Mr. CULLOM. I know it is.

Mr. VEST. Suppose we were to permit the Treasurer of the United States, or even the Secretary of the Treasury, when Congress had adjourned, and for good reasons to itself had made an appropriation, to pay the money promptly and himself, and with the advice of the President go on and expend the tax money of the people on the basis of a year which was gone, and when certain circumstances prevailed and Congress had in its discretion made appropriations. Here is a case where the legislature fails or refuses to act at all, the treasurer comes to the governor and says, "The legislature adjourned without making an appropriation, and I want to know what you will do in the case of exhaustion about it." He goes on and expends what is in the treasury. The governor says, "All right." The legislature meets and again refuses to appropriate. It may think that the condition of affairs does not justify an appropriation, and the treasurer in turn, to take the expense of the money.

Mr. FORAKER. Now, conceding that all that the Senator from Missouri suggests would occur in the contingency he supposes, would not that be better than a suspension of government? Would not the latter be the absolute consequence otherwise?

Mr. VEST. If the Senate will do what it has occurred frequently in Congress and in State legislatures, and there has been no suspension of government. If the government has credit and is a stable government, there is no trouble about existing upon credit or obtaining supplies upon credit. That occurs every year.

Mr. CULLOM. I make this inquiry because when this matter was considered in committee the same ideas occurred to me that have been expressed by the Senator from Missouri; but I thought it was better to incorporate this provision than to have the consequences which would inevitably result if there were not some way to meet the necessary expenses of the government. It did not seem to me a very dangerous provision, because it relates only to the current expenses of a government.

Mr. VEST. I do not think it would stop the government. The government can always get money enough to pay.

Mr. FORAKER. It does not cover appropriations that may be made for extraordinary expenditures, but only the necessary current expenses of the government.

Mr. CULLOM. The provision reads:

That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government the then existing law, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the regular session shall have convened the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been appropriated.

The treasurer will have no right to go outside of the lines specified and spend the money for a purpose for which an appropriation has not heretofore been made, so that if the provision is allowable at all, which I have always doubted a little, it is pretty well guarded against, so that there is no probable danger in allowing it to be done.

Mr. VEST. Mr. President, one objection to it, if the Senate will permit me, is that the money is to be expended by the treasurer in this emergency upon the basis of a former appropriation and not in view of the necessities of the government at the time the money is expended.

But the serious objection to it is that you take the power of appropriation away from the legislative department, where it ought to be placed, and put it into the hands of one man who is advised, not directed even, by another. It is hardly necessary to say that this power of appropriation and taxation has convulsed the country. We have in mind the case of President Buchanan. He was drenched in blood in 1868 over this very question of the power of the King in a monarchy to take the tax money of the people and spend it without the consent of Parliament. But I do not want to go into that.

We have quite a departure from the American system of appropriations. Instead of the legislature fixing the amount to be expended, and whether anything shall be expended or not, if they in their legislative discretion refuse to appropriate and adjourn, here is a treasurer who may be the tool of the governor, and the governor himself not a very reliable person—it might happen—and with his consent they may take in their hands and on the basis of a former year exhaust the treasury.

My friend the Senator from Alabama says it is the same power that we exercise. I do not see that we exercise any such power. Has the Secretary of the Treasury ever had it or has the President ever had it? We have a provision that no money shall be taken out of the Treasury by an act of Congress—not a dollar—and it is one of the wisest provisions we could possibly have.

Mr. MORGAN. What I referred to, if the Senator will allow me, is the fact that we have a number of permanent appropriations. Mr. VEST. There is no doubt about that.

Mr. MORGAN. And whether Congress meets or does not meet, the Secretary of the Treasury can pay the money out on those appropriations, although they are not renewed.

Mr. VEST. But that is where Congress has acted.

Mr. MORGAN. That is all this provides for.

Mr. CULLOM. Certainly. There has been no such action.

Mr. MORGAN. Oh, yes; the legislature has acted and fixed the basis of appropriations.

Mr. VEST. But for a different year, and have made no appropriation since that time.

Mr. MORGAN. It makes no difference what year it is for. It is a permanent appropriation.

Mr. VEST. I do not so understand it.

Mr. SPOONER. Mr. President—

The PRESIDENT. The Senator from Wisconsin yield to the Senator from Missouri?

Mr. CULLOM. I want to make only one more remark about the situation.

Mr. TILLMAN. Please pardon me once more. Does the provision giving the governor and the treasurer the power to expend money as though it had been appropriated carry with it the power to relvy taxes? We know that the power to appropriate money is vested in the people. In a democracy, if there be no more tax, this provision can do no harm; but I wish to know whether this gives the autocratic government by one man the power of levying taxes as well as appropriating money?

Mr. CULLOM. There is no power to levy extra taxes. So the Senator is safe on that point, too.

Mr. TILLMAN. The treasurer cannot go further than the bottom of the strong box?

Mr. CULLOM. Mr. President, the condition of affairs now in Hawaii is most deplorable. Unfortunately for those people, they are governed by a law which is only a reflection of the bubonic plague. It broke out there some time ago in what was called Chinatown, and the authorities and people of the islands have been compelled to destroy some 30 acres of the city. The portion destroyed was thickly settled by Chinese, Japanese, and possibly by others who have come to their assistance, and peremptorily by order of the authorities, but in attempting to burn a portion of it the fire got beyond their control and the whole 30 acres were swept away. The result is that some 8,000 people are now in quarantine, their property, even much of their clothing, being destroyed. The people of the city of Honolulu are already over a million and a half of their own personal expense, giving up their various avocations of business to that work of humanity.

I understand as a matter of fact that a business man does not open his business door until he has spent two or three hours trying to do something for those unfortunate people, and they close that door at 3 o'clock and resume the work of caring for the unfortunate sufferers.

That government is appealing to the United States for action upon this bill, so that they may have as quickly as possible some legal authority for the expenditure of money and for putting the city in such condition as to save them from the same disastrous disease. I believe it is true that the President of the United States has authorized the President of the republic, Mr. Dole, to use such funds belonging to the Territory or the republic as may be necessary for the immediate care and protection of those suffering people and for the construction of temporary quarters for their use.

And also the President has authorized the president of the republic to appoint a commission to investigate and allow such amounts as those unfortunate people have suffered from the necessary destruction of their property. All this, however, is embarrassing to Administration, embarrassing to the authorities of the islands, and call for action by this Government, so that their affairs may be conducted strictly according to law, and that they may know what their rights are in the premises.

I hope, therefore, Mr. President and Senators, that the United States may be no necessary work in the passage of this bill. It will provide for me. I have to say about it by stating that I am as anxious to have a bill passed establishing a civil government for the Territory of Hawaii as he is. I think.