle of protection to double the amount to which it extended under the former statute.

Amendment No. 7 the committee of conference recommend that the House recede from. That amendment is in substance that the company shall take out its charter in each State through which it shall pass or through which the line runs. It runs through the Territories now substantially, and the amendment provides that when they become States they may then require this provision.

The answer to that proposition is that the company is a Federal corporation, and Congress has always retained control of such corporations, but has left the property of such company to the operation of the State law of taxation, police power, and like subjects, which are within State regulation and State control. It seems to the committee that we ought to follow the unanimous practice heretofore, and we are making a charter wherein we retain the control of the corporation in our own hands and not turn it over to the States through which it may pass.

Mr. MITCHELL. Will the gentleman from Vermont yield to me for a question?

Mr. POWERS. Certainly.

Mr. MITCHELL. I was not on the floor when the gentleman from Vermont explained the amendment of the House No. 2. I notice from the conference report that the Senate recedes from its disagreement to this amendment, which was passed on my motion, and agree to the same with an amendment. Am I to understand that this amendment strikes out from the original House bill the words:

Expressly assumed in the contract of purchase at such judicial sale.

Which were the words which I objected to, and leaves in the words which I have substituted therefor, namely:

Legal charge against said old corporation,

And inserts before said last words:

Except such as may have been incurred for wages and supplies in the operation of the property purchased—

So that the whole clause shall read as follows:

But nothing in this act shall make such purchasers and their associates or said new corporation liable for any debts or claims or contracts of the old corporation, except such as have been incurred for wages or supplies in the operation of the property purchased, legally chargeable against such old corporation.

Mr. POWERS. The words "legally chargeable against said old corporation" are retained. I do not know whether the gentleman has the copy of the bill before him that I have, but these words are in italics in the copy before me, and following that is the language "except such as may have been incurred for wages and supplies in the operation of the property purchased."

The purpose, I will state to my friend from New York, is this: We could not, with propriety, make the bondholders liable for debts which are an inferior lien of their own, and to guard against that we use the language referred to, "legally chargeable against said old corporation," and then put in a proviso leaving the wages

chargeable to the new corporation. As I have already stated at the outset of my remarks, that would be the case whether we put that provision in or not.

Mr. MITCHELL. Then, as I understand it, the amendment recommended by the conference committee leaves the new company liable for debts of the old company for labor and supplies. If so, I have no objection to offer to the amendment of the conference committee.

Mr. POWERS. I now yield to the gentleman from Arkansas [Mr. TERRY]. How much time does the gentleman want?

Mr. TERRY. About fifteen minutes.

Mr. POWERS. I yield fifteen minutes to the gentleman, reserving the remainder of my time.

Mr. BARRETT. I wish to ask the gentleman from Arkansas if he will yield to me for a moment to ask the gentleman from Vermont a question?

Mr. TERRY. Certainly; but not to be taken out of my time.

Mr. BARRETT. I understood the gentleman to say that at the proper time he would allow me time to make some statement. I wish to ask if I may depend on that promise out of the gentleman's own time, or does he expect me to acquire the floor in my own right?

Mr. POWERS. I will endeavor to give the gentleman five minutes.

Mr. BARRETT. I will require more time than that.

Mr. POWERS. Well, I have promised to yield to my friend from Arkansas. I will yield to him first, and then several other gentlemen want to be heard.

Mr. BARRETT. I will ask the gentleman not to move the previous question until I have had an opportunity of being heard on this point.

The SPEAKER. The gentleman from Arkansas [Mr. TERRY] is recognized for fifteen minutes.

Mr. TERRY. Mr. Speaker, there are some very important matters in this conference report to which I want to direct the attention of the House to show why it should not be adopted.

This House made an amendment to the Senate bill which required the purchaser to pay all the debts legally chargeable against the old company. That amendment perhaps went too far. It went further than I should have asked the House to go. But the proposition of the conference committee does not go far enough. It only provides for the payment of debts for wages and supplies incurred in the operation of the road, but does not make any provision for debts and liabilities otherwise incurred in the operation of the road. Neither does it make any provision for liabilities on account of damages for injuries to persons and property. That should be provided for.

Gentlemen claim that to put in any debt that has been incurred or liability incurred since the mortgage is not right and proper. I take issue with gentlemen there. Every man who takes the bond of a railroad secured by a first mortgage takes it with the knowledge that that road has got to be run and operated, else the mortgage would amount to nothing. And as it must be run and operated, the bondholder takes it with the knowledge that there will be liabilities incurred for injuries to persons and property as well as for operating expenses and for wages of employees. Now, when a man takes a mortgage upon a ship upon the high seas, when he goes into admiralty to foreclose that mortgage, although there have been debts incurred since his mortgage, in the running of the ship, for injuries to persons and property, for wages and salvage, and so on, the court of admiralty requires that these claims come ahead of the mortgage, because, they say, "When you took your mortgage on this ship, of what account would she be to you unless she was to be run and operated for the purpose for which she was built? You must have known when you took your bottomry bonds or your mortgage that these liabilities would be incurred."

The tendency of modern legislation and of judicial opinion is to require bondholders, when they ask for the appointment of a receiver, to make it a condition precedent to the appointment of a receiver that the bondholders shall submit to the payment of all debts and liabilities of the kind that I have named. That has been decided over and over again. I want to call the attention of the House to such decisions of the Supreme Court and other Federal courts on this subject, and to show you that the committee are not correct when they say that it would be unjust and inequitable to put these unsecured liabilities ahead of the mortgage.

I now quote from the American Law Review, of March, 1896:

The tendency of legislation and of the judicial mind is to apply to railroads, so far as relates to debts and liabilities incurred in their operation, substantially the rule that obtains in admiralty, which gives to all such demands priority over a mortgage on the vessel.

Justice Miller, in the Clinton Bridge case, says:

I have shown that railways are now means of interstate commerce as well as steamboats. Their iron tracks, extending from ocean to ocean, are no more limited by political boundaries than are the rivers which rise in one State and flow through others to the sea. Over the former, propelled by one application of the motive power of steam, roll many cars, laden with the



products and fabrics of one section of the country for the supply of the wants of a distant section. Through the latter, propelled by another application of the same power, ply the steamers, laden in like manner, and discharging a like beneficent office. Where lies the difference between them? Why should not the power which regulates one extend to the control of the other? Where lies the difference between them in respect of the necessity and justice of the rule which makes the thing liable for the obligations which every bondholder knows when he takes his bond must be incurred in maintaining and operating it as an instrument of commerce?

Now, here is the copy of an order made by a Federal judge in appointing a receiver:

And it appearing to the court that the defendant company owes debts and has incurred liabilities to the residents and citizens of this district—

Now, I want to call your attention to the fact that you men who live in States through which this road runs are interested in this matter. The road does not run through my State, but there are thousands of debts due to the residents of your districts and of your State—

And it appearing to the court that the defendant company owes debts and has incurred liabilities to the residents and citizens of this district which the holders thereof could, without any interference with the legal or equitable rights of the complainant under the mortgage set out in the complaint, collect by proceedings at law from said defendant by seizing its rents, income, and earnings, and in other lawful modes, if not restrained from so doing by this court, and that it would be inequitable and unjust for the court to deny to said creditors and claimants their legal right to collect their several debts and demands by appointing a receiver to take and receive the earnings of said road during the pendency of this suit, as prayed for in the complainant's bill, without providing for the payment of such debts and liabilities: It is therefore declared that this order appointing the receiver herein is made upon this express condition, namely, that all debts, demands, and liabilities due or owing by the defendant company which were contracted, accrued, or were incurred in this district, or are due or owing to any residents of this district, for ticket and freight balances, or for work, labor, materials, machinery, fixtures, and supplies of every kind and character, done, performed, or furnished in the repair, equipment, operation, or extension of said road and its branches in this district, and all liabilities incurred by the said defendant company in the transportation of freight and passengers, including damages for injuries to employees or other persons, and to property, which have accrued or upon which suit has been brought or was pending or judgment rendered in this State, within twelve months last past; and all liabilities of said company to persons or corporations who have or may have become sureties for said company on stay or supersedeas bonds or cost bonds, or bonds in garnishment or other like proceedings, without regard to the date of said bonds, or whether such bonds were furnished in actions or proceedings pending in this district or elsewhere, together with all debts and liabilities which the said receiver may incur in operating said road, including claims for injuries to persons and property as aforesaid, are hereby declared to be preferential debts, and shall be paid by the receiver as the same shall accrue out of the earnings of the road, if practicable, or out of any funds in his hands applicable to that purpose; and if not sooner discharged, then the same shall be paid out of the proceeds of the sale of the said road, which shall not be discharged from the custody of this court until said debts and demands are paid.

Now, my friend from Vermont, when this matter was in the House here, very kindly consented to quite a number of amendments. I was surprised at his generosity; but I recollected that when he got into conference the bill could go through the usual course of shaking off all these amendments, and so it has.

Now it comes back here in a condition that there is no protection to a large number of men who have claims against this road. The only one they proposed to pay is wages and supplies in operation.

Mr. HARRISON. What character of claims do you refer to there and say they are not protected?

Mr. TERRY. I refer, sir, to liabilities for injuries to person and property; and if I had time, without trespassing upon the kindness of the gentleman in allowing me as much time as he has, I would read the various classes of indebtedness protected in the order appointing receivers already quoted from. Now, this road has been for years in the hands of a receiver, taking the earnings and the profits which the court says the claimant could have subjected to the payment of his debt; but having gone into the hands of a receiver, no man can make a debt out of the company. Now, if the judge did not do what he ought to have done, and protect these people when he made the order, then Congress ought to do it now, when they come to ask a favor at our hands. When they applied to the chancellor, it was his duty, when they asked him for the favor, to put this vast system of railroads in the hands of the court's officer; it was the chancellor's duty to protect the rights of the citizens; and when he did not do it, as he did not in this case, it is the duty of Congress to do it. Every man who lives in a State whose citizens have claims against this old company will, in my judgment, be recreant to his high duty here if he does not vote down this conference report, and make provision, by another conference, to protect these citizens of the United States that should be protected in their just claims.

Any time I have I yield back to the gentleman from Vermont.  
Mr. POWERS. Mr. Speaker, I desire to know how much time remains.

The SPEAKER. The gentleman has eighteen minutes remaining.

Mr. POWERS. I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, this conference report substantially yields up every point made by the House in their amendments,

and yields up every point without contest, without resistance, without explanation, and without reason. This bill ought to be sent back again to be reconsidered in conference, and the House amendments, or at least the more important of them, it seems to me, ought to be preserved. They ought to be insisted upon by the conference committee. The first proposition is one to relieve the Government from the litigation in regard to the land grant. On granting to this company a new charter, it is provided that it must relinquish to the Government that which is a subject of present litigation. The Government declared a forfeiture of the land granted coterminous with that part of the road not built in 1886. The company has since the forfeiture of the grant, and since the declaration of the forfeiture, constructed a portion of this road, and now claims it, notwithstanding the forfeiture. The House passed an amendment providing that if a new charter was given to the company it must relinquish this claim and relieve the Government from this litigation and relieve the country through which the road runs of the blight that this claim makes on the land, and to provide for opening it for settlement.

Next, the House provided that this Federal corporation in exercising its rights in any State or Territory must do so subject to the right of the State or Territory to require local incorporations. Heretofore Federal charters have had no such provision in them. They ought to have had. It has been a mistake not to insert some such provision in Federal charters heretofore. Now, we are granting a new charter to the company, and we are asked to abandon this provision, and the reason given by the conference report is because we did not require it before in charters of other railway companies. Well, have we not learned something about these United States corporations? Have we not learned that we made a mistake when we did not require such a corporation exercising its rights in any State or Territory to do so subject to the right of the States or Territories to require a local incorporation? Have we not learned from past experience that the States should be protected in such matters? The States are not bound to exercise the right proposed. If the corporations do not abuse their rights and privileges the States will not demand their subjection to local jurisdiction. But this will be a bond held over them to protect the States from abuse under the charter which we are about to grant to this corporation. Both of these amendments, it seems to me, ought to be maintained, and the committee, instead of abandoning them without a struggle, should have insisted to the last point for both of these provisions.

Mr. POWERS. I now yield five minutes to the gentleman from Alabama [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, the objections of the gentleman from Arkansas [Mr. TERRY] and of the gentleman from Iowa [Mr. LACEY], who last addressed the House, carry upon their face a plausibility that is attractive to those who are in favor of paying debts. I agree to that sentiment. I wish it were in the power of Congress to have the debts of this old company paid. But I desire to ask my friends from Iowa and from Arkansas not to confound the holders of these bonds with the old company that incurred the debt. This is merely an equitable question, one that has doubtless been settled by the court in this case, or, if it has not been settled, it will be, in adjudicating the questions involved in these foreclosure proceedings the rights of the different creditors of the old company.

Are we here now, by a quasi judicial enactment, to change the rights of these parties, and to say that notwithstanding the rights which the holders of these bonds have secured to themselves under the acts of Congress authorizing this company to make a mortgage and to go into the courts and have their rights adjudicated—are we now, by legislative enactment, to overrule the decision of the courts having jurisdiction in the matter? Yet that is the logical conclusion of the remarks of the gentleman from Iowa. The law, as I understand it, is not changed by the decision which has been referred to by the gentleman from Arkansas. I have never examined that particular decision, but I noticed the language of the court as the gentleman read it, and it was to the effect that the tendency of the courts is to protect the operating expenses of the railroad. The language of the amendment now before the House is "for labor and supplies." What else is necessary for the operating expenses? The gentleman from Arkansas read a decision confining it to operating expenses, but when I ask him what other character of claims he desired to incorporate beyond that, he could only name one class, to wit, damages for personal injuries. Now, is there a court in the United States that has ever held that a first mortgage on a railroad, or on any other property, is subordinate to any such a claim as that?

Mr. TERRY. In the order appointing a receiver, a portion of which I read, it is set forth, as I stated, that that order provides for all liabilities on account of injuries to both persons and property; and there are other things covered by it, as I can show the gentleman when I get the book back.

Mr. HARRISON. Well, I think I have stated correctly the



gentleman's answer to my question, and I take issue with him upon this being the law of the land. I do not believe that the courts of last resort of this country have held, or ever will hold, any such doctrine as that contended for by the gentleman from Arkansas, the effect of which would be that when a party makes a contract and takes a first-mortgage lien upon any property, whether a railroad or anything else, that lien shall be subordinated to claims arising out of the misconduct or malfeasance of employees of the mortgagor.

Now, Mr. Speaker, as I said in the beginning, it would delight me to make this old company pay all its debts, if I could; but I do not think it is right for Congress to come in and, by legislative enactment, undertake to change or overrule the decisions of the courts. I regard such legislation as a direct legislative interference with the courts of the country, and for that reason I think the conference report ought to be adopted.

Mr. CONNOLLY. May I ask the gentleman a question?

Mr. HARRISON. Yes, sir.

Mr. CONNOLLY. Suppose we refuse to pass this bill at all, will not the mortgagees have all the rights secured under their mortgage secured to them and all that they can possibly get under this legislation?

Mr. HARRISON. I think not. Without the right to operate the road it would be worth very little to them.

Mr. CONNOLLY. Can not they get that right by a charter from a State?

Mr. HARRISON. This road, I understand, runs principally through the Territories, so that they are obliged to come here for authority.

Mr. CONNOLLY. They knew that fact when they took the mortgage. did they not?

Mr. HARRISON. I suppose they did, and that they also bought these bonds under an implied contract with the Government that it would not refuse the usual remedy accorded purchasers, to wit, to be and exist as a corporation.

Mr. CONNOLLY. So that we are not interfering with any of their rights if we refuse to pass this bill?

Mr. HARRISON. I think we are.

Mr. POWERS. Mr. Speaker, I think I can answer the question the gentleman from Illinois propounds. He asks whether these mortgagees will not have the same rights if we refuse to pass this bill as if we pass it.

Mr. CONNOLLY. They will have all the rights under their contract.

Mr. POWERS. Not at all. It has been held in two instances by the Supreme Court of the United States that where a mortgage does not specifically convey the franchise to be a corporation the mortgagees can not be a corporation, and the object of this bill is simply to give these mortgagees that right.

Mr. CONNOLLY. They knew that was the law when they took their mortgage.

Mr. POWERS. No; everybody supposed the law was different at that time. The decision was a surprise to the legal profession; but the court has so held, and we have to subscribe to that doctrine.

Now, Mr. Speaker, the two contentions most urged here against this bill are, first, the contention urged by the gentleman from Iowa [Mr. LACEY], that we ought to exact of this company, as a condition precedent, that they relinquish all right to this land grant. That comes down to this plain proposition. I have a mortgage against a man upon his farm and I go into court to foreclose, and the court says to me: "Unless you surrender Blackacre"—when my mortgage covers both Blackacre and Whiteacre—"unless you surrender Blackacre we will not allow you your legal rights." It is levying a species of blackmail upon these gentlemen. These bondholders are innocent parties, who put their money into this mortgage; and the mortgage to-day is held largely by people holding trust funds, such as guardians, trustees, old women, and children, etc. It is proposed that we say to these parties, "You shall not have your rights in court unless you will relinquish a part of your claim to the real estate which was mortgaged to you." Is that right? Does the House of Representatives propose to establish a doctrine of that kind? I think not.

Secondly, the gentleman says that we ought to permit the Territories through which this road runs to require the road, after they become States, to take out a State charter. What sense is there in that? This company is chartered by Congress. Congress will retain full control over their rights. Why, then, subject these innocent parties to the control of half a dozen different State organizations when they are trying to get out of this property the money which they, in the utmost good faith, invested in it?

Mr. Speaker, I ask for the previous question.

Mr. BARRETT. I understood the gentleman from Vermont to agree to yield to me some time.

Mr. POWERS. I agreed to yield the gentleman some time if we had it; but I understand our time is exhausted.

Mr. COOKE of Illinois. I hope the gentleman from Vermont

will not ask for the previous question until I have been allowed to occupy a few minutes.

The SPEAKER. The gentleman from Vermont has six minutes remaining.

Mr. POWERS. Then I yield to the gentleman from Massachusetts [Mr. BARRETT] three minutes.

Mr. BARRETT. That is hardly fair. I ask the House to vote down the previous question and give us a chance to discuss this bill on its merits—not to try to "railroad" this bill through here for the benefit of stockjobbers. I ask the House to vote down the previous question, and let this matter be discussed. I have some facts that I want to bring out, and the gentleman is trying to prevent its being done.

The SPEAKER. The question is on the demand for the previous question.

The question being put, the previous question was not ordered.

The SPEAKER. The House refuses to order the previous question. The gentleman from Massachusetts [Mr. BARRETT] is entitled to the floor.

Mr. BARRETT. Mr. Speaker, when I asked the gentleman from Vermont to be allowed to answer the question asked in good faith by my colleague, it was because I had taken the pains to get some facts in reference to this matter which the House is entitled to know. Having been the one, when this matter was first presented in December to the House, to offer an amendment touching this pending subject, I thought I might be accorded the courtesy of occupying a little length of time in some observations on the amendment in dispute between the two Houses.

Now, I wish to confine my remarks, Mr. Speaker, to the part of this measure which refers to the issue of stock by this company.

I wish to say in the beginning that no railroad was ever constructed in this country whose history is so black with fraud and dishonor as the Atlantic and Pacific Railroad. No railroad was ever constructed in this country whose securities were issued in such amount and under such conditions as has attached to this corporation.

My friend and colleague [Mr. MOODY] offered an amendment when this matter was up before that the securities in the form of stock to be issued by this new corporation should be confined to the amount of the mortgage debt. This amendment was accepted by the committee and unanimously adopted. The gentleman from Vermont has reported an amendment in its place, which he says is merely verbal in its form, which limits the stock to be issued to the amount of the funded debt.

I want to make clear to the House the important difference between the amendment adopted by the House and that reported by the conference committee.

Now, what is the status of the Atlantic and Pacific Railroad? It is bankrupt, disgraced, dishonored, beyond the power of redemption. It pays no interest on its mortgage debt in any form whatever. It does not earn enough to do it. But the whole contention made here is that this matter of reorganization is to enable the innocent holders of those securities to be put on their feet and to reorganize the company.

The gentleman from Vermont, who has occupied a place on the supreme court of his State, has affected to cast ridicule on me because I tried to throw a little light on this question. Yet the gentleman from Vermont, either willfully or not—I prefer to assume not—has made a statement in this House which is absolutely void of any foundation.

Now, what does the gentleman from Vermont claim? He claims that the innocent holders of the securities of this road are entitled to an opportunity to reorganize, and that it would be "blackmail"—he charges this House with an attempt at "blackmail"—to put into this bill certain reasonable provisions.

What is the fact about this reorganization? The stockholders of this road are not considered one bit in this reorganization. The holders of these minor bonds and securities which the gentleman claims that he desires to protect are not considered in this bill. There are on this road—I speak solely of the part known as the "Western Division," commonly known as the Atlantic and Pacific—\$16,000,000 of 4 per cent bonds which were issued to represent an equal number of old 6 per cent bonds. These are held in the hands of the reorganization committee. There are also \$5,000,000 of second-mortgage bonds. There are \$12,000,000 worth of income bonds, and there are \$79,000,000 worth of stock. The bondholders' committee, representing this \$16,000,000 of first-mortgage bonds, has already entered into an agreement with the Atchison, Topeka and Santa Fe Railroad to sell out the entire property, to it and transfer to it the first mortgage of \$16,000,000 in return for a payment which amounts in cash at present value of securities to \$10,600,000. The Atchison, Topeka and Santa Fe Railroad is to have, as soon as a few legal technicalities are complied with, the possession and control of this property for a payment of \$10,600,000!

Now, my friend and colleague [Mr. MOODY] offered an amendment, when this bill was under consideration in the House, to the



effect that the new corporation should be confined in its gratuitous issue of stock to an amount equal to the mortgage debts. These amounts to \$21,000,000.

But this conference report provides that the Atchison, Topeka and Santa Fe Railroad corporation, through whose conduct the constituents of the gentleman from Vermont and myself have lost millions and millions of dollars—the amendment provides that it should be allowed for \$10,600,000 to keep alive a mortgage debt of \$16,000,000, and to issue in addition stock to the extent of \$33,000,000.

A good deal has been said about "innocent bondholders" in connection with this matter, and the gentleman from Vermont [Mr. POWERS] went into a very lengthy legal statement as to how bankrupt railroad properties reorganized. He has given us to infer that the whole of the mortgage indebtedness would be wiped out, and its place taken by the new issue of stock.

Now, let us see how the reorganization is to take place. This is the way: The whole amount of \$16,000,000 outstanding first-mortgage bonds goes into the treasury of the Atchison, Topeka and Santa Fe Railroad; it is there kept alive, and that railroad—not the present stockholders of the Atlantic and Pacific, but the Atchison, Topeka and Santa Fe Railroad—under this act becomes the owner of the Atlantic and Pacific, and in return for \$10,600,000, which it is required to pay in cash value, is to be allowed to issue \$49,000,000 worth of securities.

Mr. Speaker, my friend from Massachusetts [Mr. MOODY] and myself have objected to that; and why?

In the first place, Massachusetts, whose legislation has blazed a path in almost every direction of legislative progress, has put on its statute books, to the great satisfaction of all of our people, a law that no railroad corporation shall issue securities except on full payment at their par value. In this bill, before it went to the conference committee, both Houses, by an order of each House, voted that no new stock should be issued after the reorganization is completed, except upon full compensation, either in money or service.

And yet the conference committee seeks to induce this House to recede from that position, so as to authorize an issue of stock amounting to \$33,000,000 for no consideration whatever, equal in value to every dollar of stock hereafter issued for full value. It asks us to authorize the Atchison, Topeka and Santa Fe road to issue \$49,000,000 of securities for a property for which it pays in present values not exceeding \$10,600,000.

But my friend from Vermont says that this extra stock should be issued on the "funded debt," as it stands now on the Atlantic and Pacific Company. Let us see how that is. What is the funded debt? It includes, in addition to the "mortgage debt," \$12,000,000 of income bonds, now selling in the market at 1 cent on the dollar. This amendment, proposed by the conference committee, is a proposition to issue for something that is without value to-day stock which the succeeding sections of the bill provide shall be hereafter not issued except on full payment at par value!

Now, the gentleman from Vermont says that this has nothing to do with the measure, that it is only a legal matter. He professes not to know, and evidently does not care, about the details of this reorganization. He wishes to leave it all to the people who are buying this road. He claims that it is a mere legal matter. Let us see whether it is. It is a question whether Congress now proposes to be a party to, and to authorize, and to stand back of one of the greatest stock-watering schemes ever put forward in any legislative body.

Mr. Speaker, how can we ask men who seek to mortgage worthless farms in the West for Eastern money, or for the purpose of procuring money for the transaction of business, or who use unwarranted methods to induce the loans of money—I say how can we expect them to be dumfounded and bring them to the light of day if we ourselves, by our legislation on this floor, shall authorize the Atchison, Topeka and Santa Fe Railroad Company to issue securities to the extent of \$49,000,000 on property which cost them but \$10,600,000 at present values?

Now, Mr. Speaker, the amendment offered by my friend from Massachusetts [Mr. MOODY], written in my presence and written hastily, would not, if he had known as much as we both of us know to-day, have been couched in exactly the form in which it is framed. We ought to have said:

That the Atchison, Topeka and Santa Fe Railroad Company, in acquiring the Atlantic and Pacific, shall issue no securities whatever except those which actually represent the cost to the Atchison, Topeka and Santa Fe Railroad of this property.

He, like myself and others, thought that the mortgage indebtedness would represent actual value, and put in the language that this issue should be limited to the amount of the mortgage. That amount now is \$21,000,000, and if the House insists upon the amendment which has already been adopted with consent of the chairman of the committee, the gentleman from Vermont [Mr. POWERS], and without objection—if it shall simply insist on the amendment already adopted—it thereby authorizes the issue of \$33,000,000 of securities for a property which will cost the purchaser ten millions.

I desire now to move that the House instruct its conferees to insist upon amendments 3 and 4, which are the amendments offered by the gentleman from Massachusetts [Mr. MOODY], and which have regard to the preventing of the wholesale issue of stock without proper consideration.

Mr. COOKE of Illinois. Also amendment No. 5, which relates to this enormous land grant.

Mr. LACEY. And No. 7.

Mr. MOODY. Just insist generally.

Mr. BARRETT. Mr. Speaker, I am on my feet to reply to the distinguished chairman of the committee [Mr. POWERS], when he said, in a rather supercilious tone, that when he wanted information on this subject of stock watering, he knew where to ask for it, and did not deign to ask me. I have not proposed to offer any amendment except that upon which I claim to be thoroughly versed, but, as I thoroughly sympathize with the amendment offered by my friends, and fearful lest another opportunity may be denied, by springing the previous question, to prevent this House from having ample opportunity to consider it, I include in my motion that the conferees be instructed to insist upon amendments numbered 5, 6, and 7, so that the motion, as I now make it, is that the conferees be instructed to insist upon amendments numbered 3, 4, 5, 6, and 7.

The SPEAKER. The question before the House is on agreeing or disagreeing to the conference report.

Mr. BARRETT. As I read the Manual, it is now in order to move to instruct the conferees to insist.

The SPEAKER. But the first question that must be disposed of is whether the House will agree to this conference report.

Mr. BARRETT. Mr. Speaker, I do not know as this comes out of my time, but to show that I did it thinking that I was within the rules of the House, I will read from the Manual, page 359.

Pending the consideration of the report of a conference committee, it is in order to instruct the conferees on the part of the House in respect to any matter in dispute between the Houses.

I may be wrong, but that is the basis on which I made my motion.

Now, Mr. Speaker, before I conclude I want to make one remark on this conference report; and I am perfectly well aware, Mr. Speaker, without being informed by any members who have served in this House longer than I, with what supreme ridicule any effort on the part of a new member who tries either to intelligently understand the business of the House or in a respectful way to represent what he believes to be the wishes of his constituents is received in some quarters.

These conference reports are among the most important matters which come before the House of Representatives. We go through a long discussion of a measure. Amendments are accepted by the member having the bill in charge. They are agreed to unanimously by the House of Representatives, and then we are told in the corridors with laughter and a sunny smile, "We will attend to that in conference."

This particular committee went into conference, and as has been suggested by the gentleman from Iowa [Mr. LACEY], without making any attempt to defend the propositions of the House, this committee comes in here with a conference report, when, no matter what may be their personal feelings on a measure, they are bound by their appointment as conferees, having the judgment and confidence of this House in their keeping, to insist upon and maintain the action of the branch which they represent.

These conference reports make the gist of important legislation which comes to this House. They are all important. How do they come in? Do they come in like other matters of legislation, ordered by the rules to be printed, and the report and the amendments thus brought formally before the attention of the House? I say no. They can be brought in here, under the rule, at any time after the reading of the Journal. No matter what other question may be under consideration, after the reading of the Journal a proposition to consider a conference report is in order. How are they generally made? They are brought in here with amendments numbered 1, 2, 3, 4, and so on, sometimes running into the scores.

In the disorder or inattention in this House it is said that "the conferees have yielded on Senate amendments 6, 8, and 12," for instance, and "the Senate conferees have agreed to amendments 9, 11, and 15 of the House." Very few members do or can know what are the points in issue. Then the previous question is moved. I say for one, having tried to give attention to the proceedings of this House, that it is almost impossible for a man sitting in his seat to understand what is the intention and purport of many of these conference committees. And then, in addition to that, we have tremendous power placed in the hands of the chairman of the committee, who monopolizes the floor on debate. To-day the chairman has attempted to prevent a gentleman who rose in his place and said that he has information to contribute on this special subject to be heard, by moving the previous question, so that no further discussion could be had. I want to say, Mr. Speaker,



that it is a parody on parliamentary performance, and that it is an insult to those who desire to vote right and also intelligently in this House. [Applause.]

When this bill came up, I took an interest in it by reason of the fact that the State of Massachusetts has committed itself against these stock-watering schemes. My friend and colleague [Mr. MOODY] also took an interest in it. I was anxious to see this conference report when made. At length I went to the chairman of the committee and asked him if it had been made. He said it had. I said, "Has it been printed?" and he said, "It is in my desk." I want to be perfectly fair to the gentleman. He took it from his desk and I had an opportunity to read it, and yesterday he said he would move to have it printed and this morning call it up as soon as the Journal had been approved. Now, I say, not being a lawyer, but after listening to the statements made by gentlemen on other features of the bill than the stock-issue amendments, as a member of this House, that any attempt to prevent honest and fair, and, if necessary, considerable discussion on this bill is an outrage and ought not to be condoned. The House evidently thought the same in refusing the previous question when asked.

Now, Mr. Speaker, I reserve the remainder of my time, asking, first, how much time I have left.

The SPEAKER. The gentleman has forty minutes.

Mr. BARRETT. I was about to ask, in no way to attempt to delay the proceedings, whether or not the Chair is of the opinion that a motion to instruct is not in order?

The SPEAKER. The matter before the House is on agreeing to the report of the committee of conference. Upon an examination of the authority cited by the gentleman from Massachusetts, that was a report of a disagreement; and it resulted, although the Chair has not examined the entire debate as yet (has not quite finished it)—it seems to have ended with a proposition for a new conference. The Chair would suggest to the gentleman from Massachusetts that the method by which the thing could be arrived at, which he is evidently aiming at, is by voting down, if the House sees fit, the conference report, and then ask for a new conference; and, before the conferees are appointed, make a motion to instruct them—if the House sees fit.

Mr. BARRETT. Well, Mr. Speaker, I of course acquiesce and agree in the proposition made by the Chair, but it seems to me that this proceeding was analogous to a motion to recommit with instructions.

The SPEAKER. The difficulty is that the conference committee has discharged its duty and has ceased.

Mr. BARRETT. If the Chair will pardon me, if the House should disagree to the report of the committee, it would thereby become deceased; but if the motion were made to recommit with instructions as a subsidiary motion preliminary to that, to keep it alive for the new conference as the House wished they should proceed as directed.

The SPEAKER. If the gentleman from Massachusetts can show authority upon that subject, the Chair would be glad to have it.

Mr. BARRETT. I simply put my motion, in order that it may instruct the committee.

Mr. POWERS. I yield to my colleague from Vermont five minutes.

Mr. GROUT. Mr. Speaker—

Mr. COOKE of Illinois. I rise to a point of order. The time of the gentleman from Vermont [Mr. POWERS] has expired, and I submit that he can not yield to the gentleman.

The SPEAKER. The gentleman will state his point of order.

Mr. COOKE of Illinois. I submit—

Mr. BARRETT. I make the point of order. I would like—

The SPEAKER. The Chair has recognized the gentleman in front to state his point of order.

Mr. COOKE of Illinois. I make the point of order that the time of the gentleman from Vermont [Mr. POWERS] has expired, and that now the members in opposition have control of the time.

Mr. GROUT. But I addressed the Chair.

The SPEAKER. The gentleman from Massachusetts is in charge of the report now before the House, and the gentleman from Massachusetts has reserved his time, which leaves the matter open for the Chair to recognize some other gentleman if any gentleman addresses him. The gentleman from Vermont [Mr. GROUT] has done so.

Mr. BARRETT. The point of order I make, Mr. Speaker, is that the gentleman from Vermont [Mr. POWERS], having occupied an hour, can not occupy a further hour to the exclusion of any gentleman who has been recognized.

Mr. GROUT. Mr. Speaker, I addressed the Chair in my own right.

Mr. BARRETT. I beg the gentleman's pardon; I was referring to the other gentleman from Vermont.

The SPEAKER. The gentleman from Vermont [Mr. GROUT] is recognized.

Mr. GROUT. I do not insist upon being recognized now, Mr.

Speaker, but I do wish to be heard for a few minutes on this subject. The gentleman from Illinois [Mr. COOKE] can proceed if he desires.

Mr. COOKE of Illinois. Mr. Speaker, the gentleman from Vermont [Mr. GROUT] kindly yielded to me, and I shall occupy only about ten minutes. I desire to say that when this matter was up before the House upon the Senate bill as it came over here the gentleman from Vermont [Mr. POWERS], speaking of these land grants, was hardly ingenuous. He spoke of the lands as having no value. He used these words, which will be found on page 180 of the RECORD:

It became a part of the rights of that company to take those lands, but it turns out upon investigation that the lands are in the arid region; they are good for nothing.

Further on, when the House was about to vote upon amendment No. 5, which requires this company to recognize the forfeiture of the land grant and to stop its litigation with the Government concerning the title to those lands, the gentleman from Vermont said:

Mr. Speaker, the Government of the United States has already instituted a suit to declare a forfeiture of these lands. A suit is now pending. It is being argued in the Supreme Court of the United States to-day, and it seems to me we should not undertake to blackmail this company as the condition upon which they shall have the right to organize into a corporation.

Almost immediately after the utterance of those words by the gentleman from Vermont the House, by a vote of 78 to 43, adopted the amendment.

Now, I submit as a lawyer that the bill which is before the House upon the conference report will operate, under its peculiar language, as an enlarging act, an enabling act. It will operate as a recognition of the claim which is made under the act of 1871 (by the terms of which latter act the company was authorized to mortgage its lands) in such a way as to carry out and give substantial grounds for the contention of this corporation and for the construction which it attempts to place upon the act of 1871. In other words, it recognizes that act, and it recognizes that construction of it which is contended for by the company. This bill begins in its title by saying that its purpose is—

To define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company.

And it uses this further language:

That whenever any mortgage made by the Atlantic and Pacific Railroad, under and by virtue of acts of Congress, is foreclosed.

Then, further down, it uses this language:

The new company which shall have and shall be entitled to hold and possess the franchises and property so sold.

So that, Mr. Speaker, if the act of 1871 is subject to the construction that it would give the corporation the power to mortgage these lands notwithstanding the forfeiture act of 1886, then this legislation would maintain and validate everything that is claimed in behalf of this corporation.

Now, I desire to say that this is a large subject. The litigation concerning these land grants has been going on for many years. There have been suits brought in California concerning these grants, where the Southern Pacific Railroad Company have claimed to take the lands which did not pass to the Atlantic and Pacific Company, and there is litigation now pending that has come up from the supreme court of New Mexico concerning lands in New Mexico, notwithstanding the forfeiture act of 1886, which, as I have already indicated, was passed by the House of Representatives in the Forty-ninth Congress, at its first session, upon the report of the Committee on Public Lands, a report made by Mr. Cobb, which was filed February 3, 1886. That report very ably and exhaustively examined the whole question as to the validity, the scope, and the effect of the act of 1871, and, as a result of that investigation and that report, the House passed the forfeiture act of July 6, 1886; and I undertake to say that the main reason for that action was that the corporation had entirely neglected to conform to the charter of 1866, by which it was given this enormous land grant.

The land grant involved here is of enormous proportions, larger than any other grant ever made to a railroad company. I hold in my hand two plats which show the constructed portion and the lands earned up to the time of the passage of the act of 1886 and also the construction since that time. These plats show the lands that are in controversy in these multitudinous suits between the Government and the representatives of this company. Without taking up too much of the time of the House now, I will submit in my remarks a table showing the lands which will be forfeited if we insist upon this amendment No. 5. In the Indian Territory this corporation is making a claim to certain lands. I think myself that the claim is without any foundation whatever, but the corporation are making a claim for lands in the Indian Territory which, if their contention is right, would give them those lands as soon as the Indian titles shall have been extinguished by the treaties now in progress.



Mr. JOHNSON of Indiana. I should like to ask the gentleman one question.

Mr. COOKE of Illinois. I yield with pleasure.

Mr. JOHNSON of Indiana. What is the necessity of any legislation whatever at this time with respect to the subject-matter of this bill? Is there any urgent necessity for the passage of such a bill?

Mr. COOKE of Illinois. I am not urging the bill, Mr. Speaker.

Mr. JOHNSON of Indiana. I did not understand that the gentleman was urging the passage of the bill; but he is familiar with the situation, and I want to know whether in his opinion there is any urgent necessity for passing this kind of a bill now.

Mr. COOKE of Illinois. I rather think that the purchasers under the foreclosure ought to have a charter under proper restrictions; but I do not think that while they are getting such a charter from Congress, Congress should override important legislation which has been heretofore enacted with respect to these enormous land grants.

Mr. MOODY. Will the gentleman pardon me a question?

Mr. COOKE of Illinois. Certainly.

Mr. MOODY. Does not the gentleman think it would be better in granting a charter to these new corporators to grant one specifically, instead of doing so by reference to an old charter passed in 1866, when thought on this subject was in a very different stage of development from what it is to-day?

Mr. COOKE of Illinois. I thoroughly agree with my friend from Massachusetts [Mr. MOODY]. The peculiar language with which this bill starts out, and the peculiar language which it employs when it deals with any property rights to be acquired under these foreclosures, is at least of a most suspicious character, in the point of view that the language may lead to ambiguity and misconstruction—to different constructions in different courts. For this reason I believe it would be better, as the gentleman from Massachusetts suggests, that there should be a straight out-and-out charter in and of itself, containing within itself everything intended to be granted, and granting nothing not directly granted.

Mr. Speaker, I was about to say, concerning the extent of the land grants here involved, that in the Indian Territory there is involved, of granted lands and indemnity lands which would be forfeited if we insist upon this amendment No. 5, and which were forfeited under the act of 1886, the enormous amount of 20,800,000 acres. In the Territory of New Mexico, from the Texas line to Ysleta, a mileage of about 260 miles, the total amount of granted and indemnity lands which would thus be forfeited reaches 8,320,000 acres. In California the amount of lands, both granted and indemnity, reaches 12,073,600 acres, making a total of granted and indemnity lands of 41,193,600 acres, and this leaves to the purchasers under this mortgage and to the corporation all its rights to lands earned by the construction of the road within the terms of the act of 1886 and the act of 1871.

Now, Mr. Speaker, we can not shut our eyes to the enormous amount of litigation which is going on in this matter in the different States. Why, sir, in one case which has recently come up from the supreme court of New Mexico—I hold the transcript of the record in my hand—the court, in a very able decision, construing the act of 1871 and the act of 1886, together with the original grant of 1866, holds that the lands were properly, legally, and completely forfeited by the act of July 6, 1886. And, sir, I hold, as one member of this House, that we are only observing and performing our duty if we require this corporation to stop this litigation, to stop this contention which looks to the enlarging of the grant and the practical repeal of the forfeiture act—that the abandonment of such litigation shall be required by us as a condition precedent to giving this company a charter which shall last forever.

Mr. Speaker, I reserve the residue of my time.

Mr. GROUT addressed the Chair.

Mr. CANNON. I should like to ask my colleague [Mr. COOKE of Illinois] a question in his time.

Mr. COOKE of Illinois. I should be glad to answer any question.

Mr. BARRETT. Has the gentleman from Illinois [Mr. COOKE] exhausted the fifteen minutes which I yielded to him?

Mr. COOKE of Illinois. As I understand, I have been talking in my own time.

The SPEAKER. The Chair understood that the gentleman from Illinois [Mr. COOKE] was speaking in the time of the gentleman from Vermont [Mr. GROUT].

Mr. COOKE of Illinois. I did not wish to do so, but if that is the fact, I yield back to the gentleman any time I may have used.

Mr. GROUT. I yield to the gentleman from Illinois [Mr. COOKE] two minutes more in which to answer the question which his colleague [Mr. CANNON] desires to propound.

Mr. CANNON. Mr. Speaker, I have been reading this report to find out what is its effect. Section 5 of the bill, which it is proposed to strike out, provides as a condition precedent that this

company shall relinquish any supposed right it may have to certain lands. Now, if I recollect aright, there was in 1886 an act of forfeiture passed as to all unearned portions of this land grant.

Mr. COOKE of Illinois. That is right; that act applied to all portions of the road not constructed up to that moment.

Mr. CANNON. Now, are we to understand that this railway company or its assignees claim lands that were earned, according to their contention, after the act of forfeiture?

Mr. COOKE of Illinois. Certainly; and the enormous extent of those lands I have already stated. They reach, of ungranted lands and indemnity lands, the amount of 41,000,000 acres and more.

Mr. CANNON. In other words, the time for construction of their road having expired and the act of forfeiture having been passed by Congress, they still went on and constructed additional road, and they now claim that they are entitled to the lands for such construction, notwithstanding the act of forfeiture?

Mr. COOKE of Illinois. That is what they claim. The lands so claimed run through the Indian Territory, run through New Mexico from the Texas line to Ysleta, and from the Needles over at the boundary of Arizona away up to San Francisco.

Now, I do not concede for a moment that they have any valid claim to lands in the Indian Territory or in California; but they claim such lands, as this record shows; and because they claim them, and because they have millions of dollars with which to conduct this kind of litigation in the face of Congress and its legislation, I propose, for my part, that they relinquish their claim to such lands which they never earned, because they never built the lines even within the terms of the act of 1871, let alone the act of 1866.

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

Mr. COOKE of Illinois. Certainly.

Mr. HARRISON. As I understand it, the philosophy of your argument is that the bondholders must suffer from the misconduct of the railroad company?

Mr. COOKE of Illinois. My argument was, Mr. Speaker, that we should give to these people all that the law authorizes them to receive by the broadest latitude of construction, but nothing more. We are not under any obligation to give them all they claim; let us give them what is their due.

Mr. GROUT. Mr. Speaker, the question concerning the right of this railroad to the land grant is now before the Supreme Court, has been argued, and for aught we know, the court has reached a conclusion, so that at this very moment all the rights of both the Government and of this corporation to this land are actually determined and only await announcement by the court.

Now, Mr. Speaker, I ask if it would not be better to take the judgment of the court rather than for us to undertake to decide this question on the fragmentary and partial information with which we are furnished.

Mr. COOKE of Illinois. I hold the records of all these transactions in my hands.

Mr. GROUT. I am quite willing to leave it to the Supreme Court of the United States, and that is where this conference report proposes to leave it.

When this bill passed the House, Mr. Speaker, I was, I must confess, astonished at some of the amendments that had been offered to it, many of which were put on the bill. Here, to begin with, was a grant of a charter by Congress to the Atlantic and Pacific Railway to construct a road. It granted to this company the power to mortgage the road under certain conditions. They did so, and sold the bonds; and the bondholders come before you now for the purpose of reorganization. They come because it turns out that instead of the mortgage when issued authorizing the road to be a corporation, in the hands of the bondholders, it fails to do so. Everybody supposed that it did. Lawyers would say offhand that authority to issue a mortgage would carry with it the right to be a corporation; but the Supreme Court in other cases where precisely the same language is used have held that it did not convey the right to be a corporation; and so, while the title is perfect in the bondholders, they can not organize into a corporation without this legislation. This is necessary for the preservation of their property rights.

My friend from Illinois [Mr. COOKE], in the course of his argument frankly stated that the company, in his judgment, is fairly entitled to its charter. So it is. There is no question about that. If Congress withholds it, it will be an injustice to the bondholders. They took the bonds with the expectation that they would be granted the right, or had been granted the right, of reorganization under them. And it is only by the discovery of a defect in the wording of the language of the law that the bondholders are not possessed of that right now.

But I was saying, Mr. Speaker, that I was somewhat astonished to see this bill loaded down with some of the amendments that were attached to it when it passed the House. But it went to the Senate, and that body nonconcurred in the House amendments,



and the matter went into conference; and now let us see just where the conference report leaves us, and see if, as fair men, we can sustain that report, or if, as fair men, we must insist that it be rejected. Let us look at it not alone as individuals, but in the light of Representatives, occupying the position we do here with reference to the interests of the whole people and for the purpose of preserving the consistency of our legislation.

In the first place, in the conference report—and I cannot follow it in detail, for I have not had time to examine it thoroughly—but in the first place there is an amendment put on, as members of the House will perhaps recall, an amendment providing that all the debts assumed by the original management should be assumed and paid by this new company before they shall have a charter. This makes no exception. It puts on them debts which could not in law be charged to the bondholders. It provides for subsequent debts. Just think of the idea! Gentlemen of the House surely do not intend to go that far. It would be dishonorable, and every gentleman will say so when he comes to consider it fully and the effect of it. But the amendment was placed on the bill. What has the conference committee done with it? They said simply the amendment should be stricken out and the words inserted, "except such debts as may have been incurred for wages or supplies in the operation of the property purchased." That includes just those debts which in equity they would have to pay in reorganizing. The courts have generally decided that this class of debts should be paid, though it has not been uniformly so decided; but the courts lean that way, and we can safely stand on that provision, and this the conference committee has done.

Now, who will say this is unfair? Is it unjust? I leave it to any gentleman here who thinks of the matter for a moment. The amendment leaves a debt to be paid by the new company which the law and the decisions of the court would leave for them to pay, and we do not undertake to go beyond that. Could anything be fairer? What more can be fairly required of this corporation?

Mr. BOATNER. Will the gentleman yield for a question?

Mr. GROUT. Certainly.

Mr. BOATNER. Do I understand that this section 5, or proviso No. 5, is stricken out of the bill?

Mr. GROUT. With reference to the lands?

Mr. BOATNER. Yes.

Mr. GROUT. Certainly; because, as I have stated, in the first sentences I uttered, this matter is with the court. If the court says that this land grant is forfeited, it is gone. If the courts say it is not forfeited, then this company will have the rights which belong to it, and those rights will be determined by the court. Who will say he is afraid to leave this to the court?

Mr. BOATNER. Another question, if my friend will allow. If section 5 were retained in the bill and the company should refuse to make the conveyance which this calls for, would not that be a legislative admission on the part of Congress that the title to this property lies in the railroad?

Mr. GROUT. Oh, but the gentleman's position begs the whole question which is before the House now on the conference report. The report rightfully strikes out this section and leaves the matter where the court may leave it; and there, Mr. Speaker, is where we can safely leave it.

Now, the next point is on the watering of stock, concerning which my eloquent friend from Massachusetts [Mr. BARRETT] waxed eloquent. He calls this a stock-watering scheme. Now, I never saw this conference report until twenty minutes ago, and I have read it carefully to see how it provides for this alleged scheme. Let us see. This is what the conferees have agreed upon and what you are to pass upon:

That the capital stock of the corporation herein authorized shall be divided into shares each of the par value of \$100, and shall not exceed the amount of the funded debt existing and unpaid at the time of the decree of foreclosure.

This proposed amendment of the conference committee will allow stock to an amount only equal to the funded debt. It provides for the usual conservative rule that the stock shall not exceed the bonds.

Now what becomes of all the eloquence of my friend from Massachusetts [Mr. BARRETT]?

Mr. MOODY. Will the gentleman permit a question?

Mr. GROUT. Certainly.

Mr. MOODY. If I understand the report of the Railroad Commissioner aright, the funded debt of this corporation amounts to about \$40,000,000.

Mr. GROUT. I do not know what it is. It does not matter what it is.

Mr. MOODY. When we are providing a limit for the issue of stock, does not the gentleman from Vermont think it is important for us to know what the limit is, and how it compares with the value of the property?

Mr. GROUT. They can not go beyond the funded debt. Here is the funded debt of the road which we are reorganizing, to which we are giving the rights of a corporation. And we say that we will not allow them to issue stock beyond the amount of

the funded debt. From the very nature of the case we can not be exactly informed as to the value of the property.

Mr. MOODY. Mr. Speaker, I had not quite finished my question. Now, if it be true, as the report of the Commissioner of Railroads states, that the funded debt is about \$40,000,000, and if it be also true, as my colleague from Massachusetts [Mr. BARRETT] stated to the House, that this whole property has been sold for somewhere in the neighborhood of ten millions, ought this Congress to authorize the reincorporation to issue stock to the amount of \$40,000,000 for property which has just sold for about \$10,000,000?

Mr. GROUT. Well, the proposition of the gentleman rests upon the two lame legs of the two suppositions of the two gentlemen from Massachusetts. It is all supposition.

Mr. MOODY. Oh, no, Mr. Speaker.

Mr. GROUT. Oh, yes, Mr. Speaker.

Mr. MOODY. I rested it on the truth of the report of the Railroad Commissioner on the one hand, and the truth of the statement of my colleague from Massachusetts [Mr. BARRETT] on the other, and I would like to ask the gentleman from Vermont [Mr. GROUT] whether these facts are true or not?

Mr. GROUT. Mr. Speaker, I do not know, and so far as what I am saying, it is not necessary to know. When I find my friend from Massachusetts [Mr. BARRETT] arraigning this conference report as a stock-watering scheme, and in the report find there is no ground whatever for that charge, then a question arises in my mind as to the correctness of the gentleman's statement that the property has been sold for \$10,000,000. Now, suppose it has been sold for \$10,000,000—

Mr. BARRETT. Mr. Speaker—

The SPEAKER. Does the gentleman from Vermont yield to the gentleman from Massachusetts [Mr. BARRETT]?

Mr. BARRETT. If the gentleman questions my statement, will he be kind enough to read this printed report?

Mr. GROUT. I have no time, Mr. Speaker; my time is limited.

But suppose it were true that that property has been sold for \$10,000,000. It frequently happens that property is so situated that it has to be sold for far less than it is worth, and the bondholders of this road, encountering the strangely factious opposition which has disclosed itself in this House, in their attempt to obtain their legal rights might well ask themselves if they might not as well sell for anything they could get, no matter how little. This fact, if true, argues nothing. The conference report says the stock shall not exceed the amount of the funded debt, and when stock does not exceed the bonds it has always been considered a safe limitation on the issue of the stock, as I have always understood it.

Mr. HAINER of Nebraska. Will the gentleman permit me to ask him a question?

Mr. GROUT. Certainly.

Mr. HAINER of Nebraska. Is it not very important that we should know the value of this property that the stock is to be issued on? As I understand, a railroad bases the rate of its charges upon the capital. That ordinarily is regulated by the amount of stock; and therefore if they are to issue new stock under the new charter, should we not know the actual and true value of the property?

Mr. GROUT. In answer to the gentleman from Nebraska, I will state that of course stock should not be issued to a greater amount than the value of the property. That is correct theoretically. But how can we determine the value of the property except to rely on the judgment of the men who took these bonds, on which they paid out their money—\$40,000,000? They may have been misled, but presumably not; and whether or not, we could not determine. This may, however, be noted, that there is not a syllable uttered by anyone in this debate indicating that they were misled, and we can only assume that they acted prudently. Now, this is the only evidence we have as to the value of the property.

Mr. Speaker, the other day a Pacific Railroad bill was before us showing an expenditure of several hundreds of millions of dollars, but here is a Pacific railway with a bonded debt of but \$40,000,000. It looks to me like a reasonable and honest sum beside the debt of the other road. But I can not stop to argue this. Here is a fact: Investors have put their money into this road to the amount of \$40,000,000, expecting, if it was not paid, they were to have the road.

Mr. HAINER of Nebraska. He has put his money in, and money and interest have gone by the foreclosure.

Mr. GROUT. Not so, sir. They are the ones that are foreclosing. The stock has gone and all the interests of the stockholders. But not that of the bondholders who are now asking to be reorganized under authority of the charter they are asking.

Mr. BARRETT. But under the foreclosure their representatives have purchased it at \$10,000,000.

Mr. GROUT. Who purchased it?

Mr. BARRETT. The Atchison, Topeka and Santa Fe.

Mr. GROUT. I do not believe that anybody has purchased it; and I will state that my authority is my colleague, and he ought



to know. He says that it is not true that this road has been purchased by the Atchison, Topeka and Santa Fe road for \$10,000,000.

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

Mr. GROUT. I will yield to the gentleman.

Mr. BARRETT. I trust the gentleman from South Carolina will permit me. The gentleman has made a statement concerning my statement.

Mr. GROUT. I will yield to a question.

Mr. BARRETT. Does the gentleman from Vermont now speaking say that my statement that an agreement had been entered into for the sale of this road to the Atchison, Topeka and Santa Fe is not true?

Mr. GROUT. I understood the gentleman to say it had been sold, but if he now says bargained to be sold, I say the road provided for in this bill certainly has not been bargained to be sold—only the Western Division, and that is not the road. It is only a portion of it.

Mr. POWERS. Will my colleague yield to me?

Mr. GROUT. I yield to my colleague, who was my authority.

Mr. POWERS. I say to the gentleman that no such agreement has been made, and that the paper that he reads from is only a notice to the holders of certificates of deposit, etc., to meet to-day in New York to consider a proposition of that kind.

Mr. GROUT. That is what I supposed was the fact.

Mr. BARRETT. I trust I may be permitted—

The SPEAKER. The gentleman from Vermont has the floor.

Mr. BARRETT. I think the gentleman will yield after a question of veracity is raised in this House.

Mr. GROUT. I yield to a question.

Mr. BARRETT. I wish to say, and I make the statement at the same time—

Mr. GROUT. I can not yield for the gentleman to make a statement in my time; but if the gentleman will take the floor in his own time I will accommodate him, provided I am allowed to resume the floor when the gentleman is through; but I can not yield to an explanation in my time, which is limited. But anything to accommodate—

Mr. BARRETT. I will attend to it.

Mr. TALBERT. I just want to ask the gentleman from Vermont a question.

Mr. GROUT. I yield to the gentleman.

Mr. TALBERT. I see, in reading the report of the committee here, that in July, 1886, there was passed what was known as the forfeiture act and that there is a case now pending in the court under that act, in which they have heard the arguments, but have not rendered their decision in the Supreme Court.

Mr. GROUT. That is right.

Mr. TALBERT. Is not this a proceeding in the dark, to consider this legislation before the decision has been rendered?

Mr. GROUT. That is just what I think, and I think it is just what all intelligent members will see.

Mr. TALBERT. I want to vote intelligently.

Mr. GROUT. I am obliged to the gentleman for mentioning that. It is right to the point.

Mr. COOKE of Illinois. Why not hold this bill until the court decides that case?

Mr. GROUT. No one knows when that decision will be handed down. And we are to adjourn in about thirty days. Is not the gentleman willing to trust the court? Mr. Speaker, I assert that the rights of all the security holders of this road are carefully and conscientiously preserved by this conference report. I notice signed to the report the name of a Senator, and while I know it is out of order to refer here to the action of the Senate, it is not out of order to refer to a citizen of the United States, on duty in another body, who stands very high in my estimation, and, I believe, in the estimation of all who know him—and thousands throughout the country do know him—I notice signed to this report the name of O. H. PLATT, a member of the Judiciary Committee of the Senate, and I want to tell this House that he is not the man to agree to any stock-watering scheme, such as the gentleman charges, nor to anything that is unjust or unfair, if he knows it, and he is intelligent enough to know it. So, saying nothing of our own conferees nor of the other Senate conferees, I am willing to follow where O. H. PLATT leads.

Mr. BARRETT. Mr. Speaker, I rise to a question of order. I make the point of order that it is improper on this floor to allude to the wish or the sentiment of a member of the other branch of this Congress as to a measure of legislation, except where it is a matter of record.

Mr. GROUT. It is a matter of record. We have his name here before us duly and understandingly signed to this conference report, and we will all be safe to follow him.

Mr. BARRETT. The gentleman stated that he knew personally that the Senator whom he named did not favor the amendment proposed by the House.

Mr. GROUT. Oh, the gentleman did not understand me, or

else I did not understand myself. I made no such statement. I spoke of the character of this report and of one of the signers of it; I said that I noticed appended to this report the signature of O. H. PLATT, a man who does not believe in stock inflation or stock-watering performances; a man who knows what he is about, and who will not approve that sort of thing nor anything else that is unfair or unreasonable. That is what I said, and I felt that in saying it I was within the rules of the House.

Now, Mr. Speaker, another thing. The gentleman [Mr. BARRETT] has referred to how the Atchison and Topeka people had been "swindled" by the directors of that company. I declare that charge to be entirely without foundation. New England has been largely interested in the Atchison, Topeka and Santa Fe road from its very inception, and is now. The people of New England, including those of my own State, hold largely the stock and bonds of that road, and except for a few slight changes have held them through all the dark days that have come upon that great company. They are looking confidently for better days for that road, and I believe those days will come. I believe in the near future all the securities of that road will yield an income to the holders.

Mr. Speaker, never before have I heard it said anywhere that the stockholders had been swindled by the directors of that company. The management of that road undertook to find a way from Kansas City, a great competing point in the Southwest, to Chicago, a great competing point in the Northwest, they having an immense network of tracks extending over the entire area of the great State of Kansas, and south by one line to Galveston Bay and by another to the City of Mexico, and by another still—two others, in fact—to the Pacific Slope; and to connect these two great competing points they built an air line from Kansas City to Chicago at immense cost. Why, the terminal facilities in the city of Chicago alone cost over \$11,000,000. In the fierce competition that is going on between the great railroads in the West and Southwest, the directors of this, the greatest system of them all, felt that a Chicago connection was necessary. It placed an immense burden of debt on this road, which, followed by the collapse of business, in which many a corporation, as well as many an individual, has gone down within the last four years, was too much for the earning capacity of the road, and it went into the hands of a receiver. But it is already on its feet again, and with returning prosperity will take a great place in the future railroad history of the country.

Mr. Speaker, so much for that. I want to say to the gentleman from Massachusetts that when he represents on this floor that the Atchison, Topeka and Santa Fe directors have been swindling the security holders of that company, he states something I never heard of before, and I believe he will find a thousand men in his own State of Massachusetts who will indignantly repudiate and deny the charge where he will find one man who will even so much as hint it.

Now, Mr. Speaker, reserving the balance of my time, I yield the floor.

Mr. BARRETT. Mr. Speaker, it is a grave thing when a member on this floor makes a statement for another member to rise in his place and deliberately assert that the statement made by the first member is untrue. When the first member asks the gentleman who denounces his statement as untrue if he has any knowledge on the subject and that gentleman blandly says he has not, that he simply relies upon some whispered statement that has been made to him, the matter is worthy of attention. Now, the gentleman from Vermont [Mr. GROUT] said that my statement that an agreement had been made to transfer this road to the Atchison and Topeka road was untrue. I simply state in reply that it is absolutely true, a fact known to all men who keep pace with the progress of railroad dealings in this country or who read what appears in the public press.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. BARRETT. Certainly. I will do for the gentleman what he would not do for me. I will gladly yield.

Mr. POWERS. Oh, I yielded to you repeatedly. Now, Mr. Speaker, I ask the gentleman if the circular which he holds in his hand is not merely a notification of a meeting to be held on January 28 to consider certain propositions?

Mr. BARRETT. I will explain that before I get through, and I think the gentleman will be more than satisfied.

Mr. POWERS. I ask him if that is not the fact?

Mr. BARRETT. I will answer in my own way.

Mr. POWERS. And I ask the gentleman further if he has any information on the subject outside of that circular that he can give to the House?

Mr. BARRETT. Let me answer that in my own way. We all know how these railroads are reorganized. A reorganization committee is formed, in whose hands are placed all the securities, and authority is given to that committee in advance to make any arrangements they see fit which they think can get accepted. But this case goes further. These securities have been deposited



in the hands of two committees, one in New York and the other in Europe. This notice simply calls for a meeting in New York to ratify the agreement, as is shown by the statement in the circular; that—

The bondholders represented by the Amsterdam and Frankfort committees, amounting to \$14,567,000 (more than seven-eighths of all the issue), at meetings just held, have approved the proposed sale and authorized the committee to consummate it.

That is to say, the thing is practically disposed of; and this meeting of a few scattered bondholders in New York is held pro forma in order to approve and ratify what has already been done by more than seven-eighths of the bondholders under this agreement.

Now, I am willing to have a fair and honest debate on any matter in which I venture to intrude myself; but I suggest that for a member of this House to get up and denounce another man as telling an untruth, and then, when asked if he had any basis for it, to say he had none except the statement made to him by another gentleman, and then for the other gentleman to come over here and for the first time scan the document from which I was giving my authority, and then, not reading it through and overlooking the vital and essential points of it, to confirm the statement that I have tried to deceive the House—

Mr. GROUT. Do you refer to me in saying that a gentleman asserted that you had stated what was not true?

Mr. BARRETT. You stated that it was not true. I asked you if you made that statement of your own knowledge, and you said you were so informed.

Mr. GROUT. Certainly; that is precisely what I said—that there was not any truth in the statement. That is right, as I understand.

Mr. BARRETT. But I have here the agreement for the sale.

Mr. GROUT. But it has not been consummated. Your statement was that the property had been sold for \$10,000,000, as I understood it.

Mr. BARRETT. I said the agreement had been made to sell it. I will read it again, so that everyone may understand:

The bondholders represented by the Amsterdam and Frankfort committees, amounting to \$14,567,000, at meetings just held have approved the proposed sale and authorized the committee to consummate it.

Mr. GROUT. That applies to only a part of this line, anyway.

Mr. BARRETT. Over seven-eighths.

Mr. GROUT. Only a part of it.

Mr. BARRETT. The courts have decided over and over again that where a large majority of the parties in interest agree to a proposed sale in a matter of this sort, it is valid and binding.

Mr. GROUT. The gentleman does not understand me. I say that it is only a part of the line that is to be conveyed, not the whole line.

Mr. BARRETT. Mr. Speaker, this matter ought to have been more fully explained to this House. Let me explain it. The bill applies to both parts of the line of the Atlantic and Pacific Railroad. But the only part of it at all worth considering is the so-called Western Division, which the gentleman from Vermont has so eloquently described as "spanning the continent." How does it "span the continent?" It is a miserable little piece of track which "spans the continent" to the exact length of 565 miles, a "spanning of the continent" that has hardly paid its operating expenses, much less any considerable return on the investment.

Now, Mr. Speaker, the gentleman from Vermont says that these people are entitled to a charter. I say that they are not. The Atchison, Topeka and Santa Fe Railroad Company has bought or is about to buy this property, so that this company will shortly cease to be an independent corporation; it ceases to be an independent line; it becomes just as much a part of the Atchison, Topeka and Santa Fe Railroad as all those other vast networks of tracks which that company has acquired at one time and another and merged into its system.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. BARRETT. Certainly.

Mr. BOATNER. What advantage will the Atchison, Topeka and Santa Fe Railroad Company acquire by the passage of this bill granting this new charter? What additional advantages will this bill give that road?

Mr. BARRETT. I will explain that; I have been trying to explain it all the time. The Atchison, Topeka and Santa Fe Railroad Company are buying this property to-day in securities having a market value of \$10,600,000. The bill now reported by the conference committee proposes to allow them to issue, as representing that value of \$10,600,000, \$16,000,000 in bonds and over \$33,000,000 in stock; and the only contention made by us is that they shall not be allowed to issue any more securities than may be equivalent to the value of their road.

"But," says my distinguished friend, the second gentleman from Vermont who has spoken [Mr. GROUT], "how do we know what the value of this road is? How can we undertake to say what its value is?"

I answer: We do not undertake to say what its value is. We

assume its value to be that which its own owners put upon it. They are selling it to the Atchison, Topeka and Santa Fe Railroad Company for \$10,600,000. Under this sale the parties who have had the control of this property pass entirely out of the calculation; they cease to have anything to do with it; their equity disappears; they sell the property absolutely and without any reserve; it becomes the property of the Atchison, Topeka and Santa Fe Railroad Company.

Now, my friend has quoted from Mr. PLATT, a gentleman who represents the State of Connecticut in one branch of this Congress. I have as much respect for Mr. PLATT as any man on this floor; but when the gentleman from Vermont in charge of this bill has stated frankly that he did not know anything about this reorganization plan, it is not beyond the measure of belief that there may be other gentlemen in this House or in Congress, however wise in mind or great in ability and excellent in character, who may not have given to it that attention it requires in order to enable them to understand clearly the exact points involved.

Mr. POWERS. Does the gentleman say that I do not know anything of the matter?

Mr. BARRETT. My friend and colleague [Mr. MOODY] asked the gentleman a question, and the gentleman from Vermont, in response, said he knew nothing about it. I stated then that I had the information which would enable me to answer my colleague, and asked an opportunity of being permitted to present it to the House, but was refused by the gentleman from Vermont.

Mr. POWERS. That was in answer to the question as to the proposed sale. I did not know anything about it at that time. But since then I have been informed that there has been no sale effected whatever.

Mr. BARRETT. Mr. Speaker, it is one of the strange things of men versed in the law that they sometimes seek on technicalities to give impressions that things are not as they are. I have already read this statement of the Atlantic and Pacific reorganization committee, including leading financiers of Boston and of New York, giving the statement that the agreement has been made just as I have stated. This agreement has been ratified by the old first-mortgage bondholders.

Mr. TAWNEY. Will the gentleman permit me to ask him to what part of the road this would apply?

Mr. BARRETT. To all of the Atlantic and Pacific road that was ever operated as an independent property, 565 miles in length, starting practically from Santa Fe and running west and connecting with the Southern Pacific at the Needles, between Arizona and California. Besides this there is, under the charter, a branch line of 112 miles, operated by the St. Louis and San Francisco road, which never possessed an independent equipment, never had rolling stock, but was conducted and is to-day conducted as a part of the St. Louis and San Francisco road, an independent corporation, and does not come within hundreds of miles of touching any portion of the real Atlantic and Pacific road.

Mr. TAWNEY. Will you permit another question?

Mr. BARRETT. Certainly.

Mr. TAWNEY. Does that apply to the same road that the bill under consideration applies to?

Mr. BARRETT. Yes, sir.

Mr. TAWNEY. For the whole of it?

Mr. BARRETT. Absolutely. And I will say, also, that there is a contract now under consideration for the transfer of this 112 miles to the St. Louis and San Francisco road; and the committee state in their report—

Mr. TAWNEY (interrupting). I have read the report, if the gentleman will permit me, and it does not indicate that the contract of which the gentleman from Massachusetts has read extracts applies to all the roads to which the bill applies. Therefore the alleged purchase of the road for \$10,000,000 would not be a correct statement as to all of the road, as I understand it.

Mr. BARRETT. The gentleman from Minnesota, and I am glad he made the statement, for I certainly do not desire to mislead the House in the smallest iota, is absolutely correct, but it applies to all of the Atlantic and Pacific road that has been ever talked of or suggested in this debate, which is the line running between the two points I have already mentioned.

Now, the amount of bonds outstanding is \$16,000,000, the first-mortgage bonds; \$5,000,000 of second mortgage, and \$18,000,000 of income bonds. These apply only to the 565 miles. On the other division of 112 miles an entirely different set of bonds was issued, entirely outside of this calculation, and to which I have not alluded in this debate. Do I make myself clear?

Mr. TAWNEY. The gentleman conveyed the idea that \$10,000,000 purchase money covered the whole road.

Mr. BARRETT. I conveyed, and sought to convey, the idea that the \$10,600,000 covered every mile of the Atlantic and Pacific Railway on which there was a \$16,000,000 first mortgage, a \$5,000,000 second, and \$12,000,000 income bonds. That is true.

Mr. BOATNER. Will the gentleman from Massachusetts allow me to ask him a question?



Mr. BARRETT. Certainly.

Mr. BOATNER. Does the gentleman understand the bill to be for the benefit of the bondholders and the stockholders of the Atlantic and Pacific road, or for the benefit of the purchasers of that property at foreclosure sale? And that is followed by another question: Do the purchasers represent the reorganization committee of the old company, or are they a separate and independent concern?

Mr. BARRETT. Mr. Speaker, I think I understand the gentleman's proposition; but in order to make it clear to the House I will explain it a little more fully than by direct categorical reply. The Atlantic and Pacific Railroad's first-mortgage bondholders have begun a suit in foreclosure, pending which they have agreed to sell the \$16,000,000 of first-mortgage bonds of the Atlantic and Pacific to the Atchison, Topeka and Santa Fe Railroad, for which the Atchison, Topeka and Santa Fe Railroad agrees to pay in securities which are to-day worth about \$10,600,000. Upon that transfer the Atchison, Topeka and Santa Fe Railroad is to complete the foreclosure proceedings, and as the holder of the \$16,000,000 of first-mortgage bonds, which it has bought on the terms which I have indicated, is to become the sole and absolute possessor of the Atlantic and Pacific Railroad, about whose bondholders and stockholders we have heard so much here to-day.

The present stockholders and bondholders of the Atlantic and Pacific Railroad will not be affected one iota by this measure, because they have already agreed and directed their committee to proceed to the transfer of their property to the Atchison, Topeka and Santa Fe Railroad. Is the gentleman from Louisiana [Mr. BOATNER] satisfied?

Mr. BOATNER. Then I understand the object of the bill is to permit the Atchison, Topeka and Santa Fe Railroad to capitalize it at the amount of stock and bonds named in the bill, not to exceed the present bonded debt of the Atlantic and Pacific Railroad Company.

Mr. BARRETT. That is right.

Mr. BOATNER. With which, however, the purchasers have nothing to do.

Mr. BARRETT. I do not understand the last statement of the gentleman.

Mr. BOATNER. That is, that the present purchasers of the road have no interest in the present funded debt of the Atlantic and Pacific beyond paying the stipulated price.

Mr. BARRETT. Why, Mr. Speaker, they have all the interest in the world, because they buy the first mortgage in a block. They buy these sixteen millions of first-mortgage 4 per cent bonds and put them into their own treasury, and instead of paying the owners of them what some people might think they were worth, what do they pay? They pay them in 52½ per cent of their own bonds, worth to-day 85 cents on the dollar, and they pay them in 57½ per cent of their own preferred stock, worth to-day 25 cents on the dollar.

Why, Mr. Speaker, if there is any man, woman, or child who has ever honestly invested a dollar in the Atlantic and Pacific Railroad, he is getting out of it by this agreement, by which it is to be transferred to the Atchison, Topeka and Santa Fe Railroad Company, so small a part of what he has invested that I should be glad to do anything that would increase their returns. But whatever is done is not done for them. It is done for the Atchison, Topeka and Santa Fe Railroad, which is to become the owner of the first-mortgage bonds of the Atlantic and Pacific Railroad Company by the terms of the contract.

Mr. STEWART of New Jersey. Would not the effect of the acceptance of this conference report by the House wipe out the entire indebtedness of the Atlantic and Pacific Railroad, with the exception of the first-mortgage bonds?

Mr. BARRETT. The gentleman asks, Would not the acceptance of this report wipe out the entire indebtedness of the Atlantic and Pacific Railroad, except the first-mortgage bonds?

Yes, Mr. Speaker; all other forms of indebtedness are going to be wiped out. The road is going to be purchased under foreclosure proceedings brought about by the first-mortgage bondholders, and the holder of the first-mortgage bonds is the Atchison, Topeka and Santa Fe Railroad Company. By foreclosing on the bonds which it holds it will acquire the entire ownership of the Atlantic and Pacific Railroad, and having by that process taken away every vestige of value in the second mortgage and in the income bonds, so that they will not be worth literally the paper on which they are printed, having taken away from these securities every cent of value, the committee of conference propose to allow the Atchison, Topeka and Santa Fe Railroad to issue, in behalf of and representing securities which have thus been absolutely wiped out, some \$23,000,000 of new stock.

To that we object, Mr. Speaker. Having wiped out by proceedings in foreclosure millions upon millions of securities, and having divested the legitimate owners of them of every vestige of value, we object to the Atchison, Topeka and Santa Fe Railroad

Company being allowed to proceed to issue \$23,000,000 of new securities to represent what has disappeared from existence.

Mr. HULICK. How much will be wiped out of the indebtedness which is now a lien on this road? In other words, what is the difference between the amount for which it is agreed to be sold and the amount of the outstanding liens and claims against it?

Mr. BARRETT. I will say, Mr. Speaker, although I am not a railroad man, and these are things that I have had to get in a very short period of study, that the first mortgage is \$16,000,000, the second bond mortgage \$5,000,000, and the outstanding receiver's debt certificates amount to some \$1,200,000. In addition to that, there are some \$30,000,000 of deferred interest accounts, and \$79,000,000 of stock, which will be entirely eliminated; and \$5,000,000 of second mortgage and \$12,000,000 of income bonds which are altogether expunged from any human calculation.

Mr. BOATNER. Except the \$10,600,000.

Mr. BARRETT (continuing). Except \$10,600,000. They pay about \$9,400,000 for the \$16,000,000 of first-mortgage bonds; and \$1,200,000 is to be paid to take up the receiver's certificates. As an actual fact, they only pay an actual cash value to the bondholders of about \$9,400,000.

Mr. TRACEY. Will the gentleman yield to me for a question?

Mr. BARRETT. Certainly.

Mr. TRACEY. The people I represent are interested in the completion of this road. What effect may reasonably be expected to follow the rejection of the conference report and the restoration of the House amendments upon the completion of the road?

Mr. BARRETT. Mr. Speaker, I would like to ask first how much time I have left, because I have some things that I desire to cover before I get through. How much time have I remaining?

The SPEAKER. The gentleman has twenty minutes remaining.

Mr. BARRETT. In what way are the people interested in the completion of this road?

Mr. TRACEY. The Atlantic and Pacific begins at my town, the town in which I live.

Mr. BARRETT. Now, Mr. Speaker, I will say, in answer to the gentleman, that no human being that I know of can presage what will happen in railroad construction. But that division of the Atlantic and Pacific road has always been operated and controlled by the St. Louis and San Francisco road, which has recently been taken out of the hands of a receiver and placed in the hands of the security holders; and I have no doubt they will proceed to extend that road whenever they think it is possible to increase their business and to raise the necessary money to do it with.

Mr. TRACEY. But does not this proposition submitted as proposed in the House amendments affect the possibility of the company ever doing so?

Mr. BARRETT. Not at all. It simply says that they shall not issue any more watered stock and impose on credulous people, who have a right to believe when the Congress of the United States by deliberate enactment authorizes them to issue a certain amount of stock that it must contain some element of value. It is because we want to bring to the minds of the people of this country the belief that this Congress will not allow millions and millions of stock to be issued without full protection to stockholders that we insist upon this amendment.

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

Mr. BARRETT. Certainly.

Mr. TAWNEY. Is there any class of bondholders and creditors that has not agreed to this reorganization plan adopted by the reorganization committee?

Mr. BARRETT. Mr. Speaker, that is a question I can not answer.

Mr. TAWNEY. I understand it is a fact that all the creditors, all the bondholders, as well as the certificate holders, have agreed to this plan of reorganization.

Mr. BARRETT. Why, Mr. Speaker, I assume they have, and I will tell you why. The Atlantic and Pacific has not paid interest on its bonded debt. It was paid for a term of years, I believe, under a contract with the St. Louis and San Francisco and Atchison roads. These poor bondholders of the Atlantic and Pacific can get nothing in any other way, and they are going to take this.

Mr. MURPHY of Arizona. Will the gentleman permit me to ask him one question?

Mr. BARRETT. Certainly.

Mr. MURPHY of Arizona. I would like to inquire what way the Atlantic and Pacific or the stockholders therein will be benefited and how can it pay at all in any shape or form unless the Atchison, Topeka and Santa Fe does absorb it?

Mr. BARRETT. I want the Atchison, Topeka and Santa Fe to absorb it, but I do not want them to have the right, which this bill in its original shape would give them, to issue \$100,000,000 of stock at a par value of \$100 per share, when you can go into the New York market and buy all of that stock you want at a quarter



of 1 per cent. I do not want the Congress of the United States to become a party to the issue of stock which represents no value whatever. I am simply contending for the proposition that the stock shall be issued, as nearly as may be, to represent actual value.

The gentleman from Vermont has inferred from what I said that the directors of the Atchison company had cheated the people of New England. Now, I want to say in regard to that—and it is a delicate subject—that it is the belief of many of the people of New England, who have invested hundreds of millions in Atchison securities, that contracts have been made by which the Atchison, Topeka and Santa Fe Railroad, which was at one time a solvent and splendid corporation, whose stock sold at \$150 a share—it is the belief of those people that great reaches of railroad have been acquired and paid for by the issue of Atchison securities at prices far exceeding their actual value, or their present or prospective earning capacity. I know there have been expressions throughout the length and breadth of New England of the belief that the great expansions and extensions of the Atchison system, from a few hundred to many thousands of miles, have been made by the sale to that company, by persons concerned in its management, of properties which they owned and which they sold at prices far above their actual value. Other roads in the West have not shrunk in value as the Atchison has. Other railroads running from Chicago west have not shrunk in the same degree. They have suffered somewhat, but not to the same extent as the Atchison.

But, Mr. Speaker, what I said was in relation to the Atlantic and Pacific road, and I want to say about that that it was capitalized for \$270,000 a mile, though it would not cost over \$20,000 a mile to build it.

Now, to show what the capitalization of \$270,000 a mile means, let me illustrate by comparison.

The Boston and Albany road is one of the most perfect railroads in the United States. It is a great road, laid with the most perfect rails, equipped with the most magnificent equipment in every respect, running through a very closely settled region, with all its stations and appointments of the highest order, and yet the Boston and Albany road, with all its expenditure for that splendid equipment, is capitalized at only \$110,000 per mile.

Again, the Lake Shore road, running from Buffalo to Chicago, is regarded as one of the model railroads in the United States, and is often held up, both by our own people and by strangers who visit this country, as an illustration of what honesty and good judgment in railroad management can accomplish. It is a double-track road, thoroughly equipped in every respect. That road is capitalized, including stocks and bonds, at \$86,000 a mile. Yet here is this Atlantic and Pacific road, which is laid with rails which, I am informed, have not been renewed for ten years, which has not a respectable depot on its whole line, which got its roadbed and right of way from the Government—this miserable apology for a railroad is capitalized at \$270,000 a mile, and this bill as it originally came from the Senate, in spite of the close scrutiny which my friend from Vermont [Mr. GROUT] says must have been given to it there, that bill proposed to allow that that capitalization should not only be allowed to continue, but should continue under the patronage and indorsement of the Congress of the United States.

Now, Mr. Speaker, I have taken more time on this matter than I ever dreamed of taking. I wish simply to say in conclusion that the bondholders and the security holders of the Atlantic and Pacific road have nothing to do with this matter. They have already entered into, and are about to consummate, an absolute sale of their property to the Atchison, Topeka and Santa Fe Company.

All that we ask, in insisting on this amendment, which has been already accepted by the gentleman from Vermont in charge of this bill—all that we ask is that this House of Representatives, in chartering this road anew, and starting it out once more, shall limit it to issuing only such securities as are represented by the mortgage debt, which in itself will make \$70,000 a mile, almost equal to the capitalization of the Lake Shore Railroad.

Now, Mr. Speaker, I have moved, subject to the vote to be taken before, that the House insist upon the amendment which it has already adopted, but after consultation with other gentlemen who agree with me on this subject, it seems to me best to say that if the House will vote to insist I shall then be ready to offer a resolution of instruction to the future conferees.

Mr. GROUT. I suppose the question is first on agreeing to the report.

Mr. BARRETT. If we do not agree to the report, we shall insist.

Mr. GROUT. Without instructions?

Mr. BARRETT. I simply say that, so far as I am concerned, the motion I made for instructions is not now pressed, but will be presented later.

The SPEAKER. With reference to the question of instructing

a conference committee, the Chair desires to say that upon examining the case referred to in the Digest he finds that the statement of the Digest is not justified. The proper course of procedure in such a case as this is for the House first to vote upon agreeing to the report of the conference committee. If the report be disagreed to, then the House may insist upon its amendments and ask for a new conference; and pending the appointment of the conferees a motion may be made that they be instructed. The statement in the Digest is misleading.

Mr. BARRETT. I rise to a parliamentary inquiry. Does the Chair hold that the motion for the previous question having been voted down, it is now competent to move it again?

The SPEAKER. It is competent for the gentleman in charge of the report to make any motion that he sees fit.

Mr. GROUT. I desire to be heard further.

Mr. BARRETT. I do not desire to have the previous question ordered on my motion. I simply want to ask the gentleman on the other side whether some agreement can not be made in regard to a vote? A good many of us have remained here until it is now 3 o'clock, and some of us would like to know how long the debate is likely to continue.

Mr. POWERS. I do not care to prolong this discussion for any length of time; but I want to occupy a few moments in reply to the gentleman's attack on this bill, and then I will move the previous question, if nobody else desires to speak.

Mr. MCRAE addressed the Chair.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] is recognized.

Mr. GROUT. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has twenty-four minutes left.

Mr. MCRAE. Mr. Speaker, the three principal objections which I have heretofore urged against this bill have been, I think, very ably and fully covered by my colleague from Arkansas, Judge TERRY, by the gentleman from Massachusetts [Mr. BARRETT], by the gentleman from Illinois [Mr. COOKE], and by the gentleman from Iowa [Mr. LACEY], and I shall not now attempt to do more than to restate these objections in brief.

I do not believe that Congress should grant Federal charters at all. The exercise of such power was always of doubtful propriety and dangerous. The history of this road shows that Congress made a great blunder in granting it a charter. There is no necessity for the exercise of such power the second time in its behalf. The property rights of the mortgagees of this company can be maintained and protected by charters obtained from the States without coming to Congress, and, if necessary, Congress can give it the right of way through the Indian country. But when they come to us confessing that it is bankrupt, with a record showing that it has complied with not a single condition imposed upon it in the original grant, it is not only our right, but it is our solemn duty, in the first place, to see that the new company pays the debts which are due for labor, supplies, damages, and other debts incurred in connection with the operation of the road.

Second, that no benefit shall accrue by reason of the reorganization to the faithless stockholders who have wrecked the road. If the stock is worthless, it should not be recognized in the reorganization. The property is not worth more than one-fourth of the funded debt and not as much as the mortgage debts; and it is the duty of Congress to see that in authorizing stock no more shall be issued than the cash value of the property the company really owns. The House conferees have abandoned the House amendment in this regard.

Third, we should see to it that the settlers along the line of this road who want the land under the public-land laws are not further harassed by lawsuits and contests of a concern whose mismanagement and bankruptcy are so notorious and outrageous. We have the power to say to this company before we give it a new lease of life: "You must pay these debts and refund at the actual value of the road and give peace and quiet to the settlers and to the United States as well, so far as the lands in controversy are concerned, by releasing all claim, and thus make the forfeiture act of July 6, 1886, effectual."

More than ten years ago Congress, after due deliberation and extensive discussion, determined that a forfeiture should be declared. And yet for all that time the Government and the people along the line of this road have been defiantly told by this company that the forfeiture is worthless and that the lands belong to it, although no road has been constructed, and they have assumed to sell the lands. The conference report pretends to protect the settler. How? By compelling them to pay this faithless company and its assigns for lands the title to which was resumed in 1886. It is nothing less than an indirect method of yielding the claim of the United States and admitting the contention of the railroad company. It confirms the sales made by the company and puts settlers at its mercy.

I believe, Mr. Speaker, that the House fairly understands what this bill means, and that it will not pass it. It is an effort to rehabilitate a defunct corporation that does not deserve to live a day.



It will have the effect to continue litigation that ought never to have been commenced. It gives something to a lot of men who deserve nothing. If the bondholders are honest, invested their money in good faith, and shall purchase at foreclosure sale, then Congress, if it deems proper, may give them the right to reorganize. But until they have done that, and as long as they seek in collusion with the old stockholders of the concern to reorganize on a basis that contemplates the issue of watered stock, it is our duty to do nothing to aid them.

I hope the House will vote down the report, and that then we will instruct the conferees to insist upon the amendments of the House to the bill.

Mr. GROUT. I yield five minutes to the gentleman from Kansas [Mr. BLUE].

Mr. BLUE. Mr. Speaker, if I gather the substance of the argument of the gentleman from Massachusetts [Mr. BARRETT], his chief objection to the bill as it comes from the conference committee grows out of the fact that some of his constituents were so unfortunate as to lose some money in investments in Santa Fe stock. It is to be regretted that any portion of our people should be so unfortunate as to lose any investments they have made. But that happens everywhere among men who transact business. But because his constituents have lost some money is no reason why he should antagonize the measure at this time, when it is satisfactory, as I understand it, to all of the creditors who have claims against this corporation. There is no one here complaining that any creditor would be wronged by this settlement if this bill becomes a law. On the other hand, I understand that all of the creditors are entirely satisfied with the measure.

The people of Kansas, and they are interested in the operation of this road, are entirely satisfied with this proposition. The great corporation created under the laws of the State of Kansas, the Atchison, Topeka and Santa Fe Railroad Company, forming a large business factor in the transaction of all of the business of that great State, will operate this road if it can be purchased under the provisions of this act, and I apprehend will operate it successfully.

The provision authorizing the issuance of stock is a well-guarded measure. I call the attention of the House especially to it. It provides that—

The capital stock of the corporation herein authorized shall be divided into shares each of the par value of \$100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock and bonds may be issued by the corporation upon the payment into its treasury thereof the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed \$100,000,000.

I call the attention of the House to the fact that this is a well-guarded provision, so that investors, before they purchase, will have the assurance that labor, or money, or property has been given for the value of the stock.

I apprehend, also, Mr. Speaker, that a purchaser who takes stock buys it on the market of the country. It is no part of the business of the Government of this country to become the guardian of the business people of the nation as to what they shall purchase or what they shall not purchase. The purchaser of stock on the market is like the purchaser of all other property—he takes his chances. The argument of the gentleman from Massachusetts is without merit or force.

Mr. STEWART of New Jersey. May I ask the gentleman a question?

Mr. BLUE. Yes, sir.

Mr. STEWART of New Jersey. Does the gentleman propose to say that the creditors of this road, or the people of this country, would support this measure that sanctions the further issue of stock at a par value of 100 cents on a dollar when it is quoted now in the market at less than 2 cents on the dollar?

Mr. BLUE. Ah! but the gentleman is mistaken. So far as that is concerned, I do not know at what price the stock of the old company is quoted. But the reorganization provides for the issuance of new stock, and the creditors of the company are satisfied to take it and pay cash, property, or labor therefor.

The old stock will doubtless be funded in new stock at its cash value. This idea that some gentlemen have that the cost of transportation to the parties who carry on traffic over a railroad—those residing along its line and who use it—that the cost of transportation of freight and passenger traffic is gauged by the extent of the bonded indebtedness and stock of the road is a mistaken one. It is no more true as a matter of fact that the cost of transportation is measured by the actual cost and indebtedness of the railroad than that wheat raised on lands which cost \$100 an acre should rise in price proportionately above wheat raised on land that cost but \$3.50 an acre. These are matters of competition among the railroads that run into competitive points like Kansas City, Chicago, New York, or the other great centers of trade in this nation. They are not controlled in their charges by the cost and indebtedness of the road, but by the law of supply

and demand, and by the rules that govern in the competition of the world. So far as that is concerned, there is no argument in it; it falls to the ground.

This, Mr. Speaker, is a well-guarded measure. The opposition to it springs out of the belief that some one has in the past secured an undue advantage under a former enactment, and that he ought to be punished. These opponents seem to think that if he can not be punished, somebody else should be. Let us legislate, Mr. Speaker, from a higher standpoint. Let us meet the requirements of the people on this subject; let us do as we ought to do, regardless of any desire to punish any company or set of individuals.

The SPEAKER. The time of the gentleman has expired.

Mr. GROUT. I yield five minutes to the gentleman from Oklahoma [Mr. FLYNN].

Mr. FLYNN. Mr. Speaker, I realize, residing in the Territory where I do, that it is absolutely necessary for Congress to grant a Federal charter to the Central Division of this railroad. It is operated in the Indian Territory, and without the consent of Congress it can not extend or operate its road. I feel what the gentleman from Massachusetts [Mr. BARRETT] has said with reference to the bonding and the increase of stock, but I desire to call his attention to this fact: The people who live along these lines of railroads are not responsible for that. It is the people who live in his State of Massachusetts who are responsible for bonding the road and increasing the indebtedness to \$270,000 a mile. This stock has been sold to servant girls in that State, and they are entirely wiped out if Congress does not at this time, or at some time, authorize a reorganization of this company.

Mr. BARRETT. Mr. Speaker—

Mr. FLYNN. I have but five minutes. It is not our fault if the New England States, and more especially the State of Massachusetts, watered this stock until all the servant girls in that country were bankrupted. Now, when honest men, interested in the development of this road, when settlers living along it, who can not afford to pay these interest charges on a bonded indebtedness of \$270,000 a mile, come to Congress and ask the granting of this new charter, to see if something can be saved out of the wreck, I believe it should be granted to them.

Now, Mr. Speaker, with reference to what the gentleman from Arkansas [Mr. TERRY] said, I venture the assertion that this conference committee have gone further in this matter than any mortgagee taking possession of this property would have gone. They specify in this bill that the company shall be liable for the wages and supplies of operation of the road legally chargeable against the old company. As lawyers, you all know that there is no legal obligation with reference to those items that this company would be compelled to assume. With reference to the increase of the stock, all I have to say is that the gentleman from Massachusetts evidently desires to have stricken out the safeguard which the conference report retains, so that the stock can be again watered, and then repudiation charged to the people of the West who live along the road. The conference committee provide in their report that the stock shall be restricted to the actual value of the property when exchanged therefor. How? As ascertained by the Secretary of the Interior, regardless of the original and the probable increased cost. In other words, that a disinterested officer of the Government shall say what the value of the property is and the amount of stock which may be issued, prohibiting the New England gentlemen, as he presumes to call them, from again watering this stock up to \$270,000 a mile.

With reference to the clause concerning the settlers along the line, the conference report amply protects the only men whom Congress is in reality morally bound to protect, and those are the poor settlers living along it who are trying to eke out an existence. What do the conferees say with reference to that?

With respect to executed land contracts, the conference committee believed that such liability should extend to actual settlers and occupants purchasing in tracts of 640 acres or less.

In other words, the homestead settler on the 160 acres of land should be protected in the passage of this bill. Why should not these people be allowed to reorganize on an honest, fair basis, subject to the approval not of the stockholders or bondholders, but subject to the approval of the Secretary of the Interior.

This road, gentlemen, as a matter of fact, has two divisions, and without being operated by either the Frisco or the Atchison, Topeka and Santa Fe, it begins nowhere and ends nowhere. We in my section are interested in having the road extended 70 miles, in order to connect with other lines in Oklahoma Territory. They can not extend it, and can not reorganize and operate there without a Federal charter.

[Here the hammer fell.]

Mr. GROUT. Mr. Speaker, it seems to me that the point the House wants to keep in mind is that we as a body are under obligations to extend and make sure to the security holders of this road, the bondholders under the mortgage which we authorized, every right which they had good reason to expect when they took these securities. The gentleman from Oklahoma [Mr. FLYNN]



has stated a fact that makes it improper to remit this company to charters to be granted by the States. So the argument of the gentleman from Arkansas that this is bad policy is answered by the statement of the gentleman from Oklahoma. It is also answered by the further fact that Congress has a specific duty to perform in this particular railroad case, because it first chartered this company, and it should see that all the rights of all the security holders under that charter are suitably protected now.

Now, a word in reference to the remarks of the gentleman from Massachusetts [Mr. BARRETT], in which he arraigned me for having asserted that he had made an untrue statement on the floor. Let us see about it. He stated to the House as a fact that this road had been sold, as I understood it, though afterwards he changed the statement to the effect that arrangements had been made for its sale—and he may be correct in this—that it had been contracted for sale at \$10,000,000. On looking into the facts, it appears that only one division of the road had been under negotiation. That is the Western Division. The Central Division, of equal or perhaps greater length and value—I am not acquainted with the mileage of the two divisions—is not at all included in that agreement. And yet the gentleman from Massachusetts [Mr. MOODY] assumed that to be the value of the road, and then with a statement of the amount of the funded debt, which is some forty million dollars, put to me the question he did as to the amount of stock that ought to be issued.

Mr. Speaker, it is now plain how utterly lame was his proposition, when it now appears that only one division of the road had been talked about for \$10,000,000.

Mr. BARRETT. Will the gentleman allow me a question?

Mr. GROUT. Certainly; always.

Mr. BARRETT. The Western Division is that to which I alluded and the bonds and securities to which my colleague [Mr. MOODY] alluded. He alluded only to the securities which pertain to the road to which I had alluded.

Mr. GROUT. He referred to the bonds of the road, and presumably the whole road, and the gentleman from Massachusetts [Mr. BARRETT] spoke of a sale of the road, and presumably the whole road, when it turns out that there has been no proposition for the sale of but the Western Division. Now, I will leave to gentlemen on the floor whether I was justified in saying that the gentleman's statement that the road had been sold for \$10,000,000 was not true. And as to whether the gentleman said sold, or bargained to be sold, I will leave to the gentleman's colleague [Mr. MOODY], who stated in his question to me his understanding to the effect that the gentleman said the road had been sold for \$10,000,000. Mr. MOODY seems to have understood the gentleman precisely as I did, that the road had been sold—not, as the gentleman now says, bargained to be sold.

Mr. BARRETT. Why, Mr. Speaker, will the gentleman allow me to correct that statement?

Mr. GROUT. Certainly.

Mr. BARRETT. He says at least only one-half.

Mr. GROUT. Only a division.

Mr. BARRETT. It is nearly six-sevenths.

Mr. GROUT. Well, I am differently informed.

Mr. BARRETT. Let the gentleman read the report of the Commissioner of Railroads.

Mr. GROUT. I can not stop for that now. The gentleman from Arkansas says that it should be disposed of in a way so that the rights of the landholders shall be preserved. Will gentlemen give their attention to the clause in the report which fully provides for this. It is as follows:

That in case any uncompleted contract for the purchase of land shall be pending at the time of such foreclosure sale, such new company shall, upon payment to it of any unpaid balance of purchase money for such land at the time provided in such contracts for the sale thereof, convey and release to the holders of such contracts all its title, interest, and estate in and to the land embraced in such contracts.

What more for the protection of the landholders can the gentleman ask? There is, however, in the report of the conference committee a clause expressly extending this protection "to any bona fide settler and occupant on a tract of 640 acres of land or less," in the foregoing language, making certain its application to the occupant of a piece of land, however small, held under a grant from this railroad. How can the gentleman from Arkansas ask for more?

Mr. McRAE. Will the gentleman from Vermont allow me to ask him one question?

Mr. GROUT. Certainly.

Mr. McRAE. Does not that amendment in itself concede to the road the right to sell and make title to the very land in question, thereby confessing the contention of the railroad?

Mr. GROUT. But it compels, Mr. Speaker, the railroad to carry out the contract of the former corporation. That is what it does; no more and nothing less. Do we want to impose upon them any larger duty? I believe not.

Mr. McRAE. If my friend will allow me, my question is whether they have the right to sell it. It leaves them with the

money which they get and takes title from them, which is denied by many of us.

Mr. GROUT. The gentleman is evidently proceeding on the supposition that this land grant should be forfeited.

Mr. McRAE. It has been forfeited.

Mr. GROUT. If the Supreme Court forfeits it, then nothing more can go to the road and the land grant fails, of course, because they have no right or title to convey. Now, as to another amendment that is in line 31 of the bill, in the early part of the report. The gentleman who moved that amendment has said upon the floor that this covers all he sought to cover in his amendment, which is to protect the wage earners and those furnishing supplies for the operation of the road.

Mr. Speaker, this bill has the approval of every security holder of this road. They are all satisfied with it, and it would seem upon the most careful examination that nobody is given any opportunity to practice mischief, unless he does it in spite of law. It preserves to those bondholders what they thought they had when they took the bonds, when they took the road, namely a corporate existence. That is all it confers. I hope, Mr. Speaker, that the report will be approved by the good judgment of the House, as I believe it will. How much time have I remaining?

The SPEAKER. The gentleman has six minutes remaining.

Mr. GROUT. I yield the balance of my time to my colleague [Mr. POWERS].

Mr. POWERS. Mr. Speaker, this bill has been very fully debated by the House, and I have now no doubt that members are anxious to get rid of it and to come to a vote. I wish in the brief time given me to simply review the provisions of this bill.

The bill has been carefully examined, not only by every party in interest in this property, and by the various security holders, but the conference committee of both Houses have taken two days' time in the careful examination of these various amendments, and putting them in shape so that they will carry out what they deem to be the good sense of the greatest numbers of the parties in interest of this railroad.

Now, what is the history of that road? In 1866, or thereabouts, the charter for the Atlantic and Pacific Railroad Company was granted. It started from the city of Springfield, in the State of Missouri, and ran through to the Pacific Ocean. It was fully supported by the men in the management of the road at that time that the road could be built upon capital stock. They started in, but, like the best laid plans of men, they failed. They were obliged to come to Congress and get the right to issue a mortgage.

That was done in 1871. That mortgage right was granted to them. This mortgage in question that we are now dealing with was issued under the provisions of the act of 1871, to enable this company to push the enterprise toward the Pacific Ocean. But the money realized upon the sale of those bonds proved to be insufficient. This road, like many other struggling railroads in the infancy of their construction, was unable to complete its line. It went into the hands of other corporations. It was obliged to invoke their aid in order to complete the line, and so the road has been split up into two or three different sections. That portion of it running from Springfield, Mo., to Albuquerque, N. Mex., is under control of one corporation, the portion of the road from Albuquerque west for a certain distance is under another corporation, and thence on westward it is under still a third control.

The Atchison, Topeka and Santa Fe Railroad, a competing line running from about the same terminal points east and west, got control of a portion of this line, and that brings me to the proposition of the gentleman from Massachusetts [Mr. BARRETT], that the Atchison Company are interested in this road. They are interested in it. They have taken control of a section of it. They furnished the money. The bondholders' rights in the first mortgage have become insignificant in value. The first-mortgage bonds are selling in the market at a small fraction of their face value, and the Atchison, Topeka and Santa Fe Company are the only parties in the world that can take this line and push it along as it was originally designed. The people along the line of this road are clamoring for its completion.

This bill provides that the bondholders, or the purchasers from them, may organize into a corporation, may issue stock up to the amount of the funded debt of the original company, and additional stock, on a cash basis, subject to the approval of the Secretary of the Interior, for the purpose of completing the line. The gentleman from Oklahoma, the gentleman from New Mexico, all the gentlemen coming from the region of country interested in the road, are clamoring to have something done by Congress for the relief of the settlers along the line. The gentleman from Arkansas [Mr. TERRY] says that the rights of these settlers are being put in jeopardy. How are they being put in jeopardy? The bill provides that the rights of homesteaders along this line, up to the amount of an entire section of land—640 acres—shall be protected. If these settlers purchased from the old company, the new company is brought in to perform the contract. That provision covers nearly double the limitation ordinarily contained in



bills of this nature. I undertake to say there is not an act of Congress in the world in which it is provided that the rights of a settler to more than 320 acres—half a section of land—are protected under such circumstances. This bill goes far beyond that, and is most liberal in its provision for the benefit of homesteaders along this line.

Mr. McEWAN. Does not the approval of the Secretary of the Interior of the issue of stock apply only to the additional stock for new road and equipment? It does not refer at all to the stock to be issued to the amount of the funded debt.

Mr. POWERS. It does not refer to that. The bill gives the new corporation the right to issue stock up to the limit of the funded debt; and that is proper, because a share of stock, even though it sells for 10 cents on the dollar, is still counted as a share representing \$100 face value. These parties simply get the right to issue new stock up to the amount of the original stock, whether it is good, bad, or indifferent. Is not that proper? It is further provided in this conference report that the rights of every wage earner and every man who has furnished supplies to the old company shall be recognized by the new company, and that he shall be paid. That is a provision of eminent justice to the poor settlers along the line, and to the section men and the others who have worked night and day to serve the traveling public.

Now, the proposition of the gentleman from Illinois [Mr. COOKE] is that the right to the land grant which was granted to the projectors of this enterprise by the original charter, and was by them mortgaged to these bondholders, shall be preserved, to the extent that the Supreme Court of the United States, upon a question now pending before it, shall determine.

Mr. McEWAN. One other question—and my vote will depend upon the gentleman's answer. I ask him to point out the provision in this conference report and in the bill by which the laborer is secured to be paid.

Mr. POWERS. If the gentleman has the conference report before him and will turn to page 6, about three-quarters of the way down the page, he will find this language:

Strike out the word "not," in line 31 of the bill, and in place of the language stricken out by the amendment insert the words "except such as may have been incurred for wages or supplies in the operation of the property purchased."

[Here the hammer fell.]

Mr. POWERS. Mr. Speaker, I ask unanimous consent for a moment more.

The SPEAKER. How much time does the gentleman desire?

Mr. POWERS. I will ask for ten minutes more.

The SPEAKER. The gentleman from Vermont asks unanimous consent that he be allowed ten minutes more. Is there objection?

Mr. BARRETT. I will not object, Mr. Speaker, provided the gentleman will allow ten minutes to anybody on this side who may desire to reply to him.

Mr. POWERS. I will make no objection to any request of that kind.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. POWERS. Now, then, Mr. Speaker, it seems to me that this House ought not to be taken off its feet by the clamor of the gentleman from Massachusetts, who, I suppose, represents some of the security holders in some enterprise antagonistic to the rights of these purchasers. I do not know whom he represents. He professes to be loaded down with information—information that there is some great rascality in this proposition. Now, I ask the good sense of this House to examine the proposition. Gentlemen on this floor are capable of judging for themselves whether the language of this bill, read carefully, read as sensible men would read language, carries anything in it that threatens the rights or the property interests of any body of people on the face of the earth. There is not a word susceptible of such construction.

But the gentleman comes here with his charges that there is "something rotten in Denmark." Has he proved anything of that kind? The man who gets up on the floor of this House and states that a proposition is loaded down with iniquity is bound to prove his proposition. How has the gentleman proved it? He has proved it, he says, by citing a circular letter addressed to the security holders of the Atchison, Topeka and Santa Fe Railroad Company in which they are invited to attend a meeting to be held in New York yesterday to confirm a proposition for the sale of the Atlantic and Pacific Railroad Company to the Atchison, Topeka and Santa Fe Company. Well, is there anything criminal about that? I put it to the good sense of every man here, is there anything criminal in the proposition of these poor bondholders who are struggling to get something out of the property in which they have buried their money by selling it out to a corporation that can buy and pay for it; and if they sell a bond of the par value of \$100 for 5 cents, have we any right or obligation to inquire into it, provided they see in the sale something that probably will be a benefit to them?

That is the simple proposition made by the gentleman from Massachusetts, which he says shows "the African in the wood pile" in this transaction. There is no "African in the wood pile," so far as this committee is aware. We have prepared a bill here which on its face, in its letter, and in its spirit works out substantial justice and right to everybody interested in this property. And if anybody has come here representing any secret interest, if any Massachusetts interests are involved in this matter, they are not involved in the direction of the public good. As was suggested by the gentleman from Oklahoma, all the iniquity that has ever been practiced on the line of the Atlantic and Pacific Railroad dates from the city of Boston and its immediate environment. There is where the men live who wreck railroads. There is where the money comes from that creates all the rascality that the gentleman is scolding about. And, sir, it has been said many and many times that "it is a dirty bird that fouls its own nest." [Laughter and applause.]

Now, Mr. Speaker, I do not stand here to criticize the action of Massachusetts. Massachusetts has furnished too much talent, too much respectability, too much honor to the great Republic under which we live for me to undertake anything of that kind. She furnished two Presidents, the older and the younger Adams. But, Mr. Speaker, we are forced to admit that they are both dead. [Laughter.] She furnished to us the greatest lawyer, the greatest statesman, the most magnificent expounder of our organic law that ever lived—Daniel Webster. But, sad as it may seem, Daniel Webster is dead. [Laughter.] She furnished us the most classic, the most learned and erudite statesman that ever sat in the halls of Congress—Charles Sumner. But, alas! Charles Sumner is dead. [Laughter.] And we are to-day left only to bask in the sunshine of the gentleman from Massachusetts who has come here to Congress recently by a strong vote of his constituents to learn how to do right and practice righteousness in the ways of legislation. He is not content to go to work and try to accomplish something for the public good; but he stands here as a censor upon the doings of this body. Why, Mr. Speaker, I have the greatest respect for him and his abilities. I have known him for many years. He might be one of the most useful men on this floor, but the trouble with him is he assumes that there is nothing on this floor that is worth respecting. He came here to shed light. He knew that this was a chaos of darkness when he came. He was born, Mr. Speaker, to be a rose, with the destiny of blooming and blushing upon this floor, but his fate has been to wither and waste his beauty on a desert air. [Laughter and applause.]

Now, Mr. Speaker, I desire simply to have this House examine this bill on its merits. If the bill has in it the elements of intrinsic justice to these poor bondholders who have put their money into this property thinking they were going to make a good investment and get good returns and have been disappointed, do not turn them away from the doors of Congress under a provision that unless they will surrender a part of their mortgage security they shall have no right to reorganize. That is not a proposition that sensible men can ever present to an intelligent body for purposes of legislation.

This bill, as I have already said, Mr. Speaker, more than once, meets the approval of the security owners of this property. If it be opposed by anybody, it is opposed by some secret influence that has not shown itself upon the floor of the House. No interest has ever come before the committee having charge of the measure in either House to oppose it. It has been approved by everybody in interest. The people on the line of the road are longing to have the much-promised road to the Pacific completed; and notwithstanding that fact, men stand up here and scold about the security holders and other matters, and reflect sometimes severely upon gentlemen who do favor the bill, when their objections have nothing whatever to do with the road itself. The people all want the road constructed; and, as I have said, the security holders are all satisfied with this settlement. The basis of the agreement is made in justice, and works out justice to all. The bill is in accordance with precedents you have each one of you many and many a time on the floor of this House admitted by your action here.

Now, Mr. Speaker, unless some other gentleman desires to be heard further upon this question, I will ask the House to come to a vote upon it.

Mr. BARRETT. Mr. Speaker, when I had the temerity to rise in the House this morning I suggested to the House that some old and wise member of this body whose head is silvered over with gray, and whose legal reputation far outspans the narrow confines of his own State, would probably find something humorous in the position taken by those who did not agree with them on this particular question. I did not think, however, that that would be the case with my friend from Vermont [Mr. POWERS] or that humorous remarks were to come from him with reference to those who differed with him on this question, for I thought he at least would remember the delicacy of his position by reason of the fact that I submitted to him this very proposition when the matter was under discussion in the House on the 15th day of December



last, and he said then that it was entirely satisfactory to him. The amendment was submitted to him before it was presented to the House on the 15th day of December, and I repeat he said that he accepted it. So his argument to-day, Mr. Speaker, seems as if it must have come from some further conferences than those which he had on that occasion, and from some other source than gentlemen on this floor.

I propose before I get through to reply to the suggestions made by him. I do not believe in personalities on the floor of the House, but in view of the fact that the gentleman has seen proper to refer to me as being "interested" in the matter, I propose to draw a parallel which I think the gentleman will be able to understand. He has introduced personalities; I shall refer to them as slightly as possible.

I wish simply to say first that the only matter in which I am especially interested includes amendments 3 and 4. This road is about to pass, as I have already stated, into the hands of the Atchison, Topeka and Santa Fe road. In return for \$10,600,000 this road—that is to say, the Atchison, Topeka and Santa Fe—will receive \$16,000,000 of the first-mortgage bonds of the company, with the right to issue without consideration a large amount of stock. I took it for granted that the amendment which regulated that issue would receive the sanction of the chairman of the committee, since it had met his approval in December last. Various attempts have been made, Mr. Speaker, to obscure the issue that is presented to-day, but the fact remains the same, and the House must vote upon it.

Now, Mr. Speaker, my friend from Vermont has intimated to the House that I am actuated by motives other than those of the public good in my opposition to this scheme; in other words, that I am representing some security holders who are opposed to this transaction.

I can state to the House and to the gentleman that not a single security holder of any character or description or of any kind whatever has ever spoken to me on the subject. The only gentlemen up to to-day with whom I have conversed were my friend and colleague, Mr. MOODY, from Massachusetts, and my friend and associate, Judge POWERS, of Vermont, of the committee. My colleague, Mr. MOODY, and myself did, in December last, prepare and present the amendment to the gentleman from Vermont, and it was then accepted by him. Yesterday Mr. MOODY and I still further conferred on this subject, and we came to the conclusion that this change which had been made by the conference committee simply authorized an additional issue of \$12,000,000 worth of stock, which represents no value whatever.

Now, if nobody ever came to me on this subject, why was I interested? I will tell you. I had the honor—and I esteem it a great honor—to serve in the legislature of Massachusetts, and in that body, while I was a member of it, we passed some very important legislation regulating security issues by corporations. It met not only with the approval of all the people of Massachusetts, but with the approval of all public writers everywhere. I have not, by coming here, forgotten the lessons that I learned there; and when I found pending here a proposition which in Massachusetts would be illegal and everywhere would be esteemed by most men as questionable, to authorize a corporation to issue millions upon millions of stock without any value whatever behind it, I took occasion, as I had a right to do, in spite of my being in my first term in Congress, to advocate an amendment regulating the matter.

Now, that is where my interest lies in this matter, and I defy any man whatever to prove in any way whatever that any person whatever, under any guise or form whatever, has ever spoken a single word or addressed a single communication to me on this subject, except my friend Mr. MOODY and my friend Judge POWERS.

I did this morning think it was rather strange that, having advocated an amendment which the gentleman from Vermont had then accepted, and he having now reported to emasculate it, he would not allow me a few moments for debate—which he tried to cut off by the previous question—to express my views on the subject. Surprised? No, I was not surprised. I have noticed since my arrival in this Congress that my friend from Vermont is chairman of the Committee on Pacific Railroads, and I have seen that, as chairman of that committee, no proposition, however unfavorable to the interests of the Government of the United States and however advantageous to the railroad corporations with which it has relations, has failed to receive his hearty and constant support.

Talk about my representing interested parties! Do you remember the debate that went on here a few weeks ago, when a proposition came up here which was called the Huntington funding bill? Have you forgotten that debate? Was not the grave statement made that that bill did not fairly protect the interests of the Government? And yet my friend from Vermont was the gentleman who reported it and the gentleman who advocated it. Did not the House reject it by an overwhelming majority? It hardly comes with good grace for the gentleman from Vermont to ques-

tion the motives of a member who is advocating a policy formally adopted by his Commonwealth as against the advantage of a great railroad corporation.

He talks about Massachusetts men as having wrecked railroads. Why, Mr. Speaker, Massachusetts men are the last men to want to wreck railroads. Massachusetts men, by the hard work of their arms and heads, accumulate by industry and labor capital which they strive to invest, not to have it wrecked, but to have it protected, and Massachusetts men have been trying through all these hard times, by contributions and by surrender of interest and dividends, to protect and maintain what they have accumulated, and not in any way to strike down or to wreck. The corporation laws of Massachusetts, thoroughly imbued with the idea of making investments safe and permanent, are so perfect that they are the models of all the other Commonwealths of this country. In no States in the Union are property and the rights of the individual investors so carefully guarded from being wrecked as in the State of Massachusetts.

But how is it with the gentleman from Vermont? He alludes to me with withering sarcasm as having come here and withered away. I may have withered away. I never came here with very much to wither. I am still a young man, and I had no great reputation, except the reputation, if it may be called a reputation, of having served in my local legislature. I trust I shall never serve so long as to try to cover a bad case by an attempt at ridicule of a new member who is trying to do his duty. My friend came here with the record of a long term of service on the supreme bench of Vermont. What is the record of that court? Does it justify his attack on my State? Ask any honest man in New England who, led by false statements and interested assertions, invested his hard-earned money in the securities of the Central Vermont Railroad, and who has it taken from him by decisions which have never been approved by any other judicial tribunal on earth, what he thinks of Vermont railroad wrecking. To-day the Central Vermont Railroad, under the decisions of the supreme court of Vermont, is a synonym for all the quintessence of railroad wrecking. Let him indeed talk to me about Massachusetts men "wrecking railroads!"

Mr. GROUT. Will the gentleman yield?

Mr. BARRETT. I will get through, and then you can answer me. Yes; I will yield to my friend.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. BARRETT. I said I was perfectly willing to yield.

Mr. GROUT. It seems to me that we had better not have the war of the States over again.

Mr. BARRETT. I did not inaugurate this war. The members of the House know that. The war was made by the gentleman's colleague upon Massachusetts men as being wreckers of railroads, and I say—

Mr. GROUT. It seems to me, further, it is out of order. I rise to a point of order.

The SPEAKER. One moment.

Mr. GROUT. That is, when a member is speaking in this House he can not put in question the dignity and integrity of the courts of any of the States.

Mr. BARRETT. This is not to come out of my time.

Mr. GROUT. I say that the gentleman has no right in this place to make a deliberate attack upon the judiciary of any State.

Mr. BARRETT. Why, Mr. Speaker—

Mr. GROUT. I repudiate what the gentleman says absolutely as false.

The SPEAKER. The gentleman from Vermont must confine himself to the point of order.

The Chair hardly thinks a member can be declared out of order on a question of that kind.

Mr. BARRETT. I do not object to the ridicule that has been heaped upon me and the comparison made with Daniel Webster and other great men of Massachusetts. It is not funny and not killing. But when the charge is made against Massachusetts of railroad wrecking—of Massachusetts, whose laws, whose courts, and whose people have always stood strong and steadfast against railroad wrecking—is dragged in here for the sake of producing prejudice in this House, I propose to have it understood that the greatest illustration of railroad wrecking known in all the annals of New England is the case of the Central Vermont Railroad, which, under a receivership conducted by the supreme court of Vermont, was about the biggest stench in the nostrils of honest men ever recorded in this country. Let anyone dispute that!

Mr. GROUT. I dispute it, Mr. Speaker. [Laughter.] It is false, and absolutely so. [Laughter.] Will the gentleman allow me to make a statement? [Cries of "Go on!" to Mr. BARRETT.]

Mr. BARRETT. I will allow the gentleman from Vermont time if I can have the same amount of time.

Mr. GROUT. Those decisions were rendered by a court which were elected annually until the recently changed constitution of the State. But since then they are biennially elected, and all the



judges of the supreme court were repeatedly reelected without opposition. I say that no decision such as stated by the gentleman could have been made by that court and not be challenged by the people of that State, and especially by their representatives, when the judges came up for reelection. The decisions of the supreme court in the Central Vermont Railroad matter are in accordance with the decisions in all the States. If those decisions had been a stench in the nostrils of all decent men, as stated by the gentleman, they could hardly be in accordance with decided cases in other States, and I assert that they are. I can not present in detail the facts and the law of those decisions, but an analysis of them would absolutely refute the statement of the gentleman; and it seems remarkable to me that he should impute dishonorable and dishonest motives to a judicial tribunal of any State.

Mr. BARRETT. Mr. Speaker, I impugn the motives of no tribunal. I said, when the gentleman from Vermont raised a question of railroad wrecking, that I referred to a fact that is known to all intelligent men in New England, that of all the railroad wrecks that were ever made through decisions, carried through series of years in the Supreme Court of the United States—

Several MEMBERS. Vermont.

Mr. BARRETT. Vermont. The greatest illustration was in the case of the Central Vermont Railroad, which for a period of twenty years dragged its slow length through legal meshes of complication, while the honest investors in that property were deprived of their investments by the men who managed it under the management of the supreme court. The road became known in that connection wherever railroad management or mismanagement was ever discussed. I do not question the legislature of Vermont; I impugn the motives of no member of that court; but I do say you can not go into Vermont and find one lawyer out of four who will not say that the record made in connection with the Central Railroad litigation was one in which the honest sons of the Green Mountain State had cause to blush.

Mr. GROUT. Will the gentleman permit a question? [Cries of "Go on!" to Mr. BARRETT.]

Mr. BARRETT. I will yield to the gentleman.

Mr. GROUT. Did the Vermont court make any decision from which an appeal would not lie to the Supreme Court of the United States?

Mr. BARRETT. Mr. Speaker, I am not a lawyer; I can not answer his question; but I know that the State of Vermont was agitated and torn so that families were rent asunder, all politics divided on railroad lines, and at times men were in fear of bodily violence because they dared to take issue with the railroad bosses of that period. Talk about the legislature of Vermont! I will say in all kindness that the majority of that body, I am afraid, when they elected judges and other officers, were not unmindful of the fact that the great railroad corporations were the parties who controlled the politics of the State. And that legislature, within my memory, refused to reelect a judge who had honored the supreme bench for years, simply because he had fallen under the displeasure of the railroads.

Mr. Speaker, I love Vermont. I lived there two years.

Mr. GROUT. The gentleman has a strange way of showing his love for Vermont. [Laughter.]

Mr. BARRETT. I repeat, Mr. Speaker, I love Vermont. I lived there for two years, and I would not say, unless provoked, a word in criticism of her. But I love Massachusetts better, and when you place Massachusetts and Vermont side by side, when you compare the judiciary of those two States, when you compare the record for railroad management of those States, when you contrast the records and the traditions of Vermont and of Massachusetts, let me say that it comes with very ill grace for any man from Vermont to attempt to throw mud upon Massachusetts, as my friend Mr. POWERS has done.

It would be an act of recreancy if any son of Massachusetts—even though he be so poor and unimportant as my friend from Vermont from his elevation of long service pictures me—it would be an act of recreancy did he not hold up his hand and raise his voice in humble eulogy of his State, whose judicial decisions have never been called in question, but rank in the minds of all lawyers with those of the Supreme Court of the United States, and whose legislation regarding the control of corporations is a beacon light to legislators here and elsewhere. [Applause.]

Mr. POWERS. Mr. Speaker, unless some gentleman desires to occupy further time, I will ask for the previous question.

The previous question was ordered.

The question being taken on agreeing to the conference report, the Speaker declared the ayes seemed to have it.

Several members called for a division.

Mr. BAILEY. Mr. Speaker, we shall save time by taking the yeas and nays at once. I ask for the yeas and nays.

The yeas and nays were ordered.

Pending the roll call,

Mr. BARRETT. Mr. Speaker, I wish to make a parliamentary inquiry which I want members to hear.

The SPEAKER. The gentleman will state it.

Mr. BARRETT. I want to ask the Speaker whether, if this report is rejected, it will not then be in order to move to instruct the committee in further conference to insist upon the amendments of the House?

The SPEAKER. It will be, if the House insists upon its amendments and asks for a conference. The Clerk will call the roll.

The question was taken; and there were—yeas 71, nays 142, not voting 142; as follows:

## YEAS—71.

Apsley,	Fischer,	Kirkpatrick,	Sperry,
Arnold, R. I.	Foote,	Lefever,	Stone, C. W.
Avery,	Gillet, N. Y.	Leonard,	Stone, W. A.
Bartholdt,	Grosvenor,	Long,	Sulloway.
Belknap,	Grout,	Mahon,	Sulzer,
Bell, Tex.	Grow,	Miller, Kans.	Taft.
Bennett,	Halterman,	Miller, W. Va.	Tawney,
Blue,	Harrison,	Minor, Wis.	Taylor,
Brewster,	Hartman,	Mitchell,	Thomas,
Burton, Mo.	Henry, Conn.	Noonan,	Tracey,
Calderhead,	Hepburn,	Northway,	Van Voorhis,
Curtis, Kans.	Hill,	Patterson,	Wadsworth,
Curtis, N. Y.	Hubbard,	Payne,	Walker, Mass.
Daniels,	Hunter,	Powers,	Watson, Ohio
Ellis,	Hurley,	Quigg,	Wellington,
Evans,	Jenkins,	Russell, Conn.	Willis,
Fairchild,	Johnson, Cal.	Smith, Ill.	Wright.
Faris,	Kerr,	Southard,	

## NAYS—142.

Abbott,	Doolittle,	Kyle,	Owens,
Allen, Miss.	Ellett,	Lacey,	Parker,
Anderson,	Erdman,	Latimer,	Perkins,
Andrews,	Fenton,	Lawson,	Pitney,
Atwood,	Foss,	Layton,	Robertson, La.
Bailey,	Gamble,	Leighty,	Royce,
Baker, Kans.	Gibson,	Lewis,	Sauerhering,
Baker, N. H.	Graff,	Linney,	Sayers,
Barham,	Griffin,	Linton,	Scranton,
Barrett,	Hager,	Little,	Shuford,
Bartlett, Ga.	Hainer, Nebr.	Livingston,	Skinner,
Bell, Colo.	Hall,	Low,	Snover,
Bishop,	Hardy,	Maddox,	Spalding,
Black,	Harris,	Martin,	Sparkman,
Bowers,	Hart,	McCall, Tenn.	Stallings,
Buck,	Hatch,	McCleary, Minn.	Steele,
Bull,	Hemenway,	McCormick,	Stewart, N. J.
Catchings,	Henderson,	McCreary, Ky.	Stewart, Wis.
Clardy,	Hendrick,	McCulloch,	Stokes,
Clark, Iowa	Henry, Ind.	McDearmon,	Strowd, N. C.
Coddling,	Hilborn,	McEwan,	Talbert,
Colson,	Hitt,	McLachlan,	Tate,
Connolly,	Howard,	McLaurin,	Terry,
Cook, Wis.	Howe,	McRae,	Tracewell,
Cooke, Ill.	Howell,	Meiklejohn,	Tucker,
Cooper, Tex.	Hulick,	Mercer,	Tyler,
Cooper, Wis.	Huling,	Miles,	Updegraff,
Corliss,	Hull,	Milnes,	Van Horn,
Cox,	Hyde,	Mondell,	Washington,
Crisp,	Johnson, Ind.	Moody,	White,
Crowthor,	Johnson, N. D.	Morse,	Wilson, S. C.
Culberson,	Jones,	Neil,	Wood,
Danford,	Kem,	Ogden,	Woodard,
De Armond,	Kiefer,	Otey,	Woodman.
Dismore,	Kleberg,	Otjen,	
Dolliver,	Knox,	Overstreet,	

## NOT VOTING—142.

Acheson,	Crump,	Loud,	Russell, Ga.
Adams,	Cummings,	Loudenslager,	Settle,
Aitken,	Curtis, Iowa	Maguire,	Shafroth,
Aldrich, T. H.	Dalzell,	Mahany,	Shannon,
Aldrich, W. F.	Dayton,	Marsh,	Shaw,
Aldrich, Ill.	Denny,	McCall, Mass.	Sherman,
Allen, Utah	De Witt,	McClellan,	Simpkins,
Arnold, Pa.	Dingley,	McClure,	Smith, Mich.
Babcock,	Dockery,	McMillin,	Sorg,
Baker, Md.	Dovener,	Meredith,	Southwick,
Bankhead,	Draper,	Meyer,	Spencer,
Barney,	Eddy,	Milliken,	Stable,
Bartlett, N. Y.	Fitzgerald,	Miner, N. Y.	Stephenson,
Beach,	Fletcher,	Money,	Strait,
Berry,	Fowler,	Moses,	Strode, Nebr.
Bingham,	Gardner,	Mozley,	Strong,
Boatner,	Gillett, Mass.	Murphy,	Swanson,
Boutelle,	Goodwyn,	Murray,	Thorp,
Broderick,	Griswold,	Newlands,	Towne,
Bromwell,	Hadley,	Odell,	Treloar,
Brosius,	Hanly,	Pearson,	Turner, Ga.
Brown,	Harmer,	Pendleton,	Turner, Va.
Brumm,	Heatwole,	Phillips,	Walker, Va.
Burrell,	Heiner, Pa.	Pickler,	Wanger,
Burton, Ohio	Hermann,	Poole,	Warner,
Cannon,	Hicks,	Price,	Watson, Ind.
Chickering,	Hooker,	Prince,	Wheeler,
Clark, Mo.	Hopkins,	Pugh,	Wilber,
Clarke, Ala.	Huff,	Raney,	Williams,
Cobb,	Hutcheson,	Ray,	Wilson, Idaho
Cockrell,	Joy,	Reeves,	Wilson, N. Y.
Coffin,	Kendall,	Reyburn,	Wilson, Ohio
Cooper, Fla.	Kulp,	Richardson,	Woomer,
Cousins,	Leisenring,	Rinaker,	Yoakum.
Cowen,	Lester,	Robinson, Pa.	
Crowley,	Lorimer,	Rusk,	

The following-named members were announced as paired until further notice:

Mr. WARNER with Mr. WILLIAMS.

Mr. DRAPER with Mr. COWEN.

Mr. SIMPKINS with Mr. FITZGERALD.

Mr. DOVENER with Mr. CLARKE of Alabama.

Mr. AITKEN with Mr. SORG.



Mr. HANLY with Mr. MOSES.  
Mr. DINGLEY with Mr. McMILLIN.  
Mr. PICKLER with Mr. MINER of New York.  
Mr. BINGHAM with Mr. DOCKERY.  
Mr. HARMER with Mr. BANKHEAD.

For this day:

Mr. EDDY with Mr. RICHARDSON.  
Mr. SMITH of Michigan with Mr. MCCLELLAN.  
Mr. HEATWOLE with Mr. STRAIT.  
Mr. HERMANN with Mr. DENNY.  
Mr. WILLIAM F. ALDRICH with Mr. SHAW.  
Mr. WATSON of Indiana with Mr. MEYER.  
Mr. REYBURN with Mr. BERRY.  
Mr. KULP with Mr. CUMMINGS.  
Mr. LEISENRING with Mr. MAGUIRE.  
Mr. CANNON with Mr. TURNER of Georgia.  
Mr. HOPKINS with Mr. HUTCHESON.  
Mr. WANGER with Mr. LESTER.  
Mr. DALZELL with Mr. COBB.  
Mr. GRISWOLD with Mr. SPENCER.  
Mr. WILSON of New York with Mr. SWANSON.  
Mr. MAHANY with Mr. BOATNER.  
Mr. TRELOAR with Mr. KENDALL.  
Mr. WILBER with Mr. MONEY.  
Mr. WOOPER with Mr. RUSK.  
Mr. CLARK of Missouri with Mr. WHEELER.  
Mr. BURRELL with Mr. RUSSELL of Georgia.  
Mr. MOZLEY with Mr. BLACK.  
Mr. STEPHENSON with Mr. YOAKUM.

On this question:

Mr. BROMWELL with Mr. HICKS.  
Mr. McMILLIN. Mr. Speaker, I desire to withdraw my vote, as I find I am paired with the gentleman from Maine, Mr. DINGLEY.  
Mr. HICKS. I am paired with the gentleman from Ohio, Mr. BROMWELL.

Mr. DOCKERY. I am paired with the gentleman from Pennsylvania, Mr. BINGHAM, and withdraw my vote. I wish to announce that if he were present, I would vote "no."

Mr. COX. I desire to inquire if my colleague, Mr. RICHARDSON, is paired on this vote?

The SPEAKER. The Chair is informed that he is paired.

The result of the vote was then announced as above recorded.

Mr. BARRETT. Mr. Speaker, I now move that the House insist on its amendment, and ask a further conference; and on that I demand the previous question.

The previous question was ordered.

The question was taken on the motion to insist and ask a further conference; and it was agreed to.

Mr. BARRETT. I now offer the following resolution of instructions.

Mr. THOMAS. I demand the regular order.

Mr. BARRETT. This is the regular order.

The SPEAKER. The Clerk will report the instructions offered by the gentleman from Massachusetts.

The Clerk read as follows:

*Resolved*, That in the opinion of the House its conferees on the bill S. 1832, "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," should insist on striking out Senate amendments Nos. 3, 4, 5, 6, and 7.

Mr. POWERS. I think, Mr. Speaker, the gentleman from Massachusetts has misconceived the scope of the report. I suppose he means to insist on the House amendments. These are House amendments stricken out by the Senate.

Mr. BARRETT. I did not draw the resolution myself, but supposed, from the source it came from, that it was right. But I will amend the resolution and offer it in the amended form.

The SPEAKER. The Clerk will read the resolution as amended.

The Clerk read as follows:

*Resolved*, That in the opinion of the House its conferees on Senate bill 1832, "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," should insist on the House amendments numbered 3, 4, 5, 6, 7.

Mr. TERRY. I offer the following amendment to the instructions proposed by the gentleman from Massachusetts:

The Clerk read as follows:

And the conferees on the part of the House are further instructed to insist upon a provision—

Mr. BARRETT. Mr. Speaker, I demand the previous question.

The SPEAKER. But the gentleman from Arkansas has offered an amendment, and was recognized for that purpose before the demand was made. The Clerk will report the amendment to the instructions.

Mr. BARRETT. But I called the previous question when I offered the resolution.

The SPEAKER. The gentleman did not move it in time.

Mr. BARRETT. I think the Chair misconceived my statement. I asked for the previous question when I first got up.

Mr. BAILEY. Mr. Speaker, I submit that the gentleman can not insist on a demand for the previous question that neither the Chair nor the House has heard.

The SPEAKER. The Chair did not hear the demand for the previous question.

Mr. BARRETT. I made the request, Mr. Speaker.

The SPEAKER. The Chair, of course, must take the word of the gentleman.

Mr. WILLIS. I can testify that the gentleman made the motion, for I heard it.

Mr. TERRY. The gentleman made the motion for the previous question on his motion that the House insist on its disagreement, and ask a further conference, but not on the other.

Mr. BARRETT. I made it on both, I am satisfied.

The SPEAKER. The matter is easy of correction. If the House desires further instruction, it can vote down the previous question.

The question was taken on ordering the previous question; and on a division there were—ayes 39, nays 82.

So the demand for the previous question was rejected.

Mr. TERRY. Now, Mr. Speaker, I offer the amendment I send to the desk as additional instructions to the conferees.

The Clerk read as follows:

The conferees on the part of the House are further instructed to insist upon a provision to secure the payment of all debts, demands, and liabilities which were due or owing by the old company which were contracted, accrued, or were incurred or are due or owing for tickets and freight balances, or for wages, work, labor, materials, machinery, fixtures, and supplies of every kind and character done, performed, or furnished in the repair, equipment, operation, or extension of said road and its branches, and all liabilities incurred by said old company in the transportation of freight and passengers, including damages for injuries to employees or other persons, and to property, which have accrued or upon which suit had been brought or was pending, or judgment rendered, within twelve months prior to the appointment of a receiver or receivers in the foreclosure proceeding or since the appointment of any such receiver.

Mr. TERRY. I suppose debate is in order.

The SPEAKER. Debate is in order.

Mr. TERRY. As this amendment is rather long, I wish to state its effect. It proposes to extend the provision of the bill so as to cover operating expenses, wages, material furnished, and work done, and also injuries to person or property, within twelve months prior to the appointment of a receiver. It does not go back of that; but it applies also to such claims arising since the appointment of a receiver.

The question being taken, the amendment was agreed to; there being—ayes 71, noes 38.

The SPEAKER. The question is now upon agreeing to the proposed instructions as amended.

The question was decided in the affirmative.

Mr. BARRETT. I move that the various votes taken on this question be reconsidered, and that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. CURTIS of New York. I am instructed by the Committee on Military Affairs to report back the Military Academy appropriation bill, with the amendments of the Senate. I am directed to ask that the amendments be nonconcurrent in, and that we ask a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. The first question is on agreeing to the amendments of the Senate.

The amendments were disagreed to.

The SPEAKER. The question is now on the motion of the gentleman from New York [Mr. CURTIS] that a conference with the Senate be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. CURTIS of New York, Mr. GRIFFIN, and Mr. TYLER as conferees on the part of the House.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Agricultural appropriation bill.

Mr. THOMAS. I rise to a parliamentary inquiry. If the House should refuse to go into Committee of the Whole on the motion of the gentleman from New York [Mr. WADSWORTH], will not the unfinished business then be taken up under the regular order?

The SPEAKER. It will be.

Mr. THOMAS. I hope the motion of the gentleman from New York will be voted down.

The question being taken, there were—ayes 90, noes 52.

Mr. THOMAS. I call for the yeas and nays.

Several MEMBERS. Oh, no!

Mr. THOMAS. Very well; I withdraw the call.

So the motion of Mr. WADSWORTH was agreed to.



The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. PAYNE in the chair) and resumed the consideration of the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898.

The Clerk read the following:

DEPARTMENT OF AGRICULTURE.

Office of the Secretary: For compensation of Secretary of Agriculture, \$8,000; Assistant Secretary of Agriculture, \$4,500; chief clerk, who shall be superintendent of the Department buildings, \$2,500; private secretary to the Secretary of Agriculture, \$2,000; stenographer to the Secretary of Agriculture, \$1,400; private secretary to the Assistant Secretary of Agriculture, \$1,000; one appointment clerk, \$2,000; one chief of Supply Division, \$2,000; one telegraph and telephone operator, \$1,200; one clerk class 4, \$1,800; three clerks class 3, \$4,800; four clerks class 2, \$5,600; nine clerks class 1, \$10,800; nine clerks at \$1,000 each, \$9,000; five clerks at \$90 each, \$4,500; one engineer, who shall be captain of the watch, \$1,000; one fireman, who shall be steam fitter, \$900; one assistant fireman, \$750; one assistant fireman, \$600; four night watchmen at \$720 each, \$2,880; messengers, laborers, mechanics, four day watchmen, and charwomen, \$19,000; in all, \$87,100.

Mr. HARDY. Mr. Chairman, I move to amend by striking out the last word.

Yesterday distinguished Representatives from Ohio arose on this floor to defend that great State from certain attacks made upon Ohio and Indiana by the governor of Illinois, Mr. Altgeld. In the speech made by Mr. Altgeld he severely criticised the elections in Ohio and Indiana. But I do not believe that this is the place nor the time to "wash the dirty linen" of the politics of any State. I stand on this floor to defend Indiana if she needs defense, as Daniel Webster stood in the Senate to defend the State of Massachusetts. "I will enter upon no encomium upon Indiana. She needs none. There she is. Behold her! and judge for yourselves. There is her history. The world knows it by heart."

But, Mr. Chairman, with permission of the House, I desire to occupy the few moments allotted to me to say a few words upon the Cuban question.

Mr. Chairman, during the first session of this Congress a concurrent resolution was almost unanimously adopted by both Houses expressive of the sympathy of the Congress, as representatives of the American people, with the patriots of Cuba in the heroic struggle in which they were then, and still are, engaged in behalf of human liberty and the right of self-government. The sentiments expressed in that resolution received the indorsement of a very large majority of the citizens of the United States, and was only subjected to criticism because it was not a joint resolution and not stronger in expression. The people of this country have watched with deep interest the contest which has been waged in Cuba during the past two years between the patriots and their Spanish oppressors, and the demand of the people is almost unanimous that the time has now arrived for this Government to take such action as will stop the shedding of blood, stop the slaughter of the innocents by the Spanish barbarians, stop the devastation of the fair isle, and secure to Cuba the independence to which she is entitled by the laws of God, of justice, and humanity.

There can be no question about the justice of the Cuban revolution. Mr. Hazeltine, in the North American Review, in an able article, shows that taxation without representation is the Spanish policy of government in Cuba. At no time has the native Cuban representation in the Spanish Cortes, a body comprising 430 members, ever exceeded six, and has seldom exceeded three. With a population of 1,600,000, only 9.3 per cent of the population being Spaniards, the right of suffrage has been restricted to only 53,000 inhabitants of the island, or about 3 per cent of the population. While denied the right by the Spanish parliament to exercise any voice in the control of her own affairs, Cuba has become the "treasure island" of Spain, to be pillaged and robbed at will, which is done by the mother country imposing enormous budgets on the island.

In 1880 Spain commanded Cuba to furnish her \$46,000,000 of revenue. In 1893 the budget was reduced to \$26,000,000, but only because the island was unable to meet a greater exaction. In 1880 the deficit had reached \$20,000,000; and all the deficits since 1878 amount to \$100,000,000. With such management Cuba's debt has increased from \$20,000,000 in 1868 to \$190,000,000 when the present war broke out in 1895, and on the 31st of July, 1896, the debt was computed to have reached the fabulous sum of \$290,000,000, and is to-day much greater. The interest on this debt imposes a burden of \$9.79 on each inhabitant. Not a dollar of this enormous debt has been spent in Cuba to advance the work of improvement or civilization.

The salaries drawn from Cuba to pay the Spanish rulers of the island are shameless and almost incredible in extortion. The governor-general of Cuba is given a salary of \$50,000 a year, besides a palace in Habana and a country house, servants, coaches, and a fund for secret expenses. The director-general receives a salary of \$18,500 per annum. The archbishop of Santiago and the bishop of Habana get \$18,000 each. The commander-general of the naval station has \$16,393 a year. The general who is second in command upon the island and the president of the "Audiencia" receive \$15,000 each; the governor of Habana and the secretary

of the general government, \$8,000. The major-general gets \$7,500; brigadier-general, \$4,500; the captains of the largest men-of-war receive \$6,300; the captains of frigates, \$4,500; the government clerks of the first class obtain \$5,000 each, and those of the second class \$4,000 each. All of these public functionaries receive, in addition to their salaries, free lodgings and domestic service paid by the state.

Under these officials is a multitude of minor employes, all magnificently provided for. Employment by the Spanish Government in Cuba is far more lucrative than to be an officeholder under the United States Government at this capital. The minister of the colonies, who resides in Madrid, receives a salary of \$96,800 a year, which is taken from the treasury of Cuba. Not only are these enormous salaries paid to the Spanish officials in Cuba, but the Cuban treasury has been plundered by the Spanish ministers time and time again. As recent as 1892 Minister Romero Robledo took a million dollars belonging to the Cuban treasury from the vaults of the Bank of Spain and lent it to the Transatlantic Company, of which he was a stockholder. When threatened with prosecution, he replied that if prosecuted, all of his predecessors from every political party would have to sit beside him in the prisoner's dock. In 1890 it came to light, through a debate in the Cortes, that \$6,500,000 had been abstracted from the Caja de Depositos, although the safe was locked with three keys, each of which was in possession of a different high Spanish official. It was learned at the same time, that through false vouchers for transportation and fictitious bills for provisions alleged to have been furnished during the ten years' war in Cuba, the Cuban treasury had been robbed of \$22,811,000. Not one of these Spanish officials implicated in these robberies of the Cuban treasury has ever been punished.

The administration of law in Cuba is a terrible injustice. The lives and property of Cubans receive no protection from the Spanish Government even in times of peace. Personal safety is a delusion. While it is said that executions for political offenses up to the opening of the present rebellion had not taken place since 1878, yet it is well known that the Spanish Government has resorted to a simpler method of removing political offenders—by assassination. The attorneys-general and the presiding judges receive their instructions from the governor-general's office. Imprisonment without warrant and for an indefinite time is common.

No people yearning for liberty have had better cause than the Cubans of to-day. They have a hundred times more provocation than had the English colonies of America in 1775. The revolution has attained a measure of success that deserves to at least be recognized as belligerence. [Applause.] In two years the Cuban insurgents have overrun and continue to hold a greater portion of the island, while the Spanish control no considerable section of the island outside of the seaports and a few strongly fortified towns in the interior. The recognition of the Cubans as belligerents would be in strict conformity with the policy of our Government. James Monroe acted upon a principle propounded by himself when he declared that—

\* As soon as the movement assumes such a steady and consistent form as to make the success of the province probable, the rights to which they were entitled by the law of nations as equal parties in a civil war have been extended to them.

Again, in a dispatch dated September 20, 1836, and addressed by Mr. Forsyth, Secretary of State, to the Mexican plenipotentiary in Washington, the habitual attitude of our Government toward Spanish-American revolutionists is thus defined:

It is a well-known fact that the vessels of the South American provinces were admitted into the ports of the United States under their own or any other flags from the commencement of the revolution; and it is equally true that throughout the various civil contests that have taken place at different periods among the states which sprang from revolution the vessels of each of the contending parties have been alike permitted to enter the ports of this country. It has never been held necessary, as a preliminary to the extension of the rights of hospitality to either, that the chances of the war should be balanced and the probability of eventual success entertained. For this purpose it has been deemed sufficient that the party has declared its independence and was at the time actually maintaining it.

Another application of this principle was made in the case of Texas. The Texans declared their independence from Mexico on March 2, 1836. This was signed by but sixty men, of whom only two were of Mexican nationality. Nevertheless, just six months afterwards the United States recognized the belligerent rights of the Texans by proclaiming the neutrality of the United States in the contest between them and Mexico.

Why, in view of well-established precedents, should this Government longer hesitate to recognize the belligerency of Cuba? It can not be longer said that war does not exist on the island, because we admit the existence of war when our southern coast is patrolled by United States cruisers to stop the infraction of the neutrality laws. Until we recognize the existence of a state of war in Cuba we can not be neutral. Diplomats and American statesmen who are inspired in their opposition to recognition by the wines and cigars consumed while their legs cross under the mahogany of the Spanish minister can no longer make the people believe that Spain



is merely engaged in the pastime of chasing down "a few marauding bands of Cuban bandits." We must not forget that Spain has shipped to Cuba since March, 1895, a dozen great expeditions, aggregating nearly 150,000 troops, officered by over 10,000 skilled soldiers; also 170,000 magazine rifles, hundreds of pieces of field artillery, and over 75,000,000 cartridges. Besides, Weyler has under arms a "volunteer" corps, mostly Spaniards, of 50,000 residents of Cuba. The battle of Gettysburg presented no better evidence of the existence of war in our own fair land than does the presence of Weyler and his 200,000 soldiers in Cuba. War does exist in Cuba—terrible, cruel, relentless, bloody war—a war of oppression on the side of Spain against as brave and patriotic a people as ever wielded a sword in behalf of justice and human liberty.

Our commercial interests, the interests of humanity, the well-defined principles of the Monroe doctrine, and the patriotic desire that is found in the heart of every American citizen to see the dominion of Spain cease to exist on the Western Continent and the isles adjacent thereto demand that the great power of our Government be extended to the Cuban heroes who are struggling to establish upon their fair island home a government founded, like our own, upon principles of universal liberty. [Applause.]

In 1823 John Quincy Adams, then Secretary of State, in instructions to our minister at Madrid, said:

Those islands, from their local position, are natural appendages of the North American continent, and one of them (Cuba), which is almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position with reference to the Gulf of Mexico and the West Indian seas; the character of its population; its situation midway between our southern coasts and the island of Santo Domingo; its safe and capacious harbor of the Habana, fronting a long line of our shores destitute of the same advantages; the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial—all these things give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of the Union together. Such, indeed, are between the interests of that island and of this country—the geographical, commercial, moral, and political relations—gathering in the process of time and even now verging to maturity, that, in looking forward to the probable course of events for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Republic will be indispensable to the continuance and integrity of the Union itself.

If for no other reason, humanity demands that blood should cease to flow in Cuba. The world knows well the character of the Spanish people; educated from infancy to the horrors and cruelties of the bull ring, they are a people of blood and treachery. In all the annals of history since the dawn of civilization, no nation laying any claim to enlightenment and Christianity has equaled Spain in its terrible and infamous record of brutality, rapine, and bloodshed. Its original possessions in the Western Hemisphere were obtained by conquest and lost by revolution. It was in Spain during the fifteenth century that the Tribunal of the Inquisition appointed by the Spanish Government commenced its terrible career under which tens of thousands of Christian men and women were condemned to the torture of the rack and the flames. It was under Spain in the sixteenth century that Pizarro, the conqueror of Peru, seized the Inca Atahualpa and treacherously put him to death, and whose career of blood and crime in Peru only ended with his own violent death. It was under Spain that the infamous Duke of Alva, prime minister and general of the Spanish army under Charles V, gained the victory of Muhlberg over John Frederick, elector of Saxony, in 1547, and had the elector condemned to death, which was only averted by the commutation of the sentence by the Emperor. When the Netherlands revolted against the tyrannies of Spain, it was this same Alva who was sent there with unlimited power, and who established the Bloody Council, over which he at first presided. This tribunal condemned all without distinction whose opinion appeared dubious or whose wealth excited jealousy. The present and the absent, the living and the dead, were subjected alike, and their property confiscated. Alva put to death on the scaffold the Counts of Egmont and Horn, and when he left Holland he boasted that he had executed 18,000 men besides those killed in battle.

Spain stands before the world to-day a nation of assassination, and the victims of her crimes in Europe, on the South American continent, and in the isles of the sea are as countless as the sands of the ocean. [Applause.] Spain is by instinct and by education a nation of bloodshed and brutality, where children are educated in the use of the dagger and stiletto before they learn their alphabets, and their Sabbath diversions are the orgies and cruelties of the bull ring.

Since the landing of Columbus in 1492, the Spanish nation has constantly and devilishly pursued a reign of rapine, ruin, and murder against the original inhabitants of this continent and the honest immigrants that sought these shores.

Four hundred years of robbery, torture, and assassination has been the rule of this cruel and unrelenting harlot of monarchy. Haiti, Santo Domingo, Mexico, Brazil, Chile, Peru, Florida, and calamitous Cuba have been despoiled of more than 30,000,000 of

human beings, through the prison, the lash, the torch, the blood-hound, the sword, the matchlock, and the cannon of these pirates of the seas and bloodthirsty bullfighters of the land. The great and good Las Casas shows that more than 12,000,000 of Indians and negroes were destroyed in the space of thirty years by the ravenous freebooters from Spain in her early conquests on this continent, and this good priest appealed to Ferdinand and Isabella to put an end to the human slaughter, but without avail. From Cortez, Pizarro, Balboa, and Velasquez, down to the red-handed assassin, Weyler, a terrible track of smoldering ruins and murdered millions has been left in the wake of these Spanish fanatics and incarnate fiends.

Cortez and his warriors tore down and ruined the Aztec Empire, invading and destroying the blooming fields and dazzling halls of the Montezumas, and through treachery, greed, and murder roasted the Aztec king on a bed of live coals while plundering the palace of his ancestors. Pizarro and his religious renegades roasted and robbed the peaceful inhabitants of the Peruvian Empire, leaving a pillar of fire by night and a cloud by day to signalize the march of his conquering columns.

Velasquez desolated the fertile islands of the West Indies and Cuba, while other Spanish marauders and adventurers, in the name of God and Spain, killed and robbed the happy inhabitants of Florida and Louisiana.

With the crucifix in one hand and the sword of a tyrant in the other, the minions of this bastard monarchy nearly exterminated the original inhabitants of Central and South America, and all for sparkling silver and glittering gold to decorate and enlarge the churches, convents, monasteries, mansions, and palaces of Barcelona, Saville, Genoa, and Madrid. Here was truly "a crown of thorns and a cross of gold," the tortured getting the thorns and the tyrants getting the gold.

At home and abroad, throughout the world wherever the dominion of Spain has held sway, her record has been written in cruelty and blood.

The Spanish soldiery at home and abroad have never hesitated to snatch the sucking babe from its mother's breast, dash its brains out, and then outrage the shrieking mother; set fire to the wigwam of the Indian or the palace of the prince; imprison, starve, and garrote those who righteously struggle for liberty and will not bow in abject submission to the Spanish yoke. But the day of the Spanish dynasty is nearly over and she hastens to that setting sun that shall be for her eternal. [Applause.] She belongs to the bull-fighting, licentious race of the thirteenth and fourteenth centuries, and in the category of civilized nations of the nineteenth century there is no place for her. Her pride and poverty go hand in hand, and while putting on the airs of a Roderick and the prancing antics of a Bucephalus, she is only a poor imitation of Don Quixote and Rosinante.

Before the dawn of the twentieth century upon a progressive and enlightened world the power of Spain shall surely disappear from the American continent [applause], and in a short time she will be blotted from the map of Europe, torn to pieces by internal conflict, corruption, and conspiracy. The crimes she has committed for a thousand years cry to heaven for vengeance, and some modern Cæsar, Sulla, or Napoleon shall yet batter down her gates, towers, and battlements, and there shall cease to exist the most tyrannical, cruel, corrupt, and licentious monarchy that has ever disgraced the earth.

The foul treachery by which Antonio Maceo, that soldier of genius, the Sheridan of Cuba, was lured to his death is but in keeping with the Spanish idea of honorable warfare. Sweet to Spanish chivalry was the news of Maceo's assassination. The streets of Madrid, the Spanish capital, were aflame with bonfires glorifying the event. The treachery of Spain was sounded with praise; the Spanish minister to the United States congratulated his colleagues of the diplomatic corps over the death of this Cuban patriot. Weyler, the Spanish butcher, who has never fought a battle in honorable warfare, rides as a conqueror, a hero, through the streets of Habana, while men cheer, maidens sing songs of praise, and white-robed children scatter flowers to be crushed under his horse's feet.

Maceo is dead; slain as was Inca of Peru four centuries before; slain as was the gallant Colonel Crittenden and his fifty Kentuckians in 1851. Falling as a martyr to the cause of liberty, his blood, like the blood of other martyrs, will be the seed of the revolution; and the thousands that will rise to take his place, filled with a patriotism that can not be conquered by Spanish armies or overcome by Spanish treachery, will struggle on, guided by the hand of a just God, until the flag of free Cuba floats over the palace now occupied by the Captain-General of the island.

It is the right and duty of the American Congress to recognize the independence of Cuba, and the President of the United States must and will execute the law when it is constitutionally enacted. If he does not, there is a constitutional remedy ready at all times to meet just such cases. Cuba must and shall be free. The beautiful queen of the Antilles will soon rise from her crimson



couch, and, like Aurora, tripping o'er the mountain tops of morn, she shall walk the vales and hills of Pinar del Rio, and blossom into beauty as a new State in the Western Hemisphere, dedicated forever to liberty, and as she lifts her eyes to the north, may she ever behold the Star Spangled Banner waving her a warm welcome as the youngest child in the galaxy of American Republics. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I ask unanimous consent for ten minutes more.

Mr. LIVINGSTON. Mr. Chairman—

The CHAIRMAN. The gentleman from Georgia—

Mr. WILLIAM A. STONE. If I can be recognized, I will yield my time to the gentleman from Indiana [Mr. HARDY].

Mr. TALBERT. I move that the gentleman from Indiana [Mr. HARDY] be allowed to make a few more remarks before he says anything. [Laughter.]

Mr. LIVINGSTON. I object.

The CHAIRMAN. The gentleman from Georgia is entitled to the floor.

Mr. HARDY. I ask the gentleman from Georgia [Mr. LIVINGSTON] to allow me ten minutes. If for no other reason—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I have asked unanimous consent for an extension.

Mr. TALBERT. I insist on my request that the gentleman be allowed to continue his remarks.

Mr. WILLIAM A. STONE. I ask unanimous consent that the gentleman be allowed to continue for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] asks unanimous consent that the gentleman from Indiana [Mr. HARDY] be allowed to continue for five minutes. Is there objection?

Mr. HOWE. Mr. Chairman, this talk is irrelevant and out of order. We are here to consider the Agricultural appropriation bill. I object.

The CHAIRMAN. Objection is made.

Mr. HARDY. Then I give notice that no bill shall go through this House by unanimous consent during this session. [Laughter.]

Mr. LIVINGSTON. Mr. Chairman, I want to bring to the attention of the gentleman in charge of this bill, for information, the language of the bill, beginning in line 18, on page 2:

Messengers, laborers, mechanics, four day watchmen, and charwomen, \$19,000.

I understand, Mr. Chairman, that it is the fixed policy of Congress to make these appropriations specific. I find here, in the latter part of this paragraph which has just been concluded, the language which I have read. Now, Mr. Chairman, this appropriation of \$19,000 for laborers and messengers is for the Secretary's office. The number of messengers or the number of laborers should be specified. It is a large sum of money to give to the Secretary's office indiscriminately and in bulk in this way, and I ask the gentleman in charge of the bill why it is appropriated in this form, when it has been so long the fixed policy of Congress to make specific appropriations? How many laborers does the Secretary want? How many messengers and how many charwomen does he want?

Mr. WADSWORTH. That sum represents the amount necessary to take care of the building.

Mr. LIVINGSTON. I want to ask the gentleman if he knows that to be true?

Mr. WADSWORTH. It is to include cleaning and the laborers around the building. The item of \$20,000 was reduced to \$19,000.

Mr. LIVINGSTON. I direct the gentleman's attention to the other paragraphs of the bill, which also contain appropriations for laborers and messengers.

Mr. WADSWORTH. Some of them are on the statutory rolls and some of them are not. This lump sum is used to cover emergencies.

Mr. LIVINGSTON. Do you not know, as chairman of the committee, how many laborers and messengers are necessary for the Secretary's office?

Mr. WADSWORTH. Not exactly; no.

Mr. LIVINGSTON. Does not the Secretary know?

Mr. WADSWORTH. I suppose he does. Sometimes he requires more and sometimes less, according to the exigencies of the occasion.

Mr. LIVINGSTON. Well, I want to say to the members of the committee that this is bad policy, to be appropriating money in bulk for messengers and laborers without knowing the number or the necessity for one or three or four or five.

Mr. WADSWORTH. I will say to the gentleman that this item is in exactly the same language as last year, and the year before that, and the year preceding that.

Mr. LIVINGSTON. I understand, but we might just as well improve as we grow older.

Mr. WADSWORTH. Well, that is for the House to say. The

committee felt that that appropriation was not excessive. We have reduced it \$1,000 from last year.

Mr. LIVINGSTON. Well, if the chairman of the committee thinks \$19,000 is not excessive, I have nothing more to say.

Mr. HULL. I would like to suggest to my friend from Georgia another proposition, that after the 4th of March next we will have a Secretary of Agriculture whom my friend and others will have confidence in.

Mr. LIVINGSTON. Do you mean to say that this appropriation is intended for that purpose?

Mr. WADSWORTH. This is the opinion of the Secretary.

Mr. LIVINGSTON. There is no more necessity for it than before. You make mention of every kind of employee that you have now. I want to say that just such appropriations as this create a great many of the scandals that affect the offices in this Government. And here is the harm of it. A barber, or a carriage driver, or anybody can be brought in under this appropriation and can be put down as laborers and messengers and paid out of this \$19,000. It is not the best way of appropriating this money, and I do not think it ought to be done.

The Clerk read as follows:

Division of Accounts and Disbursements: Chief of division and disbursing clerk, \$2,500; one assistant chief of division, \$2,000; one cashier, \$1,800; two clerks class 3, \$3,200; four clerks class 2, \$5,600; one clerk class 1, \$1,200; in all, \$16,300.

Mr. DOCKERY. I reserve the point of order on that paragraph.

Mr. HARDY. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana.

[Mr. HARDY addressed the committee. His remarks appear in another part of to-day's RECORD.]

The Clerk read as follows:

Division of Publications: Chief of division, \$2,500; assistant chief of division, \$1,800; one editorial clerk, \$1,600; one proof reader and indexer, \$1,400; two clerks (one of whom shall be a stenographer), \$2,000; in all, \$9,300.

Document section: One superintendent, \$1,800; one clerk, \$1,000; one chief folder, \$1,000; one folder, \$840; five folders, at \$600 each, \$3,000; four copyists, at \$840 each, \$3,360; in all, \$11,600.

Mr. WADSWORTH. I offer the following substitute for the section:

The Clerk read as follows:

Strike out all between lines 5 and 18, inclusive, and substitute as follows: "Division of Publications: Chief of division, \$2,500; assistant chief of division, \$1,800; one editorial clerk, \$1,600; one proof reader and indexer, \$1,400; two clerks (one of whom shall be a stenographer), \$2,000.

Document section: One assistant in charge, \$1,800; one foreman, \$1,400; one clerk, \$1,000; one chief folder, \$1,000; one folder, \$840; four folders, at \$600 each, \$2,400; three copyists, at \$840 each, \$2,520; in all, \$20,260."

Mr. BAILEY. I desire to reserve the point of order on that.

Mr. WADSWORTH. This is the same thing as before, and makes a saving of \$40 in salary.

Mr. DOCKERY. I desire to ask the chairman of the committee why the requirement in this bill that does not appear in the current law that one of the clerks provided at \$1,000 is required to be a stenographer? It seems to be new language and not in the current law.

Mr. WADSWORTH. That was put in at the request of the superintendent of that division. He said a clerk who could write shorthand would be useful. That calls for no increase of expense.

Mr. BAILEY. Mr. Chairman, I reserved the point of order merely to inquire if the amendment changed existing law.

Mr. WADSWORTH. None at all; and it is actually a saving of something in salaries. It is simply a recasting of the salaries; that is all.

The amendment was agreed to.

The Clerk read as follows:

Division of Statistics: One Statistician, who shall be chief of division, \$3,000; one assistant statistician, \$2,200; one clerk class 4, \$1,800; three clerks class 3, \$4,800; five clerks class 2, \$7,000; five clerks class 1, \$5,000; seven clerks at \$1,000 each, \$7,000; four clerks at \$840 each, \$3,360; in all, \$35,160.

Mr. STEELE. Mr. Chairman, I desire to offer an amendment, to come in after the word "sixty," in line 2, page 4.

The Clerk read as follows:

Amend by inserting, after the word "sixty," in line 2, the word "one," and after the word "dollars," "eighty-seven cents: Provided, That the additional sum provided for by this amendment shall be immediately available, to enable the Department to supply the information asked for the use of the Committee on Ways and Means, House of Representatives."

Mr. WADSWORTH. I raise the point of order against that, Mr. Chairman.

Mr. STEELE. What is the point?

Mr. WADSWORTH. That is an increase of expenditures and changes existing law.

Mr. STEELE. It does not change existing law. I desire to call attention to the necessity for this small increase.

The CHAIRMAN. Does the gentleman reserve the point of order?



Mr. WADSWORTH. I reserve the point of order.  
Mr. STEELE. I will have a letter read.  
The Clerk read as follows:

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 21, 1897.

DEAR SIR: Will you please inform me how many bushels of castor beans have been raised in this country each fiscal year from 1876 to 1896, inclusive, and such other information as you can give me relative to the possibility of producing enough of these beans to supply the demands of the United States?  
I am, yours, very respectfully,

GEO. W. STEELE.

Mr. HENRY A. ROBINSON,  
Statistician, Department of Agriculture, Washington, D. C.

Mr. STEELE. The reply of the Statistician is embraced in the letter which I subsequently addressed to the Secretary of Agriculture, which I now ask to have read.  
The letter was read, as follows:

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 25, 1897.

DEAR SIR: On the 21st instant I wrote to the Statistician of your Department as follows (quoting letter to Mr. Robinson, as above).  
This morning I received from the Statistician a letter stating that "the clerical force and appropriation for this office are not sufficient to warrant me in making investigations in regard to any but the principal farm crops."  
As a member of the Ways and Means Committee the information as indicated above is considered desirable, and it is hoped that the Secretary may be able to overcome the difficulties which seem to beset the Statistician in his Department.  
I am, yours, very respectfully,

GEO. W. STEELE.

Hon. J. STERLING MORTON,  
Secretary of Agriculture, Washington, D. C.

Mr. STEELE. I ask now to have read the letter which I received from the Secretary in reply.  
The letter was read, as follows:

Subject: Investigations in regard to production of castor beans.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., January 26, 1897.

SIR: In response to your letter of the 25th instant, in regard to making investigations in regard to the production of castor beans in the United States, I have to inform you that I have referred the matter to the Statistician of this Department, who states that he is very anxious to make an investigation bringing out the information desired by you, and also investigations relative to sugar, poultry, dairy products, fruits, hops, hemp, alfalfa, the canning industry, truck farming, and intensive farming; but as the clerical force of the Statistical Division of this Department are now taxed to their utmost capacity, it is impossible to undertake any of the above-mentioned investigations.

Respectfully,

J. STERLING MORTON,  
Secretary.

Hon. GEORGE W. STEELE,  
House of Representatives, Washington, D. C.

Mr. McMILLIN. What appropriation does the gentleman require?

Mr. STEELE. I think the amount will be about \$1.87.

Mr. McMILLIN. Only \$1.87?

Mr. STEELE. That is all.

Mr. McMILLIN. Then I would suggest to the gentleman, as he seems to think that the necessary expenditure will not be exorbitant, that the appropriations in this bill take effect only at the beginning of the next fiscal year, and as the Ways and Means Committee are now at work with such vigor upon a tariff bill to be considered by a future Congress—

Mr. STEELE. Mr. Chairman, I have not yielded to the gentleman for a speech.

Mr. McMILLIN. Very well, Mr. Chairman; I will not ask the gentleman to yield, but will make my speech when he gets through.

Mr. STEELE. I would state to the gentleman from Tennessee that I ask to have this appropriation made immediately available. [Laughter.] Now, Mr. Chairman, I had intended to say something severe about the action of the Secretary of Agriculture in refusing the Committee on Ways and Means this information, which it would take so little time or trouble to supply, and I might do so but for the castigation administered to him by the gentleman from Missouri [Mr. DE ARMOND] yesterday, although I must add that that castigation was administered for some of the public acts of the Secretary which most commend him to me. [Laughter.]

In the matter in question it would have taken the Secretary no longer to have supplied this important piece of information in relation to the production of castor beans than it took him to write this letter. It is a matter of importance, because if castor beans are not being produced in sufficient quantity for American consumption, the committee ought to be informed of it, so as not to impose an unnecessary duty upon the imported article; and the Secretary need not have taken more time to give the desired information than he consumed in giving us the information that he desires to make investigations as to sugar and poultry and intensive farming. For that reason I think the Secretary is open to criticism, and that is why I offer this amendment providing that he shall have as much money as I think will be really necessary

to pay the expense of the work which he says he has not money to pay for.

Mr. McMILLIN. Mr. Chairman, I was seeking to get information concerning this question when my kind friend from Indiana [Mr. STEELE] suggested that he would not yield to me, and therefore I am compelled now to take a little of the time of the House, which I do reluctantly. I was proceeding to say when the gentleman cut me off that without some provision to make this appropriation immediately available the Committee on Ways and Means could not get the benefit of it until long after the tariff bill will have been framed; that is, if the majority of the committee proceed with that work with the industry and dexterity which they have manifested heretofore and which they seem inclined to continue.

Mr. STEELE. The gentleman overlooks the fact that I propose to make this appropriation immediately available. Besides, if necessary, I will advance the money to the Department myself. [Laughter.]

Mr. McMILLIN. I have not yielded to the gentleman from Indiana, but I will be more courteous than he was and will yield to him, if he desires. [Laughter.]

Mr. STEELE. And I will apologize for not having yielded to the gentleman from Tennessee. [Laughter.]

Mr. McMILLIN. I want to call the attention of the gentleman from Indiana to the fact that he and I were called upon to forego our Christmas turkey at home and stay here through the recess and make these investigations ourselves. Therefore instead of castigating the Secretary of Agriculture for not doing what the gentleman himself and I have failed to do, he might just as well have summoned somebody from the uttermost parts of the earth to testify in relation to castor beans, as has been done by the committee in so many other matters, and I think that even now if he will lay the matter before the chairman of the committee the chairman will have a hearing upon that subject and the gentleman from Indiana can have castor beans ad libitum and possibly ad nauseam. [Laughter.]

Mr. STEELE. Mr. Chairman, I fear the gentleman from Tennessee has taken the advantage of me, as I understand that he has been having his Christmas holidays since Christmas. [Laughter.]

Mr. McMILLIN. I had supposed from the very elegant—I will not mention the reason—but I had supposed that the gentleman from Indiana had been having his Christmas for some time past.

Mr. STEELE. The gentleman is right in that respect.

Mr. WADSWORTH. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Division of Statistics: One statistician, who shall be chief of division, \$3,000; one assistant statistician, \$2,200; one clerk class 4, \$1,800; three clerks class 3, \$4,800; five clerks class 2, \$7,000; five clerks class 1, \$6,000; seven clerks at \$1,000 each, \$7,000; four clerks at \$840 each, \$3,360; in all, \$38,160.

Mr. DOCKERY. Mr. Chairman, I make a point of order against that paragraph. This provision, from line 18 to line 25, inclusive, appears for the first time in the bill. I am advised, however, by the chairman in charge of the bill that these employees were on the force last year in the office of the Secretary, and that this is simply a rearrangement of the force and not an increase.

Mr. WADSWORTH. That is the fact.

Mr. DOCKERY. I withdraw the point of order.

Mr. TALBERT. Mr. Chairman, I desire to call the attention of the gentleman in charge of the bill to the fact that there is another head of "Experimental gardens and grounds" on page 12, and I suggest that the appropriations under this head ought to be concentrated under one heading.

Mr. WADSWORTH. I will say to the gentleman that the appropriation on page 12 is the lump sum, while the other is the salary list only.

The Clerk read as follows:

Library: One librarian, \$1,800; one assistant librarian, \$1,400; one cataloguer, \$1,200; one cataloguer, \$1,000; one clerk, \$840; one messenger, \$720; in all, \$6,960.

Mr. DOCKERY. Mr. Chairman, I will reserve the point of order on that paragraph until I get some information in regard to it from the gentleman in charge of the bill.

Mr. WADSWORTH. Mr. Chairman, it is now very near 5 o'clock, and I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 9961 (the Agricultural appropriation bill), and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

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

A bill (S. 2308) providing for the purchase by the Government of the quarantine station at Portland, Me.;

A bill (S. 3603) to extend the time for the completion of the



St. Paul, Minneapolis and Manitoba Railway Company through the White Earth, Leech Lake, Chippewa, and Fond du Lac Indian reservations, in the State of Minnesota;

A bill (S. 3320) to provide a life-saving station at or near Point Arena, Mendocino County, in the State of California;

A bill (S. 3524) to remove doubts concerning the jurisdiction of district judges; and

A bill (S. 3613) granting a pension to Mary Macauley, widow of the late Brig. Gen. Daniel Macauley, United States Volunteers.

The message also announced that the Senate had passed with amendments a bill (H. R. 1256) for the relief of Henry A. Webb in which the concurrence of the House was requested.

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

A bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers;

A bill (H. R. 939) for the relief of Cogswell & Co.;

A bill (H. R. 7781) to grant an American register for the barge *Black Diamond*;

A bill (H. R. 8298) relating to mortgages in the Indian Territory;

A bill (H. R. 9710) to authorize officers who served during the war of the rebellion in the Regular Army to bear the title and, on occasions of ceremony, wear the uniform of their highest rank;

A bill (H. R. 130) to carry out the findings of the Court of Claims in the case of Augustus P. Burditt;

A bill (H. R. 3500) to authorize the adjustment and settlement of accounts of John Y. Williams; and

Joint resolution (H. Res. 215) extending time for compliance by Eckington and Soldiers' Home Railway Company and the Belt Railway Company with provisions of section 1 of an act entitled an act to extend the routes of said railway companies, etc., approved June 10, 1896.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 2,000 additional copies of the Annual Report of the Treasurer of the United States for the fiscal year ended June 30, 1896, for the use of the Treasury Department.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 2469) authorizing and directing the Secretary of the Interior to quitclaim and release unto Francis Hall and Juriah Hall and their heirs and assigns all the right, title, and interest of the United States in and to the east 20 feet front by the full depth of 100 feet of lot 2, in square 493, in the city of Washington, D. C., as laid down on the original plan or plat of said city—to the Committee on the District of Columbia.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RINAKER, for to-night, on account of sickness.

To Mr. RUSSELL of Connecticut, for one day.

To Mr. VAN HORN, for to-night's session, on account of sickness.

To Mr. WILSON of New York, for three days, on account of sickness.

To Mr. HAINER of Nebraska, for the balance of the day.

To Mr. WATSON of Ohio, for to-night, on account of important business.

To Mr. TAFT, for the evening session, on account of important business.

To Mr. BROMWELL, for the evening session, on account of important business.

To Mr. FLETCHER, for one day, on account of illness.

To Mr. WHITE, for ten days, on account of important business.

To Mr. NOONAN, for one day, on account of sickness.

To Mr. TAYLER, for this evening, on account of public business.

To Mr. BARTHOLDT, for three days, on account of important business.

The House then, on motion of Mr. PAYNE, by unanimous consent (at 4 o'clock and 58 minutes), took a recess until 8 p. m.; the Speaker having designated Mr. LACEY to act as Speaker at the evening session.

#### EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. LACEY as Speaker pro tempore.

#### ORDER OF BUSINESS.

The SPEAKER pro tempore. The Clerk will read the rule under which the House meets this evening.

The Clerk read as follows:

The House shall, on each Friday at 5 o'clock p. m., take a recess until 8 o'clock, at which evening session private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion only shall be considered; said evening session not to extend beyond 10 o'clock and 30 minutes.

Mr. THOMAS. I move that the House resolve itself into Committee of the Whole to consider business on the Private Calendar in accordance with the rule just read.

Mr. MEREDITH. If the gentleman will kindly withhold that motion for a moment, I should like to ask unanimous consent to take up a bill to which I think there will be no objection.

Mr. THOMAS. I shall be willing to do that after the Committee of the Whole rises.

Mr. MEREDITH. The bill which I desire to bring up is a Senate bill which has been favorably reported upon in the House.

Mr. THOMAS. There is a great pressure to bring up bills by unanimous consent. I hope the gentleman will not urge this request at present, though I should very much like to accommodate him.

Mr. MEREDITH. I am obliged to my friend; and understanding his situation with respect to these matters, I withdraw my request for the present.

The question being taken on the motion of Mr. THOMAS, it was agreed to.

The House accordingly resolved itself into Committee of the Whole House (Mr. WELLINGTON in the chair).

The CHAIRMAN. The Clerk will read the first bill in order.

SILAS M. STEVENS.

Mr. DOCKERY. I desire to ask unanimous consent for the present consideration of a Senate bill; but I do not wish to have the request put until I have made a statement. The bill which I desire to bring up was introduced by Senator GALLINGER, of New Hampshire, chairman of the Senate Committee on Pensions. It is a bill in which he has a very great interest; and he earnestly desires its passage. He has extended courtesies to perhaps every member on this floor; and I hope that, in view of the fact that this bill comes from the Senate Committee on Pensions with this request from its chairman, there will be no objection to its present consideration.

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent for the present consideration of the bill which the Clerk will read.

The bill (S. 2931) granting an increase of pension to Silas M. Stevens was read, as follows:

*Be it enacted, etc.* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas M. Stevens, late of the U. S. S. *Lackawanna*, and grant him a pension at the rate of \$50 per month, in lieu of that he is now receiving.

Mr. ERDMAN. Pending the reading of the report, I reserve the right to object.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2931) granting an increase of pension to Silas M. Stevens, having carefully considered the facts in the case, respectfully report:

The claimant enlisted in the United States Navy October 19, 1862, and was discharged October 20, 1864, serving on the U. S. S. *Lackawanna*. He was wounded very severely at the battle of Mobile Bay, and was pensioned shortly after leaving the service for shall wound of head, of right side, shoulder and thigh, rheumatism, and resulting disease of heart. His pension was gradually increased to \$50 per month, and on January 22, 1894, he made application for further increase, which was rejected.

The questions involved in this case are purely medical, there being scores of affidavits on file from reputable persons showing that claimant is confined to his bed most of the time, requiring the aid and attendance of another person. On that point there is no difference of opinion.

It is proper to say that at the time the rejection was made the claim was approved for the additional disability of disease of eyes, it being shown that iritis existed as a result of the rheumatic attacks for which claimant was in part pensioned.

February 20, 1894, one of his physicians certifies:

"At present the soldier is confined to his bed all the time, and has been more than three-fourths of the time during the last year, his disability being total and permanent."

March 13, 1894, another physician says:

"During the whole of my attendance he has needed constant assistance at the bedside, and has, in my best judgment, been confined to his bed at least seven-eighths of the time. In my opinion his disability is complete and permanent. From a history of claimant's case, and my knowledge of the man, I have no hesitation in saying that his disabilities are the result of wounds and disease contracted while in the United States service and in strict line of duty."

A test examination was made by direction of the Pension Office, and the surgeon reports:

"This applicant has been confined to his bed a long time and is extremely weak and emaciated; think he is bedridden, and can't make much effort to move."

"Applicant is wholly disabled for manual labor and requires frequent and periodical personal aid."

It appears that the claimant has six or more scars, from 2 to 3 inches in length, on different parts of his head and body caused by the bursting of a shell during the battle of Mobile, as before stated, and there is no doubt in the minds of your committee that his present helplessness is the result of his pensioned disabilities.

The bill passed the Senate in its present form, and we respectfully recommend its passage by the House.

There being no objection, the committee proceeded to the consideration of the bill, and the question being put, it was ordered to be laid aside to be reported favorably to the House.

Mr. DOCKERY. In behalf of the chairman of the Senate Committee on Pensions, I thank the House for the action it has so kindly taken.



## ORDER OF BUSINESS.

Mr. MAHON. I desire to make a motion; and if the Committee of the Whole should vote it down, all right. I do not wish to consume very much time in my statement of the matter. I am in a position which enables me with propriety to make this proposition because its adoption will interfere with a bill of my own which would probably be reached to-night in regular order.

We have recently been passing a great many House bills granting pensions—I think somewhere in the neighborhood of 400 have passed. Now, the Senate has been very kind to the House, in passing our bills. Senator GALLINGER, whose bill has just been passed, has been, as the gentleman from Missouri has remarked, very courteous in these matters. When our bills are sent over there, they are taken up and passed; but when the Senate bills come here, they often remain a long time on the Calendar without being considered. Now, if we do not show some disposition to reciprocate in this matter and give due consideration to Senate bills, the chances are that House bills going over to the Senate may, as the session approaches its close, remain in the committee. I am in favor of extending proper courtesy to the Senate. I move, therefore, that this evening Senate bills alone be considered.

Mr. DANIELS. I object to that. I have been in attendance here every night, waiting for the consideration of bills in which I feel an interest. I see no reason why we should give any bill a special privilege.

Mr. MAHON. I am not asking a special privilege for any particular bill. I am proposing to consider this evening a certain class of bills.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MAHON] will please state his motion.

Mr. MAHON. It is that we consider this evening, in Committee of the Whole, Senate bills in their order upon the Calendar.

Mr. DANIELS. I object.

Mr. MAHON. The Committee of the Whole can control its own business.

Mr. BLUE. Before we vote upon this motion, I should like to know something as to the number of these bills upon our Calendar. I do not know any reason why we should give preference to Senate bills over House bills unless they are superior in merit. I hope the motion of the gentleman from Pennsylvania will not be adopted. It is a well-known fact that so far as the Senate is concerned, it can readily take care of all the bills that pass here. It is a smaller body than this; and its rules and practices are such that when a bill has passed this body there is never any difficulty under the rules in disposing of it there. The fact that they have passed some bills there in their way, and sent them here, does not necessarily require of the House to show that extreme courtesy of passing over their own bills and considering only those sent over from the Senate. And, Mr. Chairman, I not only oppose the motion at this time, but shall insist upon it, and I do it not to be captious, but on principle.

I dislike very much indeed to oppose this motion, because I want to do what my friend from Pennsylvania, who offers the motion, desires; but it seems so manifestly unreasonable and at variance with the dignity of this body, that I must oppose it, and I trust the gentleman from Pennsylvania will not compel us to use extreme measures on this motion.

If anyone here has an extremely meritorious bill for some soldier, I am perfectly willing that it shall be taken up out of its regular order and considered; but I do oppose the adoption of this motion.

Mr. ERDMAN. Mr. Chairman, by looking at the Calendar of unfinished business it will be found that the House has taken pretty good care of the Senate bills. I find fourteen Senate bills on the Calendar of unfinished business; and we passed probably an equal number through the House the last time the unfinished business was considered. I suggest, therefore, that the Senate is not suffering at the hands of the House at all.

Mr. McRAE. Mr. Chairman, I believe we have already adopted a rule upon this subject; at least if we have not adopted a rule, it is a practice that has been observed at almost every meeting during the Congress that when a House bill is reached, if there is a like Senate bill upon the Calendar, it can be substituted, and hence in that way we have taken care of nearly all of the Senate bills that come over. It seems to me that that is enough to concede. If we adopt the proposed rule, you will find that Senate bills will be coming over here steadily because they are easily gotten through the Senate under its rules, and you will have the pension business of the House blocked by the consideration of such measures.

Mr. NORTHWAY. Let me ask the gentleman if it is not true that the Senate bills sent over will go to the foot of the Calendar, and fail or die with the session? If we send bills over to the Senate they will fail too for the same reason, and hence we will get no pensions at all, while if we pass the Senate bills now which have already been adopted by that body, it would take care at least of that much of the pension business that comes into our hands.

Mr. McRAE. If a bill goes through the Senate you will generally find that there is a House bill on the same subject, and if we take up the Senate bill it will be almost equivalent to passing a House bill, because in nearly every instance these bills are introduced in both bodies at the same time, and in that way a large number of the House bills can be taken care of.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania.

The question was taken; and the motion was rejected.

Mr. ANDREWS. Mr. Chairman, I offer the motion that I send to the desk.

The Clerk read as follows:

*Ordered*, That the roll be called in the usual order and each member, when his name is called, be permitted to call up one bill that is now on the Calendar and in order under the special rules for Friday night sessions, and which was introduced by him or one of the Senators from his State.

Mr. EVANS. Mr. Chairman, I raise the question of order on that motion.

The CHAIRMAN. The gentleman will state the point of order.

Mr. EVANS. I do not think we can change the rule of the House on this subject in that way.

The CHAIRMAN. What rule of the House does it change?

Mr. EVANS. The rule of the House under which we are operating to-night, which says that the bills shall be taken up on the Calendar in their order.

The CHAIRMAN. The Chair does not think so.

Mr. EVANS. Very well; I submit to the ruling of the Chair.

Mr. ERDMAN. Mr. Chairman, under an identical rule in the Fifty-third Congress we endeavored to proceed, and those whose names came early on the roll, those that were called, got their bills considered, and those whose names were lower down on the Calendar were left.

Mr. EVANS. And I observe that the gentleman who offered the resolution will come early on the list. [Laughter.]

Mr. ANDREWS. I introduced the resolution for the purpose of giving each member an opportunity of getting his bill through the House, those who attend these Friday night meetings, and who make up the meetings, so that they may get through the business that they have attended to so faithfully.

The question was taken on the motion of Mr. ANDREWS; and on a division (demanded by Mr. ERDMAN) there were—ayes 44, noes 22.

Mr. ERDMAN. No quorum.

The CHAIRMAN. The Chair will count the committee.

The Chairman, having counted the committee, announced the presence of 101 members.

So the motion of Mr. ANDREWS was agreed to.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll.

RACHEL WADDELL.

Mr. ANDERSON. Mr. Speaker, I call up the bill (H. R. 9683) granting a pension to Rachel Waddell, of Newport, Tenn.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and directed to place on the pension roll the name of Rachel Waddell, daughter of John Waddell, sergeant in Capt. William Cherry's company, Fourth Virginia Regiment of Foot, commanded by Cols. Robert Lawson and Thomas Elliott, Revolutionary war, at the rate of \$20 per month, subject to the provisions and limitations of the general pension law.

The Committee on Pensions recommended an amendment as follows:

In line 8 strike out "twenty" and insert in lieu thereof "twelve."

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The report will be read in the gentleman's time.

Mr. ERDMAN. Yes; and I reserve the balance of my time. I may want to say something.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9683) granting a pension to Rachel Waddell, have considered the same and report:

The claimant is the daughter of John Waddell, deceased, who is shown by the records of the War Department to have served as a sergeant in Capt. William Cherry's company, Fourth Virginia Regiment of Foot, commanded by Maj. Isaac Beall, and also commanded at different times by Cols. Robert Lawson and Thomas Elliott, Revolutionary war.

He was appointed June 10, 1776, to serve three years, and his name appears on the rolls for the period from April, 1777, to May, 1778.

The claimant, who is 70 years old, nearly totally blind, and dependent upon the charity of her friends for care and support, was never married. Her brothers and sisters are all dead.

The claimant's relationship to the soldier and all the facts relative to her physical and financial condition are fully attested under oath by old friends of the family who have known her for many years. One of the witnesses knew the soldier himself.

The passage of the bill is respectfully recommended with an amendment striking out the word "twenty," in line 8, and substituting therefor the word "twelve," so as to fix the rating at \$12 per month.

Mr. TALBERT. Mr. Chairman, there was so much confusion in the Hall that no one has heard the reading of the report; at least, I could not hear it, and I should be glad if the gentleman in charge of the bill would make some explanation.

Mr. ANDERSON. Mr. Chairman, this is the daughter of a



Revolutionary soldier. She lives in my town, and I know her well. She is a very respectable old lady, 72 or 73 years of age, and almost totally blind. She has no means of subsistence whatever. She is now being supported by the charity of the town. This is a case of exceptional merit, and I trust that the bill will pass.

Mr. ERDMAN. Mr. Chairman, in regard to the rule that has just been adopted, I desire to say that heretofore I have prepared myself and looked over the cases, thirty or forty of them, each week, which would probably be reached at the Friday night session. I have collected the reports in each of the cases, in order that I might see what was in them and what was not in them, and what merit they possess. Under the rule that has been adopted it has become practically impossible for me to do anything at all. I want to give notice, therefore, that hereafter a quorum will have to be here before going into Committee of the Whole, and that if objections are made to requests for unanimous consent they will be made for the reason that I have no opportunity to examine these bills. I will place it purely on this ground.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. FERREE.

Mr. ANDREWS. Mr. Chairman, I call up the bill (H. R. 10040) granting an increase of pension to George W. Ferree.

Mr. TALBERT. Mr. Chairman, I think the committee ought to be in order and pay attention to these bills, so that there will be no necessity for a second reading.

The CHAIRMAN. The committee will be in order. Members will please take their seats and cease conversation.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ferree, late a private in Company E, Twenty-second, and first sergeant in Company E, Fifty-ninth, Regiments of Ohio Volunteer Infantry, and pay him a pension of \$30 per month.

Mr. ANDREWS. Mr. Chairman, I ask that the report be read. It is brief.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10040) granting an increase of pension to George W. Ferree, having considered the same, report as follows:

The soldier enlisted September 23, 1861, and was honorably discharged November 1, 1864. He is now pensioned at \$12 per month "for gunshot wounds of left hand and forearm, and for vertigo, result of sunstroke."

It appears that one of his applications for increase, although finally rejected, was submitted for admission for the following reasons:

"Rheumatism, palpitation of heart, sunstroke, partial paralysis of right side, impaired hearing of right ear, impaired vision of right eye, headache (vertigo, result of sunstroke), prostration, and general debility."

Affidavits of reputable physicians and others show that the vertigo, resulting from sunstroke received while in the service and in line of duty, has developed into frequent and very severe attacks of true epilepsy; that he is totally unable to perform any manual labor, and that he frequently requires the aid of a physician, his family, and friends.

Your committee therefore urgently recommend the passage of said bill at \$30 per month.

Mr. ERDMAN. Mr. Chairman, I think we ought to have something more to show why this soldier is entitled to \$30 a month, an amount above that received by tens of thousands of others similarly situated. This is a very brief report, and it endeavors to conceal, instead of setting forth sufficient facts to entitle this soldier to receive a pension of this magnitude under principles of justice and equity. I think we ought to have something more than is contained in this report to justify us in giving this large pension.

Mr. ANDREWS. I have nothing to add beyond the statements in the report. The facts are fully stated in the report and sustained by the evidence.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

#### ORDER OF BUSINESS.

Mr. EVANS. Mr. Chairman, I move that we rescind the resolution that was adopted on the motion of the gentleman from Nebraska [Mr. ANDREWS] and return to the regular rule.

The CHAIRMAN. The Chair thinks that such a motion is not in order at this time.

Mr. EVANS. If it is not in order to rescind it in Committee of the Whole, how was it in order to adopt it?

The CHAIRMAN. The Chair thinks it is not in order to make this motion at this time. [Cries of "Regular order!"]

Mr. EVANS. Then, Mr. Chairman, I move that instead of proceeding as we now are doing that we call up the bills on the Calendar.

The CHAIRMAN. Will the gentleman submit his motion in writing?

Mr. COLSON. Mr. Chairman, we have adopted a rule here, and some have been benefited by its operation this evening.

Mr. MILES. Some never will be.

Mr. COLSON. Now, it is unfair for the other members of this committee to rescind this order. I ask my colleague to withdraw his motion.

Mr. EVANS. I will not do it for this reason: On two Friday evenings I have come here with a bill at the head of the Calendar in which I am interested. To-night I am compelled to leave, and can not stay until my name is called. With my bill ahead of all others on the Calendar, I shall lose the opportunity to have it considered under this rule, without any fault of mine, for I have always attended the Friday night sessions. Now I am cut off from reaching the bill which, under the regular rule, would be the first one.

Mr. COLSON. The gentleman's name comes very early in the list of members.

Mr. THOMAS. I desire to call the attention of the gentleman from Kentucky to the fact that the House very courteously allowed him to have unanimous consent a week ago to call up a bill, and I hope that he will not block legislation.

Mr. COLSON. And once this week.

Mr. EVANS. I am not blocking legislation; I am simply trying to prevent legislation from being blocked on me.

Mr. THOMAS. Mr. Chairman, the gentleman has also had unanimous consent once this week.

Mr. EVANS. I want to say that by the gentleman's courtesy this bill was laid aside, because on the call of the regular order on last Tuesday I was too sick to be here, and it is that bill I have specially attended for two Friday nights to get it acted upon first. [Cries of "Regular order!"]

Mr. McRAE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McRAE. The point of order, Mr. Chairman, is that the motion made by the gentleman from Kentucky is in effect a motion to reconsider a vote already passed by the committee, and that is not in order in Committee of the Whole. You can not reconsider in Committee of the Whole. [Cries of "Regular order!"]

Mr. CURTIS of New York. Allow me to make a suggestion which will bring quiet to my friend and everybody else. [Cries of "Regular order!"] That is that the gentleman from Kentucky [Mr. EVANS] may have unanimous consent to call up his bill before he goes home.

Mr. WOODARD. I second that motion.

The CHAIRMAN. The gentleman from Kentucky will submit his motion in writing to the Chair.

Mr. EVANS. All I want this committee to understand is that I was at the head of the list to-night and that I am compelled to go away. I am the last man in this committee to attempt to block legislation. I was only entering a very humble, and I thought modest, protest against having business blocked on me under the circumstances. Now, that is the whole of it.

The CHAIRMAN. Will the gentleman from Kentucky submit his motion in writing? [Cries of "Regular order!"]

Mr. PARKER. I desire to make a further point of order. [Cries of "Call the roll!"] I make a point of order.

The CHAIRMAN. The committee will be in order.

Mr. COLSON. I rise to a point of order. The gentleman from Kentucky has not submitted his motion in writing.

Mr. PARKER. I desire to make the point of order that this committee can not set aside the order of the Calendar except by unanimous consent.

Mr. CROWTHER. That point of order has been ruled upon.

The CHAIRMAN. It is in order for the gentleman to move to change the rule that the committee has adopted, and if the gentleman will put his motion in writing it will be submitted.

Mr. TALBERT. To obviate all difficulty, I ask unanimous consent that the bill of the gentleman from Kentucky [Mr. EVANS] be allowed to come up, and then we can get rid of it and let him go home.

Several MEMBERS. I object.

The CHAIRMAN. The committee will be in order.

Mr. TALBERT. I ask unanimous consent that the bill of the gentleman from Kentucky be considered, and then we will get rid of it and go on our way rejoicing.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the bill referred to by the gentleman from Kentucky be considered now.

Several MEMBERS. I object.

Mr. MILNES. As the gentleman has had recognition in the last two weeks, I object.

Mr. TALBERT. It is too late. [Laughter.] Mr. Chairman, does not the objection come too late?

The CHAIRMAN. Objection is made, and the Clerk will call the roll.

WILLIAM N. WELLS.

Mr. ATWOOD (when his name was called). Mr. Chairman, I call up for consideration the bill (H. R. 6268) to increase the pension of William N. Wells.



The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and regulations of the general pension laws, the name of William N. Wells, late acting master, United States Navy, at the rate of \$30 per month, in lieu of the pension now paid him.

Mr. MILES. Mr. Chairman, I call—

The CHAIRMAN. The gentleman from Massachusetts.

Mr. ATWOOD. The report is very short, and I ask that it be read.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6298) granting increase of pension to William N. Wells, having considered the facts presented, respectfully report as follows:

William N. Wells was appointed acting master of the United States Navy September 19, 1861, and faithfully served as such until October 23, 1865, when honorably discharged.

He filed an application for pension April 27, 1891, under act July 14, 1862, alleging that on April 18, 1864, during the engagement between the *Miami* and the rebel ram *Albemarle*, he was injured, receiving a right inguinal hernia, a scrotal hernia, injury to testicles and right thigh, causing varicose veins and loss of muscular power; also contracted malarial poisoning in service.

His claim was admitted October 31, 1895, for "malarial poisoning," at \$5 per month from April 27, 1891; at \$6 from March 21, 1895, and at \$10 from August 5, 1895. The claim for other disabilities was rejected on ground of insufficient proof of origin in service, after special examination.

Several witnesses testified to claimant's falling down the hatchway of the vessel during the engagement referred to and incurring alleged rupture and other severe injuries; but on cross-examination by special examiner they admitted that they could not specify the particular injuries received, as they did not examine the parts injured.

The affidavit of Dennis Harrington, an officer of the vessel *Miami*, filed with the committee, says:

"That about 3 a. m., while engaged fighting the ironclad Confederate ram *Albemarle*, April 19, 1864, near Plymouth, N. C., William N. Wells received a severe injury in right side of his body (leg, hip, loin, and arm) by being thrown and falling down across the hatch combing by the companion-way stairs, slipping outward, then down upon the lower deck and hatch combing of lower deck hatchway aft. It was a fall that seriously crippled him. I, being a commissioned officer of the same ship, was near him at the time of the incurrence of the injury, having charge of the fire-hose division. Claimant was senior officer of the ship and in command, Commander Flusser having been killed."

E. F. Hinferty also files affidavit of being an eyewitness to the occurrence.

The Boston (Mass.) board of surgeons rated claimant August 5, 1895, ten-eighths for malarial poisoning, six-eighths for disease of heart, four-eighths for varicose veins, four-eighths for hernia, right side, ten-eighths for scrotal hernia, and two-eighths for varicocele, and say: "In our opinion, entitled to full pension of his rank, \$20;" and the same board, in certificate of examination of September 18, 1895, say: "He is permanently incapacitated for manual labor, by reason of malarial poisoning, heart disease, right inguinal and ventral hernia, left varicocele, and varicose veins."

In view of the difficulty of accurately establishing disabilities of this character by the usual proofs, your committee believe the claimant should be given the benefit of doubt, and therefore recommend the passage of the bill.

[Cries of "Vote!" "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

#### ORDER OF BUSINESS.

Mr. LOUDENSLAGER. Mr. Chairman, I offer the following motion. [Cries of "Oh, no!"]

The Clerk read as follows:

*Resolved*, That bills be considered in the following order: The Clerk to call the first bill on the Calendar, announce the number of it, the Calendar number, and the name of the member who introduced it; and upon his failure to respond "Present," the bill to be passed without prejudice, and the next bill be called in the same way. This not to apply to Senate bills.

[Cries of "Withdraw it!"]

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say to the members of the committee—

The CHAIRMAN. The question is upon the motion of the gentleman from New Jersey.

Mr. LOUDENSLAGER. I desire to say that this is a very equitable and just disposition to make.

Mr. BARRETT. Mr. Chairman, a question of order.

Mr. MILES. I rise to a question of order. There is so much disorder that we can not hear. I desire to give notice that if there can not be order nothing shall be done.

The CHAIRMAN. The point is made, and well made, that the committee is not in order. Gentlemen will please take their seats.

Mr. LOUDENSLAGER. Mr. Chairman, I desire to say that this is an equitable way for the Committee of the Whole to proceed in the consideration of bills on the Calendar. It takes them up in their regular order, and gives to those present a chance for the consideration of their bills on the Calendar, and it does not present that unfair proposition which is presented by the call of the roll method, whereby a member well up in alphabetical order on the list, although he may have a bill only third or fourth on the Calendar, is enabled to call up a bill which is at the foot of the Calendar.

Mr. GIBSON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON. I insist that the motion of the gentleman from New Jersey is not in order.

Mr. PITNEY. The point comes too late, Mr. Chairman. Debate has intervened.

Mr. LOUDENSLAGER. I should be glad to be heard on the point of order.

The CHAIRMAN. The gentleman from Tennessee is too late with his point of order, and the gentleman from New Jersey will proceed with his statement.

Mr. LOUDENSLAGER. I was saying, Mr. Chairman, that the plan proposed in my resolution is much more fair and equitable than that under which we are working. The present plan gives a member whose name happens to be well up on the list the privilege of calling up a bill which may be No. 1400 or No. 1500 on the Calendar, while at the same time he may have a bill that is third or fourth on the Calendar. I insist, sir, that in the interest of the old soldier and of legislation in his behalf, the Committee of the Whole ought to adopt this rule.

Several members addressed the Chair.

The question being taken on the resolution offered by Mr. LOUDENSLAGER, the Chairman declared that the yeas seemed to have it.

Mr. LOUDENSLAGER and Mr. MILES asked for a division.

Several members again addressed the Chair, amid much confusion.

Mr. MILES. Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. MILES. I have several times addressed the Chair, and, although my voice is, perhaps, as loud as that of any gentleman in this Hall, I have been unable to attract his attention.

The CHAIRMAN. The Chair will state to the gentleman that he did not see him nor hear him, but the Chair is now prepared to hear the gentleman upon his point of personal privilege.

Mr. MILES. My point was that I was entitled to be heard. [Laughter.]

The CHAIRMAN. And the gentleman from Maryland has been heard. [Laughter.]

Mr. MILES. I called for a division on the last question, and if it is not too late, I ask for a division now.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 28, yeas 74.

Mr. MILES. I demand tellers.

Tellers were refused, and the resolution of Mr. LOUDENSLAGER was rejected.

The CHAIRMAN. The Clerk will continue the call of the roll.

MRS. LAURA A. NELSON.

Mr. AVERY (when his name was called). Mr. Chairman, I call up the bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$25 per month, the name of Laura A. Nelson, widow of the late Capt. Theodore Nelson, Company E, Twenty-sixth Michigan Infantry.

Mr. MILES. Let the report be read.

The report by (Mr. THOMAS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson, having considered the same, refer to Senate Report No. 1043 for a statement of the facts and evidence in the case, and recommend the passage of the bill after being amended as follows:

Strike out the words "of the," following the name "Nelson," in line 6, and insert in lieu thereof the words "Company E."

Mr. ERDMAN. Mr. Chairman, let me ask what is the number of that bill on the House Calendar?

The CHAIRMAN. The Chair is informed that it is No. 1503 on the House Calendar.

Mr. ERDMAN. Has this bill ever been considered by the Committee on Invalid Pensions?

The CHAIRMAN. Evidently so, as the report has just been read.

Mr. ERDMAN. The report handed to me is the Senate report, not a House report.

Mr. AVERY. The House report is here.

The CHAIRMAN. The Chair will say to the gentleman from Pennsylvania that the House report is in the hands of the Clerk.

Mr. ERDMAN. I have a word to say about this bill, Mr. Chairman. It seems that the Commissioner of Pensions and the medical authorities found that the cancer of the stomach was not the result of the nasal catarrh. It seems to me that it would require very deep medical learning to determine that fact, and yet this House proposes to set itself up in this matter and say that the cancer of the stomach was the result of the nasal catarrh, and that the nasal catarrh was the result of service in the Army, and was therefore indirectly a disability contracted in the service.

Now, Mr. Chairman, the Committee on Invalid Pensions is in the habit of overruling all the decisions of the medical bureau and of the Pension Bureau for the last fifteen or twenty years, irrespective of the political character of the administrations that may have been in control. All that is necessary is for some member to appear here and press a claim and present one or two examinations of the pension board which are favorable, and the bill is



passed. I have given some little attention to this kind of legislation, and I desire to illustrate it by a case that I investigated recently. To that end, I will ask the Clerk to read, in my time, a report made by the Committee on Invalid Pensions, and I will follow that up with the true report of the case. I ask the Clerk to commence reading where I have made a pencil mark.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8451) granting an increase of pension to Samuel McConaughy, have considered the same, and report as follows:

The soldier enlisted August 22, 1861, and was honorably discharged June 17, 1865. The soldier's captain, F. S. Whiting, says: "He (Samuel McConaughy) was a good soldier, of good habits, and a straightforward man."

Said soldier was pensioned under the general law at \$8 per month, from February 8, 1890, for "disease of eyes and slight deafness of both ears," and at \$12 per month under the law of June 27, 1890, from July 26, 1890. He is now 75 years of age, totally blind, poor, and permanently helpless, requiring constant attendance.

His application for increase of pension under the general law was rejected March 23, 1896, on the alleged ground that "alleged total loss of vision is due to senility and its results."

If the soldier's conceded blindness is due to his army service, he is entitled to \$72 per month.

The allowance of his claim under the general law concedes that "disease of eyes" was of service origin. The evidence on file shows that said "disease of eyes" was permanent, progressive, and resulted in total blindness.

His captain, F. S. Whiting, testifies that the soldier's eyes became affected at Helena, Ark., that they were treated by the regimental surgeon during the months of January, February, and March, 1863; that his eyes remained weak during the balance of his service, and that on a subsequent raid he wore a handkerchief to shield his eyes.

It is shown that his eyes were sound when he entered the service.

His brother, Thomas McConaughy, who was the soldier's bunkmate, testifies that the soldier's eyes became sore in the service, that they grew worse, and that total blindness ensued.

William Scott, a neighbor both before and after the war, and who knew him well, swears he was strong, robust, healthy, and free from disability at enlistment, but that on his return, and until 1870, he was "troubled with weak and inflamed eyes and was frequently disabled from work." \* \* \* Can not name the specific disease, except weak and inflamed eyes.

Early in the seventies the soldier removed to Nebraska. The testimony is ample that his eyes continued to fail until about four years ago, when total blindness ensued.

J. H. Hines, special examiner, who was charged with the investigation of continuance of disease of eyes, reports, after examining numerous witnesses:

"While not particularly biased (the witnesses) in any way, yet the awful affliction of claimant could not but tinge their feelings with sympathy. The testimony clearly shows continuance of disease of eyes since 1871."

Mr. ERDMAN. Now, Mr. Chairman, to show how utterly deceptive that report is, I desire to have read a correct and true report prepared from evidence in the Pension Bureau.

The Clerk read as follows:

Samuel McConaughy, late private Company M, Fourth Iowa Volunteer Cavalry, applied for pension under general law for disease of eyes. His declaration was filed February 8, 1890. He alleged that his "eyes became sore and inflamed and grew weak; and disease has become permanent. Claims pension on disease of eyes."

Capt. F. S. Whiting, of Company M, testifies that "during the months of January, February, and March, 1863, while in camp at Helena, Ark., Private McConaughy was treated for sore eyes by Assistant Surgeon Dr. Robinson." He further says: "I have an impression that he had weak eyes during the balance of his term of service."

His brother, Thomas H. McConaughy, testifies that his eyes were inflamed in 1864, and thinks he was suffering some weeks with his eyes; that "he recovered," and "had no more trouble with them in the service."

Henry Shreiver, a comrade, testifies that "the lids of his eyes looked inflamed."

Samuel V. Turner, a comrade, says "his eyes looked inflamed." (See report Special Examiner N. C. Phillips.)

The evidence of Dr. F. J. Greer shows that at the time of his first acquaintance with soldier in the fall of 1860, the claimant had "sore eyes;" that they were "much inflamed"—severe conjunctivitis—and not until between 1890 and 1894 did cataract affect vision. Claimant testifies that the right eye became blind from cataract about 1888, and was operated on by Dr. Allen, oculist, Omaha, Neb., in 1892, and that he "did not lose the sight entirely of the left eye till the fall of 1893." The first medical examination was had September 10, 1890, which showed "complete opacity of lens of right eye and almost complete opacity of lens of left eye; vision, 3-50." "Eyeballs are congested and inflamed; lids very much inflamed, with tendency to granulations; lower lids thickened." Age of claimant, 69 years. The examination of March 14, 1894, gives age of claimant 72 years, and shows "complete opacity of cornea of right eye; lens has been extracted by an operation, and vision entirely gone." "There is no vision of left eye, as the result of cataract; opacity complete. The lids, both eyes, are inflamed, granulated, and very much thickened in lower lids; eyeballs somewhat inflamed. There is total blindness both eyes. Left eye has not been operated upon."

Examination December 18, 1895, shows the same condition of each eye.

On February 23, 1896, he was examined by an expert oculist, Dr. W. L. Dayton, Lincoln, Neb., who says that there exists "slight ectropion of lower lids, both eyes, has both canaliculi slit up, has probably had stricture of nasal duct. Palpebral conjunctiva atrophied, cicatricial. Corneae both eyes clear. In left has had a large iridectomy done in upper segment. Right iris drawn up so there remains a total occlusion of pupil. This condition resulted from inflammation following extraction of cataract. Left lens cataractous, over mature, senile, good light perception, but no shadows." "Right lens, not able to see, owing to occlusion of pupil, absolutely no vision either eye."

He was granted a pension of \$8 on June 8, 1895, to date from February 8, 1890, the date of filing claim, for disease of eyes, senile cataract excluded. This included the condition of the superficial structures, the sore eyes, inflamed lids and eyeballs, of service, the chronic conjunctivitis. It is neither claimed nor shown that soldier had any disease of the deeper structures while in service nor since discharge, until about 1888, when he first noticed that his vision was becoming impaired, and which he soon learned was due to a cataract forming in the right eye, to be followed by one in the left eye. Cataract is, as a rule, a disease of old age. It is never due to any disease of the superficial structures of the eye. There is nothing whatever but advanced age to account for the cataracts in this case, and they are characteristic of senile opacity of the lens.

The rate, as allowed, was fully commensurate with the degree of disability from pensioned cause, and the disability from senile cataracts was properly excluded.

#### DISEASE OF EYES.

[Fuch's (1893), page 381.]

"Opacity of the lens, called cataract, may be situated in the lens itself or in the capsule."

1. Congenital cataract is caused by "either a disturbance of development or an intrauterine inflammation of the eye."

2. Senile cataract is by far the most frequent form of cataract.

"Indeed, it occurs very frequently in old people. \* \* \*

"It usually does not make its appearance until after the fiftieth year of life, but is exceptionally observed in the years between 40 and 50."

Senile cataract always affects both eyes, but rarely at the same time, so that generally one eye is in advance of the other in respect to the development of its cataract.

Besides the congenital and senile, two other varieties of cataract are recognized—the traumatic and acquired.

The "traumatic cataract results from injury to the lens, either by the actual contact of the foreign body or by rupture of the capsule." (Fox & Gould, Philadelphia.)

All injuries which make an opening in the lens capsule result in opacity of the lens.

The opening of the capsule usually occurs through direct injury inflicted by means of a punctured or incised wound. Contusion of the eyeball also may cause opacity of the lens. (Fuchs, page 382.)

Acquired cataract—Occurring as result of other diseases.

Diabetic—Most frequent, mainly developed when the amount of sugar in the urine is high, and matures rapidly.

Disease of deeper structures of eye, in the posterior sections, such as choroiditis (particularly irid choroiditis chronica), myopia of high degree, retinitis pigmentosa, detached retina, glaucoma. (Fuchs.)

Not from any inflammation of the superficial structures, such as inflammation of lids or mucous membrane of ball, conjunctivitis, commonly called "sore eyes."

Mr. ERDMAN. Now, sir, from a comparison of those reports it would appear that the medical authorities at the Pension Bureau know a little more about medicine than the Invalid Pensions Committee, and that the House would be very much safer in following the judgment of the medical authorities in the Pension Bureau than that of a committee of this House or the testimony of outsiders offered before the committee indiscriminately.

I cite that as an instance of the recklessness with which we overrule the Pension Bureau on technical questions. Whether the case under consideration now is a similar case or not, I can not tell. Under the rule in accordance with which business is now progressing, I have not had an opportunity to inform myself on that point. It may be that this is a meritorious case; or it may be entirely without merit. I shall try in future to inform myself on the cases that will come up for consideration on Friday nights, if they come up at all.

The CHAIRMAN. The question is on the amendments proposed by the committee.

Mr. AVERY. Mr. Chairman, I merely desire to state to this committee that the reports which have been read in the time of the gentleman from Pennsylvania are not reports made in the case now under consideration at all. The report first read is the report upon this case. The physicians whose testimony is there cited are among the most eminent in the profession in the United States. Professor Vaughn is known everywhere where medical science is known or taught throughout the country. With this statement, and with the assurance to the House that this is a meritorious case, I ask a vote upon it.

Mr. MILES. Mr. Chairman, I have only one thing to say about this bill and the report, and it is that I do not know anything about it. I do not believe there are half a dozen members present who do know anything about it. That is the difficulty I have about this bill. I wish to say in all candor that I have been trying to-night to do the very best I could to obstruct legislation. I have done so for the first time since I have been a member of this House. I have tried to do it in the interest of the public; I have tried to do it conscientiously. I do not believe that it is our duty as members of Congress to sit here and vote in this irregular way upon legislation about which, because of the rule of proceeding which has been adopted to-night, it is simply impossible for us to know anything.

The gentleman from New Jersey [Mr. LOUDENSLAGER] offered a while ago a very sensible resolution. Under that resolution, which was analogous to the regular rule of the House giving preference to members who are present over those who are absent, it would have been possible for us who have no special bills in which we are particularly interested to understand upon what we are voting. That resolution, however, which was so much more reasonable than the one under which we are now acting, did not meet the favor of the Committee of the Whole. Gentlemen here seem to think that members who have no bills to submit have no rights here; that Representatives who have no pension legislation to ask for are not entitled even to have an opportunity to understand and vote intelligently upon the measures coming before the House.

This is all I desire to say, Mr. Chairman. I wish I were more loquacious; I wish I could talk here about nothing for an hour; I should be very glad to do so, if thereby I could obstruct legislation and prevent this Committee of the Whole from passing bills about



which I do not believe any member here knows enough to vote intelligently.

The question being taken, the amendments of the committee were agreed to.

Mr. MILES. Mr. Chairman, I desire to move the adoption of the resolution which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Maryland is not in order. The question is upon laying aside the bill as amended to be reported to the House with a favorable recommendation.

The question was decided in the affirmative.

Mr. MEREDITH. Mr. Chairman, as the House seems to have gotten into a little snarl, I should like to make an attempt to pour oil upon the troubled waters. I ask unanimous consent to take up a bill—

Several members called for the regular order.

The CHAIRMAN. The Clerk will proceed with the call of the roll.

MICHAEL LOCHARD.

Mr. BAKER of Kansas (when his name was called). I call up the bill (H. R. 7627) granting an increase of pension to Michael Lochard.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be authorized and directed to place upon the pension roll, subject to the limitations and provisions of the pension laws, the name of Michael Lochard, late private in Company H, Third Regiment Ohio Cavalry, at the rate of \$12 per month, in lieu of the pension he is now receiving.

Mr. ERDMAN. Mr. Chairman, we possibly might hear the report.

The CHAIRMAN. The gentleman from Pennsylvania desires to hear the report. The Clerk will read it.

Mr. ERDMAN. And I reserve the balance of my time.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7627) granting a pension of \$12 per month to Michael Lochard, late private in Company H, Third Ohio Volunteer Cavalry, having examined and considered the facts presented, respectfully report:

Michael Lochard enlisted August 20, 1861, and was honorably discharged October 3, 1864.

He filed a claim for pension April 13, 1888, alleging measles in service, resulting in disease of lungs and heart, and an injury to back. His claim was admitted January 9, 1891, at \$4 per month from April 13, 1888, for disease of lungs.

The board of examining surgeons at Osborne, Kans., March 1, 1890, rated him four-eighths for disease of lungs and four-eighths for lumbago, which diseases were fairly established by proof as due to army service.

He filed claim April 13, 1892, under act of June 27, 1890, for disease of lungs, disease of heart, sciatica, and general debility. This claim was rejected March 2, 1894, on the ground of "no ratable disability shown under act of June 27, 1890."

The board of examining surgeons at Stockton, Kans., December 2, 1891, rated him four-eighths for disease of lungs, six-eighths for disease of heart, and four-eighths for rheumatism and lumbago.

Two other boards examined him since, and find disease of lungs, disease of heart, and rheumatism or lumbago; and the last one finds chronic bronchial catarrh, and rheumatism affecting arms, shoulders, hips, back, and legs, and chronic diarrhea, but, under instructions, give no rating, but leave the impression that this man was rated too low.

Other testimony filed clearly shows this man suffers much from the disabilities alleged, and the committee unhesitatingly recommend the passage of the bill without amendment.

Mr. ERDMAN. Mr. Chairman, of course, from the brief examination of the report that I have been able to make it is not possible to say whether there is any merit in this bill or not. The gentleman from Kansas [Mr. BAKER] who made the report says there is merit in it. I have not been able to examine it for myself. The gentleman from Kansas belongs to that element in the Invalid Pensions Committee that is very favorable to the granting of pensions to all those who ask to be pensioned. Lately I think he has become a little more conservative, but whether this report was made in his former or later condition I do not know.

Now, in casting around for the objects of the bounty of the Government we have exhausted pretty nearly all of the fields; but I have observed that in the Senate, in a bill numbered 1978, another class or category of people is found who are to be pensioners upon the Government's bounty, if that bill can be enacted into a law. I will read this remarkable bill, and I have no doubt that we are coming to it.

*Be it enacted, etc.*, That all persons released from involuntary servitude, commonly called slaves, in pursuance of the proclamations of ex-President Abraham Lincoln, dated, respectively, September 22, 1862, and January 1, 1863, and in pursuance of amendments to the constitutions of the several States wherein slavery or involuntary servitude formerly existed, recognized by the Federal Constitution and laws of the United States, or by any law, proclamation, decree, or device whereby persons once held as slaves or involuntary subjects in consequence of race or color, or Federal or State recognition of involuntary servitude, except for the commission of crime, whereof the party shall have been duly convicted, shall be, and hereby are, made pensioners upon the bounty of the United States, and also such persons as may be charged by laws of consanguinity with the maintenance and support of freedmen who are unable by reason of age or disease to maintain themselves.

SEC. 2. That any person who may have been held as a slave or involuntary servant under and by reason of any law of the United States, or of either of the States of the United States, or in consequence of any device or custom prevailing within such States or the United States, except for the commission of crime whereof the party shall have been duly convicted, and who shall have been released from such servitude in manner before stated, and who shall at the date of the passage of this act have reached the age of 70

years, shall be entitled to and receive the sum of \$500 from the Treasury of the United States, hereby authorized to be paid out of any moneys not otherwise appropriated, and to the sum of \$15 per month during the residue of their natural lives. This provision shall apply to male and female freedmen alike; and all persons so released from servitude who shall be less than 70 years of age and of the age of 60 years or over shall be entitled to and receive the sum of \$300 and also \$12 per month until they shall reach the age of 70 years, when they shall be entitled to and receive the greater sum hereinbefore stated as a monthly payment; and all persons released from servitude as before stated who shall be less than 60 years old and of the age of 50 years or over shall be entitled to and receive the sum of \$100 and also \$8 per month until 60 years old, when they shall receive \$12; and all persons released from servitude as before stated who shall be less than 50 years of age shall be entitled to receive \$4 per month until 50 years old, when they shall receive \$8; all moneys herein authorized to be paid shall be dispensed from the general funds of the Treasury not otherwise appropriated.

SEC. 3. That relations or others who may be charged with the support of aged or infirm persons released from involuntary servitude in manner aforesaid shall be entitled to and receive the monthly pension awarded to such aged or infirm persons in whole or in part upon showing, to the satisfaction of the Secretary of the Interior, that such support is afforded in a humane and becoming manner, the amount of such payment being under the control and direction of the Secretary aforesaid.

SEC. 4. That the Secretary of the Interior shall have power to prepare all needed rules and regulations for the carrying into effect of the provisions of this act according to the true intent and meaning thereof, and to designate proper officers or agents through whom freedmen and other persons may make application for payment and receive moneys authorized to be paid by the provisions of this act.

SEC. 5. That all needful rules and regulations for the carrying into effect of the provisions of this act shall be approved by Congress before the taking effect thereof.

SEC. 6. That the compensation of agents charged with the enforcement of this law shall be recommended by the Secretary of the Interior and approved by Congress.

SEC. 7. That this act shall take effect and be in force from and after the 1st day of January, A. D. 1891.

Now, Mr. Chairman, these people are as much entitled to pension as many of those we are putting on the rolls at the present time. The freedmen would be, in my judgment, as much entitled to pension as a gentleman who intended to go into the war, but never did. The ex-slave and the aged and infirm of that race are as much entitled to a pension as the servant girl and the "coffee cooler," to use the language of my distinguished friend from South Carolina [Mr. TALBERT]—much more entitled.

Now, I say, extend the bounty of the Government to some such objects as these, and not so much of it to the bounty jumpers, the deserters, the coffee coolers, and the like.

Mr. MILES. Mr. Chairman, I move that this bill be laid aside without prejudice, in order that those of us who have not had any opportunity of obtaining information about it may have a chance to look into its merits.

The CHAIRMAN. The gentleman asks unanimous consent—

Mr. MILES. No, sir; I make the motion.

The CHAIRMAN. That is out of order. You must have unanimous consent to do what you suggest.

Mr. MILES. Then I ask unanimous consent.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that this bill be passed over without prejudice?

Mr. HOWE and others objected.

The CHAIRMAN. The question is on laying aside the bill with favorable recommendation.

The motion was agreed to.

SAMUEL C. TOWNE.

Mr. BAKER of New Hampshire (when his name was called). Mr. Chairman, I call up for present consideration the bill (S. 146) granting an increase of pension to Samuel C. Towne.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Towne, late of Company G, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month, in lieu of that he is now receiving.

Mr. BAKER of New Hampshire. I ask for the reading of the report.

Mr. MILES. I move that this bill be laid aside—

The CHAIRMAN. The gentleman from New Hampshire has the floor, and has requested the reading of the report.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 146, having carefully considered the same, respectfully report:

Claimant was a member of Company G, Eighth Regiment New Hampshire Volunteer Infantry, serving from July 26, 1862, to June 10, 1865. He was pensioned for chronic diarrhea, piles, and injury to back, first receiving \$4 per month, which was subsequently increased to \$10. His necessities were such that he took advantage of the act of June 27, 1890, and was granted a pension under that act at the rate of \$12 per month, which amount he is now drawing. The pensionable disabilities have continued, and in addition soldier is practically blind, requiring some one to care for him. He is also in destitute circumstances.

There is medical testimony on file to the effect that the blindness resulted from the injury to the back. That is possible, but the proof is not conclusive on that point.

Being now pensioned at the maximum rate under the act of June 27, 1890, no increase can be secured through the regular channel, and hence an appeal is made to Congress.

The bill passed the Senate February 19, 1896. After a careful examination of the evidence, your committee are unanimously of the opinion that the bill should pass, and so recommend.



Mr. MILES. I respectfully submit, Mr. Chairman, that the motion I made, and which I now renew, that this bill be laid aside so that we may have an opportunity to investigate it, is in order. I make that motion.

The CHAIRMAN. The gentleman will state his motion.

Mr. MILES. That the bill be laid aside without prejudice, in order to have an opportunity to examine into it.

The CHAIRMAN. The gentleman asks unanimous consent—

Mr. MILES. No; I make the motion.

The CHAIRMAN. The gentleman from Maryland is out of order. He can not make a motion of that character.

Mr. MILES. Why can I not move that the bill be laid aside? I respectfully submit that the motion is in order, to lay the bill aside without prejudice.

The CHAIRMAN. The Chair would state to the gentleman from Maryland that in order that the bill should retain its place upon the Calendar there must be unanimous consent, and for the same reason there must be unanimous consent to displace it upon the Calendar.

The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the committee divided, on the demand of Mr. MILES.

The CHAIRMAN (having counted the affirmative). Ninety-one members have voted in the affirmative.

Mr. MILES. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman can not make that point of order, because the vote has not been announced; he does not know whether there is a quorum or not. [Applause.]

The Chair sees one in the negative.

Mr. BARRETT. The Chair, I trust, will count gentlemen present and not voting.

The CHAIRMAN. Upon this question the yeas are 91, nays 1. The Chair will proceed to count the committee.

Mr. HOWE. No point of a quorum has been made.

The CHAIRMAN. The point not being made, the yeas have it, and the bill is laid aside to be reported to the House with a favorable recommendation.

Mr. MILES. I make the point of no quorum.

The CHAIRMAN. The gentleman is too late, and the Clerk will continue the call of the roll.

MARY O. H. STONEMAN.

Mr. BARHAM. Mr. Chairman, I call up the bill (S. 205) granting a pension to Mary O. H. Stoneman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. H. Stoneman, widow of the late George Stoneman, a major-general of the United States Volunteers in the late war for the Union, and pay her a pension from the passage of this act at the rate of \$75 per month, in lieu of any other pension.

The Committee on Invalid Pensions recommended the following amendment:

In line 9 strike out "seventy-five" and insert in lieu thereof "thirty."

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] asks that the report be read. The Clerk will read it in his time.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 205) granting a pension of \$75 per month to Mary O. H. Stoneman, widow of Maj. Gen. George H. Stoneman, having considered the same, respectfully report: George H. Stoneman graduated from the United States Military Academy and was appointed second lieutenant of First Dragoons July 1, 1846; promoted through the various grades, and was commissioned colonel "for gallant and meritorious services at the battle of Fredericksburg, Va.," appointed brigadier-general "for gallant and meritorious services in the capture of Charlotte, N. C.," and major-general March 13, 1865, "for gallant and meritorious services in the field during the war." He was appointed colonel of infantry February 9, 1891; retired February 24, 1891, and died September 5, 1894.

The committee recommend that the bill be amended by striking out the word "seventy-five," in line 9, and substituting the word "thirty" therefor, and that as amended the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN L. NOLAN.

Mr. BARRETT. Mr. Chairman, I call up the bill (H. R. 3745) granting a pension to Benjamin L. Nolan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Benjamin L. Nolan, late of Company E, Fourth Regiment United States Cavalry, a pension at the rate of \$— a month.

The Committee on Invalid Pensions recommended the following amendment:

In line 4, after the word "directed," strike out the balance of the bill and substitute therefor the following: "to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Benjamin L. Nolan, late a private in Company D, Eighth Massachusetts Volunteer Infantry, and Troop G, Third United States Cavalry, and pay him a pension of \$12 per month.

Mr. ERDMAN. Mr. Chairman, let us have the report.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ERDMAN] requests that the report be read. The Clerk will read it in his time.

The report (by Mr. SULLOWAY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3745) granting a pension to Benjamin L. Nolan, having carefully considered the facts in the case, respectfully report:

Claimant served in Company D, Eighth Massachusetts Infantry, from September 11, 1862, to August 7, 1863; in Company A, Seventeenth Massachusetts Infantry, from January 14, 1864, to July 11, 1865; in Troop E, Fourth United States Cavalry, from November 11, 1865, to November 11, 1868; and in Troop G, Third United States Cavalry, from August 9, 1870, to August 9, 1875.

He filed an application under the general law, alleging disability resulting from a cut on the left hip. This claim was rejected May 4, 1893, on the ground that the wound was not incurred while in the line of duty.

The soldier also applied under the act of June 27, 1890, but was twice rejected on the ground of no ratable degree of disability.

The medical board which examined him last, October 6, 1895, gives the following rating: Wound of left hip, six-eighths; lumbago, four-eighths; eczema, eight-eighths; rheumatism, four-eighths; in all, twenty-two eighths. No vicious habits.

Your committee believe that the claimant is justly entitled to \$12 per month under the act of June 27, 1890, and therefore respectfully recommend the passage of the bill with the following amendment:

In line 4, after the word "directed," strike out the balance of the bill and substitute therefor the following: "to place upon the pension roll, subject otherwise to the provisions and limitations of the pension laws, the name of Benjamin L. Nolan, late a private in Company D, Eighth Massachusetts Volunteer Infantry, and Troop G, Third United States Cavalry, and pay him a pension of \$12 per month."

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ABNER ABERCROMBIE.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to call up the bill (H. R. 4076) for the relief of Abner Abercrombie.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abner Abercrombie, of Monroe County, Ga., late a private in Captain Asheot's Company of Alabama Volunteers in the Indian war of 1833, at the rate of \$12 per month.

The Committee on Pensions recommended an amendment, as follows:

Strike out the word "twelve," in line 9, and substitute therefor the word "eight;" so as to fix the rate of pension at \$8 per month.

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. ERDMAN. Let us have the report.

Mr. BARTLETT of Georgia. The gentleman from Pennsylvania [Mr. ERDMAN] calls for the reading of the report. The Clerk has it.

The CHAIRMAN. The gentleman calls for the reading of the report. The Clerk will read it in the time of the gentleman from Pennsylvania [Mr. ERDMAN].

Mr. BARTLETT of Georgia. He may read it in my time.

The report (by Mr. BLACK) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4076) entitled "A bill for the relief of Abner Abercrombie," beg leave to submit the following report, and recommend that said bill do pass with an amendment.

The muster roll of Capt. M. T. Ashurst's company of Alabama Volunteers reports the claimant enrolled May 11, 1838, at Mount Meigs, and discharged June 7, 1838, at Montgomery, Ala. The records show further that the company was ordered into the service by Governor O. C. Clay, and marched from Montgomery May 11, and were on duty in the Creek Nation until June 7, 1838, when they returned to Montgomery and were discharged. Mr. Abercrombie filed an application at the Pension Office under the Indian war act of July 27, 1892, but the same was rejected on the ground that his service was two days short of the time required by that act.

There seems, however, to be some question as to the correctness of this action in the light of the fact that the twenty-eight days expired while he was still in the Creek Nation, and it was not until after that that he was discharged at Montgomery, Ala.

The testimony of W. A. Worsham and W. C. Cleveland, citizens of Monroe County, Ga., shows that the claimant is about 78 years old, in feeble health, and entirely unable to do anything by which to earn a support for himself and his aged wife.

A similar bill was reported by your committee in the Fifty-third Congress, and passed the House, but failed in the Senate from lack of time to consider it before adjournment.

The following amendment is recommended:

Strike out the word "twelve," in line 9, and substitute therefor the word "eight;" so as to fix the rate of pension at \$8 per month.

The amendment recommended by the committee was agreed to. Mr. BARTLETT of Georgia. Mr. Chairman, I desire to correct a clerical error in the printed bill. The word "Asheot," in line 7, should be "Ashurst," and I ask that that correction be made.

The CHAIRMAN. If there be no objection, the correction will be made as indicated by the gentleman.

There was no objection.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

PATRICK CLABBY.

Mr. BELKNAP. Mr. Chairman, I call up the bill (H. R. 5499) for the relief of Patrick Clabby.



The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he hereby is, authorized and directed to remove the charge of desertion now on the records of the War Department against Patrick Clabby, late a private of Company I, Fifth Regiment Infantry, New York Volunteers, and grant him an honorable discharge.

Mr. TALBERT. Mr. Chairman, I ask that the report be read. The report (by Mr. TRACEY) was read, as follows:

Your committee, to whom was referred the bill (H. R. 5499) to grant an honorable discharge to Patrick Clabby, late a private of Company I of the Fifth Regiment of New York Infantry Volunteers, having had the same under consideration, beg leave to report as follows:

Patrick Clabby was mustered into service as a private of Company I of the Fifth Regiment of New York Infantry on the 28th day of March, 1865, to serve one year. He rendered faithful service until July 31, 1865, when he is charged with desertion.

The testimony appears to show conclusively that claimant took sick and was given a pass on a United States transporting vessel to New York July 31; that he was absent at Glencoe Island about two weeks, until he was able to return, and that he did return to Harts Island, where he left his command, and found that his company and regiment had been mustered out of service.

Your committee therefore report the bill favorably and recommend that it do pass.

Mr. TALBERT. Mr. Chairman, it seems to me that this is a bill that should not be passed by the committee to-night. I am sorry that it has been brought up. It seems to me that there are other bills and more meritorious bills which might have been brought up to-night. I do not think this bill comes properly before the committee, anyway. As I understand it, this claimant has slept over his rights. I do not know anything about it, and have not learned anything from the short report. It may be that the gentleman advocating the bill has some further information, and may be able to say something which will satisfy me that it is a meritorious bill. But, as I understand the matter, he was not absent from his command after having been wounded or having been sick.

Mr. BELKNAP. I beg the gentleman's pardon.

Mr. TALBERT. I believe he did claim to have been sick, but it seems you have no evidence of that fact except the statement of the man himself.

As I understand it, several bills have been passed which allowed deserters to come in and have the charge of desertion removed. The first step in that direction, I believe, was a proclamation in 1862. A great many availed themselves of that proclamation of Mr. Lincoln. Then it seems to me there was an act passed in March, 1882, allowing those who had the charge of desertion standing against them to come in and file certain evidence before the War Department which, if satisfactory, gave the claimants an honorable discharge and allowed them, if otherwise entitled, to be placed upon the pension roll. But the law says that those who did not avail themselves of this opportunity within five years after the passage of the act should be forever barred. That act, I believe, was passed in 1882.

Then, again, in 1884 there was another act passed, opening the doors again and allowing all these men against whom a charge of desertion had been made to come in and produce satisfactory evidence before the War Department and still again have the charge of desertion removed. A great many availed themselves of that opportunity. There was a proviso in that law that those who did not avail themselves within five years afterwards were to be forever barred, and so on. The last act that I can find upon the books was passed in 1889, again opening the doors to those men against whom the charge of desertion had been made, and providing that if they could produce satisfactory evidence they could have the charge of desertion against them removed. Many of them availed themselves of the law, which they ought to have done. It was right and proper. But there was a proviso put in that law that those who did not avail themselves of that legislation within three years were to be forever barred. A great many came in and availed themselves of that law, which they ought to have done.

Now the limit has passed; they are barred by the statute of limitation, and it is not right for members here or elsewhere to continue to bring in such bills as this, for the removal of the charge of desertion against men, when there are a number of others, patriotic and brave soldiers, whose cases could be brought up here and they could be given pensions. I hope this committee to-night will sit down upon measures for the removal of charge of desertion, and not let them get in the way and block legislation against honest soldiers and brave soldiers who ought to be pensioned and who will get their pensions if these bills are kept in the background.

These are my views, which I submit without any feeling and without any prejudice against this man who deserted. I know nothing of his case except what I have heard read from the desk; but I submit that these men have had the chance time and again to have the charge of desertion removed, and I think that the time ought to be and ought to come sooner or later, according to the law, when the door should be closed at last against men who deserted their flag, unless they can show satisfactory reasons why the charge should be removed; and it seems to me that this man has had sufficient time. He has now slept on his rights from, I

believe, 1889 to 1892, and slept on his rights for five long years, and now he comes here and gets in the way of some honest soldier who ought to have a pension. This is blocking legislation. I submit, and I hope that this committee will see to it to-night that it will put its foot down on this character of legislation. You can do as you like. I have said what I think about the matter, and if you see proper to pass it, why I have nothing further to say. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. TALBERT. I move that the committee report this bill to the House with the recommendation that it lie on the table.

The CHAIRMAN. The gentleman from South Carolina moves that the committee report the bill to the House with the recommendation that it do lie on the table.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. TALBERT. Division, Mr. Chairman.

The committee divided; and there were—ayes 15, yeas 82.

Mr. TALBERT. I ask unanimous consent that it be passed without prejudice.

Mr. BELKNAP. I object.

Mr. TALBERT. I hope that request will be granted. This is the first time I have made such a request for some time in the committee.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the bill be passed over without prejudice.

Mr. FAIRCHILD. I object.

The bill was ordered to be laid aside with a favorable recommendation.

LAURA C. DODGE.

Mr. BISHOP (when his name was called). Mr. Chairman, I call up the bill (S. 2347) for the relief of Laura C. Dodge.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Laura C. Dodge, dependent widow of the late Capt. Frederick Loughton Dodge, United States Army, from \$20 to \$40 per month, said increase to take effect from and after the passage of this act.

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. ERDMAN. Mr. Chairman, let us have the report read.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Pennsylvania.

The report (by Mr. LOUDENSLAGER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2347) entitled "A bill for the relief of Laura C. Dodge," beg leave to submit the following report, and recommend that said bill do pass, with an amendment fixing the rate of pension at \$30 per month:

This is a bill enacting that the pension of Laura C. Dodge, widow of the late Capt. Frederick L. Dodge, be increased to \$40 per month.

The bill is accompanied by Senate Report No. 455, this session. That report (except so much of same as recommends a rating of \$40 per month) is adopted by your committee as their report.

[Senate Report No. 455, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2347) granting a pension for the relief of Laura C. Dodge, have examined the same, and report:

The claimant under this bill is the widow of Capt. Frederick L. Dodge, whose volunteer military service is as follows:

*Statement of the military service of Frederick L. Dodge, late private, Forty-fourth Massachusetts Militia, and first lieutenant, Eighteenth New Hampshire Infantry Volunteers.*

Frederick L. Dodge was enrolled at Boston, Mass., August 29, 1862, and mustered into service September 12, 1862, as a private, Company F, Forty-fourth Massachusetts Militia (Infantry), to serve nine months, and was mustered out of service with his company, as a private, June 18, 1863, at Readville, Mass.

He is reported present on the company muster rolls from date of muster in to date of muster out.

Frederick L. Dodge was mustered into service at Concord, N. H., March 22, 1865, as first lieutenant Company I, Eighteenth New Hampshire Infantry Volunteers, to serve one year, and was mustered out with his company as first lieutenant July 29, 1865, at DeLancy House, District of Columbia.

He is reported present on the muster rolls of his company from date of muster in to date of muster out.

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,  
War Department, January 4, 1895.

After retiring from the Volunteer Army soldier joined the Regular Army, his record in the Regular Army extending from 1867 to 1891.

The following report from the office of the Adjutant-General gives a detailed account of his services:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, January 3, 1895.

*Statement of the military service of Frederick L. Dodge, late of the United States Army, compiled from the records of this office.*

VOLUNTEER RECORD.

Private of Company F, Forty-fourth Massachusetts, August 29, 1862, to June 18, 1863; first lieutenant Eighteenth New Hampshire, March 22, 1865; honorably mustered out July 29, 1865.

REGULAR ARMY RECORD.

Second Lieutenant Twenty-third Infantry, March 7, 1867; first lieutenant, January 22, 1873; regimental quartermaster, June 10, 1888, to June 22, 1889; captain, June 22, 1889; retired, April 18, 1891; died September 11, 1891.



## SERVICE.

On duty at Fort Columbus, N. Y., June 12 to July 1, 1867; en route to and at Camp Warner, Oreg., to May 27, 1871; at Camp Harney, Oreg., to May 2, 1872; at Angel Island, California, to July 1, 1872; at Fort Whipple and at Camp Verde, Ariz., to October 8, 1874; en route to and at Omaha Barracks, Nebr., to May 9, 1876; at Fort Sidney, Nebr., to November 2, 1876; in the field in Wyoming, on the Powder River expedition against hostile Indians, to January 12, 1877; at Fort Leavenworth, Kans., to February 18, 1879; in the field in the Indian Territory to June 5, 1879; acting assistant quartermaster and acting commissary of subsistence at the United States Military Prison, Fort Leavenworth, Kans., to October 29, 1882; with regiment at Fort Craig, N. Mex., to June 1, 1884; at Fort Wayne, Mich., to August 16, 1889; sick at post to September 7, 1889; on sick leave to December 9, 1889; in the Government Hospital for the Insane, District of Columbia, to September 17, 1890; on sick leave to April 18, 1891, when he was retired. He was examined by a retiring board March 17, 1891, and the board found in his case as follows:

"That Capt. Frederick L. Dodge, Twenty-third Infantry, is incapacitated for active service by reason of Bright's disease of the kidneys; that the incapacity is permanent, and that it arose from causes incident to the service, viz, worry and overwork in the line of duty during the summer of 1889."

He died September 11, 1891, at Detroit, Mich.

J. C. GILMORE,  
Assistant Adjutant-General.

After the war, in recognition of his services, he was commissioned a second lieutenant in the Regular Army, and was subsequently promoted to first lieutenant and captain.

He served in every part of the country, from New York to Oregon and Arizona, and endured the severest hardships of Indian warfare and frontier service. From time to time he filled nearly every position of responsibility and trust incident to his rank, until by overwork, long continued, he wrecked and ruined his health.

Mrs. Dodge shared the hardships and suffering of her husband in many of his campaigns. She is now a resident of Detroit, Mich., in very straitened circumstances, and appeals to Congress for relief. She is now receiving a pension of \$20 per month, and asks that it be increased to \$50.

In view of the long and distinguished services of Captain Dodge and the necessities of the widow, your committee recognize the case as one of special merit, and therefore recommend the passage of the bill, after being amended by striking out the word "fifty," in line 7, and substituting therefor the word "forty."

The amendment recommended by the committee was agreed to.

The question was taken on laying aside the bill as amended with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. MILES. Division, Mr. Chairman.

The committee divided; and there were—ayes 97, noes 0.

So the bill was laid aside with a favorable recommendation.

MRS. LUCY ALEXANDER PAYNE.

Mr. BLACK (when his name was called). Mr. Chairman, I call up the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Mrs. Lucy Alexander Payne, widow of Capt. J. Scott Payne, Fifth United States Cavalry, on the pension roll at \$50 per month, in lieu of the pension she is now receiving.

Mr. MILES. Let us have the report read, Mr. Chairman.

The CHAIRMAN. The report will be read in the time of the gentleman from Maryland.

The report (by Mr. COFFIN) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1501) granting an increase of pension to Mrs. Lucy Alexander Payne, have considered the same and report:

The claimant in this case, Mrs. Lucy Alexander Payne, is the widow of Capt. J. Scott Payne, Fifth United States Cavalry, who graduated from the United States Military Academy and was appointed second lieutenant, Fifth Cavalry, June 18, 1866; promoted first lieutenant May 23, 1867; resigned September 12, 1868. Appointed second lieutenant, Sixth Cavalry, February 3, 1873, and first lieutenant September 8, 1874; promoted to captain June 4, 1875, and retired as of that rank April 24, 1886, on account of disability originating in the line of his duty.

Captain Payne's record is a very honorable one, and he rendered very brilliant and gallant service in the campaign against the Utes, especially in what is known as the Milk River fight, wherein the gallant Major Thornburgh lost his life. After the fall of Major Thornburgh the command devolved upon Captain Payne, who made a gallant and successful resistance against overwhelming numbers of Indians, bringing his command out of the dangerous position with great credit. He was particularly mentioned by his commanding officer for his conduct in this affair, and was recommended for promotion, which, for some reason, never came to him.

He was twice wounded during the fight referred to, and was a great sufferer before his death. His widow is now in feeble health, suffering from the strain brought on by her faithful attendance on her husband during his last illness. She is without means and dependent upon her pension for the support of herself and two minor children.

Captain Payne died December 19, 1895, from disease originating in the service, and his widow is now receiving the pension of \$20 per month provided by the general law.

In view of the conspicuous and valuable service rendered to his country by the deceased officer, and in the light of the widow's invalid condition and pressing necessities, your committee recommend the passage of the bill, amended, however, by fixing the rate of pension at \$30 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

AMANDA M. WAY.

Mr. BLUE (when his name was called). Mr. Chairman, I call up the bill (H. R. 5998) granting a pension to Amanda M. Way, as army nurse.

Mr. MILES. Mr. Chairman—

The CHAIRMAN. The gentleman from Maryland.

Mr. MILES. I have nothing to say now, Mr. Chairman. I thought I was recognized.

The CHAIRMAN. The gentleman from Maryland will observe that before he spoke the Chair had recognized the gentleman from Kansas.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Amanda M. Way, of Los Angeles, Cal., on the pension roll as army nurse, and pay her a pension at the rate of \$25 a month from and after the passage of this act.

Mr. ERDMAN. Let the report be read, Mr. Chairman.

The report (by Mr. KIRKPATRICK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5998) granting a pension to Amanda M. Way, having carefully considered the same, respectfully report:

This claimant asks a pension by Congressional legislation on the ground of having served as a volunteer army nurse for a period of six months during the war of the rebellion.

She applied for a pension August 2, 1863, alleging service at Nashville and Murfreesboro, Tenn., also on the steamer *City Belle*, hospital boat, on the Mississippi River, and at Mound City, Kans.

Her claim was rejected on the ground of insufficient proof of appointment by proper authority and requisite length of service.

She sets forth in her affidavit that she tendered her services to the late Governor Oliver P. Morton, of Indiana, and was assigned to duty in the hospitals of Tennessee, transportation and subsistence being furnished upon requisition.

James F. Hibberd, M. D., testifies that he was surgeon in charge of hospital corps at Murfreesboro, Tenn., and that he knows of his own knowledge that claimant rendered efficient services under his direction, and that she was appointed to this duty by Governor Morton. He further testifies that this service began in January, 1863.

John W. Boikin, M. D., testifies that he was surgeon in charge of hospital corps on hospital steamer *City Belle* in June and July, 1863, and that claimant rendered efficient service as army nurse under his direction.

John B. Routh, late regimental quartermaster Twenty-sixth Indiana Volunteers, testifies that of his personal knowledge claimant was called upon by the late Governor Morton to look after the sick and wounded on the battlefields. He particularly remembers her valuable services at Vicksburg. He also testifies that she spent most of her time during the war in nursing soldiers.

Hon. Jeff. Fleming of Mound City, Kans., testifies to claimant's valuable services among the wounded at the battle of Mine Creek, Kansas, and in the hospital at Mound City, Kans., in October, 1864.

Robert Fleming, esq., testifies to the same services, and particularly mentions her work among the sick and wounded at Mound City, Kans.

While it is true that no record of her services appears, and doubtless her appointment was somewhat informal, yet the fact that she performed the services of an army nurse for a period of six months and more is clearly established, and in equity places the Government under obligations to recognize the same.

Claimant is 68 years of age, poor, and needy.

In view of all the facts, your committee recommend the passage of the bill, with an amendment striking out the word "twenty-five," in line 6, and inserting "twelve" in lieu thereof.

The amendment recommended in the last paragraph of the report was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MILES. Mr. Chairman, I move that the committee do now rise.

The question being taken on the motion of Mr. MILES, the Chairman declared that the noes seemed to have it.

A MEMBER. A division!

The CHAIRMAN. The gentleman from Maryland [Mr. MILES] demands a division.

Mr. MILES. The Chair is overcourteous to me now. I have made no demand for a division.

The CHAIRMAN. The Chair understood the gentleman from Maryland to demand a division, but is glad that he did not. The motion that the committee rise is lost.

CHARLES A. NAZRO.

Mr. BOWERS (when his name was called). Mr. Chairman, I call up the bill (H. R. 6671) for the relief of Charles A. Nazro.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Charles A. Nazro, a lieutenant in Companies F and L of the Twenty-sixth Illinois Infantry Volunteers in the war of rebellion, at the rate of \$72 per month.

Mr. ERDMAN. Mr. Chairman, let the report be read.

The report (by Mr. ANDREWS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6671) for the relief of Charles A. Nazro, report thereon as follows:

This officer served from August 29, 1861, to June 18, 1862, when he resigned on account of a wound causing entire loss of sight of one eye (left) and serious impairment of sight in the other. He is now pensioned at \$17 per month for loss of left eye with deformity from pistol wound.

In addition to the entire loss of left eye, claimant has impairment of sight of right eye, which has been admitted by the medical officers of the Pension Bureau as a result of the loss of left eye. When the left eye was removed a piece of metal was found in the optic nerve which had been there since the wound was received, and which had been a constant source of nervous irritation, and caused serious impairment of his nervous system.

Besides the affection of eyes and practical loss of sight, he has rheumatism, which he swears he contracted in the service, and the evidence, which shows that he entered the service sound, and that he had a severe attack of inflammatory rheumatism very soon after leaving the service, too soon, in fact, to have had its origin anywhere except in the service, proves his assertion. He is now totally disabled and so nearly blind that if he uses his one eye for any length of time for reading it becomes inflamed and he is obliged to stay in a darkened room.

At his medical examination in 1891 he was rated seventeen-eighteenths for loss of left eye, and first grade for rheumatism and resulting heart disease. On February 20, 1896, he was found totally disabled, a terrible sufferer



from rheumatism, and unable to dress and undress himself without assistance. This committee are satisfied from the evidence that this officer's helpless and disabled condition is due to his army service, and therefore recommend the passage of the bill with the following amendment:

Before the word "lieutenant," in line 5, insert the word "first," and in same line strike out the words "in Companies F and L" and insert in lieu thereof the words "and quartermaster."

The CHAIRMAN. The question is on the amendments recommended by the committee.

Mr. ERDMAN. Mr. Chairman, I understand that the gentleman from California [Mr. BOWERS] has personal knowledge of this case, and I should be glad to hear his statement.

Mr. BOWERS. Mr. Chairman, the beneficiary of this bill is a neighbor of mine in California, and I am personally acquainted with his condition and circumstances. His left eye was shot out, and a piece of metal, as stated in the report, affected the optic nerve so that he is to-day, or was two months ago, when I left home, totally blind, totally helpless, and has to be taken care of like an infant. He probably can not live more than a short time. He and his people are poor and the neighbors have to help to support him, and the case seems to me a proper one for favorable action by this committee. I state these facts from personal knowledge.

The amendments recommended by the committee were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN J. CROSS.

Mr. BURRELL (when his name was called). Mr. Chairman, I call up the bill (H. R. 2321) to increase the pension of John J. Cross.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of John J. Cross, late a member of Company H, Eighth Cavalry, Thirty-ninth Indiana Volunteers, from \$8 to \$35 per month, subject to the conditions and limitations of the Pension Bureau.

Mr. ERDMAN. Let the report be read.

The report (by Mr. WOOD) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2321) to increase the pension of John J. Cross, submit the following report:

John J. Cross enlisted August 23, 1861, in Company H, Thirty-ninth Indiana Volunteers. This regiment reenlisted and became the Eighth Indiana Cavalry. The soldier was honorably discharged June 30, 1865. He was captured at the battle of Bentonville and was confined in Libby Prison until April 2, 1865, where, from unwholesome food and privation, he contracted chronic diarrhea and disease of rectum, for which he was pensioned at \$4 from August 31, 1863, and \$9 from March 23, 1890, which was increased to \$8 from September 9, 1891. Application for increase has been rejected.

He was in sound health on enlistment. Since 1880 he has been a confirmed epileptic. He is now totally incapacitated for manual labor. His last medical examination, May 17, 1893, shows that he is entitled to a pension of second grade—\$30 per month—for chronic diarrhea and epilepsy and hemorrhoids.

Two hundred and forty-nine citizens petition for the increase of his pension. There is no question but that he is totally incapacitated for manual labor. There is considerable evidence that his epilepsy results from diseases contracted in the service for which he is now pensioned.

The committee are unable to say from this evidence that the epilepsy is actually the result of diseases contracted in the service, but as the soldier is conclusively shown by the evidence to have been sound on enlistment we can find no other cause. As he honorably served three years and ten months, and is now helpless, we recommend that the bill be amended by inserting the word "private" in lieu of "member," in fifth line, and striking out the word "five," in sixth line, so as to increase his pension to \$30 per month.

The amendments recommended in the last paragraph of the report were adopted.

Mr. BURRELL. Mr. Chairman, I move to strike out the word "Bureau," at the end of the bill, and insert "law;" so as to read, "pension law."

Mr. ERDMAN. Mr. Chairman, I observe in the report that two hundred and odd citizens have petitioned for the granting of this pension, and that seems to be the chief reason why we are to grant the pension. Has it come to this, that instead of requiring the foundation for a pension to be laid, as is required in other cases, by sworn testimony, satisfactory testimony, we are going to abandon that rule and grant a pension upon the petition of a couple of hundred citizens? Let it go forth to the world that this Congress is willing to grant pensions upon the petition of citizens and not upon evidence, and we shall have plenty of that kind of work to do. I think it is a fair inference from this report that that is what we are asked to do in this case.

I should be glad to have had time to examine this report to ascertain whether there is any merit in this case, but there has been no time for that, and there is no opportunity under the peculiar system by which we are trying to rush bills through to-night. Gentlemen must therefore expect casual remarks and reflections upon these bills, and probably before they get through the House an opportunity may be presented to some gentlemen who have investigated these cases to look into them further.

The amendment of Mr. BURRELL was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. MOLDER.

Mr. BURTON of Missouri (when his name was called). I call up the bill (H. R. 6757) granting a pension to Andrew J. Malder.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Malder, late a private in Capt. John Miser's Company, Hempstead County Arkansas Militia, and to pay him a pension of \$12 per month from and after the passage of this act.

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

Strike out "subject to the provisions and limitations of the pension laws," in lines 4 and 5, and strike out all the printed bill after the word "month," in line 8; also amend by substituting the name "Molder" instead of "Malder;" and amend the title so as to read as follows: "A bill granting a pension to Andrew J. Molder."

Mr. ERDMAN. I desire that the report be read.

The report (by Mr. CROWTHER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6757) granting a pension to Andrew J. Molder, late private in Capt. John Miser's company, Hempstead County Arkansas Militia, having examined and considered the facts presented, respectfully report.

Claimant testifies that he enlisted in Capt. John Miser's company on or about November 1, 1863, and served until on or about April 1, 1864; that he was wounded in the left hip by gunshot in an action between Captain Miser's company and Capt. Buck Brown's guerrillas, near Pea Ridge, in Benton County, Ark., and that his company was at the time serving under orders of Col. Loren Harrison, of the First Arkansas Cavalry. The company was so depleted by killed and wounded in this action that it was never called into active service again.

Claimant's testimony is corroborated by J. S. Vansandt, who was a member of same company, and by J. H. Moore, who lived near Pea Ridge and who testifies to claimant being wounded near where he lived.

Dr. Joshua G. Morgan, of Barry County, Mo., testifies that claimant's disability is total from the gunshot wound of hip. The ball entered the lower part of hip and ranged upward, lodging in the groin, he having evidently been in a stooping position when the wound was received.

Applicant filed claim for pension March 18, 1892 (No. 1102622), which was rejected July 2, 1892, on the ground that claimant was not in the military service of the United States.

For many years the precedent has been followed of granting pensions to officers and soldiers of militia who received wounds or injuries in battle, it having always been regarded that a gunshot wound received in action was equivalent to muster in.

Your committee therefore recommend the passage of the bill, after being amended by striking out "subject to the provisions and limitations of the pension laws," in lines 4 and 5, and by striking out all the printed bill after the word "month," in line 8; also amend by substituting the name "Molder" instead of "Malder;" and amend the title so as to read as follows: "A bill granting a pension to Andrew J. Molder."

Mr. TALBERT. I do not know that I understood fully the facts from the reading of the report. It would seem that this man was never in the military service.

Mr. BURTON of Missouri. He was a member of a militia company which was called into actual service. He was wounded in battle, but he has been prevented from obtaining a pension because of the fact that he was never mustered into the service of the United States. It has always been the rule, I believe, under such circumstances, for this House to grant a pension.

Mr. TALBERT. There is no record of his company having been mustered into the service?

Mr. BURTON of Missouri. No record in the War Department, but there is plenty of outside testimony to that effect.

The amendments reported by the committee were adopted.

The bill as amended was laid aside to be reported favorably to the House.

MALACHI SALTERS.

Mr. CALDERHEAD (when his name was called). I call up the bill (H. R. 9319) granting a pension to Malachi Salters, a sergeant of Company F, Ninth Regiment Illinois Volunteer Cavalry.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to place the name of Malachi Salters, late a sergeant of Company F, Ninth Regiment of Illinois Volunteer Cavalry, upon the pension roll of the United States and grant him a pension of \$72 a month.

Mr. TALBERT. Let us hear the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9319) granting a pension to Malachi Salters, having carefully examined the papers in connection with the same, submit the following report:

Malachi Salters served in Company F, Ninth Illinois Cavalry, from October 7, 1861, to October 31, 1865, when he was discharged with the rank of sergeant. He also served in the war with Mexico. He is pensioned at \$17 for rupture and rheumatism. The lieutenant commanding his company testifies that in the battle of Wyatt, Miss., his (claimant's) hearing was affected by the concussion of the cannon where he was stationed. He was sickly after that and was put on duty as company clerk, as he was not fit for any other duty. Five of his comrades testify to his deafness incurred at that time, and that he complained of injury to his eyes, and soon after that he had weak eyes, and that his eye trouble and impaired hearing continued until his discharge.

Upon examination by special agent of the Pension Bureau witnesses testify to his soundness prior to enlistment, and to existence of hernia and rheumatism, severe deafness, and injury to his sight on his return from the service. He has a bayonet wound received while in action. April 8, 1891, his examination rated him eight-eighths for hernia, twenty-two thirtieths for severe deafness, first grade for blindness, and ten-eighths for rheumatism.

One physician testifies that he found senile cataract of both eyes, and upon this the Pension Bureau rejects the blindness or disease of eyes, and notes that the blindness is due to age. Five witnesses testify to incurrence and continuance of deafness and disability of eyes from the time he received them in the service; yet the Pension Bureau rejects the deafness.

Claimant is 58 years old, and has been totally blind since 1890. His eyes are constantly inflamed; he is helpless with rheumatism. The testimony of three



physicians shows that his present physical condition is such that he should have a constant attendant in addition to his wife. He occasionally has attacks which render him unconscious. His entire property has not been of more value than \$100 at any time within the last ten years. He is dependent on the charity of the Grand Army of the Republic post of his town, Clay Center, Kans. In view of the testimony of one lieutenant and several comrades to the incurrence of the eye and ear trouble, and the fact that he has continued to suffer from these troubles and is now totally disabled therefrom, your committee consider this a meritorious case. We therefore recommend the passage of the bill as amended.

Amend by striking out the word "seventy-two," in line 7, and inserting the word "fifty" in place thereof.

Amend the title so as to read: "Granting a pension to Malachi Salters."

The amendments reported by the committee were read, and agreed to, as follows:

Strike out the word "seventy-two," in line 7, and insert the word "fifty" in place thereof.

Amend the title so as to read: "A bill granting a pension to Malachi Salters."

The amendments were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ANNA G. VALK.

Mr. COFFIN (when his name was called). I call up the bill (H. R. 7055) increasing the pension of Anna G. Valk.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Anna G. Valk, widow of William W. Valk, late surgeon of the Fourth Maryland Volunteer Infantry, United States Volunteer Army, to the sum of \$50 per month.

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

In line 6 insert the word "Volunteer" before the word "Infantry," and strike out the words "United States Volunteer Army."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

Mr. ERDMAN. Let the report be read.

The report (by Mr. MILES) was read, as follows:

The Committee on Invalid Pensions, having considered the evidence relating to the bill (H. R. 7055) increasing the pension of Anna G. Valk, report:

William W. Valk served about four years and was honorably discharged as surgeon of the Fourth Maryland Volunteer Infantry. He never applied for pension. Had he even filed a claim his widow could have completed it and drawn the accrued pension from the date of his discharge, in 1865, to the date of his death, in 1875, as she has since established the fact that he died from disease of the lungs contracted in the service, and is now in receipt of a pension of \$25 a month, total of rank of her husband as a surgeon. This is not enough to provide for her necessities, as she is now 61 years of age, and has dependent on her two young daughters. Her only income or means of support are her pension and the aid given by an older daughter.

The above facts are established by the evidence, and in view thereof it is believed that her pension should be increased, and to that end it is recommended that the bill pass, after being amended as follows:

In line 6 insert the word "Volunteer" before the word "Infantry," and strike out the words "United States Volunteer Army."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported favorably to the House.

NANCY ROBERTS.

Mr. COLSON (when his name was called). I call up the bill (H. R. 8633) granting a pension to Nancy Roberts, of Manchester, Clay County, Ky.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Nancy Roberts, widow of Jesse Roberts, late a private in Company A, Forty-ninth Kentucky Volunteer Infantry, on the pension roll at \$20 per month.

The CHAIRMAN. The question is on laying this bill aside to be reported favorably to the House.

Mr. ERDMAN and Mr. MILES. Let us have the report.

The CHAIRMAN proceeded to put the question.

Mr. ERDMAN. The reading of the report was called for.

The CHAIRMAN. The point was not made in time.

The bill was laid aside to be reported favorably to the House.

WILLIAM EDWARDS.

Mr. COOK of Wisconsin (when his name was called). I call up the bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Edwards, of Company D, Tenth Vermont Volunteer Infantry.

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

In lines 4 and 5 strike out "subject to the provisions and limitations of the pension laws."

At the end of the bill add, "and pay him a pension of \$12 per month."

Mr. ERDMAN. Mr. Chairman, the gentlemen who were so anxious to change the usual rule, and whose names do not happen to begin with A, B, or C, can at this time of the night, when it is within three or four minutes of the time when the committee

must rise and the House adjourn, see that the prediction I made before we went into this system was correct. They must feel that they have been "bunkoed" by it, just as I told them in the beginning they would be. I presume that on next Friday night it will be perfectly fair to commence the call of the roll where we leave off to-night.

Several MEMBERS. Certainly.

Mr. ERDMAN. And I want to say that if you want to do that, you should try to have at least 178 members present in order to do it.

Mr. THOMAS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore [Mr. LACEY] having resumed the chair, Mr. WELLINGTON reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report with amendments and as so amended with favorable recommendation bills of the following numbers: House bills 9683, 3745, 4076, 5898, 6671, 2321, 6757, 9319, and 7055; and Senate bills of the following numbers: 2126, 205, 2347, 1501.

Also the following bills without amendments and with the recommendation that they do pass: House bills Nos. 10040, 6268, 7627, 5499, 8633; and Senate bills Nos. 2931 and 146.

Also that the committee had had under consideration the bill (H. R. 7333) granting a pension to William Edwards, and had come to no resolution thereon.

WILLIAM EDWARDS.

Mr. COOK of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill (H. R. 7333) granting a pension to William Edwards, Company D, Tenth Regiment Vermont Volunteers, which was the unfinished business in the Committee of the Whole when the committee rose, be taken up and considered by the House at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There being no objection, the bill was considered, the amendment recommended by the Committee on Invalid Pensions was agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

And then (the hour of 10 o'clock and 30 minutes having arrived) the Speaker pro tempore under the rule declared the House adjourned.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Hillsboro Bay, Florida—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers recommending the repeal of an act granting to the Birmingham, Mobile and Navy Cove Harbor Railway Company certain rights of way through Fort Morgan (Ala.) Military Reservation—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior recommending the payment of certain expenses incurred at the burial of the late Col. Paul F. Faison, United States Indian inspector—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior submitting an estimate of appropriation for the survey of the lands of the Chickasaw Nation—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the receiver of the Belt Railway Company of the District of Columbia, transmitting the report of the company for the year ending December 31, 1896, together with a list of the stockholders of the company—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a bill for the cession of the old light-house site at Hog Island, Virginia—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

By Mr. CUMMINGS, from the Committee on the Library, to



which was referred the bill of the House (H. R. 9898) for the erection of an equestrian statue of Maj. Gen. Henry W. Slocum in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 2692); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ELLETT, from the Committee on Interstate and Foreign Commerce, submitted the views of the minority of said committee upon the bill (H. R. 10090) to amend the act entitled "An act to regulate commerce;" which said views (Report No. 2586, part 2) were referred to the House Calendar.

Mr. MEREDITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9770) providing that the Potomac Flats shall be reserved and improved for park purposes under the name of the Potomac Park, reported the same without amendment, accompanied by a report (No. 2708); which said bill and report were referred to the House Calendar.

By Mr. PRICE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3303) entitled "An act to authorize the construction by the Kansas City, Shreveport and Gulf Railroad Company of a bridge across the Sabine River between the States of Louisiana and Texas," reported the same without amendment, accompanied by a report (No. 2717); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BAKER of Kansas, from the Committee on Invalid Pensions:

The bill (S. 2375) entitled "An act granting an increase of pension to John G. Powers." (Report No. 2693.)

The bill (H. R. 6754) granting an increase of pension to Michael Scannell. (Report No. 2713.)

By Mr. CROWTHER, from the Committee on Invalid Pensions:

The bill (S. 3196) entitled "An act granting an increase of pension to George W. Walton." (Report No. 2694.)

The bill (H. R. 5507) for the relief of D. W. Snider. (Report No. 2714.)

By Mr. KERR, from the Committee on Invalid Pensions:

The bill (S. 2672) entitled "An act granting a pension to John J. Shockey." (Report No. 2695.)

The bill (S. 2992) entitled "An act granting a pension to Ellen O'Hara." (Report No. 2696.)

The bill (S. 2994) entitled "An act granting a pension to William G. Alspach." (Report No. 2697.)

The bill (S. 3190) entitled "An act granting a pension to Amos L. Hood." (Report No. 2698.)

The bill (S. 3103) entitled "An act granting a pension to Jesse O. Davy." (Report No. 2699.)

By Mr. KIRKPATRICK, from the Committee on Invalid Pensions:

The bill (S. 3334) entitled "An act granting an increase of pension to Allen Buckner, of Baldwin, Kans." (Report No. 2700.)

The bill (S. 3339) entitled "An act granting a pension to Louise E. Perkins." (Report No. 2715.)

By Mr. LAYTON, from the Committee on Invalid Pensions:

The bill (S. 2037) entitled "An act granting an increase of pension to Joel M. Gibson." (Report No. 2701.)

The bill (S. 2908) entitled "An act granting a pension to Franklin Andrews." (Report No. 2702.)

The bill (S. 2993) entitled "An act granting a pension to Rebecca Gilbert." (Report No. 2703.)

The bill (S. 2995) entitled "An act granting a pension to James M. Dennison." (Report No. 2704.)

The bill (S. 3145) entitled "An act to increase the pension of William Hulsizer." (Report No. 2705.)

By Mr. THOMAS, from the Committee on Invalid Pensions:

The bill (H. R. 5619) granting a pension to Mary Bemus. (Report No. 2706.)

The bill (H. R. 1473) increasing the pension of Joseph McCune. (Report No. 2716.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (S. 2909) entitled "An act granting an increase of pension to Henry Schaefer." (Report No. 2707.)

By Mr. COX, from the Committee on Claims:

The bill (S. 1582) entitled "An act to pay to the widow of the late Samuel F. Miller, a justice of the Supreme Court, a sum equal to the balance of his salary for the year in which he died." (Report No. 2709.)

The bill (H. R. 8284) authorizing the Secretary of the Treasury to pay the sum of \$400 to Brownell & Co., Dayton, Ohio, on account of penalty erroneously imposed by the Light-House Board. (Report No. 2711.)

By Mr. SNOVER, from the Committee on Claims: The bill (S.

1122) entitled "An act for the relief of Sally Hardmond." (Report No. 2710.)

By Mr. BENNETT, from the Committee on Interstate and Foreign Commerce: The bill (H. R. 7270) to restore Lieut. Samuel Howard to his proper rank. (Report No. 2712.)

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MURPHY of Arizona: A bill (H. R. 10181) specifying the courts in which Indians shall be tried for offenses committed within the Territories of the United States—to the Committee on Indian Affairs.

By Mr. SWANSON: A bill (H. R. 10182) to confirm title to lots 13 and 14, in square 959, in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. McCALL of Massachusetts (by request): A bill (H. R. 10183) to provide a uniform currency for the United States of America—to the Committee on Banking and Currency.

By Mr. ELLETT: A bill (H. R. 10184) to define and regulate fraternal and beneficiary orders in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: A joint resolution (H. Res. 240) concerning the construction of the public building at Racine, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. HITT: A joint resolution (H. Res. 241) providing for the printing of the Consular Regulations of 1896—to the Committee on Printing.

By Mr. WILLIAM A. STONE: A resolution (House Res. No. 509) providing for occupation of the galleries at the counting of the electoral vote—to the Committee on Rules.

By Mr. MONDELL: A memorial of the State of Wyoming, concerning the California mineral land bill—to the Committee on the Public Lands.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. COLSON: A bill (H. R. 10185) granting an honorable discharge to John R. Alford—to the Committee on Military Affairs.

Also, a bill (H. R. 10186) granting a pension to Sarah Ann Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10187) granting a pension to Mary J. Ellis, widow of Joel B. Ellis, Company H, Thirteenth Kentucky Cavalry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10188) granting a pension to Ibia Dicken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10189) for the relief of Margaret E. Cole—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 10190) to pay the findings of the Court of Claims in the case of William Strawhorn—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 10191) granting a pension to Mrs. Elmira Creighton—to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 10192) granting a pension to Martha A. De Lamater—to the Committee on Pensions.

Also, a bill (H. R. 10193) granting a pension to Willis Brady—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

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

By Mr. BARHAM: Memorial of the Humboldt Chamber of Commerce of Eureka, Cal., asking for a public building at Eureka, Cal.—to the Committee on Public Buildings and Grounds.

Also, memorial of the Humboldt Chamber of Commerce of Eureka, Cal., asking consideration of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP: Resolution of the city council of Savannah, Ga., recommending that Fort Pulaski be repaired—to the Committee on Appropriations.

By Mr. CURTIS of Iowa: Petition of the dean of the University of Michigan; president of Muskingum College, Concord, Ohio; chancellor of Syracuse (N. Y.) University; president of Geneva College, Beaver Falls, Pa.; dean of General Theological Seminary, New York; president of University of California; president of Cornell University; president of Guilford (N. C.) College; bishop of Springfield, and bishop of Tennessee, for the passage of the bill for the prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Earlville, Iowa, urging the passage of Senate bill No. 2485, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the Judiciary.



By Mr. GIBSON: Paper relating to the claim of John Brouder, of Loudon County, Tenn.—to the Committee on War Claims.

By Mr. GRAFF: Resolutions of the State Grange of Illinois, favorable to woman suffrage—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolutions of the State Grange of Illinois, favorable to rural mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the State Grange of Illinois, in favor of postal savings banks—to the Committee on Banking and Currency.

Also, resolutions of George Yocum Post, No. 325, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of the Medical Society of New Jersey, protesting against the passage of Senate bill No. 1552, for the further prevention of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Eleventh Ward Republican Club, of Newark, N. J., urging the annexation of Cuba—to the Committee on Foreign Affairs.

Also, petition of the State Horticultural Society of New Jersey, opposing the free distribution of seeds as being unwise, unnecessary, and a wasteful expenditure of the public money—to the Committee on Agriculture.

Also, petition of the Board of Trade of Asbury Park, N. J., urging the passage of the Torrey bankruptcy bill—to the Committee on Banking and Currency.

By Mr. HURLEY: Petition of Jacob Muller, of Brooklyn, N. Y., for higher rate of duty on harness and saddlery—to the Committee on Ways and Means.

By Mr. KIEFER: Resolutions of Minneapolis Division, No. 117, Order of Railway Conductors, favoring the passage of the arbitration bill, the contempt-of-court bill, the Phillips commission bill, and the Sherman bill—to the Committee on Rules.

By Mr. LAYTON: Petition of George R. Beutel and 43 other citizens of Lima, Ohio, protesting against the passage of the Sherman bill to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: Petition of Dr. W. O. Trott, Judge J. L. Wood, Hon. J. T. Gunter, and 292 other citizens of the Cherokee Nation, praying that the payment rolls of 1851 and 1852, of the Old Settlers and emigrants, be made the basis for the new rolls to be made by the Dawes Commission to the Five Civilized Tribes of Indians—to the Committee on Indian Affairs.

By Mr. McRAE: Sundry petitions of G. D. Smith, of Princeton, Ark.; M. E. White, of Portland, Ark.; W. W. Folsom, of Hope, Ark.; James Crook, of Wilton, Ark., and A. B. Bishop, of Locksburg, Ark., for favorable action on House bill No. 4566, to amend the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLER of West Virginia: Petition of F. S. Smith, A. B. White, and 86 other citizens of Parkersburg, W. Va., protesting against the passage of the Sherman bill—to the Committee on Interstate and Foreign Commerce.

Also, evidence in support of House bill No. 9990, for the relief of Absolom Maynard—to the Committee on Invalid Pensions.

By Mr. MOODY: Protest of 44 citizens of the State of Massachusetts, against the passage of the House bill No. 10090, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: Petition of 54 citizens of Sioux City, in opposition to House bill No. 10090, known as the Sherman bill, to abolish ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE: Petition of William Wiley and other citizens of Marion, Ind., also petition of Edwin E. Russell and other citizens of Kokomo, Ind., protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. STROWD of North Carolina: Petition of the heirs of Francis M. Hathcock, deceased, late of Wake County, N. C., praying reference of his war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. TAYLER: Resolutions adopted at a mass meeting of citizens of Youngstown, Ohio, protesting against lynch law in the South—to the Committee on the Judiciary.

Also, petition of citizens of Canton, Ohio, protesting against the passage of the Sherman bill with respect to ticket brokers—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Petition of D. W. Dye and other citizens of Marietta, Ohio, protesting against the passage of House bill No. 10090, abolishing ticket brokerage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD: Petition of Martha A. De Lamater, of Crawford County, Ill., for an act granting her a pension—to the Committee on Invalid Pensions.

Also, petition of Willis Brady, of Coles and Cumberland counties, Ill., for a pension—to the Committee on Invalid Pensions.

## HOUSE OF REPRESENTATIVES.

SATURDAY, January 30, 1897.

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

Prayer by the Chaplain, Rev. HENRY N. COUDEN.  
The Journal of the proceedings of yesterday was read and approved.

HENRY A. WEBB.

The SPEAKER laid before the House the bill (H. R. 1256) for the relief of Henry A. Webb, with a Senate amendment thereto. The Senate amendment was read.

Mr. DOCKERY. I desire to ask the gentleman interested in this bill what change is made by the Senate amendment from the bill as it passed the House?

Mr. BULL. The Senate amendment reduces the amount.

Mr. DOCKERY. The amount of what?

Mr. BULL. Reduces the amount that the House bill calls for by \$550.

Mr. DOCKERY. The Senate amendment does not describe the same bonds that the House bill describes?

Mr. BULL. It describes the same bonds, but simply reduces the total by the amount of the bonds that were redeemed at the Treasury.

Mr. DOCKERY. Reduces the indemnity bond?

Mr. BULL. Not the indemnity bond, but the amount of the bonds that were stolen, by the sum of \$650. The indemnity bond remains double the amount just the same.

Mr. DOCKERY. It having been ascertained that the \$650, the difference in the amount, had already been paid?

Mr. BULL. Yes.

Mr. DOCKERY. In all other respects, the description of the bonds is the same?

Mr. BULL. Is the same; yes.

Mr. DOCKERY. The same as carried in the original House bill?

Mr. BULL. Yes.

The SPEAKER. Does the gentleman move to concur in the Senate amendment?

Mr. BULL. Yes.

The Senate amendment was concurred in.

ERIE CANAL.

Mr. PERKINS. Mr. Speaker, I desire to present a resolution for the printing of a House document.

The resolution was read, as follows:

*Resolved*, That the report of Thomas W. Symons, Corps of Engineers, upon House bill No. 7775, Fifty-fourth Congress, first session, providing for widening the locks of the Erie Canal, in the State of New York, with the accompanying diagrams, be printed as a House document.

Mr. TERRY. I should like to ask the gentleman what is the estimated cost of this printing?

Mr. PERKINS. One hundred and eighty-five dollars.

The resolution was agreed to.

## AGRICULTURAL APPROPRIATION BILL.

And then, on motion of Mr. WADSWORTH, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9961) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1898, with Mr. PAYNE in the chair.

The Clerk (resuming the reading of the bill) read as follows:

Salaries, Bureau of Animal Industry: One Chief of Bureau, \$4,000; one assistant chief, \$2,500; one chief clerk of Bureau, \$2,000; one chief of inspection division, \$2,500; one assistant chief of inspection division, \$1,800; one chief of dairy division, \$2,500; one assistant chief of dairy division, \$1,800; one chief of pathological division, \$2,500; one assistant in pathological division, \$1,400; one assistant in pathological division, \$840; one chief of biochemic division, \$2,500; two assistants in biochemic division, at \$1,400 each, \$2,800; one assistant in biochemic laboratory, \$720; one chief of miscellaneous division, \$2,000; one zoologist, \$2,250; two veterinary inspectors, at \$1,800 each, \$3,600; two veterinary inspectors, at \$1,400 each, \$2,800; one assistant at veterinary experiment station, \$1,000; one clerk of class 4, \$1,800; one clerk of class 3, \$1,600; one clerk of class 2, \$1,400; six clerks of class 1, \$7,200; six clerks, at \$1,000 each, \$6,000; one clerk, \$840; three firemen, at \$720 each, \$2,160; four messengers, at \$720 each, \$2,880; two skilled laborers, at \$660 each, \$1,320; for employment of artists, laborers, and charwomen, \$5,000; in all, \$69,710.

Mr. DOCKERY. Mr. Chairman, I desire to make points of order against the following provisions of the bill, because they are new legislation and also change existing law: In lines 9 and 10, page 7, the salary carried in the bill for the chief of the pathological division is \$2,500. I desire to make a point of order against that, the existing law being \$2,250. I desire to make a point of order against the provision allowing the assistant in the pathological division \$1,400, the salary under the law being \$1,200 only. I also desire to make a point of order against the provision creating the office of one assistant in the pathological division, \$840, it being a new provision; also against the increase of salary of the chief of the biochemic division from \$2,250 to \$2,500; also against the increases of the salaries of two assistants in biochemic division to \$1,400