

KF
368
H64
N53



DAVID BENNETT HILL

BORN, AUGUST 29, 1843

DIED, OCTOBER 20, 1910



CORNELL UNIVERSITY LAW LIBRARY.

THE GIFT OF

Prof. E. W. Woodruff.
Ithaca, N.Y.

Date, Nov. 4, 1912

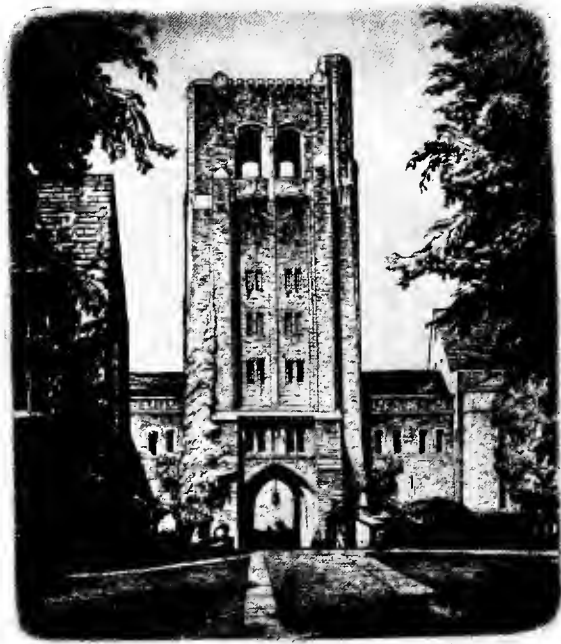
Cornell University Library
KF 368.H64N53

Proceedings of the Legislature of the st

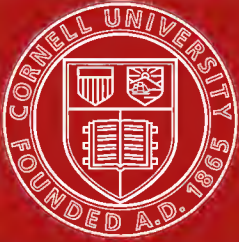


3 1924 018 817 043

law



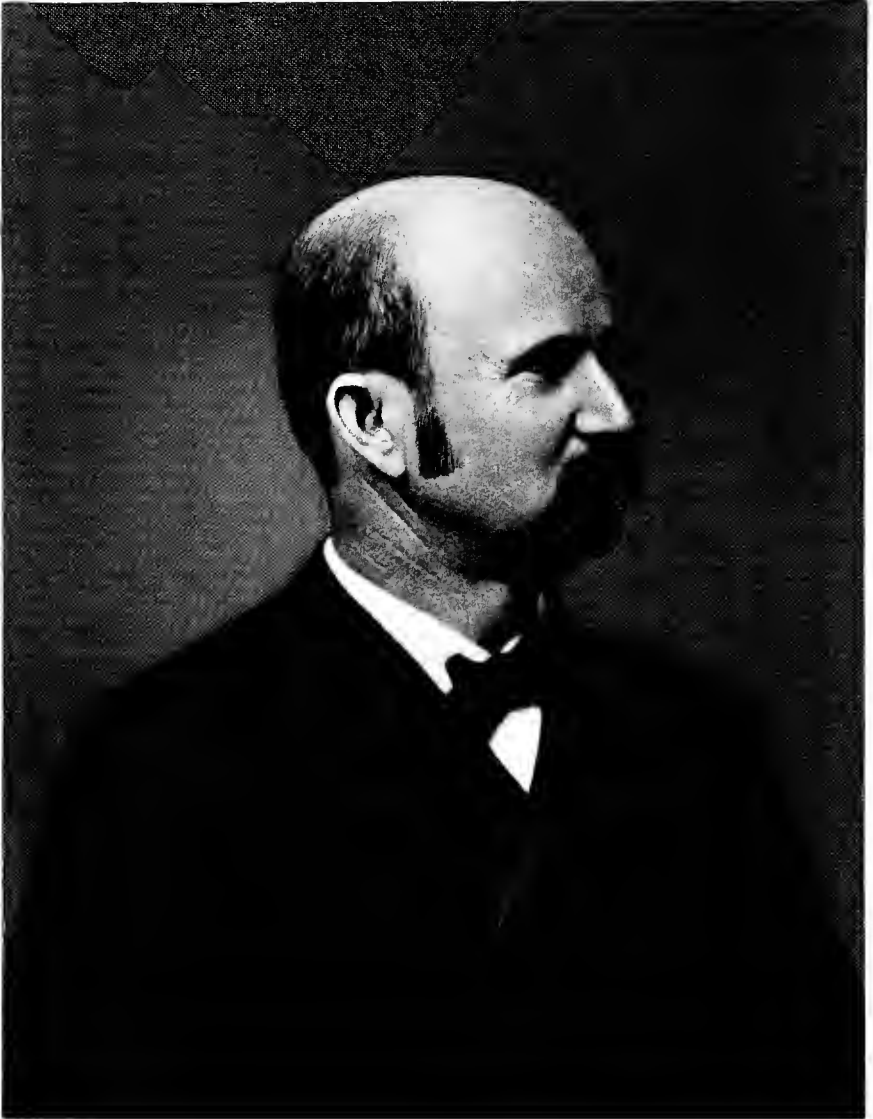
Cornell Law School Library



Cornell University Library

The original of this book is in
the Cornell University Library.

There are no known copyright restrictions in
the United States on the use of the text.



David B. Hill



B1452

Upon learning of the death of DAVID BENNETT HILL, the Governor issued the following:

Proclamation

State of New York

Executive Chamber

It is with sincere sorrow that I announce the death of DAVID BENNETT HILL, former Governor of the State of New York, at Albany, on this twentieth day of October, nineteen hundred and ten.

This sad event marks the close of a remarkable career. For more than thirty years DAVID BENNETT HILL was a prominent figure in the public life of the State. As Alderman, Attorney and Mayor of the city of Elmira, he became conspicuous for his strength of character and native ability. As a member of the

In Memoriam

Legislature he was active and forceful. As Lieutenant Governor he made a deep and far-reaching impression by his talents for leadership and the skill with which he performed the duties of presiding officer. As Governor, from 1885 to 1892, he gained a commanding influence in his party and won its devoted affection, while the field of his labors gave opportunity for the display of his unusual intellectual and legal attainments. The force of his personality impressed itself not only upon the people of New York, but upon the whole country, and, at the expiration of his final term as Governor, he became the candidate of his party in the State of New York for the presidential nomination before the Democratic National Convention. As United States Senator from 1891 to 1897 he found an ample opportunity for the exercise of his skill as a parliamentarian, his brilliant powers as an orator and his uncommon gifts as a leader of men.

In recognition of his standing and achievements as a lawyer he was chosen President of

David Bennett Hill

the New York State Bar Association for the years 1886 and 1887.

It is fitting that the State of New York, in recognition of his private character and of his public services, shall pay to his memory a tribute of honor and gratitude.

Now, therefore, I, Horace White, Governor of the State of New York, do request that the flags upon all the public buildings of the State, including the armories and arsenals, be displayed at half-staff until sundown on the day of the funeral, and that the citizens of the State unite in appropriate marks of respect to his memory.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany, this twentieth day of October, (L. S.) ber, in the year of our Lord one thousand nine hundred and ten.

(Signed) HORACE WHITE.

By the Governor:

George A. Glynn,

Secretary to the Governor.

Proceedings of the Legislature

of the

State of New York

Relative to the

Life and Public Services

of

David Bennett Hill

Proceedings of the Legislature

IN ASSEMBLY, Wednesday, May 24, 1911.

Mr. Bush offered for the consideration of the House a resolution, in the words following:

WHEREAS, On the 20th day of October, 1910, in the capital city of Albany, there passed from this earth DAVID BENNETT HILL, a man who for many years had been interested in and connected with the government of the State of New York, who, as a citizen, Member of Assembly, Lieutenant Governor, Governor and United States Senator, always exercised a spirit of patriotism and a wisdom which are rarely combined in one individual; and,

WHEREAS, We fully appreciate the loss that the State has suffered by his death; therefore,

Resolved (if the Senate concur), That when the Legislature adjourns to-day, it be out of respect to the memory of the late United States Senator HILL; and, be it further

Resolved (if the Senate concur), That a joint committee be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare suitable resolutions and to arrange for appropriate memorial exercises in commemoration of the life and services of the deceased.

In Memoriam

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

IN ASSEMBLY, May 31, 1911.

The Senate returned the concurrent resolution providing for a memorial service for the late DAVID BENNETT HILL, with a message that they concurred in the passage of the same.

IN ASSEMBLY, Tuesday, June 6, 1911.

Pursuant to concurrent resolution, Mr. Speaker appointed: Mr. Bush of Chemung, Mr. A. E. Smith of New York, Mr. Chanler of Dutchess, Mr. Manley of Oneida, Mr. Donnelly of Kings, Mr. Gurnett of Schuyler and Mr. Merritt of St. Lawrence, members on the part of the Assembly of the joint committee to prepare suitable resolutions and arrange for ap-

David Bennett Hill

propriate memorial exercises in commemoration of the life and service of the late DAVID BENNETT HILL.

IN SENATE, May 29, 1911.

The Assembly sent for concurrence a resolution in the words following:

WHEREAS, On the 20th day of October, 1910, in the capital city of Albany, there passed from this earth DAVID BENNETT HILL, a man, who for many years, has been interested in and connected with the government of the State of New York, who, as a citizen, Member of Assembly, Lieutenant Governor, Governor and United States Senator, always exercised a spirit of patriotism and a wisdom which rarely combined in one individual; and,

WHEREAS, We fully appreciate the loss that the State has suffered by his death; therefore,

Resolved (if the Senate concur), That when the Legislature adjourns to-day it be out of respect to the memory of the late United States Senator HILL; and, be it further

Resolved (if the Senate concur), That a joint committee be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare suitable resolutions and to arrange for appropriate me-

In Memoriam

morial exercises in commemoration of the life and services of the deceased.

The President put the question whether the Senate would agree to said resolution, and it was decided in the affirmative.

Ordered, That the Clerk return said resolution to the Assembly, with a message that the Senate has concurred in the passage of the same.

IN SENATE, Tuesday, June 6, 1911.

Pursuant to concurrent resolution, the President appointed Senator Thomas F. Grady, of the Fourteenth District; Senator Robert H. Gittins, of the Forty-seventh District; Senator John F. Murtaugh, of the Forty-first District; Senator George H. Cobb, of the Thirty-fifth District, and Senator Henry M. Sage, of the Twenty-eighth District, members on the part of the Senate of the joint committee to prepare suitable resolutions and arrange for appropriate memorial exercises in commemoration of the life and service of the late DAVID BENNETT HILL.



*The Joint Committee appointed by the
Legislature
to arrange and conduct
Memorial Services in Commemoration of the late
David Bennett Hill,*

*Mayor of Elmira,
Member of Assembly,
Lieutenant Governor,
Governor,
United States Senator,*

*respectfully announces that such services will be held
in the Assembly Chamber
on the Evening of Thursday, July the sixth
commencing at 8 o'clock.*

The Committee invites you to be present.

By invitation of the Legislature

*Hon. Alton B. Parker Governor Dix
will deliver the Memorial Address has graciously consented to preside*

Committee of the Senate

*Thomas F. Grady John F. Murtaugh
Robert H. Gittins George H. Cobb
Henry M. Sage*

Committee of the Assembly

*Robert P. Bush John W. Gurnett
Alfred E. Smith John W. Manley
Lewis S. Chanler John H. Donnelly
Edwin A. Merritt, Jr.*

*The Capitol, Albany, N. Y.
June Nineteenth
Nineteen hundred and Eleven*

Program

ROMANCE—Poem of Love	- - -	Batiste
Orchestra		
SELECTION—Tannhauser	- - - -	Wagner
Orchestra		
FUNERAL MARCH	- - - -	Chopin
Orchestra		
PRAYER	-	The Very Rev. D. M. Brookman, D. D.
"LEAD, KINDLY LIGHT"	- - - -	Choir
INTRODUCTORY ADDRESS	-	Governor Dix
MEMORIAL ADDRESS,		
		The Honorable Alton B. Parker
SELECTION—Paraphrase, Melody in F.	-	Rubinstein
Orchestra		
"PEACE, PERFECT PEACE"	- - -	Choir
PRAYER	- -	Rt. Rev. T. M. A. Burke, D. D.
"NEARER, MY GOD, TO THEE"	- -	Choir
RECESSIONAL—Priest's March from "Athalia"		Mendelssohn
Orchestra		

Director of Orchestra, Claude J. Holding

Choir

Charlotte Bord Gilbert	Edith Cleghorn	James V. Coffey
Alice Taylor	Ben Franklin	Roy Palmer
Georgine Avery	George W. Franklin	

Introductory Address

Governor John A. Dix, in introducing the orator of the evening, former Chief Judge of the Court of Appeals Alton B. Parker, said:

We are assembled here to-night to render homage to the achievements and pay tribute to the memory of the citizen who, by zealous industry and unselfish devotion to duty, became a factor in the State and nation. A man who forty years ago came to the Assembly of this State. In conversation with a legislator of that time I learned that Samuel J. Tilden once told him: "Keep your eye on this young man HILL; he will yet make his mark in the world. He is a most untiring worker and most unselfish in his devotion to duty."

Thus it was that on the anvil of industry DAVID B. HILL forged his own career and became a very positive factor in the human endeavor of his time. In paying tribute to his memory here to-night I introduce his lifelong friend, Judge Alton B. Parker.

Memorial Address

By Alton B. Parker

In surveying the life and services of DAVID BENNETT HILL we will pass over his boyhood and student days and the earlier years in his chosen profession, to reach the more expeditiously the full, rich years devoted to the public interests. We would find in his early life incidents of great human interest and giving large promise of the usefulness which followed. But those years of his life were after all very like the youthful years of the thousands in this country who began life on the farm or on the tow-path, in the house by the woods or in the village home, securing their early education under disadvantageous circumstances, but persevering ever. Among the men who have thus wrested a career from fortune will be found multitudes ministering in every profession, countless others serving in public station, and not a few who have ultimately attained the Presidency of the United States.

David Bennett Hill

A student of men, well grounded in the principles of the law, of wide reading and experience in their application, ever alert and watchful of the opposition, and loyal to the last degree to every cause he espoused — he soon reached the front rank of the profession and there remained until his tasks were ended.

The work of his late years was compensated for by vastly larger fees than that of the earlier.

Interesting as would be a review of his professional life, it must not be allowed to trespass upon a consideration of his public career. That occupied seventeen years of his life, when his powers were at their best. It included a longer service as Governor than that of any since Governor DeWitt Clinton.

In the Douglas campaign, at the age of seventeen years, he manifested a keen appreciation of the important duties of citizenship

In Memoriam

in a political address at Cayuta, Schuyler County. The comment of the county papers was to the effect that the speech indicated very considerable promise.

Little did the writers think that this boy was to speak in behalf of the Democratic party in every campaign save one from eighteen hundred and sixty to nineteen hundred and eight, inclusive, and that in at least two Democratic Presidential Conventions the honor of leadership on the floor of the convention would be nearly equally divided between another and himself, and that in still another his own and other States should press his nomination for the Presidency.

At the age of twenty-seven he was sent to the Legislature from Chemung County, becoming a member of the Committees on Judiciary, Railroads and Elections. He introduced a bill to abolish contract labor in prisons. It failed of passage, but such an act was passed while he was Governor, receiving his approval.

David Bennett Hill

He was returned to the Legislature the following year, serving on the same committees. He and Samuel J. Tilden were the only Democratic members of the Judiciary Committee, and they took part in the impeachment of Judge Barnard.

Assemblymen Tilden and HILL became confirmed friends, the younger member giving to Mr. Tilden and his leadership enthusiastic and effective support. As Governor, Mr. Tilden appointed Mr. HILL a member of the commission to prepare a uniform charter for cities, but he was unable to accept.

Mr. Tilden said of him in eighteen hundred and seventy-six, "He is the most promising young Democrat in the country to-day," and in eighteen hundred and eighty-five, although in feeble health, he gave out an interview in support of Mr. HILL'S candidacy for Governor.

Indeed, in eighteen hundred and eighty-two Mr. Tilden desired him to be the candidate for Governor, but instead Mr. HILL

In Memoriam

sought the nomination for Lieutenant-Governor and gave his support to the nomination of Grover Cleveland for Governor.

Mr. Cleveland and Mr. HILL were then the Mayors of their respective cities, and their nominations for Governor and Lieutenant-Governor were ratified by majorities approximating one hundred and ninety-two thousand.

The election of Mr. Cleveland to the Presidency in eighteen hundred and eighty-four was followed by his resignation as Governor on the sixth of January, eighteen hundred and eighty-five.

Governor HILL'S subsequent election for a term of three years in November, eighteen hundred and eighty-five, was followed by a re-election for a like term in eighteen hundred and eighty-eight. But the defeat in this State at the same time of the Democratic Presidential electors was a sore grief to him. Aside from his earnest desire for the success of the party, he had — and rightly so — an ambition for

David Bennett Hill

eighteen hundred and ninety-two, and no one realized more clearly than he that his only hope for such preferment would be buried by the defeat of Mr. Cleveland's electors in this State.

With all his energy and ability, upon the platform and otherwise, in this and in other States — he appealed to the people for the success of the national ticket.

Mr. Cleveland understood the situation, and thus expressed himself subsequently:

“ I want you some time to correct the false impression abroad that I either have, or had, any idea or impression that the Presidential ticket was the victim of treachery in New York in the election of eighteen hundred and eighty-eight. Nobody could understand better than I how that seemingly contradictory result was reached. My campaign for re-election was, of necessity, made upon a single national issue so forced to the front that, as I had foreseen, there was no such thing as evading it, even if my party or myself had so desired.

In Memoriam

“ On the other hand, the State campaign had issues peculiar to itself, with their own supporters, men to whom the tariff had, from a business and political point of view, only the remotest interest. The brewers had their own organization for the purpose of protecting the property under their management and jurisdiction. They had the right to use their power for their own protection, and that they exercised this right and power in their own way in no way constituted a grievance so far as the Presidential ticket was concerned. If they could attract votes from a weak and unpopular Republican candidate — supposed to be inimical to them — to his opponent who would be fair because he was strong, they had a perfect right to do so. I had had sufficient experience in State politics to understand the whole situation and never permitted myself to reproach Governor HILL or his friends for the untoward result so far as I was personally concerned.

“ I have never ceased to admire and praise Governor HILL for his clean, high-minded ad-

David Bennett Hill

ministration of the affairs of the great State of New York. It kept down taxation, and was efficient in carrying out the traditional ideas of his party and our institutions.”

Nevertheless, there were those within the party who, without evidence to support it, and against the overwhelming weight of evidence to the contrary, charged disloyalty on Governor HILL'S part. The injustice of it was hard to bear, but it was borne silently and uncomplainingly, as was his wont.

It was his rule never to answer an attack, however unjust.

The consciousness that he had done right for right's sake was sufficient for him. Let others falsely assign a bad reason for wise action or charge non-action when he had, in fact, acted, if they would — answer he would not.

Let me cite an instance, verified by the original letters now in the possession of his executors:

In Memoriam

Holding Judge Isaac H. Maynard in high esteem as a man of ability, integrity of purpose and spotless honor; believing, as he did, that the latter in openly reclaiming the Dutchess County election returns, before office hours, from the Comptroller, by the direction of the County Clerk, who had mistakenly mailed them — was both legal and proper; and, further, being sure that the attack upon the Judge was solely for the purpose of delivering a blow at himself over Judge Maynard's shoulder; nevertheless, on October fourth, eighteen hundred and ninety-three, he wrote the Judge a long letter, which he sent him by special messenger, advising that "in view of the evidence of opposition" he "retire for the sake of harmony." The letter closes with this sentence:

"This is the most painful letter I ever penned — but believe me still, your sincere friend."

The day following Judge Maynard replied, declining to accept Mr. HILL'S advice. His letter concluded as follows:

David Bennett Hill

“ I know that you would not advise or suggest anything you did not believe to be for my good and for the party’s good, but I am also sure that you would not expect me to take a step which I could never regard without a sense of humiliation and shame, and which in my judgment would cause me the loss of my own self-respect, and the respect of my friends.”

The defeat of the party in the election of eighteen hundred and ninety-three was followed by a bitter assault upon Mr. HILL, the charge, in effect, being that against the judgment of the other party leaders he had forced the nomination of Judge Maynard; that his course was prompted by selfishness, and was in entire disregard of the rights and interests of the party. But not a word of denial or explanation came from him.

In eighteen hundred and ninety-four, against his earnest protest, he was again nominated for Governor. Public prints and speeches repeated then the charge of party

In Memoriam

misconduct in forcing the nomination of Judge Maynard.

On the twenty-third of October, eighteen hundred and ninety-four, Judge Maynard wrote Senator HILL a letter, enclosing the letter of advice Senator HILL wrote him on October fourth, eighteen hundred and ninety-three. The Judge's letter concluded as follows: "I herewith enclose the same, for such use as in your judgment may be most advisable."

Still he did not publish it, and went down to political defeat for the first time in his life, and without a murmur.

It may be that his great affection for Judge Maynard contributed toward his decision, but the fact remains that his course in this instance was in line with his settled policy not to answer those who misrepresented him, or accused him of doing that which he ought not to have done or leaving undone that which he ought to have done.

Other interesting illustrations could be given did time permit.

David Bennett Hill

Personally, I know of but one exception to this rule of silence. As that had to do with a matter of professional ethics, he brought it to the attention of the State Bar Association. Their investigation resulted in his complete vindication.

I am of the opinion that it would have been the part of wisdom to have occasionally strangled the libels his enemies created to his injury. But it must be admitted that his patient sufferance indicates great strength of character and full confidence that "Truth, crushed to earth, shall rise again," or, as he said, in professional phrase, "It will come out all right in the summing up."

In his first message, addressed to a Legislature in political opposition, he said:

"The people demand better government, purer methods and higher aims, and whatever party gives the best evidence of the honest fulfillment of such purposes will receive their confidence and approval."

In Memoriam

Frugal himself, it is easy to understand how it happened that he set himself the task of preventing waste and extravagance in the expenditure of public funds.

His efforts were successful. How thoroughly successful the people came to appreciate last year when comparison was made between the expenditures under his administration and those of his several successors.

As we take up each year the two or more volumes of the session laws which embody the work of the Legislature, we are like to wonder if it can be really true that during Governor HILL'S administration there was but a volume a year. Examination discloses that our recollection is exact.

It was due, however, not to the Legislature, but to the Governor.

He waged war without ceasing against unnecessary as well as bad legislation. He sought not credit for this strenuous service, but rendered it in the public interest as his duty of course.

David Bennett Hill

Instead of writing a stinging veto of an unnecessary or unworthy bill, thus wounding the introducer — who quite likely acted without fully appreciating the character of the measure — he sent for him, pointed out the objection, and suggested that the introducer might like to recall the bill. If the member decided not to do so, the veto followed.

In other words, he did not try to make political capital for himself at the expense of other members of the State Government. A right result was his only aim.

Partisan he was, of vigorous and rigorous type. His party attachment and loyalty is well told in one speech in the Senate, in which he said:

“ Born of a Democratic ancestry, reared under Democratic teachings, a public life devoted to building up and strengthening the party whose principles I have always zealously es-

In Memoriam

poused, my interests, my sympathies, my hopes and my aspirations are all within party lines.”

He believed that the Democratic party was most sorely needed in the conduct of the National Government, and that it was his duty as well as that of every man entertaining a like belief to contribute his best effort to that result. Party organization with the power to administer discipline seemed to him absolutely essential. But this principle of party government in his judgment ought not to be invoked as to the judiciary.

He believed it of the highest public import that the courts should deserve and have the perfect confidence of all the people, and that one means to that end is to have the appellate courts as nearly evenly divided as possible as to party faith.

As always with him, his creed was father to his practice. And when the responsibility came of appointing seven Supreme Court Justices to constitute the Second Division of the

David Bennett Hill

Court of Appeals, he carried the principle to a generous extreme.

He could have created a court with a majority of Democrats. Instead he appointed four Republicans and three Democrats.

When Judge Potter left the court the opportunity again occurred to make the court Democratic, but he regarded Mr. Justice Landon, Republican, best equipped of the available Supreme Court Justices, by reason of his long service in the General Term; so to him the appointment went.

So, too, did he appoint Republicans to fill vacancies caused by death or resignation of Supreme Court Justices chosen by that party. And his selections were ratified by the nomination of both parties, and subsequent election by the people.

As a party leader he gave effective support to the adoption of that which has now become settled custom: that all worthy, able and efficient judges should have re-election without party opposition.

In Memoriam

As Governor it fell to him to appoint a large commission to revise the Judiciary Article of the Constitution. He selected its members from the leaders of the bar of the State, eliminating no man because of his personal or political opposition, and giving to each party equal representation.

It will not be claimed, I think, that his record as respects the judiciary has a parallel in the history of the State.

The purely administrative duties of the Governor were performed by him with that painstaking care, anxious attention to detail and energy in execution which characterized whatever he undertook.

For instance: Once every year he visited the prisons. It was neither a junketing excursion nor an idle ceremony. He notified the warden long in advance of his coming that he would personally hear any application for pardon that was deemed worthy of consideration.

David Bennett Hill

In most cases the applicant's appeal was dismissed at the end of an examination in the conduct of which all the skill and ability of the Governor was employed to ascertain the truth.

Instances there were, however, which led to an investigation outside the prison which disclosed either miscarriage of justice or excess of punishment, and a pardon resulted.

Like thoroughness he employed in every branch of his administrative work.

Some of the multitude of things accomplished by legislative action but due to his initiative and recommendation were:

The substitution of electrocution for hanging.

Institution of Labor Day and the Saturday half-holiday.

Insurance of the right of religious liberty in public institutions.

Grant to the Executive of power to appoint a referee to take testimony on applications for pardon.

In Memoriam

Creation of the Statutory Revision Commission.

Expediting of the final disposition of murder cases by permitting direct appeal to Court of Appeals.

Establishment of the Forest Preserve, and creation of a commission to have general supervision thereof.

Institution of State Arbitration for disputes between employer and employee.

Limitation of preferences under General Assignments to one-third of estate.

Repeal of acts superseded by Penal and Criminal Codes.

Provision for organization, supervision and administration of trust companies.

Inauguration of industrial training in schools.

Creation of Commission for Promotion of Uniformity of Legislation in the United States.

Establishment of County Roads, the predecessors of our State Roads.

David Bennett Hill

Amendment of the Civil Service Law by giving a preference to veterans of the Civil War.

The originating of legislation against child labor in this State.

Prohibition of electioneering within one hundred and fifty feet of the polls and the institution of voting booths.

Amendment to Penal Code requiring candidates to file statement of expenses ten days after election.

Statutory direction to certain classes of corporations to make weekly payment of wages and salary.

Having completed, on the thirty-first day of December, eighteen hundred and ninety-one, his term as Governor, he immediately entered upon his duties as United States Senator, to which office he had been elected in the preceding January.

During the greater portion of his term he served as Chairman of the Committee on Immi-

In Memoriam

gration, and as member of the Judiciary, Fisheries, Organization of Executive Department, and other committees.

With his accustomed energy he grappled with the work before his committees, bringing to bear upon it his well-trained mind and wide knowledge of law and affairs. He was soon known to his associates as an indefatigable and effective working member.

In time they came to know that New York's Senator was the most effective debater that had represented his State since the days of Conkling.

Some of his then associates are of the opinion that — everything considered — the most masterful of all his arguments were made in the great debate on the Income Tax features of the Wilson Bill. It is unquestioned that no other speeches on that subject were comparable to his.

He began the first speech by entering the protest of New York. He pointed out that un-

David Bennett Hill

der the war emergency income tax New York had furnished thirty per cent. of the total revenues derived from that tax, challenged proof that its proportion would be less under the bill proposed, and declared it to be unjust and sectional in its design and operation.

Presenting fifteen objections, some of them general and others special, he made vigorous argument in support of each.

The first speech was made April ninth, eighteen hundred and ninety-four; the last July third. And in the meantime several long and careful addresses were delivered.

Securing by amendment the exemption from taxation of income from bonds of the United States, he followed with an attempt to secure like exemption of the income from State bonds. But this effort was of no avail.

He charged the bill to be unjust and indefensible in its discriminations in that it necessarily exempted the income from six hundred and thirty-five millions of Federal bonds, but denied like exemptions to State bonds.

In Memoriam

Then followed a masterly argument to the effect that so much of the tax as is levied upon income derived from bonds issued by municipal corporations was a tax upon the power of the State and its instrumentalities to borrow money, and consequently was repugnant to the Constitution of the United States.

In the first decision in the Pollock case (157 U. S., 429) the United States Supreme Court completely sustained his position.

His legal arguments in support of his assignments of unconstitutionality as to separate features of the bill, as well as to the bill as a whole, captured the interest and the admiration of the bar of the country.

Unmatched in the debate, he was, nevertheless, overborne in the vote.

Immediately a contest was determined upon, an effort was made to retain the Senator to argue the case in the Supreme Court of the United States. A large retainer was offered, but he would not accept it, although he hoped and believed his position would be vindicated

David Bennett Hill

by the Court. His reason was that while he had no hesitation in telling his brother Senators to their faces his view of their proposed legislation, it seemed quite a different matter to him and somewhat indelicate to denounce their action — however diplomatically — before the Court.

So the pleasure was not his of presenting the argument to the Supreme Court. But he had great satisfaction in the decision, not only because it sustained his view of the unconstitutionality of the provisions, but also because in his judgment a wise governmental position was attained.

The world is full of men whose eyes are not blinded by closest friendship or dearest kinship. These see and point out the fault that shows perfection unattained.

Rarer the man with sense so keen that the fair qualities of his enemy are visible to him. Senator HILL was one of these. And he freely

In Memoriam

and fairly acknowledged admirable trait and worthy deed.

In eighteen ninety-four, during the heat of the summer and of the legislative debate on the Wilson Tariff Bill, President Cleveland sent a letter to the Chairman of the Committee of Ways and Means in the House. The letter criticized adversely certain provisions of the pending measure. It provoked a volley of protest from most of the Democratic leaders in the Senate, they censuring it as an impropriety.

Wide as was the breach between the President and Senator Hill, the latter came to the defense of President Cleveland and stood alone against the storm raging against him.

He said, in part " I am not the defender of the President ordinarily. I have received no favors at his hands, as you and the country well know. I have my political grievances. I differ with him on interparty policy, especially on political matters in my own State. * * *

David Bennett Hill

But I think * * * in this particular it is my duty, and I am broad-minded and liberal enough to defend him when he is unjustly attacked."

Of those who attacked the President were Senator Vest of Missouri, who made the first speech, Senator Gorman of Maryland, Senator Jones of Arkansas, Senator Voorhees of Indiana and Senator Harris of Tennessee.

Senator HILL, in closing his defense, said:

"I am reminded how, years ago, a senatorial cabal conspired to assassinate the great Roman Emperor. If I were disposed to make comparisons, I might speak of the distinguished Senator from Maryland as the 'lean and hungry Cassius.' You recollect what Cæsar said of him. He said:

'He thinks too much; such men are dangerous.'

"I might speak of the Senator from Arkansas as Marcus Brutus — 'Honest Brutus.' * * * Casca was the distinguished Senator who struck the first blow last Friday. Tre-

In Memoriam

bonius, the Senator from Indiana — testy, probably a little petulant — ‘good Trebonius.’ Metellus Cimber, the distinguished Senator from Tennessee. * * *

“When yesterday they stabbed at our President and sought to strike him down, they made the same plea as did the conspirators of old, that they struck for Rome — for their country. They said they did it not that they loved Cæsar less, but that they loved Rome more; not that they loved the President less, but they loved their party and this Senate bill more. I can say with Mark Antony:

“‘What private griefs they have, alas, I know not,
That made them do it; they are wise and honorable.’”

On January third, eighteen hundred and ninety-six, Senator HILL, while temporarily presiding in the Senate, made a ruling which added greatly to his reputation as a parliamentarian, furnished another illustration of the rapidity of his mental processes, and relieved the Administration from threatened embarrassment.

David Bennett Hill

At the time the Federal Treasury had not sufficient gold on hand to promptly meet the obligations which the credit of the Nation required should be paid in that coin, and the Administration was considering a bond issue.

After the assembling of the Senate at noon on Friday, January third, a motion was carried that at the close of the day the Senate adjourn to Tuesday, January seventh.

The Vice-President called Senator Hill to the chair and left for the day.

Then followed an extended speech by Senator Sherman on the financial situation. At its conclusion Senator Butler (Populist), of North Carolina, asked for the present consideration of a bill which he had theretofore introduced, being "*A bill to prohibit the further issue of interest-bearing bonds without the consent of Congress. It provided as follows: "Be it enacted * * * that the issuance of interest-bearing bonds of the United States for any purpose whatever, without further authority from Congress, is hereby prohibited."*

In Memoriam

After a brief speech he asked immediate consideration.

A single objection would prevent its passage at that session, and from the standpoint of the Administration it was vital.

Senator HILL appreciated the situation, and hoped and expected an objection. But none was made. However, he proved equal to the emergency, for he made the following announcement: "*The Senator from New York, now in the chair, objects to the consideration of the bill,*" much to the surprise and consternation of the Populists and the Republican allies.

A coterie of Populist, Democratic and Republican Senators — who were by this bill seeking to embarrass the Administration — excited and incensed, hurriedly gathered in front of the Journal Clerk, and referring to Senator HILL said, "Could he do that?" The Clerk, smiling, quietly replied, "Well, he *has* done it!" Subsequently the Clerk stated that although he knew of no precedent for the announcement, he

David Bennett Hill

had no doubt of either its legality or propriety. And the incident was closed.

How timely and helpful to the Government his action was you will appreciate when I tell you that on the following Monday morning, January sixth, the Secretary of the Treasury published a call for a popular loan for one hundred million dollars.

Saturday morning Colonel Lamont requested Senator HILL to confer with Secretary Carlisle and himself on the financial situation. The question discussed was whether the amount of the loan should be fifty or one hundred millions, and whether the bonds should be sold at private sale to a syndicate or disposed of to the general public as a popular loan.

The conference lasted several hours. Senator HILL arguing for a popular loan of one hundred millions; Secretary Carlisle favoring a private sale on the ground that it was certain to produce the needed money, while the result of a popular loan could not be foretold.

In Memoriam

The President on the day following decided in favor of the popular loan of one hundred millions.

It was entirely successful, and the threatened crisis passed.

Defeated in this carefully prepared scheme to embarrass the Government, the enemies of the Administration then apparently decided that if they could not block the financial plans of the Administration they could at least throw mud at it.

Accordingly, on the twelfth day of the following month, Senator Peffer of Kansas, a Populist, introduced a resolution providing for the appointment of a special committee of the Senate to investigate and report all material facts and circumstances connected with the sale of United States bonds by the Secretary of the Treasury in the years eighteen hundred and ninety-four, eighteen hundred and ninety-five and eighteen hundred and ninety-six.

The resolution came up again six days later. Senator Sherman moved its reference to

David Bennett Hill

the Finance Committee. Senator Peffer opposed such reference and stoutly insisted on a special committee.

Thereupon Senator HILL began an address to the Senate, in opposition to any investigation either by the Finance Committee or a special committee. It occupied the major portion of many days before it was finally concluded, on May sixth.

The introducer, as well as the supporters of the resolution, and their motives, were presented in a light that must have made them very uncomfortable. Severe as was their castigation, it was but just, as that which happened then and afterwards makes clear.

The resolution went to the Finance Committee, which made a report of the evidence without recommendation.

An inquiry made by a Senator two days before Senator HILL'S term expired prompted him to make a brief address to the Senate, in the course of which he said: " There was not

In Memoriam

a scintilla of evidence to invalidate the bond sale, or to cast any suspicion upon it.”

As early as eighteen hundred and ninety Senator HILL advocated the repeal of the Sherman Silver Law. When the extraordinary session of eighteen hundred and ninety-three was called to relieve the then “ present impending danger and distress,” he predicted its repeal, and he advocated and voted for the repeal measure which was passed at that session, his speeches being largely responsible for that result.

Senator HILL favored and voted for the measure of eighteen hundred and ninety-four providing for the coinage of the silver bullion then belonging to the Government, known as “ seigniorage.” He believed this to be the proper disposition of the bullion. Also, he hoped that the passage of this act would cool the anger of the silver Democrats over the repeal of the Sherman Act, and prevent such a split as occurred in the party in eighteen hundred and

David Bennett Hill

ninety-six. The bill passed, but was vetoed. In eighteen hundred and ninety-eight a bill was passed providing for the coinage of the same bullion.

He introduced, and, after a long contest, secured the enactment of a patriotic measure repealing the act making Confederate veterans ineligible for appointment in the army or navy of the United States.

He was an earnest advocate of the repeal of the Federal Election Law, which had long made possible unfair interference with the conduct of elections by the States

These are but a few of the many matters in which Senator HILL took prominent part in the Senate.

Returning from the Senate, he continued to be, as before he had been, the undisputed leader of the Democratic party in this State, until he voluntarily withdrew from politics January first, nineteen hundred and five. His leadership was due in no degree whatever to

In Memoriam

patronage, for he had none for many years, but was due to the fact that the Democratic masses of the State had the utmost confidence in his character, his ability and his loyalty to the fundamental principles of Democracy.

Throughout his life DAVID B. HILL was the unyielding foe of corruption in the public service.

When he took his seat as presiding officer of the State Senate he said:

“ I desire to observe and emphasize the fact that this Legislature is competent to offer and shape its own measures without the aid of that class of individuals who, holding no official relations to it, yet make it their business to constantly hover about every legislative body, seeking to dictate its policy and influence its conduct. These corrupt, lobbying influences, which are unfortunately increasing year by year, and which no honest man can view without concern, should be frowned upon and discouraged. These men, who thus surround us

David Bennett Hill

for such purposes, have neither the interests of the State at heart nor the welfare of its representatives. Their motives are mercenary, their occupation disreputable, and their very presence a reproach.”

In the last speech of his life, made at Elmira, his old home, he pleaded for a return to old-time principles of honesty in public life.

And it is known of all men that his conduct ever kept step with his discourse.

In one of his Senatorial speeches DAVID BENNETT HILL spoke of wealth as man's "least noble possession." His friends well knew of his lack of instinct for the accumulation of riches. Though his practice after the close of his public service was lucrative, Death found him a relatively poor man.

He cared not for money for itself, nor did he garner it to minister to his personal pleasure.

He was honest to the extreme. He did, as a matter of course, many things which would have seemed far from necessary to many men,

In Memoriam

and to most others would have seemed of such rare excellence as to deserve announcement to and approbation by the public.

An example of such exact probity is found in his refusal to accept the four thousand dollars and over which represented the salary of United States Senator from the time of his election to the day he qualified. He threatened to mandamus the Clerk unless the money was returned to the Treasury. Though this happened in eighteen hundred and ninety-two, even closest friends knew nothing of it till after his death. We find it difficult to avoid contrasting it with the modern custom.

He spent much money in deeds of charity and kindness, observing ever the scriptural injunction, "Let not thy left hand know what thy right hand doeth." Such an instance his death disclosed also. The day he was taken ill he journeyed to the neighboring city of Water-vliet to order a bell for the village church he attended in his boyhood, and it was stipulated that he was not to be named as the bestower.

David Bennett Hill

This was a man, of highest ideals and clean life, fearless, incorruptible, zealous in politics, loyal to the councils and principles of his party, faithful to every public trust, conscientiously devoted to the welfare of the people, enduring calumny patiently, eager to help all distress, never vaunting his rectitude or beneficences, and having personal qualities that made his friendship a thing to be cherished with nothing less dear and sacred than ties of home and nearest kindred.

By his death his profession loses an able, logical and scholarly advocate, his party a potent, enthusiastic and pre-eminent leader, and his country a great, far-seeing and broad-minded statesman.

To the smaller company of his friends the loss is yet greater; for his friendship for others, once given, knew not change or diminution through circumstance or time. The consolation that remains rests in the trust that his friendship knows no change through eternity!

Prayer

By Very Rev. D. M. Brookman, D. D.

Almighty God, with whom do live the spirits of those who depart hence in the Lord, and with whom the souls of the faithful, after they are delivered from the burden of the flesh, are in joy and felicity; we give Thee hearty thanks for the good examples of all those Thy servants, who, having finished their course in faith, do now rest from their labors. And we beseech Thee that we, with all those who are departed in the true faith of Thy Holy Name, may have our perfect consummation and bliss, both in body and soul, in Thy eternal and everlasting glory; through Jesus Christ our Lord.
AMEN.



Prayer

By Rt. Rev. T. M. A. Burke, D. D.

In the name of the Father, and of the Son,
and of the Holy Ghost. Amen.

We beseech Thee, Almighty God, to send
down Thy choicest blessing upon Thy servants
who are here assembled to pay a tribute of re-
spect to the memory of a true patriot, a wise
statesman and an eminent citizen of this Empire
State.

We entreat Thee to bless our State, our
Governor, our Legislators, our Judges, and all
our citizens, and to extend Thy blessing to our
Nation, our President, our Congress, and all the
officials and citizens of this Republic.

In fine, we pray that the blessing of God
the Father, the Son, and the Holy Ghost may
descend upon us all and remain with us forever.

Lead, Kindly Light.

Lead, kindly light, amid the encircling gloom,

Lead Thou me on!

The night is dark, and I am far from home,

Lead Thou me on!

Keep Thou my feet! I do not ask to see

The distant scene; one step enough for me.

I was not ever thus, nor prayed that Thou

Shouldst lead me on;

I loved to choose and see my path; but now

Lead Thou me on!

I loved the garish day; and, spite of fears,

Pride ruled my will: remember not past years.

So long Thy power has blest me, sure it still

Will lead me on,

O'er moor and fen, o'er crag and torrent, till

The night is gone;

And with the morn those angel faces smile,

Which I have loved long since, and lost awhile.

Hear, Perfect Hear.

Peace, perfect peace, in this dark world of sin
The blood of Jesus whispers, peace within.

Peace, perfect peace, by thronging duties pressed
To do the will of Jesus, this is rest.

Peace, perfect peace, our future all unknown?
Jesus we know; and He is on the Throne.

It is enough: earth's struggles soon shall cease
And Jesus calls us to heaven's perfect peace.

Nearer, My God, To Thee.

Nearer, my God, to Thee,
Nearer to Thee,
E'en though it be a cross,
That raiseth me;
Still all my song shall be,
Nearer, my God, to Thee,
Nearer to Thee.

Though like a wanderer,
Weary and lone,
Darkness comes over me,
My rest a stone;
Yet in my dreams I'd be
Nearer, my God, to Thee,
Nearer to Thee.

