York, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CLARKE of New Hampshire: Petition of the Woman's Christain Temperance Union of Lempster, N. H., against the sale of intoxicants in the Army, etc.—to the Committee on Military Affairs.

Also, petition of John E. Willis Post, No. 59, Grand Army of the Republic, Department of New Hampshire, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. COCHRANE of New York: Petition of Canaan Grange, No. 831, Patrons of Husbandry, State of New York, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of J. D. Earl and 44 citizens of Miner County, S. Dak., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. GASTON: Petition of Post No. 331, Department of Pennsylvania, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of the Presbyterian Church of Union City, Pa., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

Also, petition of John H. Wright, of Spartansburg, Pa., and other fourth-class postmasters of Crawford County, Pa., praying for the passage of the Cummings bill increasing the compensation of postmasters of the fourth-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of Abraham Lincoln Lodge. No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petition of the Sunday School Union of Connecticut, for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petitions of J. J. Lewis Post, No. 37, and John M. Corse Post, No. 98, Grand Army of the Republic, Department of Washington, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LONG: Resolutions of John Goldy Post, No. 90, and Henry Hopkins Post, No. 301, Department of Kansas, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. McDOWELL: Petition of druggists of Newark, Ohio, for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. MEEKISON: Petition of Pleasant Grange, No. 399, Patrons of Husbandry, of Ohio, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Shepard Post, No. 507; McClure Post, No. 326; John Stables Post, No. 179; Randall Post, No. 211; T. J. May Post, No. 703, and Post 725, Department of Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MERCER: Protest of citizens of the Second Congressional district of Nebraska, against the passage of the Loud bill relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. METCALF: Resolutions of the city council of Oakland, Cal., in regard to the improvement of Oakland Harbor—to the Committee on Rivers and Harbors.

Also, petition of Farragut Post, No. 4, of Vallejo, Cal., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. MILLER: Petition of the teachers and students of the Kansas State Normal School, favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

By Mr. OLMSTED: Petition of citizens of East Hanover, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. PRINCE: Petition of P. G. Tait Post, No. 698, of Victoria, Ill., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Alice Kroehler, Addie Talbott, and others, of the State of Illinois, urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. RAY of New York: Resolutions of Wilson Post, Grand Army of the Republic, of Slaterville Springs, N. Y., favoring pension laws—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Charles McClure, of Angola, Ind., in favor of rural free mail delivery and other subjects—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Petition of Frank McNally and others, of Manhattan Borough, New York City, favoring the passage of House bill No. 4351, providing for the classification of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. SHACKLEFORD: Petition of T. J. Starke and others for the abolition of the army canteen—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): Petitions of James W. Ezell, commander, and T. J. Alverson, adjutant, Grand Army of the Republic, Department of Kentucky, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SPERRY: Papers to accompany House bill No. 67, to promote the efficiency of the clerical service in the Navy of the United States—to the Committee on Naval Affairs.

By Mr. SULZER: Petition of Jewett Grange, No. 826, Patrons of Husbandry, of the State of New York, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jewett Grange, No. 826, Patrons of Husbandry, of New York, favoring the passage of House bill No. 3717, relating to State control of imitation dairy products—to the Committee on Agriculture.

By Mr. TAWNEY: Paper to accompany House bill correcting the military record of Henry J. Bolwine, of Rochester, Minn.—to the Committee on Military Affairs.

By Mr. WEEKS (by request): Petition of the Woman's Christian Temperance Union and Methodist Episcopal, Baptist, Christian, and First Congregational churches of Romeo, Mich., to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

Also, resolution of Capt. Hiram Barrows Post, No. 55, Department of Michigan, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Liebert & Ober, of Philadelphia, Pa., praying for a reduction of the tax upon fermented liquors—to the Committee on Ways and Means.

SENATE.

THURSDAY, *April 12, 1900.*

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. BURROWS, and by unanimous consent, the further reading was dispensed with.

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

PAY OF ENLISTED MEN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Paymaster-General of the Army, relative to all allotments of pay of enlisted men of the United States Army, under section 16 of act of Congress approved March 2, 1899, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

SCHOONER WILLIAM AND JOSEPH.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel schooner *William and Joseph*, William Lander, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 222) to provide a government for the

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Territory of Hawaii, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KNOX, Mr. HITT, and Mr. MOON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 445) for the relief of Clara M. Ashby, widow of W. W. Ashby, late United States consul at Colon;

A bill (H. R. 8876) granting the right of way to the Minnesota and Manitoba Railway Company, across the ceded portion of the Chippewa (Red Lake) Indian Reservation, in Minnesota; and

A joint resolution (S. R. 77) authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for 1899.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented petitions of the Young People's Christian Temperance Union of Wampum and of the Baptist Young People's Union; of the Epworth League and of the Presbyterian Young People's Society of Christian Endeavor, of Tunkhannock; of the Woman's Christian Temperance Union and of the congregations of the Baptist Church, the Church of Christ, the First Methodist Episcopal Church, and the First Presbyterian Church, all of Canton, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of the Philadelphia (Pa.) conference of Baptist ministers, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in the newly acquired possessions of the United States; which was referred to the Committee on Military Affairs.

Mr. SCOTT presented a petition of Richlands Grange, No. 76, Patrons of Husbandry, of Lewisburg, W. Va., praying for the adoption of certain amendments to the interstate commerce law; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented the petition of H. A. Reed and sundry other citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit the future admission of States, except those within the bounds of the American continent; which was referred to the Committee on the Judiciary.

He also presented a memorial of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, remonstrating against the enactment of legislation to place a tax upon butterine, oleomargarine, and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the officers of the First Illinois Cavalry, National State Guard of Illinois, praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Club of Belleville, Ill., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented the petition of A. Farr and sundry other members of the board of directors of the Illinois National Bank, of Springfield, Ill., praying for a reduction of the war tax imposed upon bankers; which was referred to the Committee on Finance.

Mr. ALLISON. I present a concurrent resolution of the legislature of Iowa, in regard to the collection of mail in country districts. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on Post-Offices and Post-Roads.

There being no objection, the concurrent resolution was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

SENATE CHAMBER, *Des Moines, Iowa, March 9, 1900.*

To the Secretary of the State:

I hereby certify that the following concurrent resolution was introduced in the senate on March 5, and has passed both the senate and the house of the Twenty-eighth general assembly:

"CONCURRENT RESOLUTION.

"Concurrent resolution memorializing our Senators and Representatives in Congress in regard to the collection of mail in country districts.

"*Be it resolved by the senate (the house concurring)*, That our Senators and Representatives in Congress be requested to advocate such legislation as may be necessary to provide for the delivery and collection of mail along public highways to the rural free-delivery service.

"That the secretary of state forward a properly certified copy of this resolution to the delegation in Congress from this State."

GEO. A. NEWMAN,
Secretary of Senate.

THE STATE OF IOWA, SECRETARY OF STATE.

I, G. L. Dobson, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of concurrent resolution memorializing our Senators and Representatives in Congress in regard to the collection of mail in country districts, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa. Done at Des Moines, the capital of the State, March 27, 1900.

[SEAL.]

G. L. DOBSON,
Secretary of State.

Mr. ALLISON presented memorials of Local Union No. 708, United Mine Workers, of Forbush; of Local Union No. 172, United Mine Workers, of Foster; of Local Union No. 673, United Brotherhood of Carpenters and Joiners, of Dubuque; of Local Union No. 55, United Mine Workers, of Des Moines, and of Local Union No. 790, United Mine Workers, of Pekay, all in the State of Iowa, remonstrating against the leasing of public lands in the West, and praying for the enactment of legislation to protect free labor against prison competition and for limiting the hours of daily service of laborers and mechanics upon the public works of the United States; which were referred to the Committee on Public Lands.

He also presented a petition of the Business Men's Association of Davenport, Iowa, and the petition of Addie Richardson and 18 other members of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, praying for the construction of the Nicaragua Canal; which were ordered to lie on the table.

He also presented resolutions adopted by the city council of Stuart, Iowa, expressing sympathy for the people of South Africa in their struggle for liberty; which were referred to the Committee on Foreign Relations.

He also presented the petition of C. B. Hutchins and 81 other citizens of Kossuth County, Iowa, praying for the continuance of the free distribution by the Department of Agriculture of blackleg vaccine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, praying for the establishment of postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, remonstrating against the enactment of legislation providing for the construction of reservoirs or irrigating canals for the irrigation of arid lands; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented the petition of Evelyn H. Belden, president, and Eva Light Taylor, secretary, on behalf of the Equal Suffrage Association of Iowa, praying for the adoption of a sixteenth amendment to the Constitution prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented petitions of Company K, Fifty-second Regiment National State Guard; of Company B, Fifty-first Regiment National State Guard, and of Company E, Fifty-second Regiment National State Guard, all in the State of Iowa, praying for the enactment of legislation to improve the armament of the militia; which were referred to the Committee on Military Affairs.

He also presented a petition of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, praying for the enactment of legislation to prohibit the use of shoddy in manufactured goods; which was referred to the Committee on Manufactures.

He also presented a petition of Newark Grange, No. 2018, Patrons of Husbandry, of Iowa, and a petition of Silver Grange No. 1702, Patrons of Husbandry, of Iowa, praying for the election of United States Senators by a popular vote of the people; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Christian Temperance Union of Fort Madison, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of Silver Grange, No. 1702, Patrons of Husbandry, of Iowa, praying for the extension of free rural mail delivery; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Church of Christ, of Shannon City, Iowa, and a petition of the congregation of the Advent Christian Church, of Shannon City, Iowa, praying for the enactment of legislation to prohibit the importation, manufacture and sale of intoxicating liquors and opium, and the prohibition of gambling in Hawaii; which were ordered to lie on the table.

Mr. VEST presented a petition of the United States Brewers' Association, praying for a reduction of the tax upon malt liquors to the former rate; which was referred to the Committee on Finance.

Mr. WARREN presented a memorial of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, remonstrating against the enactment of legislation placing a tax upon butterine, oleomargarine, and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a petition of the Universalist Parish of Dover, Me., praying for the enactment of legislation to prohibit the importation and sale of intoxicating liquors in Alaska, Cuba, Porto Rico, etc.; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

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

A bill (H. R. 1677) granting an increase of pension to Missouri B. Ross; and

A bill (H. R. 1681) granting an increase of pension to Isaac M. Locke.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 2303) granting an increase of pension to Lavinia M. Payne, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 104) to amend the joint resolution permitting Anson Mills, colonel of the Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States, approved December 12, 1893, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 4032) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky., reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky., reported it with an amendment.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 3305) to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims, reported it with an amendment, and submitted a report thereon.

CLAIMS OF CERTAIN STATES AND THE CITY OF BALTIMORE.

Mr. MARTIN. I am directed by the Committee on Claims, to whom was referred the bill (S. 4024) directing the Secretary of the Treasury to reexamine and resettle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and city of Baltimore for military purposes during the war of 1812, to report it without amendment, and I submit a report thereon. I ask unanimous consent for its present consideration.

The bill was read.

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

Mr. LODGE. What committee has reported the bill?

The PRESIDENT pro tempore. The Committee on Claims.

Mr. CULLOM. The bill seems to take in the history of the United States from the beginning up to the present time.

Mr. DANIEL. If the Senator will permit me a moment, I can explain it to him satisfactorily.

Mr. CULLOM. Certainly.

Mr. DANIEL. I will state that several times since I have been a member of this body and sometimes before this bill has passed here. I have never heard an objection to it from any member of the committee or from any member of the Senate. It is a bill that is well understood by gentlemen who have been here for many years. Its principle is simple. It simply directs that the States of New York, Pennsylvania, Delaware, Virginia, and South Carolina and the city of Baltimore shall be placed upon the identical principle on which other States were settled with as to the expenditures for military purposes in the war of 1812.

The Government was in need of money. These States and the city of Baltimore expended considerable funds for military purposes. The debts were assumed by the Government, with interest. The method of computing interest was objected to in a formal protest of the States, and it has been rectified in a number of these cases; but as to the States mentioned in this bill the rule that was observed in Massachusetts and Maryland as to similar expenditures, and as to Maine in another matter, was not observed.

The language of this bill, as stated here by the Senator from Wisconsin [Mr. SPOONER], who has at two sessions of the Senate reported it from the unanimous committee, is the identical language of the bills in the other cases; and I have never heard a single objection to the justice, the equity, the morality, or the propriety of this claim.

Mr. CULLOM. Have not these claims been adjudicated once or twice before?

Mr. DANIEL. They were not adjudicated, but settled by the Treasury in 1829 upon the principal. The method of interest calculations was protested against in a formal document, and whenever it has been asked by a State it has been corrected. As to Maryland and Massachusetts, such settlement as is asked in the other cases has been accomplished.

Mr. CULLOM. What amount of money will it probably take out of the Treasury?

Mr. DANIEL. It is a different sum as to different States?

Mr. CULLOM. Is there an estimate as to the amount to be paid each State?

Mr. DANIEL. There is an estimate in a letter of the Secretary of the Treasury of December 17, 1890, to the President of the Senate. In the Fifty-first Congress, second session, the letter of the Secretary communicated the calculations of his Department as to the interest that would be due, as will be seen in Executive Document No. 17, Fifty-first Congress, second session.

I will state to my friend that in the State of Virginia it will involve no expenditure. That State is indebted to the United States. Congress has directed suits against States. In some cases it will involve no expense; but if it did, and wherever it does, it is a just expenditure. The Senator is the first one I have ever heard in this body who has taken any sort of exception to this claim. I know it is from proper motives. I am not criticising the Senator.

Mr. CULLOM. I do not desire to be considered as objecting to the bill——

Mr. DANIEL. No; I am not criticising the Senator in the least, but merely referring to that as an indication that the bill is unexceptionable.

Mr. CULLOM. But on hearing the bill read it seems to comprehend an adjustment of relations with the States to the Government in settlements that date back almost to the beginning of the country, and it would seem naturally that some of these things ought to be settled once for all.

Mr. DANIEL. There has been no lack of diligence in this body.

The PRESIDENT pro tempore. The bill is not before the Senate. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I object; not that I am hostile to the bill, but I think a little time should be taken to look over it. Perhaps to-morrow I shall not object further.

The PRESIDENT pro tempore. Objection being made, the bill goes to the Calendar.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 4151) granting an increase of pension to Virginia A. C. Custer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4152) granting an increase of pension to Maria A. Birney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced a bill (S. 4153) for the relief of Philip McDonald; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4154) granting a pension to G. W. Gosnell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions;

A bill (S. 4155) granting a pension to Julia S. Goodfellow;

A bill (S. 4156) granting an increase of pension to Nellie Powell Koehler; and

A bill (S. 4157) granting a pension to Catherine Conroy.

Mr. MORGAN introduced a bill (S. 4158) granting an increase of pension to Gaines C. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4159) granting a pension to John N. D. Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KENNEY introduced a bill (S. 4160) for the relief of Samuel S. Weaver; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4161) for the relief of Mrs. A. McD. Morris; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 4162) to provide for a resurvey of the Great Lakes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. MASON introduced a bill (S. 4163) for the classification of clerks in the first and second class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 4164) for the relief of William M. Loughlin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 4165) granting a pension to Dora Renfro; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Mrs. Renfro and certain affidavits. I move that the bill and

the accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 4166) granting an increase of pension to Charles A. Rubin; which was read twice by its title.

Mr. COCKRELL. I introduce the bill by request. I present the petition of Mrs. Rubin to accompany the bill. I move that the bill and accompanying paper be referred to the Committee on Claims.

The motion was agreed to.

Mr. SEWELL introduced a bill (S. 4167) to authorize a one-story addition to the post-office at Newark, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TELLER introduced a bill (S. 4168) to increase the limit of cost for the purchase of site and erection of a building thereon at Leadville, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JONES of Arkansas introduced a bill (S. 4169) granting an increase of pension to Lucinda Hitchcock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO. I introduce a bill for reference to the Committee on the Judiciary. I wish to state that I introduce it by request and that I am opposed to its passage.

The bill (S. 4170) to redivide the State of Florida into judicial districts was read twice by its title, and, with the accompanying petitions favoring its passage, referred to the Committee on the Judiciary.

Mr. TALIAFERRO. I also present a memorial of members of the bar and citizens of Columbia County, Fla., and a memorial of members of the bar and citizens of Duval County, Fla., and two letters and two telegrams from citizens of Florida, remonstrating against the passage of the bill. I move that the memorials be referred to the Committee on the Judiciary, to accompany the bill just introduced by me.

The motion was agreed to.

Mr. VEST introduced a bill (S. 4171) to amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893; which was read twice by its title, and referred to the Committee on Public Health and National Quarantine.

Mr. WOLCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4172) granting an increase of pension to Charles P. Koch;

A bill (S. 4173) granting an increase of pension to Walter S. Wikoff; and

A bill (S. 4174) granting an increase of pension to Daniel Clark.

Mr. TILLMAN introduced a bill (S. 4175) to provide for sittings of the circuit and district courts of South Carolina in the city of Florence, S. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. DANIEL introduced a bill (S. 4176) to erect a monument at Winchester, Va., to the memory of Gen. Daniel Morgan; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENT TO NAVAL BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 1535) to provide for the examination of certain officers of the Navy and to regulate promotion therein; which was referred to the Committee on Naval Affairs, and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment providing that the Adjutant-General of the Army shall have the rank, pay, and allowances of a major-general in the Army of the United States, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $6,000 to complete the interior of the new post-office and court-house building by painting and frescoing the same, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF WORLD'S COLUMBIAN COMMISSION.

Mr. ALLISON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed of the final report of the Board of Lady Managers of the World's Columbian Commission 7,500 copies; of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House, 500 copies for the State Department, and 1,000 copies to be delivered to Mrs. Potter Palmer, president of said board of lady managers, for distribution by her to members of home and foreign commissions.

REPORT ON EDUCATION IN PORTO RICO.

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

Resolved, That the Secretary of War be requested to transmit to the Senate the report of General Davis, commanding Porto Rico, containing the report on education in the island, by Dr. Victor S. Clark, for the period ending February last.

REPORT ON THE PHILIPPINE ISLANDS.

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

Resolved, That there be printed for the use of the Senate document room 2,000 additional copies of Senate Document No. 171, being the report of the Senate Committee on the Philippines on the Philippine Islands.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

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

To the Senate:

I transmit herewith a communication from the Secretary of State, forwarding the report of Commander G. W. Baird, United States Navy, superintendent of the State, War, and Navy Department building, respecting the employees of his office, furnished in response to the Senate resolution of March 16, 1900.

WILLIAM McKINLEY.

EXECUTIVE MANSION, *April 12, 1900.*

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 40, 44, 45, 52, 53, 55, 62, 63, 64, 79, 80, 88, 89, 93, 94, 105, 106, 116, 124, 155, 163, 184, 200, 201, 202, 203, 204, and 246.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 43, 46, 47, 48, 49, 50, 54, 56, 58, 59, 60, 61, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 85, 86, 87, 90, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 109, 115, 117, 118, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 177, 178, 179, 180, 181, 183, 185, 188, 191, 192, 193, 196, 197, 198, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219, 221, 222, 223, 225, 226, 227, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, and 258, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "Five Civilized Tribes of Indians;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$122,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the number proposed insert "21;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,620;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Chief of division, $1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For compensation of the Vice-President of the United States from March 3, 1901, $2,822.23;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: On page 29 of the bill, in line 24, after the word "library," insert ", and to enable the Secretary of State to purchase for the library of the Department of State books and manuscripts, including a collection of books and pamphlets bearing upon the history of the war of the Revolution formerly in the library of Gen. Sir Henry Clinton, commander in chief of the British forces in America during that period, the same having been richly annotated in his hand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$294,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the

Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,770;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out the word "permanent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,080;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with amendments as follows: Omit the matter inserted by said amendment, and on page 83 of the bill, in line 1, strike out the words "of class 3;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,640;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 83 of the bill, in line 14, after the word "Office," insert the words ", at Washington, D. C.;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and for the establishment of a branch office at Galveston;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 85 of the bill, in line 8, after the word "Office," insert the words ", at Washington, D. C.;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: On page 93 of the bill, after the word "Office," in line 16, insert the following: ", including $250 for law digests;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "specialist in educational systems, $1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$268,130;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,520;" and the Senate agree to the same.

S. M. CULLOM,
W. J. SEWELL,
H. M. TELLER,
Managers on the part of the Senate.
HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. CULLOM. I do not know that it is worth while for me to say anything about this report. I will make one general remark. The bill is very little changed from what it was when it passed the Senate. The Library involved a good many questions of difference, but the result of the conference between the two Houses was that the force desired by the Librarian was granted, but no increase of salaries was given. There are very few amendments that are of any importance that the Senate did not make itself.

The report was agreed to.

SENATOR FROM KENTUCKY.

Mr. JONES of Arkansas. I present, as part of the credentials of Hon. J. C. S. Blackburn, the certificate of the clerk of the senate, intended to correct a clerical error which was made in the first certificate sent from him. I ask that it be printed and attached to the previous document.

The PRESIDENT pro tempore. That it be printed in the RECORD?

Mr. JONES of Arkansas. I ask that it be printed as a document and that it be attached to the previous papers.

The PRESIDENT pro tempore. The order will be made. The paper will be placed on the file.

PERSONAL EXPLANATION—PORTO RICAN TARIFF.

Mr. JONES of Arkansas. Mr. President, I notice in the RECORD that, on page 4069, Mr. DOLLIVER on yesterday is reported to have used the following language in the House of Representatives:

I accuse the chairman of the Democratic national committee of being in the same conspiracy, if you will permit me so to speak. I hold in my hand a proposed amendment offered by Senator JONES of Arkansas to the bill, now become a law, to give the proceeds of the present Porto Rican customs to the people of Porto Rico, an amendment which, if it had been passed, would have given to the American Sugar Refining Company $1,800,000, which they have already paid in cash into the Treasury of the United States on sugar imported from Porto Rico. [Applause on the Republican side.]

Mr. President, I as a rule pay no attention to aspersions of this character: but as this is the second time this has been done during this session in the House, it may be possible that some honest man may be misled or may misjudge me if I should take that course in this instance.

When the Porto Rican bill was presented in the Senate I offered an amendment proposing to refund to the people who paid them the duties which had been collected from the people of Porto Rico. I did that from the conviction that the Government of the United States had no right to levy any tariff duties upon products coming from Porto Rico; and if we had no such right, it was common honesty that we should give the money back to the people from whom we had taken it. I still believe that this is right.

I had never looked to see who had paid these revenues. I am not in confidence of the sugar trust. I am not one who is familiar with its officers. I know nothing about it. They have not come to me to complain that they paid $1,800,000. I did not know that such was the fact. Men who are more familiar with the doings of the sugar trust, of course, knew more about that than I, and it may be correct that they have paid a million and a half of money into the Treasury of the United States. What I understood the facts to be were that protests had been made when these duties were levied and collected, and had appeal from the ruling of the Department to the courts, and that these cases were pending in the Supreme Court of the United States, and I believe that when the Supreme Court decides this question it will direct that if this money was improperly collected, as I believe it was, that then this money shall be paid back to the men who paid it.

I believe in doing justice, no matter who is involved. I believe in giving the devil his due, and if we have no right under the laws of the land to levy this tax, and the sugar trust has paid a part of it and the money is due to them, it ought to be refunded.

I have no fear of being misjudged by any member of this body. I know that no improper motive will be attributed to me by any man in this body, and I know that it can not be justly done anywhere else.

Another word, Mr. President, before I conclude. I offered this amendment in the course of the debate here. It was stated here afterwards that a large part of the money that had been paid was paid by the sugar trust and the tobacco trust. I withdrew the amendment. No vote was ever taken on it. After discussion I made up my mind that the proper thing to do was to leave that matter to be settled by the courts; that having gone to the length we had, it was better to let the courts say whether or not the action of the Government was legal, and if not, to correct the evil.

ABANDONED PROPERTY IN INSURRECTIONARY DISTRICTS.

Mr. MASON. I desire to ask unanimous consent that a vote be taken on Senate bill 602 one week from to-day, at 1 o'clock. I will state the reason. The bill was introduced by the senior Senator from Minnesota [Mr. DAVIS], and after being reported from the Committee on Claims was called up on the 23d of January last. The bill was read and the report was read and the Senator from Minnesota addressed the Senate in support of the bill. There may be Senators who wish to speak in opposition to the bill. It is a bill known as the bill for the payment of claims arising under the captured and abandoned property act. I thought, as the bill has been read and the report read and the Senator from Minnesota has addressed the Senate upon the subject, one week from to-day, at 1 o'clock, would give an opportunity to those who oppose the bill to oppose it.

Mr. PLATT of Connecticut. What bill is it?

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that one week from to-day at, 1 o'clock, a vote be taken on the following bill.

The SECRETARY. A bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof.

The PRESIDENT pro tempore. Is there objection?

Mr. PLATT of Connecticut. That is the bill to refund the cotton taxes?

Mr. MASON. No; it is not the cotton-tax bill. It is a bill which has been reported favorably for the last twelve or fifteen years, ever since the Supreme Court decided that the Government held the——

Mr. PLATT of Connecticut. It is the captured and abandoned property bill?

Mr. MASON. That is it.

Mr. PLATT of Connecticut. I do not feel that I can make any agreement this morning without an opportunity to examine the matter a little further. I do not wish to prevent an early vote after proper discussion and examination, but I think I must object this morning.

The PRESIDENT pro tempore. Objection is made.

Mr. MONEY. Before the matter goes over, I should like to ask the Senator from Connecticut if he would be willing to name any other time for its consideration?

Mr. PLATT of Connecticut. I do not think that we ought to make an agreement offhand as to the time when we will take a vote on a particular bill which has not been before the Senate for consideration.

Mr. MASON. I will state to the Senator——

Mr. PLATT of Connecticut. I want an opportunity to examine the matter myself and to consider how much time can be given to the discussion of it before I agree to any particular day.

SENATOR FROM PENNSYLVANIA.

Mr. WARREN. I ask unanimous consent to call up a bill of a few lines that it is very necessary to have passed and one which will lead to no discussion.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate a resolution which will be read.

The Secretary read the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. BURROWS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wyoming?

Mr. WARREN. It is a matter of two or three moments. It is a very short bill.

Mr. BURROWS. Will it take any time?

Mr. WARREN. I think not. I will withdraw it if it leads to any discussion.

Mr. BURROWS. Very well; I yield to the Senator.

FEES OF JURORS AND WITNESSES.

Mr. WARREN. I ask for the present consideration of the bill (S. 3488) to amend an act fixing the fees of jurors and witnesses in United States courts in certain States and Territories.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories," approved August 3, 1892; so as to read:

That jurors and witnesses in the United States courts, and witnesses in courts held by United States commissioners and other judicial officers and committing magistrates having jurisdiction in cases to which the United States is a party, in the States of Wyoming, Montana, Washington, Oregon, California, Nevada, Idaho, Colorado, and Utah, and in the Territories of New Mexico and Arizona, shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance, and 5 cents for each mile over any railway, in going to and returning from said courts: *Provided*, That no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror, or as witness in two or more cases pending in the same court and triable at the same term thereof.

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

BROOKLYN FERRY COMPANY.

Mr. DEPEW. I hope the Senator from Michigan will yield to me, in order that I may ask unanimous consent for the consideration and passage of a bill, which will take but a moment. If there is any objection to it, I shall withdraw it. It is Senate bill 3535.

Mr. BURROWS. I yield to the Senator.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of a bill, which will be read for information.

The bill (S. 3535) for the relief of the Brooklyn Ferry Company, of New York, was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, in section 1, page 2, line 6, after the word "liability," to strike out the words "with costs and interests;" so as to make the section read:

That the claim against the United States of the Brooklyn Ferry Company, of New York, a corporation organized and existing under the laws of the State of New York, with its principal place of business in the borough of Brooklyn, city of New York, owner of the ferryboat *New York*, for damages caused by collision between the said ferryboat and the U. S. S. *Dolphin*, in the East River, near Brooklyn, on the 1st day of August, 1899, may be sued for by the said ferry company in the United States district court for the eastern district of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such a suit and to enter a judgment or decree for the amount of such damages, if any shall be found to be due, against the United States in favor of the said ferry company, upon the same principles and measure of liability as in like cases in admiralty between private parties, and with the same rights of appeal.

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.

INTEROCEANIC CANAL.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. BURROWS. I should be very glad to do so, but my remarks will be quite lengthy at best; and unless it is something very special the Senator desires, I should prefer that he should defer his request until the conclusion of my remarks.

Mr. MORGAN. It is something very especial and very important too, I think, Mr. President. I merely wanted to ask unanimous consent of the Senate to fix the Nicaraguan Canal bill as the regular order for Monday, the 30th day of April, at 2 o'clock.

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

Mr. BURROWS. I yield for that request, but not for discussion.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the bill known as the Nicaraguan Canal bill may be assigned for consideration on the 30th day of April at 2 o'clock.

Mr. LODGE. I do not see how I can assent to that to the displacement of the bill that I have in charge, which is now the unfinished business.

Mr. MORGAN. I shall feel bound to antagonize the Senator's bill with the canal bill this morning.

The PRESIDENT pro tempore. The Senator from Michigan [Mr. BURROWS] is entitled to the floor.

SENATOR FROM PENNSYLVANIA.

The Senate resumed the consideration of the resolution reported by Mr. TURLEY from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from Pennsylvania.

Mr. BURROWS. Mr. President, it is never a pleasant duty for one to differ with any considerable number of his party associates, especially upon a measure of party policy; but when the question in controversy is not, or at least ought not to be, in any sense a party issue, but is entirely dependent upon the higher consideration of constitutional construction, the embarrassment largely disappears. My views upon questions of this character have not been hastily formed nor now for the first time publicly expressed.

Two years ago Henry W. Corbett presented a letter from the governor of the State of Oregon commissioning him to a seat in this Chamber, made vacant by the expiration of the term of Senator Mitchell. The right of the executive to make such appointment was questioned by the Senate, the oath of office withheld, and the matter referred to the Committee on Privileges and Elections. As an humble member of that committee it became my duty at that time, with other members of the committee, to examine the question and, as the result of such examination, I was forced to the conclusion that the power of appointment in that case was not lodged with the executive, and a majority of the committee so reported. The Senate sustained that report by a vote of 50 to 19. Since that time I have seen nothing to cause me to reverse my judgment; further examination has served rather to strengthen and confirm it. The material facts in this case are the same as in that. The Constitution is the same. The precedents are the same. The only change is in the name of the party seeking admission to the Senate. Then it was ex-Senator Corbett; now it is ex-Senator Quay. A change of parties certainly ought not to and I am confident will not produce a change of convictions.

THE ISSUE DEFINED.

The issue in this controversy is circumscribed within very narrow limits. It is solely a question of constitutional construction. The facts are not in dispute.

By the Constitution of the United States it is provided that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years; * * * and if vacancies happen by resignation or otherwise during the recess of the legislature of any State the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

A recital of the facts in this case, in connection with the foregoing provisions of the Constitution, will disclose the exact question involved. In 1893 the legislature of the State of Pennsylvania elected Matthew S. Quay a Senator for the full term of six years from the 4th of March, 1893. He accepted and held such office until the expiration of the term, March 3, 1899. The legislature failed to elect his successor, and as a consequence such office became vacant on the 4th of March, 1899. The legislature

was in session, however, at the time such vacancy occurred, and had been since the 2d of January previous, and continued in session until the 20th of April, 1899, when it adjourned sine die without electing a successor to Senator Quay for the succeeding term of six years. Thereafter, and on the 21st of April, 1899, the governor of the State appointed and commissioned Matthew S. Quay to hold the office of Senator "until the next meeting of the legislature," invoking as his authority for such action the provision of the Constitution already quoted, namely:

If vacancies happen during the recess of the legislature by resignation, or otherwise, the executive of the State may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The commission by virtue of which Mr. Quay asks to be admitted to the membership of this body was, upon its presentation to the Senate, referred to the Committee on Privileges and Elections for preliminary examination and report. That committee, after full consideration and argument by counsel on either side, report—

That the Hon. Matthew S. Quay is not entitled to take a seat in this body as a Senator from the State of Pennsylvania.

That report, together with the views of the minority, is now submitted to the Senate for its considerate judgment and final action.

The sole question, therefore, presented for the consideration of the Senate is whether this vacancy, occurring on the 4th of March, 1899, in the manner stated, and when the legislature was in session, is such a vacancy, within the meaning of the Constitution, as the governor of the State could supply by temporary appointment. If it is, then the right of Mr. Quay to a seat in this body, by virtue of the governor's commission, is unquestioned and unquestionable. If it is not, then such appointment is wholly without authority of law, and the commission issued in pursuance thereof utterly null and void. This is the only controversy, and to its consideration I invoke the serious attention of the Senate.

The question is one which ought, and I am sure will, command the deliberate and unbiased judgment of every Senator, involving, as it does, not only the claim of a citizen to membership in this body, which is of course of some moment to the individual, but, above that, it involves the right of a State to representation in the Senate in conformity with the Constitution and laws of the United States; and, higher and beyond all this, it is a question of supreme moment to all the people of all the States that this great council of States shall have within its membership those, and only those, who bear credentials of unquestioned authority. To admit others, for personal or partisan reasons, would degrade this body to the level of a political caucus, shake public confidence, bring the Senate into contempt, and inflict a blow upon representative government from which it could not readily recover.

The gravity of the issue is augmented by the further consideration that the framers of the Constitution, wisely or unwisely, left its determination to the Senate itself, from whose judgment, right or wrong, there lies no appeal except to that court of last resort, the sovereign people, in whose hands is lodged the supreme power to make or modify constitutions when in their judgment they become subversive of popular government. The responsibility of determining this question therefore is imposed upon us, which we can neither avoid nor disregard.

By the Federal Constitution "each House shall be the judge of the elections, returns, and qualifications of its own members," and I quite agree with the distinguished Senator from Massachusetts [Mr. HOAR] that in passing upon this question "the Senate is the body, the court, the judge of the election of Senators," and, knowing the high character of the membership of this body, I am confident no Senator, in his capacity as a judge, will permit himself, as a sworn member of this high court, to be swerved one iota from his convictions of duty under the Constitution by any political or personal considerations, however potent or exacting.

IS NOT A PERSONAL CONTEST.

I confess to some astonishment when the Senator from Colorado [Mr. WOLCOTT] the other day appealed to the "friends of Mr. Quay" to come to his assistance, as if this was a personal contest to be decided, not upon high constitutional grounds, but upon the personal likes or dislikes of the individual membership of this body. I confess this has not been my view of the contest, nor my conception of the character of this tribunal, and I acquit the Senator from Colorado of any design to divert the attention of the Senate from the real issue, and attribute his impassioned speech to his generous impulses, which, however commendable and praiseworthy, will, I am sure, not warp his judgment, for, while generous, I know him also to be just.

I have understood and supposed that the only qualifications for a United States Senator were prescribed by the Constitution of the United States, requiring that one should have—

attained the age of 30 years, been nine years a citizen of the United States, and an inhabitant of the State from which chosen.

It has not been my understanding that in addition to these qualifications he should possess the friendship of the individual members of the Senate, or that if he possessed these constitutional qualifications the personal likes or dislikes of the individual members of the Senate could in any way be invoked in determining the right to a seat in this body. We are admonished that Mr. Quay has heretofore been a member of the United States Senate, but it has not been my understanding that, in addition to age, citizenship, and inhabitancy of the State, it was also essential that one should have been a member of a previous Senate. Mr. Corbett, of Oregon, it seems, once occupied a seat in this Chamber, and yet it was not contended from that fact that he was entitled to be seated upon the appointment by the governor. I do not find it laid down in the Constitution, as one of the qualifications for admission to this body, that a man should be not only of proper age, citizenship, and a resident of the State, but should also have voted for or against the force bill at some time in the course of his Senatorial career. That has not heretofore been regarded as one of the qualifications of a Senator.

Mr. President, such considerations have no place in this controversy and before this august tribunal. Divested, therefore, of every improper influence, we can approach the consideration of this case with the satisfaction of knowing that whatever the result may be, the judgment rendered will be untainted by suspicion of unworthy motives, and we can rest in the consciousness that we have discharged a great public duty, preserved the rights of the States and the ancient dignity and integrity of the Senate.

THE LANGUAGE EMPLOYED IS CLEAR.

Proceeding, then, to the consideration of the exact issue involved, let me again direct the attention of the Senate to the wording of the constitutional provision in controversy:

If vacancies happen by resignation, or otherwise, during the recess of the legislature, the executive of the State may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

The language employed is so clear, simple, and direct, the wonder to my mind is that there should ever have been any contention as to its import. If the rule laid down by Judge Story applicable to the construction of constitutions be applied to this provision, what room can there be for doubt or question as to its true meaning? Judge Story says:

Every word employed in the Constitution is to be expounded in its plain, obvious, and common-sense, meaning, unless the context furnishes some ground to control, qualify, or enlarge it. Constitutions are not designed for metaphysical or logical subtleties, for niceties of expression, for critical propriety, for elaborate shades of meaning, or for the exercise of philosophical acuteness or judicial research. They are instruments of a practical nature, founded on the common business of human life, adapted to common wants, designed for common use, and fitted for common understandings. The people make them; the people adopt them; the people must be supposed to read them, with the help of common sense, and can not be presumed to admit in them any recondite meaning or any extraordinary gloss. (I Story, page 322.)

In the light of this rule of construction I confess it is difficult for me to comprehend how any serious difference of opinion could possibly have arisen as to the significance of the words employed; and yet it is a fact that a sharp contention is now made as to the true intent and meaning of the provision in question.

These antagonistic opinions are set forth at length in the report of the committee and the views of the minority submitted in this case, from which the exact points of difference are made to appear. They may be summarized as follows:

On the one hand, it is contended (and this is the view of the majority of the committee) that the vacancy to which the governor can make temporary appointment must be a vacancy, in the language of the Constitution, that "happens during the recess of the legislature," meaning thereby that it must be a vacancy having its beginning, its inception, during the time and when the legislature *is not in session;* and that a vacancy occurring when the legislature *is in session*, as was the fact in this case, is not such a vacancy as the governor of the State can supply by temporary appointment; and, further, that the vacancy which the governor can supply must not only "happen during the recess of the legislature," but it must occur, in the language of the Constitution, by "resignation or otherwise"—meaning by "otherwise" some like unforeseen event against which human foresight can not provide.

On the other hand, it is insisted (and this is the contention of the minority) that the expression "happen during the recess" does not mean that the vacancy must actually "happen," or come into existence, have its inception "during the recess," but the true intent and meaning is that if a vacancy "happen" to *exist* in recess, though it had its inception and beginning when the legislature was in session, yet, upon the adjournment of the legislature, such a vacancy becomes a vacancy "happening during the recess," within the meaning of the Constitution, which the executive of the State can supply by temporary appointment; and that the expression by "resignation or otherwise" embraces all conceivable vacancies from whatever cause, and that therefore it follows

whenever the executive finds a vacancy existing for any cause, and the legislature is not in session at the time, he may make temporary appointment to such vacancy until the next meeting of the legislature. I think I have stated accurately the exact issue.

These are the conflicting views held in relation to the provision now under consideration, and which must be passed upon by the Senate.

WHAT THE CENTURY HAS TAUGHT.

We might very properly refrain from entering into an elaborate discussion of these conflicting views as to the meaning of the words "happen" or "otherwise," as used in the provision under controversy, for the reason that however this contention might be settled, whether "happen" means "existing" and "likewise" means "anywise," or "in session" means "during recess," yet, so far as this case is concerned, it is a matter of utter indifference what construction is to be put upon these words if the Senate is to have the slightest regard for its own precedents, as it is the established rule of the Senate, founded upon an unbroken line of decisions—from the foundation of the Government until this hour—that the governor of a State has no authority to make temporary appointment to a vacancy in this body which occurred when the legislature was in session, or, since the Lanman case in 1825, where the legislature had the opportunity to fill the vacancy either before or after the occurrence of the vacancy. This is the established rule, from which there has been no departure, and it is impossible to admit Mr. Quay without reversing the action of the Senate from the hour of its organization. If Mr. Quay is admitted it will be the first time in the history of the Senate of the United States that the right has been accorded the governor of a State to make temporary appointment to a vacancy which happened when the legislature was in session and declined or failed to fill it. If this be true it ought to be decisive of this case and end the controversy.

I am apprehensive, however, that in this instance there may be a disposition to disregard, for some reason, the established doctrine of a century, and in these times of expansion to expand the Constitution so as to embrace the case of Mr. Quay. If this be true, it will justify going back of the rule as established by the precedents and search for the principle upon which it is founded and see what, if any, justification can be found for its abrogation now.

THE CREATION OF THE CONGRESS.

In attempting to arrive at a correct interpretation of the constitutional provisions relating to the election of United States Senators, and the supplying of vacancies which may happen in the representation from any State, it is important to consider the object sought to be attained, in this regard, by the framers of that instrument. To this end it will not be necessary to give a full historical recital of the conflicting views which characterized the deliberations of the Convention, but it is sufficient for our present purpose to observe that the plan finally determined upon comprehended three great departments of government—the executive, legislative, and judicial. A legislative department having been provided for, to be called the Congress, consisting of two branches—a Senate and a House of Representatives—the next step in order was to constitute the necessary machinery by which the membership of these two bodies might be secured. To this end it was provided:

The House of Representatives shall be composed of members chosen every second year by the people of the several States. * * * The number of Representatives shall not exceed one for every 30,000, but each State shall have at least one Representative.

The membership of the House of Representatives, it will be seen, was to be drawn directly from the body of the people. The people of the State constitute the elective body for the House of Representatives.

The membership of the Senate is provided for and secured by virtue of the following provision of the Constitution:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years.

The legislature of the State, therefore, is the elective body of the Senate, as the people of the State are the elective body of the House of Representatives. By these provisions of the Constitution a perfect machinery was provided and set up, which, in its regular and unimpeded operation, and in the absence of any unforeseen event, would, with perfect regularity, supply the full membership of the two Houses of Congress. But the framers of the Constitution did not stop here. Had they done so, their work would have been manifestly imperfect and incomplete. They understood full well the uncertainty of human life and human action, and that, after the membership of the two Houses had been secured by the process herein provided, some unforeseen event might occur to deprive one or both bodies of the full representation thus secured, and to which they were entitled under the Constitution. A Senator or Member after election might decline the office, die, resign, be expelled, or otherwise vacate the office, in which event it was necessary to provide a method by which such vacancy could be supplied, that the membership of both bodies might always be full. To that end it is provided in the case of the House of Representatives that—

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

By this provision it is within the power of the State to keep its representation in the House at all times full and complete; for, as often as vacancies occur in the membership of the House for any cause, the executive authority of the State is commanded to summon the electorate to fill such vacancy. The framers of the Constitution, therefore, by this provision perfected the machinery for constituting and maintaining a full membership at all times in the House of Representatives. Under this provision the people of Utah have just filled the vacancy from that State in the House.

The framers of the Constitution manifested quite as much desire to make provision for filling vacancies in the House of Representatives as in the Senate. They evidently deemed it quite as important that that body, which holds the power of taxation and expenditures in its hands, should at all times have a full representation. It is more important, indeed, than in the Senate, for if there be but one Senator from a State, he represents the whole State, speaks and votes for it.

But there are some States that have only a single Representative, and if that seat becomes vacant for any cause the State is without representation in the most important branch of Congress. If a seat from the Congressional district becomes vacant for any cause, that district must go wholly unrepresented until the seat is filled. So I submit that it is quite as important that the membership of the House should always be full as that the States should have at all times two Senators in this body, and the framers of the Constitution were just as solicitous to secure that end in the one case as in the other.

SAFEGUARDS WERE AMPLE.

It remained only to provide the same safeguards for filling vacancies which might happen in the membership of the Senate. To that end it is provided, in the same section which prescribes the methods of choosing United States Senators, that—

If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It will be observed that in supplying vacancies in the Senate a different and more elaborate machinery is provided than that employed for the filling of vacancies in the House. It might have been provided, as in the House, where the executive of the State is required to "issue writs of election to fill vacancies," that, upon the occurrence of a vacancy in the Senate during the recess of the legislature of the State, the executive shall issue his proclamation convening the State legislature—the elective body of the Senate—in extraordinary session for the purpose of filling such vacancy. That would conform to the method prescribed for filling vacancies in the House. But this power is now possessed by the executive of the State and can always be invoked whenever the occasion for its exercise may arise. But it was seen that summoning the State legislature whenever and as often as vacancies might occur in the Senate would be attended with inconvenience to the members of the State legislature and unnecessary expense to the State. The calling together from every part of the State the membership of the State legislature to fill vacancies which might occur when the legislature was not in session was avoided by the provision of the Constitution already cited:

If vacancies happen by resignation, or otherwise, during the recess of the legislature of the State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It will be observed that the exercise of this power of temporary appointment by the State executive is not mandatory, as in the case of vacancies in the House, but he "*may* make temporary appointments until the next meeting of the legislature." It lies wholly within his discretion. He may convene the legislature, or make temporary appointment until the legislature shall meet in regular or extraordinary session. The reason for leaving the exercise of this power within the discretion of the executive was given by Mr. Ellsworth in the debate in the Constitutional Convention in explanation of this provision, when he said:

It is only said the executive *may* supply vacancies. When the legislative meeting happens to be near the power will not be exerted.

For this reason the exercise of the appointive power was purposely made discretionary.

And thus by these various provisions the necessary machinery was provided, not only for the primary selection of the membership of both Houses, but the supplying of vacancies which might happen in such membership—a machinery so perfect and complete that it need only to be employed by those in whose hands it is intrusted to insure, at all times, a full membership of both Houses of Congress.

In the examination of these various provisions it will be observed that the legislature of the State is, under the Constitution, the sole

depository of the power to *elect* United States Senators either for a full term or to fill a vacancy. The executive of a State can not choose Senators nor fill vacancies—this power is lodged exclusively with the State legislature. The executive "may make temporary appointments" under certain circumstances and conditions, but in no case is he authorized to *fill* either the original term or any vacancy which may happen therein. That power is lodged exclusively with the legislature. This will be conceded.

LIMITED POWER OF EXECUTIVE.

When, therefore, Senator Quay's term expired on the 4th of March, 1899, it was the right and the duty of the legislature of the State of Pennsylvania, then in session, to choose his successor for the full term of six years. This was the express mandate of the Constitution, and, as Webster said in the constitutional convention of Massachusetts in 1820:

Whatsoever is enjoined on the legislature of the State by the Constitution of the United States the legislature is bound to perform.

Not only this, but by the act of Congress passed in 1866 it is provided that—

The legislature of each State which is chosen next preceding the expiration of the term for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

The legislature of Pennsylvania, therefore, in session on the 4th of March, 1899, at the time the vacancy occurred in this case, was, in the language of the act of 1866, *the* legislature "chosen next preceding the expiration of the term for which" Senator Quay was elected. This particular legislature, therefore, in session on the 4th of March, 1899, and remaining in continuous session until the 20th of April, 1899, was resting under the double mandate of the Constitution and the law to elect a Senator for the full term of six years, and, as I said before, no other power was authorized to perform this duty. It failed to discharge that constitutional and legal obligation, and on the 20th day of April, 1899, adjourned without day, leaving the office of United States Senator vacant. It is the vacancy thus created which the governor of the State of Pennsylvania attempts to supply by a temporary appointment, invoking as his authority the constitutional provision already cited.

This is the storm center around which the entire controversy rages. To this point, therefore, I direct the attention of the Senate.

That the executive of a State has the power, under certain circumstances and conditions, to make temporary appointments of United States Senators is not denied, but the extent of such power is the only matter in controversy. The executive is empowered to make temporary appointments *under certain restrictions and limitations*, clearly set forth and defined. He has no authority, however, to supply all vacancies unless the construction contended for by the minority shall prevail. That power was expressly withheld by the Convention that framed the Constitution.

It may be well at this point to glance at the proceedings of the Convention to determine, if possible, the true intent and meaning of this provision, and what the framers of the Constitution designed to do and did do in relation to supplying vacancies. Nothing further was necessary to perfect the machinery for the *election* of Senators—it only remained to provide for the contingency of *vacancies*.

WHAT THE CONVENTION ACTUALLY DID.

It will be well, therefore, to trace, and I will do it briefly, the plan for creating the Senate and for supplying vacancies therein. There were twenty-four resolutions agreed to in the Convention expressive of the general plan of government. Three of these resolutions—the fourth, the eleventh, and the twenty-second—relate to the organization of the Senate. These general resolutions were referred to the committee on detail.

When the committee on detail made its report to the Convention, the Convention modified the report in many particulars, and after such modification of the report of the committee on detail it was referred to the committee on style. After the committee on style reported, the Convention itself modified the report of that committee, and as thus modified it was embodied in the Constitution.

DEVELOPMENT OF PROVISION TOUCHING VACANCIES.

And at this point, for the convenience of the argument, I present in order the steps taken in perfecting the provision in relation to the Senate and vacancies therein:

First. The resolutions of the Convention, as agreed to and referred to committee on detail.

Second. Report of committee on detail.

Third. Modification by the Convention of the report of the committee on detail and as referred to committee on style.

Fourth. Report of committee on style.

Fifth. Modification of report of committee on style, as finally embodied in Constitution.

"4. *Resolved*, That the members of the second branch of the Legislature of the United States ought to be chosen by the individual legislatures; to be of the age of thirty years at least; to hold their offices for six years, one-third to go out biennially. * * *"

(1) Resolutions agreed to by Convention and referred to Committee on Detail.

"11. *Resolved*, That in the second branch of the Legislature of the United States each State shall have an equal vote."

"22. *Resolved*, That the representation in the second branch of the Legislature of the United States shall consist of two members from each State, who shall vote per capita."

Vacancies may be supplied by the executive until the next meeting of the legislature.

(2) Report of the Committee on Detail.

Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

(3) Modifications by Convention of report of the Committee on Detail, and as thus modified referred to Committee on Style.

And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature.

(4) Report of the Committee on Style.

And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

(5) Report of Committee on Style as modified by Convention and inserted in the Constitution.

It would be well, therefore, as I say, to trace the plan for creating the Senate and supplying vacancies therein, from its inception to its completed form, as it was finally agreed to and embodied in the Constitution as it stands to-day.

The subject came up in Convention in committee of the whole, and all the various plans and suggestions were considered as to the manner of electing Senators, their term of service, qualifications, etc. The committee of the whole finally reported to the Convention, as the result of its deliberations, a series of resolutions, the following of which related to the constitution of the Senate:

Resolved, That the members of the second branch of the national legislature ought to be chosen by the individual legislatures; to be of the age of 30 years, at least; to hold their office for a term sufficient to insure their independence, namely, seven years.

When this resolution came up in the Convention for consideration a great contention arose, among other things, over the basis of representation, the smaller States refusing to agree to any plan which did not give them equal voice in the Senate. This brought the Convention, as Sherman said, to a "full stop," requiring the efforts of a subcommittee of one from each State to adjust differences and harmonize conflicting views, and the final upshot of the matter was that the Convention agreed to twenty-three propositions as embodying its views on the fundamental principles of the government to be established, three of which related to the Senate, as follows:

Fourth. That the members of the second branch of the legislature of the United States ought to be chosen by the individual legislatures; to be of the age of 30 years, at least; to hold their offices for six years, one-third to go out biennially.

Eleventh. That in the second branch of the legislature of the United States each State shall have an equal vote.

Twenty-second. That the representation in the second branch of the legislature of the United States shall consist of two members from each State, who shall vote per capita.

These twenty-three resolves of the Convention above mentioned were then referred to the "committee of detail," to work out and formulate and express in proper phase the ideas embodied therein. It will be remembered that there was also referred to this committee, in connection with these resolutions, Mr. Pinckney's draft of a federal government, presumably for such helpful suggestion as it might contain and in which for the first time, so far as I have been able to discover, the idea of supplying vacancies appears.

The Congress, by Pinckney's plan, was to consist of a house of delegates and a senate, and it was provided by this plan that—

vacancies in the house of delegates were to be supplied by the executive authority of the State in which they shall happen.

The senate was to be chosen by the house of delegates and—

The house of delegates shall fill all vacancies that arise from death or resignation for the time of service remaining of the member so dying or resigning.

By referring the Pinckney plan, which contained a method for supplying vacancies, to the committee of detail, this question was also before the committee, although up to that time the Convention had expressed no opinion upon that subject.

THREE SETTLED PRINCIPLES DETERMINED UPON.

There went to the committee of detail, therefore, three settled principles in the organization of the Senate which the Convention had determined:

First. That the Senators should be chosen by the legislatures.

Second. That there should be equal representation, and to that end there should be two Senators from each State, voting per capita.

Third. A suggestion in the Pinckney plan as to the method of filling vacancies.

The committee of detail, to which was referred the three resolves above mentioned and the Pinckney plan, reported back the following provision:

The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

I have restricted quotations to the question of vacancies, as that is the only question in controversy.

It will be observed that this report conformed exactly to the views of the Convention, as expressed in the resolutions referred to the committee of detail. It provided for the election of Senators by the legislatures, two from each State, thus securing equality of representation and gave to each Senator one vote. In addition to this the committee made provision for filling vacancies. and it is worthy of note that the expression in the report "vacancies may be supplied by the executive until the next meeting of the legislature" conformed, almost word for word, to the provision in the Pinckney plan for filling vacancies in the house of delegates, which was as follows:

Vacancies therein shall be supplied by the executive authority of the State.

This was the first time the supplying of vacancies had been mentioned.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. BURROWS. I do.

Mr. CHANDLER. Does not the majority report, in which the Senator from Michigan concurred, admit that the clause as reported by the committee on detail would warrant the appointment of Senator Quay by the governor at this time?

Mr. BURROWS. Quite likely; but the Senator is in error in saying that I concurred in the report. I did concur in the conclusion to which the committee arrived, but not in all its reasons.

Mr. CHANDLER. Then I ask the Senator to allow me to call attention to a fact in this connection.

Mr. BURROWS. Very well.

Mr. CHANDLER. The majority of the committee, in the report made by the Senator from Tennessee [Mr. TURLEY] who is now in the Senate, admits that under the report of the committee on detail and under the modifications made by the committee on style, the governor had the right to appoint. I wish to ask the Senator a question; I made that statement for the purpose of asking a question; I would not interrupt him except for that purpose. It is whether he finds anything in the Constitutional Convention which indicates that the committee on style, in their report, intended to change what the majority of the committee admit was the meaning of that clause as originally proposed.

Mr. BURROWS. So far as concerns the report of the majority of the committee and what the Senator from Tennessee may have said, we have a right to differ. I should say that the original provision, that "vacancies may be supplied by the executive until the next meeting of the legislature," clearly indicates that the governor could not appoint except in recess.

Mr. CHANDLER. Then the Senator controverts that admission of the report of the committee?

Mr. BURROWS. It is a matter of difference of opinion. I think it will appear as I go on that the purpose of the Convention was to limit the power of the governor to appoint simply to vacancies which occurred when the legislature was in recess.

Under this provision, as reported from the committee of detail, the power of the executive to supply vacancies was expressly limited "until the next meeting of the legislature," the purpose being manifestly to permit the executive to act only in the absence of the legislature. When the legislature, the primary power clothed with authority to elect Senators, should meet, then the power of the executive to supply vacancies ceased. That is clear. He was only authorized to supply vacancies during the absence of the legislature. So soon as the legislature should meet and have the opportunity to *fill*, the power of the executive to *supply* terminated. For this reason it follows if the legislature was in *session* when the vacancy occurred it was not within the competency of the executive to supply such vacancy. If the meeting of the legislature arrests and supersedes the power of the executive to make temporary appointment, then the existence of a legislature at the time the vacancy occurs must for the same reason prevent the exercise of such power.

INTENT WAS TO RESTRICT EXECUTIVE POWER.

I submit, therefore, that under the provision as reported from the committee of detail, the clear intent was to restrict the power of the executive to supply to those vacancies which should occur when the legislature was not in session. Nothing was said, however, in this report as to the cause of vacancy, and had this provision stood, as reported from the committee of detail, it is quite possible that the executive might have supplied a vacancy occasioned by the expiration of a term, if the legislature was not in session at the time the vacancy occurred. At least this would have been a debatable question, and it will be seen how the Convention subsequently cleared this matter up and made it certain by specifying the vacancies, both as to character and time of occurrence, which the executive would be permitted to supply.

When the report of the committee of detail came up for consideration in the Convention, objection was at once made to the supplying of vacancies by the executive as conferring upon that officer a too liberal grant of power, as shown by the following debate:

Mr. WILSON objected to vacancies in the Senate being supplied by the executives of the States. It was unnecessary, as the legislature will meet so frequently.

Mr. RANDOLPH thought it necessary, in order to prevent inconvenient chasms in the Senate.

Mr. WILLIAMSON. Senators may resign or not accept. This provision, therefore, is absolutely necessary.

Mr. Madison, in order to prevent doubts whether resignation could be made by Senators or whether they could refuse to accept, moved to strike out the words after "vacancies" and insert the words—

happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

Now note what they did. Instead of "vacancies may be supplied by the executive until the next meeting of the legislature," the Convention changed that and said "vacancies may be supplied by the legislature or by the executive until the next meeting of the legislature."

So that that clause of the Constitution read:

Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

What does that mean but that if the legislature is present it shall fill the vacancy, and the governor can not act in such a case?

Gouverneur Morris, in support of Madison, said:

This is absolutely necessary; otherwise, as members chosen into the Senate are disqualified from being appointed to any office by section 9 of this article, it will be in the power of a legislature, by appointing a man against his consent, to deprive the United States of his services.

In lieu, therefore, of the provision, as reported by the committee of detail, that "vacancies may be supplied by the executive until the next meeting of the legislature," the report was modified by the Convention to conform to the suggestions made, so that it read: "Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature." Instead, therefore, of unbridled power being conferred upon the executive to fill vacancies arising from whatever cause, his power was thus still further curbed and restricted.

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from Michigan will pause a moment. The hour of 3 o'clock having arrived, the unfinished business is laid before the Senate, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. CHANDLER. Mr. President, I ask unanimous consent that the unfinished business may go over until after the Senator from Michigan has finished his remarks.

Mr. BURROWS. I am obliged to the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, that order will be made.

THE STEPS WERE CAREFULLY TAKEN.

Mr. BURROWS. Mr. President, the Convention defined and specified the kind of vacancies the executive might supply by saying: "Vacancies happening by refusals to accept, resignations, or otherwise," may be supplied, etc. Vacancies, therefore, happening in a certain way might be supplied by the executive, and the ways specified clearly imply that the legislature had performed its duty by electing a Senator. He may supply vacancies happening by "refusals to accept." Refusals to accept what? Clearly the office of Senator to which he had been elected by the legislature. He might supply vacancies happening "by resignation." Resignation of what? The office of Senator to which he had been elected. If it does not mean that it does not mean anything, and it excludes the idea of executive appointment at the beginning of a term.

A vacancy happening by the expiration of a term, as in this case, confessedly is not a vacancy caused by "refusal to accept" or "by resignation," but solely by the failure of the legislature to act, and therefore not within the competency of the executive to supply, unless such a vacancy is embraced within the meaning of the word "otherwise." Of this I will have something to say later on. I will observe in passing, however, that independent of the known rule of construction, that a word of general import is controlled and limited by the specific word with which it is associated, it is a little remarkable that at no time and nowhere in the proceedings of the Convention was there the remotest suggestion by any member of that Convention that the legislature might fail to do its duty, and that it was intended to confer upon the executive the power of appointment in such a contingency.

Neither Madison nor anyone else ever suggested filling such a vacancy. They suggested death, removal, expulsion, resignation, but never the failure of the legislature to do its duty. If that had been the purpose, how easy it would have been to have said "if vacancies happen by failure of the legislature to elect, by resignation, or otherwise." They surely would not have left so vast and far-reaching power to be inferred from the word "otherwise" as used in that connection.

Mr. STEWART. I call the attention of the Senator from Michigan——

The PRESIDING OFFICER. The Senator from Nevada is out of order.

Mr. STEWART. Mr. President——

Mr. BURROWS. I ask the Senator from Nevada to excuse me.

Mr. STEWART. I do not want to make a speech, but I wish to call the Senator's attention to a fact.

The PRESIDING OFFICER. The Senator from Nevada is out of order.

Mr. BURROWS. I will ask the Senator from Nevada not to interrupt me, as my speech is altogether too long, and I wish to proceed.

It would seem much more reasonable to suppose that, when Madison suggested a doubt as to whether Senators could resign or refuse to accept, these words were inserted for the purpose of removing that doubt, and then instead of inserting, as in the Pinckney plan, the word "death," etc., and enumerating all the other casualties which might happen to an incumbent of the office, they were all embraced in the word "otherwise." And it will be observed that every suggestion of vacancy by the Convention, by speech or amendment, had reference to something happening to the incumbent of the office and not to dereliction of duty on the part of the legislature. It is hardly to be presumed that the framers of the Constitution intended to embrace within the meaning of that word a failure of the legislature to perform its duty, for that would have been to admit in the beginning a fatal defect in their plan of government.

More than this, as Senator Vance well said in the Mantle case:

> Can the Senator point out any case in the Constitution where, a duty being primarily imposed upon an officer therein named, the performance of that duty is conferred upon another officer contingent upon the failure of the first officer to perform his duty?

And Senator Garland, the ex-Attorney-General of the United States, said in the debate in 1879:

> It is a well-established principle of jurisprudence that when one tribunal has jurisdiction and fails to exercise it, no other tribunal can assume it.

It will be observed that the Convention still further modified the report of the committee of detail, which, it will be remembered, provided that—

> vacancies may be supplied by the executive until the next meeting of the legislature,

by adding—

> or by the legislature of the State,

et cetera, so that the provision as a whole was made to read as follows:

> Vacancies happening by refusals to accept, resignation, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

By this it will be seen that the Convention, instead of conferring the power of supplying vacancies exclusively upon the executive, vested it primarily in the legislature, so jealous were they of executive control over the matter of choosing Senators. The authority of the executive was secondary. They were evidently determined that the executive should not be permitted to take the selection of Senators either for a full term or to fill a vacancy away from the legislature, where the primary power had been deposited. The manifest purpose in this modification was to make it incumbent upon the legislature, in the first instance, to fill the vacancy, but if the legislature was not in session or for any cause could not act, then the vacancy was to be supplied "by the executive until the next meeting of the legislature"—until the legislature, the primary power, could act. In this form, as thus modified by the Convention, it was referred to the committee on style, which reported it back to the Convention in the following form:

> And if vacancies happen, by resignation or otherwise, "during the recess of the legislature of any State"—

This is the first time that clause appears—

> during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature.

It is conceded that the committee on style was only authorized to put in proper form and phrase that to which the Convention had already agreed. Now note what the committee did. First, they dropped the words "refusals to accept" as evidently being surplusage, being included within the meaning of the word "otherwise." They had evidently abandoned the suggestion of Madison, that it was necessary to include these words in order to confer upon a Senator the right of "refusal to accept." Secondly, they dropped the words—

> by the legislature of the States in the representation of which such vacancies shall happen—

evidently for the reason that the legislature, if in session or if convened, had the power to *fill vacancies* under its original grant of power to elect Senators, and this provision was, therefore, unnecessary, and inserted in lieu thereof the words—

> during the recess of the legislature of any State—

thus still further limiting the power of the governor over vacancies to those which should happen when the legislature was not in session—when the primary power was absent and could not act; so that the provision as formulated by the committee on style read:

> And if vacancies happen by resignation, or otherwise, during the recessof the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature.

WORDS WERE CAREFULLY CHOSEN.

It is worthy of note, too, in this connection that the committee on style dropped the words "may be supplied" and inserted, *for the first time*, the words "may make temporary appointment." Why was this done? "Supply" is defined to mean "to fill up," but it is clear the Convention never intended to allow the governor to *fill* the vacancy; and so these words were stricken out and "may make temporary appointment" inserted, "temporary" meaning, as defined by lexicographers, "lasting for a time only; existing or continuing for a limited time; not permanent." From this it will be seen how guarded the Convention was in conferring this power of appointment upon the executive of the State, and how determined they were to restrict it within the narrowest possible limits. Not content with this, when the Convention took up the report of the committee on style, to compare it with the articles agreed to and referred to that committee, they modified the provision as reported from the committee on style by adding after "legislature" the words "which shall then fill such vacancies," as if to set definite bounds to the exercise of this limited power, beyond which the executive could not go, and, as thus modified, it was embodied in the final draft of the Constitution.

Now, it has been said that the clause, "which shall then fill such vacancies," refers to those vacancies to which the governor might make temporary appointments; and if the governor can not make a temporary appointment in this case, then the legislature can not fill. The expression "shall fill such vacancy" does not refer to such vacancies as the governor may supply, but to the original vacancy. Our friends on the other side insist upon reading into the Constitution power to supply vacancias, which the executive does not possess, and then draw the conclusion if the governor has not the power to supply then the legislature can not fill.

This is a correct history, step by step, of the development of this provision from its inception to its final completion and embodiment in the Constitution, where it stands to-day in clear and unmistakable phrase:

> If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

And thus by apt and appropriate words was carried out the original suggestion: that "vacancies shall be supplied by the executive," so modified, however, as to limit his power of appointment to those cases of vacancy which shall happen "by resignation, or otherwise," and "during the recess of the legislature;" and then set definite bounds to the exercise of this meager authority "until the next meeting of the legislature." Could any language be more explicit and comprehensive or better adapted to convey to the common understanding the purpose sought to be attained?

It seems to me that one cannot follow these proceedings of the Convention in detail without being impressed with the conviction that the only purpose the Convention had in view, in making provision for supplying vacancies, was to provide a method by which casual vacancies happening in a term, and when the legislature was not in session, might be temporarily supplied by the executive of the State until the legislature, the primary power, could

have the opportunity to fill such vacancy. The modification of the original broad suggestion that "vacancies may be supplied by the executive until the next meeting of the legislature," so as to restrict the power of appointment to vacancies "happening during the recess" by "resignation, or otherwise," and then only to be exercised "until the next meeting of the legislature," indicates a purpose to circumscribe the power of the executive within the narrowest possible limit, and yet secure the end sought to be attained.

What are the express conditions, then, which must preexist before the executive of the State can exercise the power of temporary appointment?

First. A vacancy must happen;

Second. It must happen during a recess; and

Third. It must happen by resignation, or otherwise.

Only when these three things concur and coexist can the executive of a State exercise the power of temporary appointment.

This, I suppose, will be conceded, and I respectfully submit that not one of these conditions, in the plain reading of the Constitution, existed when the governor of Pennsylvania sought to commission Mr. Quay a Senator from that State. The vacancy that occurred on the 4th day of March, 1899, by the expiration of Senator Quay's term, was not a vacancy that "happened" within the meaning of the Constitution; nor was the vacancy occurring on that date, and when the legislature was in session, a vacancy happening "during the recess" of the legislature; nor was the vacancy which occurred on the 4th of March, by reason of the expiration of a previous term, a vacancy "happening by resignation, or otherwise," within the meaning of the Constitution.

Without going into an elaborate discussion of the meaning of the word "happen," as used in this connection, I prefer to direct the attention of the Senate to that which I consider vital and decisive of the question, and that is this—that the vacancy to which the executive is permitted to make temporary appointment must happen "during the recess of the legislature"—when the legislature is not in session. This is as clear as the English language can make it. The reason for this restriction is manifest. If the legislature is in session when the vacancy occurs, there is no occasion for the exercise of executive power, for it is the right and duty of the legislature to fill such vacancy, and no other body or person is clothed with such authority.

"DURING THE RECESS" A FIXED PERIOD.

No governor has yet attempted to take the matter of selecting Senators out of the hands of the legislature and make temporary appointment to a vacancy when the legislature was in actual session. It will be a mere matter of time, however, if this refinement of construction continues, when the executive of a State will usurp the functions of the legislature and make appointments even when the legislature is in session. He can now, in the plain language of the Constitution, appoint only to vacancies which "happen during the recess of the legislature."

There can not possibly be any controversy as to the meaning of the words "during the recess." That is a fixed, definite period of time—from the day the legislature adjourns to the day of its reassembling; and the vacancy which the executive of the State is authorized to supply must "happen" during and within that period.

Every lexicographer defines "during" as "in the time of," as "during life," "during the space of a year," and therefore the expression "happening during the recess," taken in its plain, obvious, and common-sense meaning, is susceptible of but one fair construction, and that is that the vacancy "happened," took place, began to be in the period of time covered by the recess. Webster defines "happen" as "to come by chance," "to come without previous notice," "to take place," "to occur." The expression, therefore, "happening during the recess," to the "common understanding"—in the words of Judge Story—means a vacancy which comes by chance, without previous notice, and within the space of time measured by the recess of the legislature. If this be the proper construction of this provision, then there is no shadow of constitutional authority for the appointment of Mr. Quay.

Under the admitted facts in this case—for it is conceded and it is a matter about which there can not be the slightest controversy, that the vacancy in this case occurred when the legislature was in actual session and fully organized—the legislature was in session on that day and remained in session for forty-seven days thereafter with this vacancy continuing and unprovided for. The Constitution of the United States restricts and limits in express terms the power of the State executive to make temporary appointments of Senators to those cases of vacancy which "happen during the recess." The governor has no authority to make temporary appointment to a vacancy which occurs, as in this case, while the legislature is in session, and which they fail or decline to fill. This has been repeatedly declared.

THE GOVERNOR OF A STATE HAS NO POWER TO MAKE TEMPORARY APPOINTMENT TO A VACANCY WHICH HAPPENS WHEN THE LEGISLATURE IS IN SESSION.

Now, Mr. President, upon this question I desire to cite the opinions of some eminent statesmen. Senator Kernan, of New York (and I commend this to the Senators from New York who are present), in the debate in 1879, gave a correct construction of this provision when he said:

The vacancies which the governor can fill temporarily by appointment must occur during the recess of the legislature. If the vacancy occurs *when the legislature is in session*, although it is the last day of the session, the governor can not appoint. It is conceded that such a vacancy must occur during the recess. * * * If the legislature is in session when the vacancy occurs and fails to choose a Senator, the governor can never appoint a person to fill the vacancy.

Senator Kernan was a lawyer, and, as I understand, a constitutional lawyer, whatever that designation may mean.

Senator Edmunds, in the Blair case, who agreed upon some of the general propositions of the minority in this case, said—mark his language:

Whenever that office—

Referring to the office of Senator—

comes to be vacant, so that the State is deprived of its voice, then, if there *be not a State legislature present and in session* to fill it, the governor may fill it until the next session of the legislature has an opportunity to do it, and it does not give the governor power to fill it any longer.

"If there be not a State legislature present and in session to fill it," is the language of that distinguished Senator. Senator Edmunds is regarded, or was when a member of the Senate, an authority on the Constitution. He is none the less an authority to-day.

Senator Bailey, in the Bell case, said:

In such case the legislature, *if sitting*—

Mark it—

The legislature, *if sitting*, should fill the remainder of the term. * * * It seems to have been manifestly the intention and purpose of the framers of the Constitution in adopting this section of the first article not only to confer upon the legislature of a State the right, but to make it a duty, upon the expiration of a Senator's term, to choose for him a successor, and, further, to provide that after one shall be thus chosen, if, by resignation, by the accident of death, or otherwise, there should be a vacancy in the term for which a choice had thus been made, to confer upon the executive, *if the vacancy occurred during the recess of the legislature*, the right to make a temporary appointment until the next meeting of the legislature.

Mr. Cameron, of Wisconsin, remembered by many Senators here as an able lawyer, said:

The Senator, I think, ought to state that a session of the legislature of Vermont had been held intermediate the occurring of the vacancy and the attempt to fill it, and all the authorities hold that where there is a session of the legislature intermediate the occurring of the vacancy and the time that the executive attempts to fill it, *that prevents the filling of the vacancy by the executive*. The reason, of course, is because the Constitution expressly provides that it shall be so.

Mr. Carpenter, of Wisconsin, than whom no more able lawyer ever occupied a seat in this Chamber, said:

But it is clear that to authorize the governor to make an appointment there must have been a recess of the body which at that time possessed the legislative power of that State; because the governor, in making such appointment, acts only for the legislature, which, *if in session*, could make the election to fill the term.

The minority report in the Phelps case, which was adopted by the Senate, says, among other things:

The Senate of the United States is composed of organized constituencies—the State legislatures. To them belong the power primarily of electing their Senators, *when they are in session at the happening of the vacancy*, and at their first meeting when it happens in their recess.

I desire also to quote a no less distinguished authority than the senior Senator from Massachusetts himself [Mr. HOAR], who in the great debate in 1879—the Blair case—declared that the governor of a State had no authority to make appointment to a vacancy which occurs while the legislature is in session, even after the legislature should adjourn without filling the vacancy—a case precisely like the one before us.

I am aware the Senator from Massachusetts subsequently modified his views in this regard, yet the reasons he assigned for his opinion then were so cogent that I am sure they will impress the Senate at this time:

Now, there is scarcely a question—

Said the Senator—

which can arise under our Constitution in regard to which the authorities are so concurrent or of such weight. There are ten precedents of the Senate itself, beginning with the case which occurred in the year 1797, when many of the framers of the Constitution were in the Senate; and they all concur in holding that the governor may appoint if the vacancy happen by reason that the constitutional term of a Senator had ended—

Now, mark Senator HOAR'S language—

when the legislature was NOT in session and the legislature has made no provision to fill it.

Therefore I think we are warranted in saying that the unbroken current of Senatorial precedent, from the beginning of the Government until to-day, is that the governor is entitled to fill a vacancy whenever it happens, whether at the beginning or at the end of the term, so that it happen *when the legislature is not in session*, until the next meeting of the legislature, when the right of the governor in the premises is determined.

Senator Carpenter at this point interrupted the Senator from Massachusetts with this question:

Will the Senator allow me to ask him a question?
Mr. HOAR. Certainly.
Mr. CARPENTER. I do it for information. I want to vote with the Senator, if I can, on this question. The difficulty in my mind is that I think the emphatic word in the constitutional provision is "happen." Take the case of Wisconsin.

And he states a case precisely like the one now before the Senate:

Our legislature assembles on the first Monday of January. It has to elect to fill up the vacancy that is to occur in March. The legislature generally sits until about the last of April. Suppose they begin on the day fixed by the act of Congress to ballot for Senator; they make no choice; they ballot up to and past the 4th of March without making an election. A vacancy then occurs; by the Constitution the term expires, and the legislature sits still, with that vacancy running on, balloting for thirty days and unable to make a choice, and finally adjourns without making a choice. Could the governor then—

Senator Carpenter says—

appoint a Senator upon the ground that that was a vacancy happening in the recess of the legislature?

That is this case precisely.

Mr. HOAR. *I think not;* and for the reason not that it would not be a vacancy, but that the power is qualified by the other words, as uniformly construed, that the governor may appoint "until the next meeting of the legislature." Therefore, if the legislature should meet after the vacancy occurred, the governor not having appointed, and fail to elect, the literal answer would be that in the particular case the Senator supposes the vacancy would not have happened in the recess; but I suppose the Senator could easily vary that by supposing the legislature not to be in session on a particular day, and therefore I make the other answer, which is that the governor's right to appoint until the next meeting of the legislature is uniformly construed to mean that after the legislature has met the entire constitutional authority of the governor, so far as relates to that vacancy, is gone.

If the legislature is in session when the vacancy occurs, Senator HOAR answered Senator Carpenter correctly, that the governor had no power to fill it, because the only object of appointing temporarily is to bridge over the time until there can be a legislature assembled, and if the legislature is in session when the vacancy occurs, there is no occasion for making the appointment.

Could anything be more forceful and convincing?

The governor's right to appoint—

In the language of the Senator—

until the next meeting of the legislature is uniformly construed to mean that after the legislature has met the entire constitutional authority of the governor, so far as relates to that vacancy, is gone.

NO CHASM EXISTED.

If the power is gone upon the meeting of the legislature, how can the power come into existence if the legislature is in session when the vacancy happens? The Senator then made it very clear that "the power of the executive was only to be exercised until the next meeting of the legislature, in order to prevent," in the language of Randolph, "inconvenient chasms;" but if the legislature is in session when the vacancy takes place, there is no chasm for the executive to bridge, for the primary power to fill the vacancy is present and authorized to act, and the next meeting of the legislature is found in the legislature *then existing* at the time the vacancy occurred. The legislature being in session when the vacancy takes place, there is no necessity or opportunity for the exercise of executive authority to make temporary appointment.

And so, Mr. President, in the midst of all the perplexing problems of the hour, we are brought face to face with a proposition advocated by the minority of the Committee on Privileges and Elections, which if sustained by the approving judgment of the Senate, will not only reverse its established and time-honored precedents, repudiate the best thought of the century on the subject, but completely revolutionize the whole method of supplying the membership of this body.

Instead of conforming to, what seems to me, the plain mandates of the Constitution, so long obeyed and respected, restricting the right of the governor to make temporary appointments to such "vacancies as may happen by resignation, or otherwise, during the recess of the legislature," and then to be exercised only "until the next meeting of the legislature," it is proposed to declare that the executive has the right to fill the seats in this Chamber made vacant for any cause and at any time, occurring in session or in recess, and for an indefinite period, provided only that the legislature is not in actual session at the time of executive action.

The whole contention of the minority resolves itself into this—the executive may fill any vacancy he finds existing when the legislature is in recess. A vacancy and the absence of the legislature are the only prerequisites for executive action. The framers of the Constitution when they said, "If vacancies happen by resignation, or otherwise, during the recess of the legislature of any State the executive thereof may make temporary appointment until the next meeting of the legislature, which shall then fill such vacancy," intended only to say the executive of the State may fill all vacancies when the legislature is not in session.

If at the expiration of a term, though the legislature may be in session at that time, and remain in session many weeks thereafter, yet if it finally adjourn without making a choice of Senator, immediately upon such adjournment the governor may appoint until the *next meeting* of the legislature, which is construed to mean not only to the meeting of the legislature, but to its final adjournment if no choice is made. If at the *next* meeting of the legislature thereafter there should again be no choice, immediately upon its adjournment the governor may again appoint until the *next* meeting of the legislature, and so continue the process indefinitely until some legislature shall make a choice of a Senator, so that seats in this Chamber are to be filled by governors so long and as often as the legislature shall refuse or fail to elect.

In this very case, as an illustration, in the approaching election in Pennsylvania, only about six months distant, if ex-Senator Quay should be a candidate for reelection it will not be necessary for him to carry a majority of the legislature, but only to secure a sufficient number of adherents to prevent an election and force an adjournment, when Governor Stone can again disregard the mandates of his own constitution, refuse to call a session of the legislature, and again issue his commission to Senator Quay to hold a seat in this body until the next meeting of the legislature, and then, upon the theory of the minority, he would be seated, and thus repeat the process for the full term of six years, and thus continue to hold a seat in this body by the favoritism of the governor, and independent of the will of the legislature of the State of Pennsylvania. Is the Senate of the United States prepared to indorse a construction which would lead to such results?

WHERE WOULD THE PROCESS END?

This same contention leads to the conclusion that if the original States, through their legislatures, had refused or neglected for any reason to elect Senators in the beginning, to set the machinery of government in motion, the executives of the several States could have appointed Senators until the legislature should elect, and if the legislature never elected, these seats could have been filled by governors from that time until the present hour. The framers of the Constitution evidently lost sight for the moment of this remarkable power lodged in the executive of a State to appoint Senators in the absence of legislative action, when its committee on detail, in suggesting when and how the National Government should be set in motion, suggested that—

Congress should appoint and publish a day for commencing proceedings under this Constitution; and that after such publication the *legislatures* of the several States *should elect members* of the Senate.

Strange they should have failed to have added, "or the governor appoint." If it be true he possessed such power, evidently the fathers had not discovered it.

Under the construction of the minority upon the admission of a new State into the Union, if the legislature should neglect or refuse to elect Senators, why can not the executive of the State appoint Senators until some legislature shall elect? This doctrine, it seems to me, and indeed it has been repeatedly asserted, leads inevitably to this conclusion. If this doctrine is to be put into practical operation, while possibly it may keep the Senate always full, in the language of the Senator from Massachusetts, yet you may be sure it will also keep the States always full of discord, dissension, and dangerous factions, break up parties, overthrow majorities, and surely end in revolt and revolution. And in this connection I can not refrain from again quoting the words of Hamilton, in the Federalist (page 393), where he says in explanation of this provision of the Constitution:

It may be alleged that, by declining the appointment of Senators, they—

Meaning the legislatures—

might at any time give a fatal blow to the Union. It is certainly true that the State legislatures, by forbearing the appointment of Senators, may destroy the National Government. So far as that construction may expose the Union to the possibility of injury from the State legislatures, it is an evil, but it is an evil which could not have been avoided without excluding the States in their political capacities wholly from a place in the organization of the National Government.

But how could the State legislatures, if the contention of the minority be sound, by forbearing the appointment of Senators, destroy the National Government? The executive can appoint whenever and as often as the legislature fails to elect. How it would have quieted the apprehension of Alexander Hamilton for the safety of the National Government if he could have but known that the governors of the States had the power to keep the Senate always full, though the legislatures should fail to do so. He was evidently laboring under the delusion that if the legislatures failed to elect there was no remedy, and the whole fabric of government would be placed in jeopardy. How natural it would have been for Hamilton, in his defense of this provision of the Constitution, if such a defense were permissible, in answer to the criticism that the States, by withholding Senators, might break up the National Government, to have said in reply what is contended for now by the minority, that if the legislature fails to elect at any time the Constitution empowers the executive of the State to appoint Senators, and so keep the Senate always full. It seems inexplicable that Hamilton, a member of the Convention

that framed the Constitution, should have lost sight of this power of the governor to supplement the failure of the legislature.

THE MODERN DOCTRINE AND THE FATHERS.

If the great Marshall, as Chief Justice of the Supreme Court, could only have conceived and comprehended this modern doctrine, could he have but discovered the latent power of State executives to keep the Senate always full in spite of legislatures, he never would have given utterance to the declaration found in his opinion in the case of Cohens *vs.* The State of Virginia, reported in the 6th of Wheaton at page 390, where the learned justice said:

It is true, that if all the States, or a majority of them, refuse to elect Senators, the legislative power of the Union will be suspended. But if any one State refuse to elect them, the Senate will not, on that account, be the less capable of performing all its functions.

It will be observed in this last suggestion of the Chief Justice that he was of the opinion that the Senate could perform all its functions even if it was not *full*.

Had Marshall known and comprehended this modern doctrine, that governors of States could appoint Senators whenever and as often as State legislatures failed to elect, his great mind would have been relieved of the apprehension that—

The legislative power of the Union might be suspended by the refusal or failure of the legislatures to elect Senators—

and he would have rested with composure in the reflection that the functions of the Senate could not be suspended or destroyed so long as there were State executives in being empowered to commission Senators.

And how the learned jurist, Judge Story, would have been comforted if he had only known of the theories entertained by the minority, that the governor of a State can appoint Senators whenever the legislature refuses or fails to elect. Had he comprehended this, he never would have given utterance to the sentiment:

It is true that the State legislatures may, by refusing to choose Senators, interrupt the operations of the National Government, and thus involve the country in general ruin.

How can the country be "involved in general ruin" if the executive of the State, by the failure or refusal of legislatures to elect Senators, is empowered to appoint Senators whenever the legislatures refuse or fail to elect? Upon this theory the Senate is indestructible.

That profound expounder of the Constitution, the great Webster, had he been able to have grasped this modern construction, would never have been guilty of the folly of declaring that "the Constitution makes its own preservation depend on individual duty and individual obligation. The States can not omit to appoint Senators. It is not a matter resting in State discretion or State pleasure. It lays its hands on individual conscience and individual duty." Instead of declaring that the existence of the Senate of the United States is dependent upon the "individual conscience" of the members of the State legislatures, he would have said, if the legislature fails to elect, the Constitution "lays its hand" on the executive of the State and commands him to supply the vacancy and keep the Senate always full.

WHERE IS THE SAVING GRACE?

I was greatly impressed the other day by what the distinguished Senator from Wisconsin [Mr. SPOONER] said in the course of his remarks in this case, especially in view of his contention of the right of the governor to fill all vacancies whenever and however occurring. Let me call the attention of the Senator—and I regret his absence—and of the Senate to his exact language. I read from the RECORD:

I can conceive of cases, and there have been many in recent years, where the failure of the legislature to elect was an honor to the State and a protection to the Senate of the United States. It may very well be that in the contest in the legislature there may be so many on one side and so many on another, and the balance of power between—that body of men who stand as firm as adamant between the two sides, welded together for one reason or another—may be a saving grace in the history of the Senate.

I quite agree with the Senator in this sentiment. The legislature of a State may be so debauched by unwholesome influences, and the rival aspirants so involved in the corruption, that a failure to elect would be the highest duty to the State. But may I be permitted to inquire of the Senator, how, under his theory, would a failure of the legislature to elect, in such case, ever save the State from dishonor if the governor is permitted the moment the legislature adjourns to appoint the very man, possibly, in whose interest the legislature was debauched? How is the Senate to be protected from the presence of one who is obnoxious to a majority of the State legislature, and against whose election a few men stood "firm" and defeated, if the governor can immediately upon the adjournment of the legislature commission the very man whom the legislature refused to elect? Where does the "saving grace in the history of the State" come in, if the governor can appoint the very man against whom the men stood "firm as adamant" until his defeat was consummated?

The contention of the minority makes it absolutely futile for a legislature to stand out and defeat the election of an unworthy candidate, if the executive, the moment his defeat is consummated, can commission to a seat in this body the very man who was defeated.

I beg Senators to do me the justice to believe that I intend no personal allusion at all in this matter.

This whole theory of the minority leads only to confusion and disaster, and if adopted will break down of its own weight.

THE AUTHORITIES.

In the discussion of any legal or constitutional question before a court it is customary to cite the decisions of the court itself and the opinions of its judges upon the question involved, and I shall venture to conform to that practice before this high tribunal in the hope and belief it will be persuasive in the final determination of this matter.

Can it be possible that the opinions of the most profound lawyers and jurists who ever held seats in this Chamber, together with the precedents of a century grounded thereon, are to be swept aside and ignored at the behest of party or personal favoritism? I do not believe it. *We shall see.*

In the light of the plain terms of the Constitution and the pronounced opinions of some of the most learned men ever holding seats in this body, second to none of whom is the distinguished Senator from Massachusetts, it seems to me the contention on behalf of Mr. Quay must fail utterly at the very outset, because the vacancy to which he is commissioned did not happen or take place during the recess of the legislature, but when the legislature was in session and could fill, and is not, therefore, such a vacancy as the executive is permitted under the Constitution to supply.

AN EVENT CAN HAPPEN BUT ONCE.

The minority recognize the fact that the executive can make temporary appointment only to vacancies which "happen" when the legislature is in "recess," and so are driven to contend that, though this vacancy occurred when the legislature was in session, it nevertheless "happened," within the meaning of the Constitution, "during the recess."

In order to bring this case within the meaning of the Constitution we are asked to make "happen" mean a *certain* event and not a *casualty;* that "during the recess" means "during the session;" that "otherwise," in the connection it is used, means "anywise;" and that "until the next meeting of the legislature" means "the meeting of every succeeding legislature until the vacancy is filled."

And so, first of all as of prime importance, it must be made to appear in some way, somehow, that this vacancy happened "during the recess of the legislature," or confessedly the appointment of Mr. Quay by the executive of Pennsylvania was without authority of law, and, therefore, absolutely null and void. To this end the contention is made that though the vacancy occurred when the legislature was in session, yet, so soon as the legislature adjourned, the vacancy happened again, and this time "during the recess," and has been happening ever since; that it happened during the session and during the recess. Now, a particular event can not happen but once, and that at a definite moment of time. If this vacancy happened on the 4th of March, 1899, it is impossible for it to happen at any other time or on any other day. It may continue to exist after it happened, but it happens but once. If this vacancy happened when the legislature was in session, on a particular day, it can not happen again on some other day when the legislature is not in session.

It might, with equal propriety, be said that if a given event happened during the nighttime it happened during the daytime the next day, because the consequences of the event continued. We are asked to say the phrase "a vacancy exists in recess" is identical in meaning with the phrase "a vacancy happens in recess." Does "during life" mean the same as "when life begins?" If so, then life begins every moment of its continuance. If a Senator now in this Chamber, while the Senate is in session, should happen to die, would anybody in his senses say that he happened to die some other time, when the Senate was in recess? The condition of death continued, but the event happened when the Senate was in session, and that event can not happen again, unless it can be said, in the words of Paul, "I die daily." If a vessel should break her shaft during a voyage, could it be said she was disabled while in port? She continues disabled, but the accident happened at sea. If a reporter should fall from the gallery and be killed this afternoon, would anybody in his senses say that the reporter died during the recess of the Senate? He would remain dead, but he died during the session. The contention seems to me too trivial for serious consideration.

And so we are asked to believe that the illustrious men of that great Constitutional Convention had so little comprehension of the use and meaning of the English language that they were unable to command appropriate words with which to limit the power of the executive in the matter of temporary appointments.

That all the restraining phraseology employed left the governor with all the power conferred by the original resolve—"vacancies

may be supplied by the executive;" that "happen" means "exist;" though Hamilton said in the sixty-seventh number of the Federalist, speaking of this provision of the Constitution:

I mean the power of filling *casual vacancies* in the Senate. Here is an express power given, in clear and unambiguous terms, to the State executives to fill the casual vacancies in the Senate by temporary appointments.

We are asked to believe that "otherwise," though preceded by the word "resignation," is released from the thraldom of its associate—to which it is bound by every known rule of construction—and permitted to attach itself to any vacancy which may possibly be discovered and needs its supporting influence.

Let me read what Senator Hill said. I believe it will not be questioned that Senator Hill was a great lawyer.

Mr. GALLINGER. Does the Senator refer to Senator Hill, of Georgia?

Mr. BURROWS. Yes; Senator Hill, of Georgia, speaking of the words "by resignation or otherwise," said:

What do those words mean? They were not inserted idly. The framers of the Constitution were not in the habit of inserting idle words in the Constitution. Gentlemen construe the word "otherwise" strangely. They say that the word "otherwise" means any vacancy—that is, they say that the framers of the Constitution put in a qualification by the word "happen" and by the words "by resignation," and then destroy those qualifications by putting in the additional words "or otherwise."

In other words, you use the word "otherwise" so as to leave the power without any qualification, as though it read, "If vacancies should happen to occur during the recess of the legislature, the governor may fill them by temporary appointment." That is your meaning.

I submit to Senators that the very position itself is absurd, for there are well-settled rules of law for the construction of this sentence. You can not take a sentence that way and use one word to destroy the meaning of other words.

You can not take a general phrase and use it to destroy the meaning of a specific phrase. On the contrary, you must restrain and qualify the general phrase by the meaning of the specific phrase. That is a well-settled rule. Why? Because it is your duty in construing to give effect to every word and to give a meaning and sense to every word. You are not at liberty to say that the framers of the Constitution not only used idle words, but used words of significance if standing by themselves, and then destroyed the significance of those words by using a general term afterwards.

It is a sound principle of construction that in every instrument you must give sense and meaning to every word if possible.

If the construction contended for by gentlemen who oppose this resolution be true, the words "that may happen" are useless.

Again he says:

"All general phrases are defined and limited by the particular enumeration of powers which would otherwise have been embraced by the general phrases."

In the twelfth volume of Georgia Reports I find this very strongly stated by Chief Justice Lumpkin, who was for over twenty-five years the chief justice of our State, and who has a national reputation as a jurist. On this very point he says:

"I would take occasion to remark that the rule of construction applicable to all writings, constitutions, statutes, contracts, and charters, public or private, and even to ordinary conversation, is this: That general and unlimited terms are restrained and limited by particular recitals when used in connection with them. Not that I would reject the general terms altogether, but I would restrict them to cases of the same kind as those expressly enumerated." (12 Georgia Reports, 530.)

That is the rule. You must restrict the word "otherwise" here. Do not destroy the word "otherwise;" do not let the word "otherwise" destroy the word "resignation;" but you must use the word "otherwise" as applicable to cases like "resignation;" that is, cases of casualty. Therefore, what does the word "otherwise" mean in this connection? It means death, removal, expulsion, failure to accept, or a vacancy happening by any other casualty. Instead of saying "vacancies which happen by resignation, death, removal, promotion," or anything else, the framers used the words "by resignation or otherwise," intending the one word "resignation" to show you that the word "otherwise" was to be applicable only to cases like that governed by "resignation;" that is, cases of casualty which might happen.

It is settled as well as language can settle, just as well as decision in America and England for 100 years can settle it. It is settled by the maxims of the civil law, by the maxims of the common law, and by the maxims of common sense, that when you use the phraseology of "death, resignation, or otherwise," the word "otherwise" must be construed by its connection with death and resignation as to refer to other events similar in their character. The courts have made life, property, and liberty all to hang upon the correctness of that maxim. * * * The legislature of the State of New Hampshire has simply failed to elect a Senator as provided by the Constitution for an original term. The question is whether the governor can appoint to fill that vacancy. I have profound respect for all these gentlemen. I have the greatest respect for their opinions, but when the Constitution in plain, unmistakable phraseology says that if vacancies happen in the Senate, by resignation or otherwise, and every authority of the law, civil, ecclesiastical, and criminal, in England and America, says that "otherwise" there means "by other like casualties," therefore the Constitution is precisely as if it read: "The governor may make temporary appointments to fill vacancies which happen by resignation, death, or expulsion."

PLAIN PROVISIONS ARE DISTORTED.

And so we have this plain provision of the Constitution distorted and made to read, "whenever vacancies exist for any cause, and the legislature is not in session, the executive may make temporary appointment until some legislature fills the vacancy." When I consider how this provision is warped and twisted, that it may temporarily serve personal or party ends, I am again reminded of the words of Senator Hill:

When I hear gentlemen on either side of this Chamber, in either party of this country, take that plain language of the Constitution and construe it to apply to any vacancies that may occur by any means, by the failure of the legislature, willfully or otherwise, to elect a Senator, that the governor can come in and supply the vacancy, I must say it excites my profound astonishment, more than that, my sorrow. It absolutely shakes my confidence in the efficacy of written constitutions.

The primary object of the Constitution is to put in the State legislature the power to fill this office, and nobody else; but casualties may occur, death may come, resignation may come. Senators may be expelled, there may be divers casualties by which the term thus filled by the legislature may become vacant, and vacant during the recess of the legislature when Congress may be in session. It is important, therefore, as was said by Mr. Randolph, to allow the governor power to fill chasms, but not to fill an original term.

What did the great Seward, of New York, say?

This alarm—

Speaking of the effect of the contention of the minority—

This alarm will be increased by the fact that the proceeding will operate to strengthen and increase the provisional prerogative of the governors of the States at the expense of the power conferred by the Constitution on the legislatures of the States; for nothing is clearer than that the power conferred on the governors to fill vacancies was designed to be but occasional and exceptional, and subordinate to that devolved on the legislatures, which was designed to be general, complete, and supreme.

William H. Seward, it will be admitted, was a great constitutional lawyer.

I commend to the Senators from Illinois the language of Justice Davis, who, when in the Senate, commenting upon this very provision, said:

The whole question is in a narrow compass, and the view of the Constitution which has been presented by different gentlemen who have discussed the subject, especially by the Senator from Georgia [Mr. Hill] and last by the Senator from Wisconsin [Mr. Carpenter], in my judgment presents the proper construction of that instrument.

I do not believe—

Says Judge Davis—

that the vacancy mentioned in that clause of the Constitution is anything else than a portion of the six years' term where there is no person qualified to discharge the functions of the office. The principle asserted in the Lanman decision is that the legislature of a State shall provide for all vacancies which must occur at stated and known periods, and that the expiration of a regular term of service is not such a contingency as is embraced in the governor's power under the Constitution; that where opportunity is given to the legislature to choose a Senator the governor can not appoint. A vacancy within the meaning of the constitutional provision does not arise by the failure of a legislature to elect.

I think that the decision in Lanman's case, as I understand it, gives the true interpretation of the Constitution, that when the legislature had the opportunity of providing a Senator but failed, the governor can not appoint.

Attorney-General Garland, a great lawyer, said, in the debate on the Bell case in 1879:

Mr. President, the position that I take in reference to this matter from my reading of the Constitution is that legislatures of the States, being the original constituency of the United States, must themselves by election place a Senator in this body at the beginning of a new term; or, to state the proposition somewhat differently, it is not within the meaning of the Constitution that the governor of a State can put upon the floor of the Senate a Senator at the commencement of a new term of six years, or a new term that might be by the meeting of the legislature afterwards for a shorter period. Before the governor of a State can appoint a Senator to fill what he may consider a vacancy in the Senate, there must not only be an unfilled seat but a broken term previously held by some one else.

* * * * * * *

According to the interpretation of the Senator from Delaware, if the legislature of any State of the eleven that first ratified the Constitution had failed to send two Senators here to compose the Senate, the governor of the State could have sent two to compose the body. There is no halfway ground, because we have heard it enunciated here by the Senator from Delaware and by the minority report that if the vacancy exists, by a robust and athletic construction of the Constitution, somebody must fill it—it must not go unfilled.

* * * * * * *

Now, we have the vacation of these seats by law. When that is done, according to the fair interpretation of this instrument, the legislature alone can step in. Then:

"And if vacancies happen by resignation or otherwise."

That is, "if vacancies happen" after the seats have been filled, after the legislature has chosen, "by resignation or otherwise," meaning by expulsion or by death. The word "happen," whether you enlarge it or whether you narrow it in its construction, affects at last the incumbent in the seat by some accident or by some casualty. Hence the word "happen" is used, referring to something which takes him out of the seat, leaving both an unfilled seat and a broken term.

That is the fair and proper construction of this instrument, and when you give it that construction you obey the first rule of construing written instruments, which is that every word in the instrument must live and speak; you can not throttle it and take one word out and put in another.

I say, then, on this point, that the legislature being the original constituency, that constituency must first act; and if the person thus chosen falls out of his seat by any accident, any happening of an unforeseen event, then the governor steps in and supplies the place temporarily; says the Constitution, by "temporary appointments until the next meeting of the legislature."

Mr. Carpenter, of Wisconsin, said:

When the legislature last in session previous to the expiration of a Senatorial term, having power to make an election, refuses or neglects to do so, then until an election can be made, in conformity with the Constitution of the Union, the State, by its legislature, has consented to waive its right to equal representation in this Chamber.

Did Stephen A. Douglas, of Illinois, know anything about the Constitution? He said:

Where a Senatorial term has expired by its own limitation under the Constitution, and an absence of representation results from that cause, it is not a vacancy within the meaning of the Constitution. Vacancies happening in the representation in the Senate during a recess of the legislature may be filled by the governor of a State.

But I presume no man ever contended—certainly not since the Lanman case—that a governor, under the power to fill vacancies, could make an appointment to an original term of office.

Therefore, when we speak of vacancies happening in the constitutional sense, we must be understood as meaning cases where the term has once been filled and subsequently becomes vacant by resignatian or otherwise.

* * * * * * *

Why, sir, the Constitution provides that in the election of Senators generally it shall be done by the legislature of each State; it provides by implication that in case of vacancies which occur during the session of the legislature the legislature shall elect; but it also provides that if the vacancy occurs during the recess of the legislature the legislature shall not elect in the first instance, but that the governor shall appoint, and that the appointment shall continue until the next meeting of the legislature, and that the legislature shall then elect.

Senator Cass, of my own State, a great lawyer and a man of recognized ability, said:

How, then, stands this case, sir? The third clause of the first article of the Constitution provides for the composition of the Senate by fixing the term of service and the mode of selecting the Senators, permanent and temporary. It declares that "if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies." The regular terms of Senators are for six years, and the "vacancies" herein provided for are the unexpired portions of such terms, which are to be "filled" by the legislature when it can act, and when it can not act to be occupied by temporary executive appointments. If, therefore, a Senator resign, or his seat is otherwise vacated, *except by the expiration of his term*, the "vacancy" is for his original period of service, to be temporarily appointed to by the governor or "filled" by the legislature.

Senator Underwood, of Kentucky, in the Rantoul case, said:

The Constitution shows that it was never intended by its framers that a person should represent a State in this body if it could be avoided unless he came here by an election on the part of the legislature of his State. The Constitution shows that an election is to be preferred to an executive appointment, and you ought to put such construction on the legislation of the country as will give authority to those appointed according to the provisions of that instrument, by the very fountain of power, the legislature elected by the people, and if you were to continue Mr. Winthrop after being officially informed by the great seal of the State that the legislature of the State had made such an election and appointed an officer to discharge the duties of the Senator, we would be going in violation of the spirit of our institutions by continuing in office an individual appointed by one man and allowing him to exercise powers, when the persons possessing the original fountains of power had showed their determination that he should not be continued. It is well known that from political associations I would much prefer the continuance of the present and sitting member to the admission of the other, but still the great principles of the Government are much more dear to me than men. And these are the principles which in the time to come I think ought to be carried out as they are proposed to be carried out by the report of the committee. (Appendix Congressional Globe, 121-122, volume 29.)

Senator James A. Bayard held to the same doctrine:

You find that in reference to the full term of a Senator the provision is that he shall hold his office for six years and be chosen by the legislature. The executive has no authority there. And you find, further, that if the legislature is not in session at the time a vacancy occurs by resignation or otherwise, though it may not even be known to them, yet no authority in such a case is confided to the executive to appoint.

You find, in other words, that within the intent of the Constitution no authority over the subject is meant to be intrusted to the executive whenever the primary power—the legislature—is in existence as an organized body. I am aware that at one time it was decided that even in reference to the full term the executive of a State might make an appointment until the legislature met: but that construction was subsequently overruled by the Senate in the case of Mr. Lanman in the year 1825, and ever since the practice has been uniformly in accordance with the decision in that case.

* * * * * * *

In reference to the full term it can not be doubted that no authority whatever is confided to the executive. The negation of power in any other event than when the vacancy occurs in recess shows that it was the intent of the Constitution that the executive was merely to provide for casualties happening when the legislative power, which is the primary power, was not in existence, and, of course, could not act.

Senator Mason, of Virginia, said:

The Constitution has created Senatorial terms and has declared that those terms shall last for six years; they are so arranged by another provision of the Constitution that one-third of the Senate go out biennially. What is the language of the Constitution as affecting the duration of the term? The Constitution declares that the seats of the Senators of the first class shall be vacated at the end of two years, of the second class at the end of four, and of the third at the end of six years, thus creating the terms. The language of the Constitution is that the seat "shall be vacated" by the lapse of time, and then new terms commence.

A few words now as to the precedents. Until Lanman's case, according to my recollection, it was considered by the Senate, or rather it was decided by the Senate, manifestly without consideration, that it was competent for the State executive when a term expired in the recess of the legislature to treat that as a vacancy and to fill it accordingly. Such a practice was common until the decision in Lanman's case. I confess that on looking at the Constitution my first impression was that the practice was correct, but on examining the Constitution and weighing it carefully and deliberately I can not entertain a doubt that the decision of Lanman's case was correct, and that when a term expires by constitutional limitation it is not a "vacancy" which the executive can fill.

Senator Butler, in the Phelps case in 1854, said:

It must be conceded that the authority to choose a Senator to commence a new term of six years, after the efflux of a regular term, is exclusively vested in the State legislature.

And referring to the Lanman case, he said:

In 1825 Lanman's case came up for consideration involving both questions. In that case, after a very full debate, it was solemnly decided that it was not competent for the governor of a State to put a member on this floor at the commencement of a term. In other words, it was decided that his power of appointment could not be substituted for the election of the State legislature. Even if such had not been the decision in the case of Lanman, I take it for granted that such would be, and must necessarily be, the decision now.

In the great debate of 1852, Jefferson Davis, then a Senator from the State of Mississippi, said:

Sir, there are two modes of electing Senators—the one by the legislature of a State, the other by executive appointment. And how comes it, Mr. President, that there are two modes? It is well to understand the reason. It was foreseen by the framers of the Constitution that vacancies would occur—would "happen," as the Constitution expresses it—during the "recess" of the legislature of a State, and consequently that a State would be deprived of its representation, for a time at least, unless that vacancy could be supplied. Hence it gives to the executive of a State the power of a temporary appointment, as the Constitution expresses it, a temporary appointment to hold until the legislature, as I shall show you, has had an opportunity to appoint; and when the legislature has once had that opportunity and declined or omitted to exercise its power, the executive no longer has any power over the subject. It has been justly enough observed here that the word "until," in the clause of the Constitution, qualifies the word "power;" that is, he shall appoint to hold until the legislature discharges that duty or has an opportunity to discharge it.

I wish to read a word from George E. Badger, of North Carolina, because it is said of him that he was the greatest lawyer his State ever produced, and Senator Hill, of Georgia, speaking of him, said:

Mr. Badger, of North Carolina, is considered by those who knew him to be one of the greatest lawyers this country ever produced. That is his character and reputation to this day. There are some who believe a greater lawyer never lived than Senator Badger, of North Carolina. He certainly stood high among all the great lights of his day.

Now, what did Badger say?

The vacancies which the executive of a State is authorized to fill are never vacancies that happen by the efflux of time. They are not foreseen vacancies. They are vacancies that happen by resignation or otherwise. Mr. President, from an exceeding desire to give this clause of the Constitution such a construction as would keep the Senate always full, I labored hard a year or two ago, when we had questions of this kind before us, to find out some method of supporting in my own mind a construction that a vacancy happening by efflux of time, and not filled beforehand by the legislature, might be brought within this limited power conferred on the executive.

But, sir, I have been obliged to abandon it. "By resignation or otherwise" is the language. We must expound the word "otherwise" to apply to vacancies happening by similar events; that is, unforeseen events—death, resignation, appointment to an office which disqualifies—but it can not be applied to the expiration of a term of a Senator which leaves a seat vacant on this floor. My opinion therefore is that the governor of a State has no power to fill a vacancy in this body which is brought about by the expiration or efflux of the time for which the Senator was elected; in other words, at the termination of his term in the Senate. It must be a vacancy in the term happening during the recess of the legislature. It must be a vacancy in the term happening by resignation or other casualty. That I understand to have been the express and solemn decision of the Senate in Lanman's case in 1825, overruling one or two earlier decisions, which had passed, perhaps, without full consideration.

The greatest lawyer on earth in his day will, I am sure, be heard by the Senate.

The other day the Senator from Maryland read a letter from Senator Edmunds—and I am apprehensive that all the Senators did not hear it, and I am therefore going to repeat it—written September 1, 1885.

Mr. BACON. Written by whom?

Mr. BURROWS. By Senator Edmunds, in relation to the Oregon matter.

BURLINGTON, VT., *September 1, 1885.*

DEAR SIR: I have yours of the 21st ultimo. The Constitution, as you know, provides respecting Senators that "if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancy."

It has been held by the Senate, and may now be considered as the settled law of that body, that if a State legislature has once acted or had an opportunity to act while a vacancy exists the governor has no power to supply the failure of the legislature to fill it up.

Applying this rule to the case of Oregon, a vacancy existed on and after the 4th day of March, 1885, and your legislature, as I understand it, continued to sit a long time after that date and had the opportunity to fill the vacancy, so that the vacancy did not happen during a recess of the legislature, and it now only exists because the legislature failed in its duty of keeping its Senatorial representation full.

If we construe this clause of the Constitution as some Democratic Presidents have the corresponding clause respecting the President filling vacancies in offices, so as to make it mean that if vacancies happen to exist during any recess the governor may fill them, it would be an indefinite power to be exerted just so long as the legislature failed, which is not according either to the language or spirit of the Constitution. But, however we may reason about it, the Senate will be obliged to reverse its repeated decisions on the subject in order to admit a Senator appointed by the governor under such circumstances. Trusting that in some way a Republican Senator from Oregon may be preserved to us at a time when the only security for safe and conservative government lies within the Senate,

I am, very truly yours,

GEORGE F. EDMUNDS.

Will the Senate read the opinion of this great constitutional lawyer out of the record and trample his words under foot?

Senators here will remember Senator Beck, of Kentucky. What did he say in the Bell case?

I have come to the conclusion that the legislature of the State is the primal constituency of the United States Senator, and it is only when the State legislature has no opportunity to act that the governor is permitted to fill the place temporarily until the legislature can act. * * * The Constitution of the United States intended that whenever it had an opportunity to elect a Senator it should exercise that power, and that the governor should only intervene when that opportunity for any cause was denied to the legislature. It never was intended that the governor should exercise his patronage, except when the legislative assembly had no power to exercise its authority. It was intended to give each State equal representation in the Senate, and whenever there was no opportunity for the legislature to act, and in no other state of the case was authority given to the executive.

Mr. Groome, of Maryland, said:

That whenever a legislature is charged by law with the duty of filling a Senatorial term and refuses or neglects to discharge that duty, that term must remain vacant until the legislature, which represents the sovereignty of the State, chooses to discharge the duty which the law devolves upon it. Such a vacancy is not one which the executive of the State can fill by a temporary appointment made either before or after the vacancy actually occurs,

because the State, through the legislature, has decided to deprive itself for the time being of an equal representation in the Senate.

Mr. President, I might continue these citations indefinitely, for almost every great man holding a seat in the Senate has maintained this doctrine.

May I be permitted to read what the junior Senator from Missouri [Mr. VEST], who illumines and adorns every subject he touches, said in 1893?

Nine cases besides the Tracy case were decided between 1801 and 1825, every one of them without debate. So far as I have been able to find by diligent search, not one word was said in discussion until we came to 1825, to the Lanman case, when the Senate took up this question and debated it for three days. The result of that debate was that the Senate deliberately determined that the governor did not have the right to fill an original term by appointment.

In other words, the Senate of the United States declared the doctrine about which I have not the slightest doubt, and the more I examine it the more confirmed I am in the opinion that the men who made the Constitution intended that the legislature alone should fill a full term and commence it. After they had filled it, after they had elected, then a broken term caused by death, resignation, or otherwise could be filled by appointment, until when? Until the legislature should again meet.

From 1825, in the Lanman case, up to 1879, more than fifty years, the doctrine for which I contend to-day was never questioned. * * *

Referring to the contest for Senator in Missouri, in which Mr. Benton was a candidate, Senator VEST said:

"For the two years we were unable to elect Mr. Benton was one of the candidates. During those two years, when party spirit ran so high that families were divided, brother against brother, father against son—and the scars of the contest yet remain politically in our State—the governor was an anti-Benton man, bitterly opposed to Mr. Benton, and yet he never dreamed, nor did such lawyers as Geyer, Napton, and Scott ever dream, that the governor had the right to fill that original term. Everything was resorted to in order to achieve success in that terrible contest, and yet neither party ever thought the right existed in the governor of Missouri to send another Senator to this body.

"In eight other cases during the fifty-four years from 1825 to 1879 States were represented in this body by but one Senator, because the legislature had not elected, and nobody dreamed until 1879 that the doctrine in the Lanman case was to be disturbed and the contention made which is made here to-day in this body.

"If the legislature has started the term and done all that the Constitution imposes upon it as a duty, then, if for any cause, in the recess of the legislature, a vacancy happens, the governor may appoint, but not otherwise.

"My contention here is that the original, primary power to start a full term in the Senate is with the legislature, and that the governor can only appoint as to a broken term. That is my contention.

"Now, if the legislature have elected a man and he refuses to accept, they have commenced a term; they have done all they can do; they have complied with the meaning of the Constitution; they have preserved the great fundamental doctrine that the legislatures of the States are our primary constituencies. That is my meaning. I do not care if it is but for one minute after the legislature has performed its duty, the term has commenced, and then, if the Senator refuses to accept, the governor may appoint until another legislature comes in and our primary constituency again undertakes to comply with the Constitution.

"I say absolutely there is no such thing known to the Constitution in my judgment as the power of a governor to appoint for a term which has not been commenced by the legislature."

I might quote for the benefit of the Senator from Virginia [Mr. DANIEL], if he were present, from John Randolph Tucker, so long an eminent member of the House of Representatives and chairman of the Judiciary Committee, and subsequently professor of constitutional and international law, etc., in Washington and Lee University, in his work on the Constitution of the United States, in which, speaking of this clause, he says:

The clause then proceeds: "If vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies." In Lanman's case the Senate decided that the executive could not appoint one to fill a vacancy which had not already occurred, and the executive was to wait the expiration of the term of the incumbent before he could do so. It will be perceived that the power of the State executive to appoint only exists when the legislature is not in session, and the term of the appointee only continues until the next meeting of the legislature. The phrase "until the next meeting of the legislature" has been construed to mean that such appointee shall hold, not up to the first or any other day of the session, but during the whole period to the time when the legislature fills the vacancy.

Then, discussing the question pro and con, he says:

The better opinion would seem to be that where the term has never been filled it is a vacancy in the office by nonexercise of the elective function by the legislature, which function the executive is not competent to perform. The executive power is only called into exercise where the legislature, by reason of the happening of the vacancy, has had no opportunity to exercise its original function of election. This executive power is never to be exercised where the legislature has had the opportunity to elect, but declines to do so. There may be reasons why it should so decline; and if so, it would be out of place for the executive to elect where the legislature has deliberately declined to exercise the power.

WHAT THE PRECEDENTS SHOW.

Mr. President, how does this case stand in the light of the precedents, laying aside the opinion of all the great men who in times past held seats in this Chamber?

I shall not review them in detail; that has already been done by the able and distinguished Senator from Tennessee [Mr. TURLEY] and others. It is sufficient for my purpose to say that since the organization of the Senate the right of appointment has been exercised, or attempted to be exercised, by State executives in 160 cases, showing the wisdom of the fathers in making this provision.

Classified according to the cause of the vacancy which occasioned the appointment, the cases stand as follows:

Resignation	64
Death	71
Refusal to act	1
Expulsion	3
Incompatible office	1
Expiration of term	20
Total	160

It will be seen, therefore, that only twenty vacancies have arisen by expiration of term, as in this case, and of these twenty cases of vacancy caused by the expiration of the term eighteen were cases in which the term expired when the legislature was *not in session—was in recess.*

In the Allen case and Beckwith case, the two remaining cases out of the twenty, the terms expired when the legislature was in session, and the Senate refused to receive into this body either of the appointees in those two cases, and for the reason that the vacancy occurred when the legislature was in session.

Of the eighteen cases in which the vacancy was caused by the expiration of the term in recess, eight were contested and ten passed *sub silentio.*

The contested cases are—	The uncontested cases are—
Tracy, Smith, Lanman, Sevier, Bell, Blair, Mantle, and Corbett—8.	Cocke, Hindman, Condit, Anderson, Cutts, Williams, Pasco, Marston, Wood, and Henderson—10.

Of the 8 contested cases, 1 (the Smith case) did not relate to a right to be seated, but to the expiration of the governor's commission. Of the 7 cases that related to the right to take a seat, 4 were cases in which the occurrence of the vacancy could be foreseen and provided for, as follows: Tracy, Lanman, Mantle, and Corbett. Tracy (1801) was the only appointee seated. Lanman, Mantle, and Corbett were rejected. Of the 3 cases remaining, all were cases in which the occurrence of the vacancy could not be foreseen, as in the Sevier case, or, if foreseen, could not be provided for in advance, as in the Bell and Blair cases. The 3 appointees were, accordingly, seated.

Of the 10 uncontested cases, the first 6 arose prior to 1818. The Marston case arose in 1889; the Pasco case in 1893; the Wood and Henderson cases in 1898. The following of the early precedents in the Marston and Pasco cases was followed by the contest in the Mantle case and the definite establishment of the modern and settled rule. That rule, as enunciated in the Mantle and Corbett cases, and acted upon in Wood's case and Henderson's case, is that a governor has no right to make a temporary appointment in case of a vacancy caused by the expiration of a prior term when the vacancy can be foreseen and provided for by the legislature.

From this it appears that:

First. In no case (except Allen and Beckwith) has the Senate been called upon to act upon a gubernatorial appointment where the prior term expired during the session of the legislature. Allen and Beckwith were not seated.

Second. In no case has the Senate recognized the right of the governor to appoint to a vacancy which happened when the legislature was in session.

Third. In no case has the Senate seated an appointee where the legislature has had an opportunity to act after the vacancy occurred.

Fourth. In no contested case since 1801 has an appointee been seated when the occurrence of the vacancy could be foreseen and provided for in advance by the legislature.

Whatever meaning we may therefore give to the word "happen," to the word "otherwise," to the term "during recess," the question has been settled for seventy-five years, ever since the Lanman case, by an unbroken line of precedents of the Senate; and if it is overturned now it will be the first time since then that that rule has been violated; and, more than that, never has the Senate recognized the right of a governor to appoint to a vacancy which occurred when the legislature was in session.

ABSTRACT OF CASES.

Of the 16 contested cases that have come before the Senate, 11 have involved the right of the governor's appointee to take his seat and 5 have been concerned with the question of the expiration of the governor's commission. The 11 contested cases involving the right to take the seat are:

1. Kensey Johns, 1794.
2. Urial Tracy, 1801.
3. James Lanman, 1825.
4. Ambrose H. Sevier, 1836.
5. Charles H. Bell, 1879.
6. Henry W. Blair, 1885.
7. Horace Chilton, 1891.
8. Lee Mantle, 1893.
9. John B. Allen, 1893.

10. Ashael C. Beckwith, 1893.
11. Henry W. Corbett, 1898.

The 5 contested cases concerning the expiration of the governor's commission are:

1. Samuel Smith, 1809.
2. Robert C. Winthrop, 1851.
3. Archibald Dixon, 1852.
4. Samuel S. Phelps, 1853.
5. Jared W. Williams, 1853.

Of the 11 contested cases involving the right to take the seat, 1 was a case (Kensey Johns, 1794) where the vacancy occurred through resignation; the remaining 10 were cases of the expiration of a prior term. The facts in the 11 cases are as follows:

1. Kensey Johns (Taft, page 1): Read, a Senator from the State of Delaware, resigned in December, 1793, the legislature of Delaware not being in session at the time. The legislature met in January, 1794, and adjourned in February without filling the vacancy. In March the governor appointed Johns. It was held he was not entitled to his seat. In this case it will be observed that the legislature had an opportunity to elect after the vacancy occurred. The governor's right was at an end. Suppose the governor had appointed Johns immediately upon Read's resignation. He would have been entitled to sit (under the decision in the Phelps and Williams cases) until the adjournment of the legislature in February, 1794. Then his commission would have expired. According to the Senator from Massachusetts, the governor might have reappointed immediately thereafter, but, according to the Johns case, the commission would be void.

2. Urial Tracy (Taft, page 3): Tracy's term expired March 3, 1801. The legislature had adjourned prior to February 20, and on that date the governor issued his commission to Tracy, to date from March 3. It was held that Tracy was entitled to the seat. The vacancy occurred in recess. The legislature was not in session after its occurrence.

3. James Lanman (Taft, page 5): Lanman's term expired March 3, 1825. The legislature had adjourned prior to February 8. On that date the governor had issued his commission to Lanman, to take effect March 3. It was held that Lanman was not entitled to his seat. The vacancy occurred in recess. The legislature was not in session after its occurrence. But, either (1) because the appointment was made before the vacancy occurred, or (2) because the vacancy could be foreseen and provided for in advance, the appointee was rejected, herein reversing the Tracy case.

4. Ambrose H. Sevier (Taft, page 7): Sevier and Fulton were elected the first Senators from Arkansas. Sevier drew the short term, expiring four months thereafter, on March 3, 1837. Before the fact of the drawing was known in Arkansas the legislature adjourned and was not again in session until after the vacancy occurred. In anticipation of the vacancy, the governor, in January, 1837, appointed Sevier, the commission to take effect March 3 following. It was held that Sevier was entitled to the seat. The vacancy occurred in recess. Its occurrence was not foreseen and, after its occurrence, the legislature had no opportunity to fill it.

5. Charles H. Bell (Taft, page 26): In March, 1878, the last legislature under the old constitution of New Hampshire was elected, its term to begin in June, 1878, and to terminate in May, 1879. The first legislature under the new constitution was elected in November, 1878, its term to begin in June, 1879. Wadleigh's term expired March 3, 1879. The old legislature was not in session, and could not have elected in advance, not being the "last legislature chosen by the people." The new legislature was not in session and would not be for three months. The governor therefore appointed, on March 13, 1879, Charles H. Bell to hold the office temporarily. It was held that Mr. Bell was entitled to the seat. The vacancy occurred in the recess, and there was no opportunity for legislative action, either before or after its occurrence.

6. Henry W. Blair (Taft, page 36): A legislature was elected in November, 1882, its term to begin in June, 1883. Another legislature was elected in November, 1884, its term to begin in June, 1885. When, therefore, Mr. Blair's term expired March 3, 1885, no legislature was in session and no legislature had had an opportunity to provide for the vacancy in advance. The governor appointed Mr. Blair to succeed himself, and it was held that he was entitled to the seat. The question and the decision are the same as in the Bell case.

7. Horace Chilton (Taft, page 48): Senator Reagan resigned, to take effect June 10, 1891. On April 25, 1891, the legislature not being in session and having had no opportunity to act, the governor appointed Mr. Chilton, the commission to be operative from June 10. It was held that Mr. Chilton was entitled to the seat. If the Lanman case is regarded as negativing the right of a governor to act in anticipation of a vacancy, the Sevier case is inconsistent with it, and the Chilton case overrules it.

8. Lee Mantle: The term of Sanders expired March 3, 1893. Before that date the legislature adjourned without effecting an election. On March 4 the governor appointed Mantle. It was held that he was not entitled to his seat. The vacancy occurred in recess, and no legislative opportunity to act was afforded after its occurrence, but, as in the Lanman case, the vacancy was foreseen and could have been provided for.

9. John B. Allen: The legislature was in session on March 3, 1893, when the Senatorial term expired. The vacancy was foreseen and could have been filled by the legislature in advance or after its occurrence. The legislature adjourned without filling it. The governor, on March 10, appointed Allen. It was held he was not entitled to his seat. This is on all fours with the case at issue, except that in Mr. Quay's case the legislative opportunity to act after the vacancy occurred was far more ample—the legislature remaining in session forty-seven days.

10. Ashael C. Beckwith: Warren's term expired March 3, 1893. The legislature, having had an opportunity to act in advance, adjourned without effecting an election. On March 9 the governor appointed Beckwith. It was held that he was not entitled to the seat.

THE KENSEY JOHNS CASE IN PARTICULAR.

In this connection I desire to call special attention of the Senate to the case of Kensey Johns, which arose in 1794, only five years after the organization of the first Senate, in which body there were a considerable number of members who had previously been members of the Constitutional Convention, and, of course, participated in the framing of this provision of the Constitution, and whose opinions, therefore, should command great weight. It is said—

> That contemporary construction put upon the language or meaning of a constitution at the time of its adoption, or shortly after, by members of the convention which framed it, is properly resorted to to illustrate and confirm the text, to explain a doubtful phrase, or to expound an obscure clause.

The opinion of members of the Senate at that time, who were members of the Constitutional Convention, ought, therefore, to come to us with very great force.

The Senator from Wisconsin [Mr. SPOONER] very well said recently, in his remarks on this case, in reply to the Senator from Maryland [Mr. WELLINGTON]:

> He has invoked the lessons and the actions of the past. I agree with him that profound respect is to be accorded to the action of prior Senates. I agree with him that the men who acted in this body near the time of the adoption of the Constitution knew quite as much about it as we who come here many, many years after its adoption.

The Senator then called the attention of the Senator from Maryland to a case which occurred in 1809, the Smith case, and said:

> No man in that body—it was only twenty years after the adoption of the Constitution, and, I suppose, or have supposed, they knew as much about the Constitution in 1809 as we do in 1900, and cared as much for their obligation to support it as we do.

If the opinion of members of the Senate twenty years after the organization of the Government come to the Senator from Wisconsin with so much force, how convincing must be the opinion of the Senate only five years after its organization, when nearly one-fourth of its membership consisted of gentlemen who had been members of the Constitutional Convention? Let me invoke, therefore, the attention of the Senate particularly to this case.

George Read, a Senator from the State of Delaware, resigned his seat in the United States Senate on the 18th day of December, 1793. The legislature of the State met in January, 1794, and adjourned in February thereafter without filling the vacancy.

On the 19th of March, 1794, the governor appointed Kensey Johns. There had been a meeting of the legislature between the resignation and the appointment. His credentials were referred to the Committee on Elections of the Senate, consisting of seven members, which committee reported, with only one dissenting vote, that the governor had no power to make the appointment, and Mr. Johns was rejected. True, that was not an appointment by the governor at the beginning of a term, but the same principle was involved, namely, that where the legislature has the opportunity to fill a vacancy happening in the representation of the State in the Senate of the United States, and fails to perform its duty in this regard for any reason, the governor has no power to appoint.

The determination of the Senate in that case ought to appeal to us with very great force. It came up and was decided within five years after the inauguration of the Government, when Washington was in the executive chair and the men who had participated in the Constitutional Convention were still alive and whose opinions were undoubtedly sought and must have been potential in shaping the judgment of the Senate. More than that, in that very Senate sat several Senators who were members of the Constitutional Convention which considered and framed these provisions of the Constitution now in controversy, and certainly they ought to have known, and unquestionably did know, just what these provisions meant.

There was Pierce Butler, of South Carolina, a Delegate in the old Congress and the first Senator from that State; Oliver Ellsworth, of Connecticut, who had served in the old Congress, been

a judge of the superior court, elected a Senator from that State, afterwards appointed Chief Justice of the Supreme Court of the United States by President Washington, and subsequently became minister to France; Rufus King, of Massachusetts, a Delegate in the old Congress, member of the State legislature, who subsequently became a Senator from the Empire State and minister to England; John Langdon, of New Hampshire, of legislative experience in the old Congress, elected to the Senate in 1789, and became President pro tempore of that body; and Alexander Martin, of North Carolina, speaker of the State senate and governor of his State.

All these Senators who participated in the work of framing the Constitution of the United States voted that Mr. Johns was not entitled to a seat, and admission was refused him by a vote of 20 to 7. It is no violent presumption to assume that these Senators, who were members of the Constitutional Convention and participated in its formation, knew what they were doing when they voted that the governor had no power to appoint Kensey Johns.

I desire to read from the Official Record, the Annals of Congress, Third Congress, the proceedings of the Senate in this case in detail.

Monday, March 24, 1794.

Kensey Johns appeared and produced his credentials of an appointment by the governor of the State of Delaware as a Senator for the United States, which were read. Whereupon, it was moved that they be referred to the consideration of the Committee of Elections before the said Kensey Johns should be permitted to qualify, who are directed to report thereon; and it passed in the affirmative.

Thursday, March 27.

The Senate proceeded to the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the executive of the State of Delaware to be a Senator of the United States. On motion that the report be recommitted, it passed in the negative; and, after progress, it was ordered that the further consideration of this report be postponed until to-morrow.

Friday, March 28.

The Senate resumed the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the executive of the State of Delaware to be a Senator of the United States; which report is as follows:

"The Committee of Elections, to whom was referred the credentials of an appointment by the governor of the State of Delaware of Kensey Johns as a Senator of the United States, having had the same under consideration, report:

"That George Read, a Senator for the State of Delaware, resigned his seat upon the 18th day of December, 1793, and during the recess of the legislature of said State.

"That the legislature of the said State met in January and adjourned in February, 1794.

"That upon the 19th day of March, and subsequent to the adjournment of the said legislature, Kensey Johns was appointed by the governor of said State to fill the vacancy occasioned by the resignation aforesaid.

"Whereupon the committee submit the following resolution:

"'*Resolved*, That Kensey Johns, appointed by the governor of the State of Delaware as a Senator of the United States for said State, is not entitled to a seat in the Senate of the United States, a session of the legislature of said State having intervened between the resignation of the said George Read and the appointment of the said Kensey Johns.'"

On the question to agree to this report it passed in the affirmative—yeas 20, nays 7.

From this report of the Committee on Elections, which consisted of Bradley, Ellsworth, Mitchell, Rutherford, Brown, Livermore, and Taylor, it will be observed that the committee reported against the right of Kensey Johns to a seat, upon the express ground that—

A session of the legislature of the said State having intervened between the resignation of the said George Read and the appointment of the said Kensey Johns.

That being the case, it was the duty of the legislature to elect. The report was adopted by the Senate by a vote of 20 yeas to 7 nays. It is worthy of note in this connection that the Committee on Elections, which gave this case special preliminary consideration, consisted of seven Senators, among whom was Ellsworth, who was one of the most conspicuous members of the Constitutional Convention and of whom the distinguished Senator from Massachusetts [Mr. HOAR] very properly said the other day in debate:

Than whom there was no greater statesman and constitutional lawyer on the face of the earth anywhere.

And he, as a member of this committee, not only reported against the right of the governor to appoint in that case, but on the final vote in the Senate voted to keep the seat empty and that the State should go unrepresented of one Senator until a Senator had been properly elected. He did not regard it so important to keep the Senate full, even when it consisted of but 30 members, as to admit to membership anyone not lawfully commissioned. Elsworth, it must be remembered, was not only the "greatest lawyer on earth" and a member of the Constitutional Convention, but he was also a member of the committee of detail to amplify and give expression to the principles of government which the Convention had adopted, and was, therefore, specially qualified to speak, and his opinion in this case comes to us with peculiar force. It is not saying too much of Mr. Ellsworth that he was not only one of the most active members of the Constitutional Convention, but one of the most influential, and when he gave his interpretation of this provision of the Constitution, it ought to come home to the members of the Senate to-day, as it did to the Senate then, with convincing power.

The last instance in which this doctrine was affirmed was the Corbett case, decided by the Senate but two years ago and fresh in the minds of many Senators then and now members of the Senate. What were the facts in that case?

THE HENRY W. CORBETT CASE.

On January 11, 1897, the senate of Oregon effected a permanent organization. Afterwards the house effected a permanent organization, but neither the executive nor the senate ever recognized it. The members of both branches dispersed and returned to their homes without providing for the vacancy to occur thereafter on March 3, by the expiration of the term of Mitchell. On March 6 the governor appointed Corbett. It was held by the Senate he was not entitled to the seat. The vacancy occurred in recess, but it was a vacancy foreseen and susceptible of being provided for. On the question of fact—whether there ever was a legislature that could have provided for the vacancy—there is room for difference of opinion. A Senator might well have voted for Mr. Corbett upon the theory that the legislature of Oregon was never organized, and therefore there had been no opportunity to elect, and yet in this case, where the legislature was organized and in session many weeks after the vacancy occurred, feel compelled to vote against Mr. Quay.

I will send to the desk, because it is gratifying to be sustained in that case by the vote of the Senate, and ask the Secretary to read the vote in the affirmative upon that question.

Let me say that in the Corbett case, however, both Senators from Pennsylvania are recorded against the power of the executive to appoint. (CONGRESSIONAL RECORD, Fifty-fifth Congress, second session, page 2274.)

The Secretary read the resolution reported by Mr. CAFFERY from the Committee on Privileges and Elections, January 26, 1898, as follows:

"*Resolved*, That the Hon. Henry W. Corbett is not entitled to take his seat in this body as a Senator from the State of Oregon."

Mr. HOAR. I move to amend the resolution by striking out the word "not."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In the first line it is proposed to strike out the word "not;" so as to make the resolution read:

"*Resolved*, That the Hon. Henry W. Corbett is entitled to take his seat in this body as a Senator from the State of Oregon."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

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

The motion of Mr. HOAR to strike out the word "not" was lost by a vote of 19 to 50.

Upon the passage of the resolution the vote stood 50 yeas to 19 nays, as follows.

I ask the Secretary to read the names of those who voted.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

YEAS—50.

Allen,	Davis,	McMillan,	Roach,
Bacon,	Deboe,	Mallory,	Shoup,
Bate,	Faulkner,	Martin,	Stewart,
Berry,	Gallinger,	Mills,	Teller,
Burrows,	Gorman,	Mitchell,	Thurston,
Butler,	Gray,	Money,	Tillman,
Caffery,	Hale,	Nelson,	Turley,
Carter,	Heitfeld,	Pasco,	Turpie,
Chilton,	Jones, Ark.	Penrose,	Vest,
Clark,	Jones, Nev.	Pettigrew,	Warren,
Clay,	Kenney,	Pettus,	Wellington.
Cockrell,	Lindsay,	Platt, Conn.	
Cullom,	McBride,	Rawlins,	

Mr. BURROWS. Never mind the negative vote, Mr. President.

Mr. BACON. I hope the full vote may be read.

Mr. BURROWS. There were only 19 in the negative.

Mr. SCOTT. I ask that the full vote may be read.

Mr. TELLER. Mr. President——

Mr. BURROWS. Let the negative vote be read if that is desired.

The Secretary read as follows:

NAYS—19.

Aldrich,	Frye,	Lodge,	Sewell,
Atkison,	Hanna,	Mantle,	Turner,
Baker,	Hansbrough,	Mason,	Wetmore,
Fairbanks,	Hawley,	Morrill,	Wilson.
Foraker,	Hoar,	Perkins,	

NOT VOTING—20.

Cannon,	Harris,	Murphy,	Smith,
Chandler,	Kyle,	Platt, N. Y.	Spooner,
Daniel,	McEnery,	Pritchard,	Walthall,
Elkins,	McLaurin,	Proctor,	White,
Gear,	Morgan,	Quay,	Wolcott.

Mr. BURROWS. I have been requested to state upon what motion that vote was taken. The first vote was upon the amendment offered by the Senator from Massachusetts to strike out the word "not," which was lost by a vote of 19 to 50; and this vote

was upon the passage of the resolution that Mr. Corbett was not entitled to his seat, and that vote stood 50 to 19.

Mr. President, in the light of these precedents and in face of the vote in the last Congress in the Corbett case, I submit it is asking a great deal, it is a heavy draft even on the demands of friendship, for the claimant in this case to insist that the Senate shall reverse the adjudications of a hundred years, which he himself and his colleague have so recently approved, that he may gain at best but a temporary seat in this body. And it is little less than audacious for the governor of the State of Pennsylvania to disregard the mandates of the constitution of his State, which he has sworn to support, refusing to call the legislature together to elect a Senator, and force the Senate of the United States to place its stamp of approval upon his disregard of official duty and his assumption of power. Why does he not obey the constitution of his State, which provides:

In case of a vacancy in the office of United States Senator from this Commonwealth *in a recess between sessions*, the governor *shall* convene the two houses by proclamation on notice not exceeding sixty days to fill the same.

It is answered the legislature as at present constituted would not elect. How is the executive possessed of that knowledge? It was so declared in California, and yet an extra session broke the "deadlock" and the vacant seat of that State is filled by one of her most distinguished citizens. Why not emulate her example? The reason is manifest. If an extra session of the legislature were called and it should fail to elect a Senator and adjourn, the power of the executive to make temporary appointment would be exhausted, for he can only appoint until the next meeting of the legislature, unless the Senate shall hold—which is the one remaining step to be taken—that the governor may appoint as often as the legislature fails to elect; and so by executive appointment fill a seat in this body for the entire term of six years.

SENATE ALWAYS FULL.

What excuse is offered for this stretch of gubernatorial authority? It is said the membership of the Senate ought always to be full. Concede it. My answer is that a method has been provided under the Constitution by means of which that end can always be attained without this extraordinary assumption of power. Legislatures and executives have but to perform their legitimate functions under the Constitution to accomplish the desired result, and I submit the framers of the Constitution took no thought beyond that. I find nowhere, except as embodied in the Constitution itself, any special desire or purpose to keep the Senate always full.

The Senator from Montana [Mr. CARTER], following the lead of the Senator from Massachusetts, finds a warrant for this assumption in the last clause of Article V of the Constitution:

No State, without its consent, shall be deprived of its equal suffrage in the Senate.

The attempt to make this provision of the Constitution do service in support of the right of a governor to make temporary appointment of Senators is not only farfetched, but has absolutely nothing to do with the question in hand. Article V prescribes the method by which the Constitution can be amended by a vote of three-fourths of the States, except in two particulars. The great struggle in the Convention was to secure equality of representation in the Senate—that the States should be equal in this body; and while the Constitution was open to amendment in every other particular, yet no amendment should be made which should deprive the States of equal representation in the Senate without their consent. This provision has absolutely nothing to do with the question of keeping the Senate full by executive appointment. It is not the first time this theory of keeping the Senate always full has been advanced, and the opinion of others upon the question may be instructive.

Senator Vance, in 1893, speaking of the Constitution and keeping the Senate always full, said:

The danger or the inconvenience supposed to arise from the Senate not being "always full" is not to be compared for a moment with the dangers which would ensue if the practice were followed of filling the Senate with members who are not entitled by the prescriptions of the Constitution to sit here. Into this temple of our liberties no man should be permitted to enter except by the door of the Constitution.

* * * * * * *

There should be no politics in the decision of this question. No other consideration should enter into it but that of a sincere desire to maintain the letter and spirit of the Constitution. Doubtless many of the complicated decisions which this body has made have arisen from the pressure of temporary circumstances of one kind or another. It is a great question which should be decided with proper solemnity.

Senator Carpenter in 1879, on the Bell case, said:

The old legislature had the power, in my judgment, to elect a Senator, and ought to have elected one at its session in June last.

As it did not, the State must take the consequences and be partially represented until the legislature shall be in session to elect a Senator. In this matter the legislature represents the State; and when the legislature at the last session previous to the expiration of a Senatorial term, having power to make an election, refuses or neglects to do so, then, until an election can be made in conformity with the Constitution of the Union, the State, by its legislature, has consented to waive its right of equal representation in this Chamber.

The great Senator Garland said:

In my humble opinion, the theory that the Senate must be full, and that where the legislature fails for any cause to fill a seat, the governor, therefore, must do it or somebody must do it, finds no support in the Constitution.

Senator Vance again said:

The Constitution provides that each State shall have the right to be fully represented in the Senate, and it is the business of this body, as a part of the lawmaking power, to see that that right is jealously preserved to each State. Whether that State shall in fact have its full representation here or not depends upon the State itself. If it sees proper to withhold a Senator by failing to select him in the constitutional way, it is the sole business and outlook of the State, and to speak of depriving the State of her representative in the Senate because she does not see proper to comply with the Constitution in choosing him is an abuse of terms.

If there be any duty specially imposed as to keeping the Senate full, it is imposed upon those who are charged with the creation of Senators by the Constitution and not upon us. We sit here only to judge of the election and qualification of those who come to us claiming to be Senators; it is in no sense our duty to supply the defects and cure the failures of constitutional Senator makers to perform their sworn functions.

Senator Douglas, in the Dixon-Meriwether case from Kentucky, said:

I apprehend that I will go as far as he or any other man in advocating the true rights of the States. What is the right of a State, then, as connected with representation in this body? It is a right derived from the Constitution of the United States to be represented in this body in pursuance of the Constitution. It is not a right to be represented as Kentucky pleases or as any other State pleases, but it is a right to be represented as the Constitution provides. She has no right to any other representation or mode of appointment than that authorized and prescribed by the Constitution. To allow her or to compel her to be represented here, then, in any other mode than that appointed in the Constitution is a violation of State rights and of State sovereignty, too. The question here is, What is the mode of representation to which Kentucky is entitled in this case?

The Senator from Massachusetts [Mr. HOAR] the other day, in support of his contention that the Senate ought always to be full, said:

Why, Mr. President, they knew as well as you know how important a single vote may be. A single vote within the last twelve or thirteen months would have changed the whole policy of our Government with reference to imperialism. A single vote saved Andrew Johnson from impeachment.

I fully agree with the Senator that a single vote sometimes is decisive of a great issue and may determine the course of empire, and for that very reason we should guard the portals of this Chamber against the entrance of any man who does not bear the unquestioned credentials of his high office. To change "the whole policy of our Government" by a single vote, which never ought to have been recorded, would be a public crime. These seats ought always to be full, but they better be empty than to be seized by those who have no constitutional right to hold them.

Senator Saulsbury said:

The idea has been thrown out here that the paramount purpose of the Convention was to have a Senate at all times full. That express declaration is made in the report of the views of the minority. They say: "The purpose of the Constitution is to have the Senate always full." The idea underlies every argument which I have heard made in support of the views of the minority, that the great controlling purpose of the Constitution is that this body should always be full.

Such an idea is most erroneous. The Convention which framed the Constitution took ample care to provide that less than a full Senate should be competent to do business. It is provided in the Constitution that a majority of the Senate shall be a quorum and competent to transact business. The idea of having the Senate always full did not enter into the minds of the members of the Convention. They knew that it would be utterly impossible to have the Senate always full. No, sir; there was a higher purpose which controlled the deliberations of that body in the formation of the Senate, and that was to secure the equal right of representation on the part of all the States.

DISASTROUS CONSEQUENCES OF POLICY OF MINORITY.

The disastrous consequences sure to flow from the reversal of the established policy of the Senate can not, in my judgment, be exaggerated. Let it once be established, as the settled doctrine of the Senate, and proclaimed to all the State legislatures, that the Senate will hereafter recognize and receive into its membership the appointee of a governor whenever the legislature, for any reason, has failed to elect a Senator, and you have given an incentive to aspirants for Senatorial honors, who may not be able to command the support of their party adherents in sufficient numbers to insure their election, to enter into a conspiracy with the governor, who may be a personal friend, to break up the legislature, prevent an election by that body, that the executive may draw to himself the power to make a temporary appointment, and thus reward his personal and political friend. Aspirants for Senatorial honors, should this rule be established, will be as greatly interested in securing a friendly executive as in carrying the legislature; for, with a friend in the executive chair, it is only necessary to secure a sufficient number of political adherents to prevent an election and force an adjournment, to insure his selection by the governor to a seat in the Senate, which he may retain so long as he can command the support of the executive.

More than this. Suppose a legislature to be overwhelmingly Democratic in the house, but Republican in the senate—on joint ballot, Democratic—and able to insure the election of a Democratic United States Senator; but the senate refuses to organize, and forces an adjournment without the election of a Senator; that the governor, a Republican, may appoint a Senator—his friend—and then, by refusing to convene the legislature, continue him in office until the next regular meeting of the legislature. The process is

simple and interminable. Does not the Senate see that such a determination will introduce an element of discord and disorder which will surely bring disaster and disgrace? I do not mean to say that vacancies will not sometimes happen in the membership of the Senate if the established practice is adhered to. Possibly that may be so; but we "better endure the ills we have than fly to others that we know not of."

I am not alone in predicting disaster if this policy is adopted. The warning voice of the past comes to us with its counsel and admonition. If what we say to-day falls on deaf ears, I am sure the utterances of the great men who have gone before us will arrest your attention and command respect.

The great Senator Conkling said, in 1879:

If it should be the established law that wherever a legislature decided not to elect the power to fill the vacancy should revert to the executive of the State, the Senate and all of us must see how exposed the whole process of filling seats in the Senate would become, because the governor and his friends by cabal, intrigue, maneuver might so arrange that the legislature would decide not to elect, or would fail to elect, in order that the governor might gather to himself the power to fill the vacancy. The next legislature might decide not to elect, and so indefinitely within the six years the executive power of a State might usurp that which the Constitution deposits with the legislative power.

Senator Hill said:

The object of the framers of the instrument was to close the door to the possibility of the frauds to which the Senator from New York has alluded—

Referring to Senator Conkling—

and yet provide for the filling of casual vacancies; and therefore they put in the words of limitation which restrain the executive power to fill vacancies to cases of pure casualty that can not be anticipated, that can not be foreseen, and therefore where there can be no conspiracy or combinations to usurp the power on the part of the executive. * * * If you by any interpretation of these words allow the governor to appoint at the beginning of a term simply because the legislature for any cause has not filled the seat, do you not see that schemes may be resorted to to prevent the legislature from filling the seat?

Senator Hill is dead, but he speaks to this body to-day.

Whenever you admit that the governor can fill a vacancy which is brought about by the failure of the legislature to do its duty for any cause, you open the door to conspiracy and fraud to prevent the legislature from filling that vacancy. There is but one escape from that result, and that is to say that the language of the Constitution intended to confine the power of the governor to cases of casualty that the governor could not foresee, that schemers in the legislature could not foresee, that conspirators could not foresee, that nobody could foresee, and therefore nobody could conspire to bring about.

Senator Vance said:

The ambition of men which leads them often to the obstruction of the proper and legal election of Senators to this body in the hope of securing favors from a single man—the executive—should be rebuked, and they should be taught to know that this great tribunal will not make itself an accomplice in their schemes and combinations, if we wish to avoid scandals and to preserve the character and dignity of the United States Senate.

Senator Beck said:

It was thought that men who sought to come to the Senate should not appeal to the governor, before whom, perhaps, they were stronger than they were before the legislature, and use their influence or his to cause the legislature to fail to elect, so that the governor might exercise his patronage, and they obtain the place by reason of it.

Are the opinions of these distinguished lawyers and statesmen of no value?

CAN NOT CHANGE FRONT UNNOTICED.

Mr. President, we have reached a crisis in the history of the Senate fraught with the utmost peril, not only to the Senate, but to the country. The eyes of the nation are upon us. What we do to-day will not be overlooked or forgotten. We can not change front unnoticed. We are not sitting behind closed doors. The Senate can not afford to reverse its record of one hundred and eleven years. It can not afford to reject a claimant for a seat to-day and, on the same state of facts, admit another claimant to-morrow. It can not afford to give credence to the charge that the Senate of the United States is, after all, but a social club, where good-fellowship is a better credential than a certificate of election in conformity to law. In a word—we can not afford to do that which defies all precedent, strikes a fatal blow to the perpetuity of the Senate as constituted under existing forms of law, and shakes public confidence in the integrity of this body.

But "to this issue it has come at last." The long and unbroken line of precedents, stretching over a century of national history, builded by the considerate judgment and patriotic solicitude of the great men who have gone before us, strengthened by the approving judgment of the Senate but two years ago, which has stood through all these years as a bulwark against the assaults of partisan zeal and the more insidious assaults of favoritism, is at last to be broken down and demolished, and this great council of States exposed to political intrigue and the machinations of ambitious men.

Mr. President, when this work of demolition has been consummated, if it must be, and the people realize that the Senate, trampling under foot the precedents of a century, has solemnly adjudged that it will receive into its membership the appointees of governors whenever the legislature fails to elect or can be prevented from choosing a Senator; that governors may fill the seats in this Chamber whenever vacant for any cause, though themselves conspirators to produce vacancies; that the Senate itself, with the cooperation of State executives, will hereafter make up the membership of this body out of their personal or political friends, independent of the legislatures and regardless of the will of the people—when that time comes, I repeat, there will come with it the remedy, swift and complete. The people will not submit to it. They ought not to submit to it. They are wedded to representative government and they will not permit it to be subverted. There is yet a power mightier than Senates, more potent than Senators—a power that can make and unmake both.

And let me say to Senators that no sooner shall you establish the doctrine contended for by the minority than there will be a popular uprising in this country which no power can resist or suppress to take from State legislatures and governors all control over the election of Senators and lodge it with the sovereign people. Already thirty-four States, through their legislatures, have demanded it. The House of Representatives has repeatedly proposed it.

I implore Senators therefore to follow the beaten path of the century, in the footsteps of Ellsworth, Benton, Vance, Cass, Bayard, Hill, Davis, Garland, Cameron, Douglas, Mason, Blaine, Edmunds, Conkling, Carpenter, and the long line of illustrious men whose genius and learning illumines the way, and so save the Senate from public scandal and reproach, restore and preserve its ancient dignity, and insure the perpetuity of representative government.

ADJOURNMENT OVER GOOD FRIDAY.

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

The motion was agreed to.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. PETTIGREW. Mr. President, I ask unanimous consent that the present order of business be temporarily laid aside, that I may call up a resolution on the Calendar.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the unfinished business may be temporarily laid aside in order that he may call up a resolution. Is there objection?

Mr. MORGAN. I object to that, Mr. President.

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

Mr. MORGAN. I object to it.

The PRESIDENT pro tempore. The Senator from Alabama objects.

Mr. MORGAN. I want the regular business to go on.

Mr. PETTIGREW. I move, then, that the pending order of business be temporarily laid aside.

Mr. MORGAN. I make the point of order on that motion.

The PRESIDENT pro tempore. That would hardly——

Mr. PETTIGREW. I withdraw the motion.

The PRESIDENT pro tempore. The unfinished business is before the Senate.

Mr. LODGE. I do not understand that any Senator desires to speak on the Philippine bill; and I have no objection to laying it temporarily aside and allowing the Senator from South Dakota [Mr. PETTIGREW] to go on with his resolution; but I do not wish it to displace the unfinished business.

Mr. MORGAN. I move that the Senate proceed to the consideration of Senate bill 1783.

Mr. LODGE. Mr. President, if I understand the motion of the Senator from Alabama, it would displace and supersede the unfinished business?

The PRESIDENT pro tempore. Undoubtedly.

Mr. LODGE. That I must oppose. I ask on that question the yeas and nays.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 1783) to provide for the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific oceans.

The PRESIDENT pro tempore. On this motion the Senator from Massachusetts [Mr. LODGE] demands the yeas and nays.

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

Mr. BURROWS (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. PETTUS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "yea."

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

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER]; and while I do not know how he would vote on this measure, if present, unless some of his colleagues can state, I shall withhold my vote.

The roll call was concluded.

Mr. MCMILLAN (after having voted in the negative). I voted not knowing that the Senator from Kentucky [Mr. LINDSAY], with whom I am paired, was absent. I therefore withdraw my vote.

Mr. QUARLES. I desire to announce that my colleague [Mr. SPOONER] is absent from the city by reason of illness in his family.

Mr. CULBERSON. I desire to state that my colleague [Mr. CHILTON] has a general pair with the Senator from Minnesota [Mr. DAVIS], which I am informed has been transferred to the Senator from West Virginia [Mr. ELKINS].

Mr. ROSS. I will state that my colleague [Mr. PROCTOR] is paired with the senior Senator from Florida [Mr. MALLORY].

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], who, I understand, has not voted.

Mr. HARRIS (after having voted in the affirmative). I inquire if the senior Senator from Wyoming [Mr. CLARK] has voted?

The PRESIDENT pro tempore. He has not voted, the Chair is informed.

Mr. HARRIS. Then I withdraw my vote, as I am paired with that Senator.

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] was called away from here this morning; and I make the announcement that he will be absent for the remainder of the day.

Mr. BACON. The Senator from Michigan [Mr. MCMILLAN] and I have agreed to transfer our pairs, so that we can each vote. I vote "yea."

Mr. MCMILLAN. Under that arrangement I vote "nay."

Mr. HARRIS. The Senator from Wyoming [Mr. WARREN] and I have arranged for the transfer of our pairs, so that he and I may vote. I vote "yea."

Mr. WARREN. I vote "nay."

Mr. ALLISON. My colleague [Mr. GEAR] is absent from the Chamber to-day on account of illness. He is paired with some Senator, I do not remember whom.

Mr. MORGAN. He is paired with me. I was not aware of his absence. I withdraw my vote in the affirmative on account of the absence of the Senator from Iowa [Mr. GEAR].

Mr. BUTLER (after having voted in the affirmative). I inquire if the Senator from Maryland [Mr. WELLINGTON] has voted?

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

Mr. BUTLER. I have a general pair with that Senator, and will therefore withdraw my vote.

The result was announced—yeas 15, nays 33; as follows:

YEAS—15.

Bacon,	Culberson,	Heitfeld,	Perkins,
Bate,	Daniel,	Jones, Ark.	Taliaferro,
Berry,	Foster,	Jones, Nev.	Vest.
Clay,	Harris,	Money,	

NAYS—33.

Allison,	Foraker,	Martin,	Shoup,
Baker,	Gallinger,	Nelson,	Stewart,
Bard,	Hansbrough,	Pettigrew,	Teller,
Carter,	Hawley,	Platt, Conn.	Thurston,
Cullom,	Kean,	Platt, N. Y.	Tillman,
Davis,	Lodge,	Quarles,	Warren.
Deboe,	McComas,	Ross,	
Depew,	McCumber,	Scott,	
Fairbanks,	McMillan,	Sewell,	

NOT VOTING—39.

Aldrich,	Cockrell,	McBride,	Rawlins,
Allen,	Elkins,	McEnery,	Simon,
Beveridge,	Frye,	McLaurin,	Spooner,
Burrows,	Gear,	Mallory,	Sullivan,
Butler,	Hale,	Mason,	Turley,
Caffery,	Hanna,	Morgan,	Turner,
Chandler,	Hoar,	Penrose,	Wellington,
Chilton,	Kenney,	Pettus,	Wetmore,
Clark, Mont.	Kyle,	Pritchard,	Wolcott.
Clark, Wyo.	Lindsay,	Proctor,	

So the motion of Mr. MORGAN was rejected.

Mr. CARTER. I ask unanimous consent that the Senate now proceed to the consideration of the bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the bill known as the Alaska bill.

Mr. MORGAN. I object, Mr. President.

Mr. CARTER. I now move that the Senate proceed to the consideration of the bill known as the Alaska bill.

The PRESIDENT pro tempore. The Senator from Montana moves that the Senate proceed to the consideration of the bill known as the Alaskan bill. [Putting the question.] By the sound, the noes have it.

Mr. CARTER. I call for the yeas and nays on that motion.

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

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

Mr. CULBERSON (when Mr. CHILTON'S name was called). My colleague has a general pair with the Senator from Minnesota [Mr. DAVIS], which I understand has been transferred to the Senator from West Virginia [Mr. ELKINS].

Mr. HANNA (when his name was called). I am paired with the Senator from Utah [Mr. RAWLINS]; and in his absence I withhold my vote.

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Wyoming [Mr. CLARK].

Mr. HEITFELD (when Mr. KENNEY'S name was called). The Senator from Delaware [Mr. KENNEY] is necessarily absent. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

Mr. MCMILLAN (when his name was called). The Senator from Georgia [Mr. BACON] and myself having agreed to an exchange of pairs, I am at liberty to vote; and I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR]. If he were present, I should vote "yea."

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

The roll call was concluded.

Mr. TILLMAN (after having voted in the affirmative). I inquire if the Senator from Nebraska [Mr. THURSTON] has voted?

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

Mr. TILLMAN. Then I withdraw my vote, as I am paired with that Senator.

Mr. ROSS. I wish to state that my colleague [Mr. PROCTOR] is paired with the Senator from Florida [Mr. MALLORY].

Mr. WARREN. I have a pair with the Senator from Washington [Mr. TURNER]. I understand that a transfer of that pair has been proposed by the Senator from Kansas [Mr. HARRIS], so that the Senator from Washington will stand paired with my colleague [Mr. CLARK of Wyoming], which will leave the Senator from Kansas and myself at liberty to vote. I vote "yea."

Mr. HARRIS. I vote "yea."

The result was announced—yeas 22, nays 24; as follows:

YEAS—22.

Bacon,	Cockrell,	Harris,	Shoup,
Bard,	Culberson,	Heitfeld,	Taliaferro,
Bate,	Daniel,	Martin,	Vest,
Berry,	Fairbanks,	Money,	Warren.
Carter,	Foster,	Perkins,	
Clay,	Hansbrough,	Scott,	

NAYS—24.

Allison,	Frye,	McComas,	Platt, N. Y.
Cullom,	Gallinger,	McCumber,	Quarles,
Davis,	Hawley,	McMillan,	Ross,
Deboe,	Jones, Nev.	Nelson,	Sewell,
Depew,	Kean,	Pettigrew,	Stewart,
Foraker,	Lodge,	Platt, Conn.	Teller.

NOT VOTING—41.

Aldrich,	Elkins,	McLaurin,	Sullivan,
Allen,	Gear,	Mallory,	Thurston,
Baker,	Hale,	Mason,	Tillman,
Beveridge,	Hanna,	Morgan,	Turley,
Burrows,	Hoar,	Penrose,	Turner.
Butler,	Jones, Ark.	Pettus,	Wellington,
Caffery,	Kenney,	Pritchard,	Wetmore,
Chandler,	Kyle,	Proctor,	Wolcott.
Chilton,	Lindsay,	Rawlins,	
Clark, Mont.	McBride,	Simon,	
Clark, Wyo.	McEnery,	Spooner,	

So the motion of Mr. CARTER was rejected.

Mr. PETTIGREW. Mr. President, some days ago I introduced a resolution of sympathy with the people of the South African Republics. I hoped that we might this afternoon temporarily lay aside the regular order of business, in order that that resolution might be laid before the Senate. There seems to be no good reason why that should not have been done. Inasmuch, however, as I have given notice that I would address the Senate upon this subject to-morrow, and as we are not to meet to-morrow, I will say what I have to say upon the subject now, the same as though my resolution were before the Senate.

The PRESIDENT pro tempore. The Senator from South Dakota is recognized as entitled to the floor.

Mr. PETTIGREW addressed the Senate. After having spoken about half an hour,

Mr. PETTUS. I ask the Senator from South Dakota if it would be agreeable to him to finish his remarks when the Senate meets

again? If so, will he give way to a motion that the Senate go into executive session?

Mr. PETTIGREW. I shall be very glad to do so with the understanding that I shall have the floor immediately after the routine morning business on Saturday.

[Mr. PETTIGREW'S speech will be found entire in the proceedings of Saturday, April 14.]

Mr. PETTUS. I move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. Before the motion is acted upon, I ask leave to offer an amendment to the bill now before the Senate. I ask that it be read.

The PRESIDENT pro tempore. Does the Senator from Alabama withhold his motion for that purpose?

Mr. PETTUS. I do.

The PRESIDENT pro tempore. The Senator from Alabama offers an amendment to the pending bill, which will be stated.

The Secretary read as follows:

Provided, That in conducting government in the Philippine Islands the President shall execute, in favor of the people there, the pledges of the Spanish Government in the treaty of Biac-no-Bato between Spain and the revolutionary party in Luzon, which treaty the Government of the United States recognizes as having been obligatory on Spain at the time of the acquisition of the Philippine Islands from Spain, so far as said treaty is consistent with the change of sovereignty over the same.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. MORGAN. I offer the amendment to the bill.

The PRESIDENT pro tempore. The amendment is pending. It will be printed.

RUTHVEN W. HOUGHTON.

Mr. TELLER. I ask the Senator from Alabama to withhold the motion for a moment to allow me to call up a pension bill. It is a House bill, and there are reasons why it should be passed at once.

The PRESIDENT pro tempore. Does the Senator from Alabama yield?

Mr. PETTUS. Yes, sir.

Mr. TELLER. I ask the Senate to proceed to the consideration of the bill (H. R. 4696) granting an increase of pension to Ruthven W. Houghton.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name Ruthven W. Houghton, late captain of Company I, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

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

SALMON FISHERIES IN ALASKA.

Mr. PERKINS. If the Senator from Alabama will kindly yield, I move that the bill (S. 2773) to amend sections 179, 180, 181, 182, and 183 of chapter 12, title 1, of an act entitled "An act to define and punish crime in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899, be recommitted to the Committee on Fisheries.

The motion was agreed to.

MRS. NARCISSA G. SHORT.

Mr. SULLIVAN. Before the Senate proceeds to the consideration of executive business there is a matter here that is very urgent. It is a Senate bill, and I ask that it be taken up and put on its passage.

The PRESIDENT pro tempore. The unfinished business will be temporarily laid aside.

Mr. SULLIVAN. I ask the Senate to proceed to the consideration of the bill (S. 1126) for the relief of Mrs. Narcissa G. Short.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Narcissa G. Short, now of Carroll County, Miss., widow of Edward M. Short, who served as a soldier in the Mexican war in the company of Tennessee Volunteers made up in Fayette County, Tenn., commanded first by Capt. Joseph Lenow and subsequently by Captain Lacey, and to pay her a pension of $12 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.

LUNSFORD ELLIS.

Mr. COCKRELL. Will the Senator from Alabama allow me to have a little pension bill passed?

Mr. PETTUS. Yes, sir.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. 3137) granting an increase of pension to Lunsford Ellis.

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

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

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 Lunsford Ellis, late of Companies C and L, Eighth Regiment Provisional Enrolled Missouri Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

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

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

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Porto Rico, and for other purposes; and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION.

Mr. PETTUS. I move the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Saturday, April 14, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 12, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY—FORTY-SIXTH INFANTRY.

First Lieut. Henry H. Sheen, Forty-sixth Infantry, to be captain, April 10, 1900, vice Thomas, honorably discharged.

Second Lieut. Richard B. Kavanagh, Forty-sixth Infantry, to be first lieutenant, April 10, 1900, vice Sheen, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 12, 1900.

TERRITORIAL ASSOCIATE JUSTICE.

John L. McAtee, of Oklahoma Territory, to be associate justice of the supreme court of the Territory of Oklahoma.

POSTMASTERS.

Walter M. Burckhalter, to be postmaster at Truckee, in the county of Nevada and State of California.

Louis D. Gallison, to be postmaster at Orange, in the county of Essex and State of New Jersey.

Charles T. Welch, to be postmaster at Windsor, in the county of Hartford and State of Connecticut.

George P. Edwards, to be postmaster at Collinsville, in the county of Hartford and State of Connecticut.

John Lemasters, to be postmaster at Kern, in the county of Kern and State of California.

John R. Snook, to be postmaster at Altamont, in the county of Effingham and State of Illinois.

Elmer E. Smith, to be postmaster at Clayton, in the county of Adams and State of Illinois.

Frank M. Cauger, to be postmaster at Granite, in the county of Madison and State of Illinois.

Henry Frank Radcliff, to be postmaster at Pierceton, in the county of Kosciusko and State of Indiana.

Winfield S. Hunter, to be postmaster at Jasper, in the county of Dubois and State of Indiana.

Hugh S. Espey, to be postmaster at Rising Sun, in the county of Ohio and State of Indiana.

Carlton Graves, to be postmaster at Aitkin, in the county of Aitkin and State of Minnesota.

William J. Ingersoll, to be postmaster at Mayville, in the county of Tuscola and State of Michigan.

Henry A. Pope, to be postmaster at Milton, in the county of Norfolk and State of Massachusetts.

Charles H. Parker, to be postmaster at Macedon, in the county of Wayne and State of New York.

Charles L. Dix, to be postmaster at Forestville, in the county of Chautauqua and State of New York.

Eugene S. Wooldridge, to be postmaster at Stewartville, in the county of Olmsted and State of Minnesota.

Wallace Peddicord, to be postmaster at Fort Valley, in the county of Houston and State of Georgia.

Walter G. Shaw, to be postmaster at North Bennington, in the county of Bennington and State of Vermont.

James H. Smith, to be postmaster at Franklinville, in the county of Cattaraugus and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 12, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TOMPKINS until Wednesday next, on account of important business.

DEPOSITARIES FOR PUBLIC MONEYS, INSULAR POSSESSIONS.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to call up for immediate consideration the bill (H. R. 9388) which has been unanimously reported from the Committee on Insular Affairs, and ask its present consideration.

The SPEAKER. The Clerk will report the bill called up by the gentleman from Wisconsin.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands, and in the islands of Cuba and Porto Rico, as depositaries of public moneys, in the same manner as he now designates national banks as depositaries of public moneys under the provisions of section 5153, Revised Statutes of the United States; such banks or bankers thus designated to give satisfactory security by the deposit of United States bonds, or otherwise, for the safe-keeping and prompt payment of the public moneys deposited with them and for the faithful performance of their duties.

The Committee on Insular Affairs recommend the adoption of the following amendments:

On page 1, line 11, strike out the word "or" and insert "and."

Page 2, after line 2, insert "*Provided*, That this act shall apply to Cuba only when occupied by the United States."

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin for the present consideration of the bill?

Mr. JONES of Virginia. Mr. Speaker, there was an understanding between the chairman of the Committee on Insular Affairs and myself that if this bill should come up by unanimous consent in the House we might have an hour allowed for the discussion of it. My colleague, Mr. BREWER of Alabama, whom I do not see now in his seat, desires to offer an amendment. I can, however, offer the amendment for him in his absence, as I know his desire in that respect.

With the understanding, therefore, that I have an opportunity of offering the amendment for him and that there may be debate for the period named, I shall not object.

The SPEAKER. Does the gentleman ask unanimous consent that one hour's debate shall be allowed in the consideration of the bill?

Mr. JONES of Virginia. Yes, sir.

The SPEAKER. The gentleman from Virginia requests that an hour's time be given for the consideration of the bill just reported by the Clerk to be divided, as the Chair understands it, between the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Virginia. Is there objection?

Mr. CORLISS. Mr. Speaker, before that, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CORLISS. Will this deprive us of the right to call for the regular order, which is the consideration of measures reported from the committees?

The SPEAKER. It will not.

Is there objection to the request of the gentleman from Virginia?

Mr. COOPER of Wisconsin. I have no objection to make; but I wish to say in reply to what the gentleman from Virginia has said that I have a tacit understanding with the gentleman from Alabama [Mr. BREWER] that, if he desires it, that side of the House can have forty minutes and this side twenty of the hour.

Mr. JONES of Virginia. That was my understanding.

The SPEAKER. The first question is, Will the House consider the bill? Is there objection?

There was no objection.

The SPEAKER. Unanimous consent is now asked by the gentleman from Virginia that one hour's time be allowed for the consideration of the bill, forty minutes to be occupied and controlled by the gentleman from Virginia and twenty minutes by the gentleman from Wisconsin [Mr. COOPER]. Is there objection?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker——

Mr. JONES of Virginia. Mr. Speaker, probably it will be better for me to offer the amendment for Mr. BREWER before the gentleman begins his remarks. The amendment is this:

In line 3, page 2 of the bill, in the amendment proposed by the committee, after the word "Cuba," add the words "and the Philippine Islands."

That is an amendment to the proposed committee amendment on page 2, as will be seen, by inserting, after the word "Cuba," the words I have quoted.

The SPEAKER. It is understood that this amendment is pending for the action of the House?

Mr. JONES of Virginia. Yes, sir.

Mr. COOPER of Wisconsin. Mr. Speaker, this bill has for its purpose the protection of the disbursing officers of the United States in the Philippines, in Cuba, and in Porto Rico and the safe-keeping of the public moneys—Government moneys—in their hands.

In some way inexplicable to me this bill has got to be known in certain quarters as the "Standard Oil bill." This morning I happened to mention incidentally that the bill would likely come up to-day, and a gentleman said, "Is that the Standard Oil bill?" I replied, "Yes; it is the Standard Oil bill."

Mr. PAYNE. I think you ought to name the member, so as to relieve the rest of us from suspicion.

Mr. GROSVENOR. Will the gentleman from Wisconsin allow me to ask him a question?

Mr. COOPER of Wisconsin. Yes.

Mr. GROSVENOR. I want to ask if there is any reason why this bill should not be applicable to Hawaii as well as to the islands covered by it?

Mr. COOPER of Wisconsin. The Committee on Insular Affairs has no jurisdiction of legislation pertaining to Hawaii.

Mr. GROSVENOR. But an amendment would be competent here if the House agreed to it.

Mr. COOPER of Wisconsin. Possibly.

Mr. LOUD. They do not ask for it, do they?

Mr. COOPER of Wisconsin. They have not asked for it.

Mr. PAYNE. The Secretary of the Treasury did not ask for it in Hawaii.

Mr. COOPER of Wisconsin. The Secretary of the Treasury has not asked to have it made applicable to Hawaii.

Mr. PAYNE. And he did ask for this. I think it is on account of the presence of the troops.

Mr. COOPER of Wisconsin. It is well for us to bear in mind that in the islands I have named, which came to us under the treaty of Paris, there are, properly speaking, two kinds of public moneys, one kind being that which is collected by the War Department. The islands are now under the control of the War Department. The revenues are collected and expended under the direction of the Secretary of War. He appoints his own collectors and disbursing officers and, in his discretion, takes security from them.

Now, this bill has nothing whatever to do with the money collected under the direction of the Secretary of War in administering the affairs of those islands. The money which is provided for by this bill is, properly speaking, Government money which has been in the Treasury of the United States and is returned to the islands and put into the possession of the disbursing officers, to be disbursed there for Government expenses, such as the pay of troops and the purchase of munitions of war, Army supplies, etc.

Now, how or why this came to be known the "Standard Oil bill" is utterly inexplicable. I have tried to ascertain how this rumor originated, what foundation there is for this charge, and after a patient investigation of two or three weeks I can not find one fact upon which to base it. The train of reasoning seems to be something like this: The gentleman who introduced this bill is Mr. SIBLEY of Pennsylvania: coal oil is found in Pennsylvania; the Standard Oil Company has to deal with coal oil; therefore this is the Standard Oil bill. [Laughter.] Now, to show how utterly ill founded that conclusion is, I desire to state that the origin of this measure is a letter written by A. F. Kenny, Paymaster-General in the United States Navy, under date of December 6 last, and directed to the Secretary of the Navy, Hon. John D. Long. I will read the letter:

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., December 6, 1899.

SIR: 1. The disbursements by the Navy in the Eastern Hemisphere are of great and constantly increasing volume. The proceeds of sales of bills of exchange being received in Mexican dollars, the bulk of weight of funds so obtained is very great. The last sale of exchange reported from Manila was by the fleet paymaster of the station for £50,000, equivalent in Mexicans to $500,000, weighing upward of 12 tons. The paymaster of the shore station at Cavite also has occasion to handle large sums, his rolls amounting to $120,000, Mexican, or more, per month.

2. There being no designated depository of public funds in Manila or Hongkong, pay officers are obliged either to make deposits on their own responsibility and in violation of law, or else to receive and care for large sums for the safe-keeping of which there is no adequate provision. Either course involves risks that a disbursing officer should not be compelled to assume. In illustration, it may be stated that in 1896 on board the U. S. S. *Boston*, then in Chinese waters, the paymaster's safes being full of coin, a box containing four bags of Mexican dollars, $1,000 each, was temporarily placed near the cabin door, the captain's orderlies being charged with its supervision for safe-keeping; and that one bag of Mexicans was abstracted therefrom while so

stored, by some person or persons unknown. The most careful investigation failed to discover the time or means of the theft.

3. Section 3620, Revised Statutes, provides that—

"In places, however, where there is no treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depositary, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem safe and effectual to facilitate the payments to public creditors."

4. This subject is brought to your attention with an earnest recommendation that the necessary measures be taken for designating depositaries at Manila and Hongkong. The large disbursements at the latter port for ships' repairs and general purchases necessitate an authorized depositary there, as well as at Manila.

Respectfully,

A. S. KENNY,
Paymaster-General United States Navy.

The SECRETARY OF THE NAVY.

The next letter is one from the Assistant Secretary of the Navy, Charles H. Allen, in which he calls the attention of the Secretary of the Treasury to the letter which I have just read from the Paymaster-General, and requests that the Secretary of the Treasury, under section 3620 of the Revised Statutes, designate certain depositaries in the islands where these funds can be kept by the disbursing officers of the Government.

That letter is as follows:

NAVY DEPARTMENT, *Washington, December 8, 1899.*

SIR: I have the honor to inclose herewith a copy of a letter from the Paymaster-General of the Navy, dated the 6th instant, in which he calls attention to the fact that, there being no designated depository of public funds in Manila or Hongkong, pay officers are obliged either to make deposits on their own responsibility and in violation of law, or else to receive and care for large sums for the safe-keeping of which there is no adequate provision, and recommends that necessary measures be taken for designating depositories at Manila and at Hongkong.

In view of the statements of the Paymaster-General, I have the honor to request that the necessary steps be taken, under section 3620 of the Revised Statutes of the United States, to designate depositories for public funds at Manila and at Hongkong.

I have the honor to be, sir, very respectfully,

CHAS. H. ALLEN, *Acting Secretary.*

The SECRETARY OF THE TREASURY.

In reply to that letter the Secretary of the Treasury wrote the following communication to the Secretary of the Navy, under date of December 12 last:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 12, 1899.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, in which you request that the necessary steps be taken under section 3620, Revised Statutes of the United States, to designate depositaries at Manila and Hongkong, for the convenience of Navy officers in keeping public funds advanced to them for disbursement.

In reply you are informed that there is no authority under existing law for establishing a United States depositary at Cuba, Porto Rico, or the Philippine Islands. When the public funds can not be kept with the Treasurer, an assistant treasurer, or a national-bank depositary, the only other manner the Secretary of the Treasury has authorized them to be kept is in the hands of a disbursing officer at his own risk, upon the recommendation of the head of the Department under which he serves. Officers of the Navy at the Philippine Islands are now keeping funds in this manner, and, it is understood, have been doing so when at distant stations since the organization of the Navy, and there appears to be no other way practicable at present, but the Department will endeavor to obtain from Congress legislation affording relief in the matter.

Respectfully,

L. J. GAGE,
Secretary.

The SECRETARY OF THE NAVY.

While Mr. SIBLEY was at the Treasury Department one of the subordinate officers there requested him to introduce the bill, now known as No. 9388.

Mr. Speaker, I think I will reserve the balance of my time.

Mr. BROSIUS. I should like to ask the gentleman in charge of the bill one question about the bill.

The SPEAKER. Does the gentleman yield?

Mr. COOPER of Wisconsin. Not out of my time, however.

Mr. BROSIUS. I do not know whose time it is.

The SPEAKER. If the gentleman does not let it come out of his time, then the gentleman declines to yield.

Mr. COOPER of Wisconsin. How long will it take?

Mr. BROSIUS. Only half a minute.

Mr. COOPER of Wisconsin. I will yield to the gentleman, then.

Mr. BROSIUS. I want to know whether my friend thinks this bill is sufficiently guarded as to the character of the funds that shall go into these depositories? It does not name any particular fund. This does not except customs receipts, and I was wondering if it would be advisable to insert in the sixth line, after the word "manner," the words "and under the same limitations."

Mr. COOPER of Wisconsin. In reply to the gentleman from Pennsylvania [Mr. BROSIUS], I will say that I think it would be somewhat incongruous for us to make a law requiring the War Department to deposit the funds which it may collect in depositories there while those islands are under the control of the War Department. The funds are separate and distinct and should be kept so.

Mr. BROSIUS. I do not refer to any funds belonging to the War Department; but customs receipts do not go into the depositories; only internal revenue. I observe there is no discrimination here. I think it was intended to give to section 5153 full force and effect in those islands; but the question arose in my mind whether that was made certain by the language. It would be made entirely certain if we should insert the words "in the same manner and under the same limitations." That would carry there all the limitations of section 5153.

Mr. COOPER of Wisconsin. I will speak with the gentleman further about that matter. I reserve the balance of my time.

Mr. JONES of Virginia. I yield fifteen minutes to the gentleman from Alabama [Mr. BREWER].

Mr. BREWER. Mr. Speaker, the original bill did not carry with it the proviso as now attached. The original bill provided that these depositories should be in the island of Cuba and the Philippine Islands and Porto Rico. The amendment of the committee is to the effect that the provisions of the bill shall apply to Cuba only during the military occupation of that island by our troops.

Now, the amendment which I offered, or rather the amendment which was offered for me during my absence by the gentleman from Virginia [Mr. JONES], proposes to insert, after the word "Cuba," in line 3, page 2, the words "and the Philippine Islands," so as to provide that these depositories shall continue there only during the time of our occupation of the island of Cuba and of the Philippine Islands. Now, Mr. Speaker, I want to say a few words as to the purport of this amendment. I am not going to say anything particularly about the merits of the bill. I do not know anything about the motives which prompt it. They did not occur to me as evil, and I am loth to attribute any evil to any man without having some distinct evidence of it.

This amendment is offered to the end that in every possible way I may emphasize my aversion to the permanent retention of these remote lands and peoples and to that chronic warfare inaugurated there by President McKinley, for I do not consider it fair or just to lay this iniquity at the door of the Republican party as a whole when we find that some of the best and ablest men in it share in my repugnance to his course, and also find that a number of thoughtless men who claim to be Democrats are at one with the President on this subject. And I wish to say right here that so great and overshadowing do I regard the evils of this policy of conquest and spoliation that I would far rather give my humble support to any Republican who antagonizes it than to any Democrat who favors it.

In the present bill we give assurance by the proviso attached to it by the committee that we are not to retain permanent possession of Cuba. That amendment is well meant—meant to allay the suspicions of the Cubans, whom we have already taught to detest us by reason of our arbitrary rule there and our prolonged and now unnecessary military occupation of their country, and, well meant as is the committee's amendment, I must be allowed to say that we need somewhat more than mere words to convince me that if the President is left to himself he will ever release Cuba at all, but that the same perfidy already practiced toward the patriots of the distant Philippines will also be practiced in Cuba.

I say our conduct toward the Filipinos has been perfidious, and I say it without intending more than that such is my understanding of our conduct toward them, and without intending any disrespect to those who hold an opposite opinion. Without entering into the controversy which arose between Admiral Dewey and General Aguinaldo, one fact can not be questioned, and that is that the patriots in the Philippines took up arms and cooperated with us in order to release their country from foreign domination, just as did the Cubans. The Filipinos confidently expected their liberties and the freedom of their country.

I have not the slightest doubt that had they suspected bad faith on our part, had they believed that our rapacity would lead us to their continued enthrallment, they would have preferred the rule of Spain, a people of their own religious faith and race to a large extent and to whose methods they had been accustomed for three centuries.

They might have suspected last autumn, while the President was pouring troops into their country, before the terms of the treaty with Spain were agreed upon, that we had designs on their liberties and autonomy. When, on the 5th of January, 1899, before either country had ratified the treaty, the President ordered our arms to extend not alone to Manila, but over the whole archipelago, they began to realize his sinister designs.

When General Merritt ordered their forces out of Manila, they must have been confirmed in their fears; and when we fired the first shot, when we drew the first blood the night of the 4th of February, 1899, by killing an officer of their army, they could no longer be so foolish or so unmanly as not to resist the war which the President thrust upon them. Apart from this last overt act, all writers on international law concur in the axiom laid down by Puffendorf that "he is not the aggressor who strikes the first

blow, but he who causes the first blow to be struck." It was thus that the President began his war on the 8,000,000 people of these remote lands.

That these millions of people were sold to us by Spain is a fact which can cut only a technical figure. The sale of human beings as so many chattels was abolished in this country thirty-five years ago as one of the results of a bloody controversy, which must have become known even in the harems of Sulu. I question the quality of that man's ethics who bases his sanction of the President's war in the Philippines on the bill of sale contained in the treaty of Paris. Certainly no Filipino consented to the sale of himself or is bound by that provision, and certainly the American people can not hold them to be bound by it while we declare that "all just government is based on the consent of the governed." But you may say we acquired Louisiana and other regions in the same way—a fact which, without going into its details, you must agree, gave us no moral right to wage war on their peoples till they had consented to be thus disposed of.

But even that treaty, whereby it is alleged we bought these people from a country which exercised no sway over two-thirds of them—even that treaty need not bind us to retain them. No sensible man would keep a property which was a dead expense to him. No child would put its hand on a hot stove and keep it there because it had put it there. Some fifty years ago we had possession of the capital of Mexico; sixty-five years ago our flag was over a captured town in Sumatra, and a century ago it was over the city of Derna, in North Africa; but we came away from these places because there was no profit in retaining them.

Now, we are taxing our people at the rate of $200,000,000 a year to retain this distant archipelago, whose whole revenues amount to $12,000,000 a year, and this revenue largely made up of a poll tax on every adult woman, of licensed lotteries, and the licensed cockpits which General Otis has undertaken to abolish; cockpits which yield a revenue of more than $150,000 a year in the town of Manila alone. Does any business man see any profit in spending $200,000,000 a year to make ten or twelve million?

At the close of Mr. Cleveland's Administration the revenues of our Government were $326,000,000. That was for the fiscal year 1896. What were they for the last fiscal year? Five hundred and fifteen million dollars! But it may be said the war will not go on, and that our budget will not require such extraordinary burdens on our people. Well, we have now about 65,000 men in the Philippines; war has been going on there for more than a year; and in his letter of resignation, dated the 3d of this month, General Otis declares that "a large repressive military force must be maintained for some time."

Nay, more; only last Friday there was a combat 5 miles from Manila, and the dispatches say the Filipinos were in uniform and too strong to be followed. The same dispatch tells us that General Young in north Luzon and General Bell in south Luzon are calling for more men, and represents also that combats have just occurred in the islands of Samar and Panay. "We hold only that part of the country that is within the range of our guns," an officer wrote home a few days ago in a private letter. This, too, just at the end of the winter season, when the weather and roads are best for man-hunting, and now, the hot season is at hand, to be followed by the frightful humidity which prevails from June to November.

I said man-hunting. That is about all the possible profit the American people will ever get out of this war Mr. McKinley is waging. We have killed the buffalo and other game of this country; we have pensioned off such Indians as we have failed to destroy, and now we must have a vast area for the purpose of hunting down men. Certainly there is no question of economics in it.

Now, sir, I doubt if the American people realize the enormity of the task Mr. McKinley has undertaken. The Philippine Islands are larger in their total area than the islands of Britain. There are four times as many Filipinos to the square mile as there are Americans. They are on the other side of the world. If but a fraction of their numerous population resist Mr. McKinley's scheme of conquest they will give employment to "the large repressive military force" General Otis says must be maintained there "for some time." Besides, these islands are tropical and unhealthful in every part of the thousand miles of latitude over which they extend.

Do such facts as these commend the retention of the islands to the judgment of business men or taxpayers of any sort?

Now, sir, besides, what Republican who remembers that Boss Tweed pillaged our commercial metropolis for several years will say that we are more fit to govern and civilize the Filipinos than they are themselves? What Democrat who complains of trusts and monopolies or of Senator HANNA can wish us to carry such a government to these distant people? Here, under the very eaves of this Capitol, in this very District, which is the heir of all our civilization, within the past month both the Republican and Democratic primaries are charged as having been carried by fraudulent methods.

Not only that, but we hear of negroes who are counted out in the South because they wish to vote, and negroes who are shot down in Illinois because they want to work. This is the boasted civilization which we are to carry to the other side of the world, and to administer by the hands of carpetbaggers.

And what hope can we hold out to these people if they submit to us? Can we promise them a popular form of government? Did we not, only yesterday, refuse a popular form of government to the people of Porto Rico by requiring the President to appoint one house of their legislature? And this when even the Spaniards had granted them complete autonomy. We even denied the Porto Ricans representation in Congress, when they have, for twenty years past, had their members in the congress at Madrid. What encouragement is this to the Philippines to submit?

For my part, I have lived under the lawless domination of aliens, and I know what it means. They pillaged the States of the South for many years: men who came among us as adventurers, with lust in their eyes, poverty in their purses, and hell in their hearts. What better sort are we to give to a civic government in the remote islands Mr. McKinley is so anxious to conquer?

It is not so much on their account, sir, that I wish to get out of those islands. It is on account of our own people; the evils which will inevitably follow a policy of conquest and spoliation, of bloodshed and taxation, of foreign entanglements and domestic moral decadence.

I deny that we should put both feet into a vise because we have one there; I deny that we should throw good money after bad money; I deny that two wrongs or a perpetuated wrong can ever make a right. Let us get out of those islands and leave those millions of people to govern themselves.

Let us believe that they are as much entitled to freedom as we are, and for one I believe they are fully as moral. What right have we, who in our morning litany call ourselves "sinners," or "miserable sinners," and who must believe that it is only by the vicarious blood of another that we are redeemed from the damnation of hell, to rise up with these admissions on our lips and say we are better than the Filipinos?

The amendment I offer refuses to contemplate a continuance of Mr. McKinley's destructive policy. It recognizes our present occupation as temporary, and I would be glad to see it end this very day by the withdrawal of our efforts to subdue a people who are asking the boon of self-government, on which we too pride ourselves. And yet, as I said, it is the interests of our own people we shall consult most by getting out of those islands.

The great question of our own interests should constrain us, even if it be not the love of Christ; and I refuse to believe that the American people, when they once understand that they are plucking apples of Sodom, will tolerate the President's war. They will not, as Medea in the Greek tragedy, "lift upon their golden locks this garniture of death." [Applause.]

Mr. JONES of Virginia. I yield five minutes to the gentleman from Tennessee [Mr. COX].

Mr. COX. There is one point that has not been discussed in connection with this bill which it seems to me should have some attention before we vote upon it; and I shall be glad to call the attention of the chairman of the committee to it. I think, of course, that the provisions of the bill should apply as well to the Philippine Islands as to Cuba during the time that the military forces are in occupation there. But it is not on that point I wish to speak.

We all understand that under the national banking system when we establish a depository for public funds it must be a national bank; and the law provides on its face that a bank thus made a public depository shall secure the deposits thus made by United States bonds "and otherwise."

That is to say, the deposits are to be secured by United States bonds and otherwise. Now, let me call attention to how that phrase "and otherwise" is going to operate. There are no national banks now on those islands. Suppose some large bank—for instance, a national bank of the city of New York—should establish a branch bank (that would be the effect of it) on one of those islands, and then should put up its securities in order to act as a depository of the United States. Now, the difficulty would arise in this way: The national banks are under the supervision, inspection, and control of the United States. These banks there will not be, because there are no national banks there. Mr. Speaker and gentlemen of the House, inasmuch as these banks are to be private institutions, it ought to be imperative that they deposit United States bonds for the security of the money that is put in the banks; and I think that language "and otherwise" ought to go out of this bill. That is the suggestion I desire to make.

Mr. JONES of Virginia. Mr. Speaker, I am opposed to this bill in toto, and shall be equally opposed to it if the amendment which

has been proposed is adopted. I do not believe that any real necessity exists for this proposed legislation. The troops of the United States have occupied Porto Rico, Cuba, and some parts of a portion of the Philippine Islands for nearly two years; and if the disbursing officers of our Government have been seriously inconvenienced for the lack of public depositories in which to keep their moneys, if any of the funds of the Government have been lost by reason of the fact that such public depositories did not exist in those possessions, acquisitions, or colonies, or whatever our Republican friends may be pleased to call them, the report which accompanies this bill does not disclose that fact.

The distinguished chairman of the Committee on Insular Affairs who presented that report has read to the House a letter from some disbursing officer in the Philippine Islands in which it is stated that the writer has suffered some inconvenience and that some small package of money in his keeping had been abstracted; but even if that be true, it does not show that any great public necessity for this legislation exists.

Mr. Speaker, even if these public depositories were provided, the funds that would go into them would be only such as are sent from the United States with which to pay off the soldiers stationed in Cuba and the other islands named. From the very necessities of the case the disbursing officers must keep the cash by them. Soldiers are paid off in cash, and checks and drafts can not, I imagine, be used for that purpose. The taxes and other public revenues collected in these islands are entirely under the control of the War Department and can be deposited now in any banks selected for that purpose by the President. No legislation by Congress is needed to enable the Secretary of War to take care of the funds thus derived, and none is asked for that purpose.

It has been, as I have said, nearly two years now since we occupied these islands. Certainly it can not be the intention of the Administration or of the Republican party to retain possession of Cuba much longer. The people of that unfortunate island have been solemnly assured that it was our purpose to give them a free and independent government, and they have the right to expect that we will fulfill that promise. Instead of providing banks in which to deposit money to pay our soldiery in Cuba, we should be preparing to withdraw that soldiery and to turn over the island to its inhabitants, who are its rightful owners. Such legislation as is proposed in this bill is notice to the people of Cuba and to the world that we have no present intention of standing by our pledges and redeeming our promises.

The gentleman from Wisconsin in charge of this measure tells us that it has been characterized as the "Standard Oil bill." He could imagine, he said, no other reason for that characterization than that it had been introduced by the gentleman from Pennsylvania [Mr. SIBLEY], that the Standard Oil Company had its habitat in Pennsylvania, and that there was oil produced in Pennsylvania. I think if the gentleman had made the careful investigation which he claims to have made, he would have discovered that there was more solid foundation for the belief that this bill is in the interest of the Standard Oil Company than that which he has undertaken to give. He might have discovered, perhaps, had he carried his investigations far enough, that the popular belief as to this bill is indeed well founded.

Can the gentleman have forgotten that a short time ago the charge was made upon the floor of this House that a prominent official connected with the National City Bank of New York had actually written a letter to the Secretary of the Treasury asking that his bank might be designated as a depository of public funds, and inviting the Secretary's attention to the fact that the list of directors of that bank contained the names of those who had rendered great political aid toward the election of President McKinley in 1896?

The gentleman can not fail to remember that this charge was not only made, but actually proven, since the letter itself was produced and read. It was stated, too, and has never been denied, that the Standard Oil Company, the greatest trust the world has ever seen, controls and practically owns the National City Bank. It is well known, too, that among its directors are to be found the names of such trust magnates as those of Rockefeller and Havemeyer. It is not, then, as the gentleman from Wisconsin suggests, that because the author of this bill and the Standard Oil Company happened to reside in the same State that this bill has been characterized as the Standard Oil Company's bill, but for the far weightier reason that that mighty trust is not only in the oil, the manufacturing, and the transportation business, but is also in the banking business in New York City and seeking, through the political influence of its enormously wealthy and powerful bank directory, to handle and to use the vast funds of the United States Government.

It has been convicted in one instance of an attempt to influence the Secretary of the Treasury by calling attention to the fact that among its directors are to be found the names of men who have rendered great service to the Republican party. The Standard Oil Company is interested, maybe, in having this measure become a law. At any rate, it is in the banking business and is desirous of securing all the deposits of Government money which it can control through political and other influences; and if the public think this a Standard Oil Company bill I am not prepared to say the public is mistaken.

It is not necessary for me to point out the means by which banks and bankers contribute to the success of political parties. They make no appeals to the judgment and reason of those whom they would convert to their way of thinking. They contribute money to campaign committees—money with which to corrupt voters and to purchase votes. They appeal to cupidity rather than reason. Moreover they give their money invariably where they expect to receive the largest returns. If this bill becomes a law, and the President is permitted to name the depositaries of public funds in Cuba, who can doubt but that such banking institutions as the National City Bank will have their applications favorably considered? The political claims of such men as Rockefeller can not and will not be ignored, believe me, gentlemen. They have not found the Republican party to be an ungrateful party in the past.

Mr. Speaker, as I have already said, I do not believe there is any necessity for this legislation. I do not believe that the officers of the Government have experienced any great inconvenience on account of the absence of designated banks in Porto Rico, Cuba, and the Philippine Islands as public depositaries. We have gotten along without them for a long time, and let us indulge the hope that in the near future there will be no need of them, at least in Cuba.

I hope this bill will not be passed. It will have the effect of retarding the efforts that should be made to set Cuba free. The relations between our troops and the people of Cuba are becoming hourly more and more strained, and unless something is done, and speedily done, to remove the existing friction, I verily believe there will be a serious outbreak and the shedding of much blood. Should our continued and unjustifiable occupation bring about such a serious condition of affairs, the responsibility will rest upon the Administration and the Republican party.

The only honorable, just, and honest course for us to pursue is to live up to both the letter and the spirit of our plighted word. Instead of providing in a more permanent and efficient way for caring for the funds of the United States in Cuba, I am in favor of redeeming our pledges made to her people and withdrawing at the earliest possible moment every American soldier now upon the soil of that island. The passage of this bill will, I much fear, retard rather than hasten a consummation which, so far as I am concerned, is most devoutly to be hoped for.

Mr. Speaker, these are some of the reasons which induce me to oppose the passage of this measure.

I will now yield for the question which the gentleman from Tennessee desires to ask me.

Mr. GAINES. This bill says that the Secretary of the Treasury is authorized to designate one or more banks. I want to ask the gentleman if there are any banks in these islands?

Mr. JONES of Virginia. There is at least one bank in Porto Rico, there are banks in Cuba, and there may be a bank in Manila. I am informed that as to Cuba the people who are conducting the banking business there reside, for the most part, in the city of New York, and that the capital of the Cuban banks is chiefly owned in New York.

Mr. GAINES. Was there any evidence before the committee to show that there are banks in the Philippine Islands; and, if so, who the officers are?

Mr. JONES of Virginia. So far as I know there was no evidence showing what banks, if any, there are in the Philippine Islands. I may say, however, that I was not present when the Secretary of the Treasury appeared before the Insular Committee. He may have given some evidence upon that subject of which I know nothing. I know of no bank in Manila.

Mr. GAINES. It says that the Secretary is authorized to designate banks, and that presupposes that there are banks there.

Mr. JONES of Virginia. I have no information on that subject.

Mr. BREWER. There is one bank in Porto Rico, but I do not think there are any banks in the Philippines.

Mr. JONES of Virginia. Mr. Speaker, I yield time enough to the gentleman from Massachusetts [Mr. FITZGERALD] to offer an amendment.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 9 insert "with the further proviso that all such banks or bankers shall pay at least 2 per cent per annum on all moneys thus deposited."

Mr. JONES of Virginia. Mr. Speaker, I yield such time as I may have remaining to the gentleman from Massachusetts [Mr. FITZGERALD].

The SPEAKER. The gentleman has ten minutes remaining.

Mr. JONES of Virginia. Then I will yield five to the gentleman

from Massachusetts. I did not know there was so much time remaining.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, it seems to me that the bill before the House at the present time is one of the most important that has come before the present Congress; and it seems to me, in view of the transactions that have come to light between the Treasury Department and some of the national banks throughout the country, that the present bill which seeks to inaugurate and establish new depositaries of public money in our new dependencies, ought to be taken advantage of to make a departure in the method of giving moneys to different institutions without exacting any interest from them.

The members of the House are perfectly well aware, as stated by the gentleman from Virginia [Mr. JONES] a few moments ago, that the moneyed interests of New York and other large cities throughout the country have been manipulating the stock markets for the past year with funds deposited by the Secretary of the Treasury in so-called Government depositaries which are none other than favored national banks.

More than $100,000,000 are deposited in different depositaries throughout the United States to-day, at the dictation of the Secretary of the Treasury, and this money is used by the bankers and by the heads of the different syndicates operating in the stock market, to loan out from 3 to 125 per cent. It is well known that many men have been impoverished and made practically beggars by the machinations of these men, and it seems to me, Mr. Speaker, that it is time to call a halt to this policy, and not attempt to augment it by establishing any such system of operations in connection with the government of our new dependencies.

The amendment which I proposed a few moments ago states that the United States Government shall receive at least 2 per cent from these men who obtain this money. It is a well-known fact, and I think the chairman of the committee will admit it, that there is nothing in this bill that will prevent the loaning of the money deposited by the United States Government to individuals as well as to banks. There is no attempt made to limit the rate at which that money will be loaned, and there is nothing to prevent the banks or banker from loaning this money at 3 per cent; and, perhaps, if the money market is cornered, at more than 100 per cent, and yet they receive this money, without the payment of any interest, from the United States Government.

And so, Mr. Speaker, I sincerely hope that if the United States Government intends to establish this form of banking, and to inaugurate another system of government depositaries in the Philippine Islands and Porto Rico and in Cuba, this House will at least insist that the Government shall get some return.

I refer again to another defect in this bill which it seems to me is an inauguration of a new policy. I believe that under the present banking law the naming of institutions as depositaries for public funds is restricted to national banks and institutions of that kind. In this bill they have included bankers, so that any person who may designate himself as a banker, who is willing to deposit Government bonds under such regulations as the Secretary of the Treasury may exact, is enabled to get thousands and hundreds of thousands and perhaps millions of dollars of Government money to use as he pleases.

Mr. GAINES. Why can not they send safety-deposit vaults over to these islands for the use of these Government officers?

Mr. FITZGERALD of Massachusetts. The gentleman from Tennessee suggests safety-deposit vaults could be bought by the Government and sent to these islands for the purpose of storing Government funds. It seems to me that that is a wise suggestion. If there is any danger of the loss of Government money sent to any of these places as pay for the soldiers or for any other purpose, safety-deposit vaults could be established without any trouble, and thus another money scandal avoided. It seems to me, Mr. Chairman, that under no conditions should this House of Representatives allow private bankers to go into the banking business under the authority of the United States, and secure the opportunity to get possession of millions of Government money without the payment of any interest.

A bill as important as this should receive the most careful consideration of this House, and should be debated longer than the time allowed for the consideration of this measure.

More scandals and jobbery have developed in connection with the conduct of national banks in this country the past year than from almost any other source, and we ought to go very slow in establishing banking institutions in our new possessions.

Two per cent on the deposits of the Government in national banks and kindred institutions in the United States to-day would add a first-class armored cruiser to the Navy every year. Why spend the people's money in this manner?

Mr. COOPER of Wisconsin. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eight minutes.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Massachusetts [Mr. MOODY].

Mr. MOODY of Massachusetts. Mr. Speaker, as the time at the disposition of the gentleman from Wisconsin [Mr. COOPER] is so short, I do not feel justified in occupying any part of it. Therefore I yield back the time he has so kindly yielded to me. I supposed he had more time.

Mr. COOPER of Wisconsin. I wish to inquire of the gentleman from Virginia [Mr. JONES] whether he proposes to exhaust his time now?

Mr. JONES of Virginia. I would be glad to reserve my time.

Mr. COOPER of Wisconsin. I prefer to have the gentleman go on and use his time.

Mr. JONES of Virginia. I understood that the gentleman from Wisconsin yielded three minutes to the gentleman from Massachusetts [Mr. MOODY].

The SPEAKER. That has been yielded back.

Mr. MOODY of Massachusetts. I accepted the time originally under a misunderstanding; I thought there was more time on this side.

Mr. JONES of Virginia. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES. Mr. Speaker, this bill provides "that the Secretary of the Treasury shall be authorized to designate one or more banks or bankers in the Philippine Islands to be Government depositories." Mr. Speaker, the Constitution, according to the idea of the majority here, is not in operation in the Philippine Islands; and if that assumption is correct, and the President, unless he changes front again, so treats it, the "bankers" in whose care we would place this money would not be restrained by any of the restrictions found in that instrument; whereas, if this money were left in the hands of the American soldier, who is a citizen of the United States and who is sworn before he buckles on his armor, or afterwards, to support the Constitution of the United States, he would be restrained by the limitations of that instrument.

Another proposition: Are these bankers or the officers of these banks to be American citizens, or Filipinos, or whom? There is no limitation in that respect in the bill.

Another point: These banks or bankers, if intrusted with this money, must provide vaults in which it is to be cared for. Why should not the United States provide a safety vault such as defies the thieves and robbers of this country, and send it over there and put the American soldier in charge of the American money, instead of placing that money in the hands of Philippine bankers to be let out to those people, allowing them thus to be "skinned," as is being done in Cuba?

Let me read a few lines as to the indebtedness of this unfortunate island of Cuba. I quote from the Evening Star, of this city, of April 9:

CUBA'S FINANCIAL STATUS—PROPERTY ON THE ISLAND MORTGAGED FOR MORE THAN VALUE.

HABANA, *April 10.*

The Nuevo Pais says:

"Taking $31,800,000 as the annual assessed income of urban and rural properties of the island, according to the assessment of 1887, and capitalizing it at 10 per cent, $318,000,000 would be obtained as the total value of the properties of the island. Subtracting $248,000,000, the amount of the existing mortgages on said properties, about $70,000,000, the value of the unencumbered property, would remain. This, however, does not take into account the properties destroyed during the war, which far exceed that amount. It would therefore appear that the actual value of the properties does not equal the amount of the mortgages existing on them."

"The actual value of the property" in Cuba, says the Star, an Administration paper, "does not equal the amount of the mortgages upon it." If the public money is deposited in banks there, the rate of interest on loans of such money should be limited by law. This bill makes no such provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent to insert in my remarks a short newspaper clipping relating to Cuba and Porto Rico.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. GAINES. The extracts referred to are as follows:

[St. Louis Republic, April 9, 1900.]

FOR CONQUEST.

There is something ominous in the growing sentiment of hostility to this Government which has now assumed such proportions in Cuba as to give cause for apprehension of a revolt against American control in the near future.

To the many thousands of Americans whose hearts thrilled with pride at the glorious significance of our war against Spain for the liberation of Cuba this unhappy prospect will seem one of peculiar bitterness in its meaning of cruel disappointment and humiliation. It should be impossible that relations between a great power such as ours and a little and weak people such as the Cubans, whom we have freed from the bondage of Spanish tyranny, shall assume that perverted phase where fear of a second conquering and a second oppression lead the weaker race to hopeless and costly antagonism to the kindly guidance of the stronger.

Especially is this deplorable in view of the fact that a Cuban outbreak

against American authority will give to the advocates of annexation in this country exactly the opportunity for which they have been waiting. It will be urged that the Cubans are unfit for self-government. A hatred of that people will be sought to be aroused in American bosoms. Under the influence of this spirit the Cuban dream of national independence will vanish forever. Their island will be annexed as American territory, to which the beneficent operation of the American Constitution does not extend, though it become necessary to exterminate an entire generation of Cuban patriots.

The outlook in Cuba is not pleasant just now. It begins to look as if the plot of imperial land grabbers is developing in line with the crafty desires of the plotters. There is shame for Americans in the thought.

I clip this from the Nashville American of April 9, 1900:

"813,937 MEN WITHOUT A COUNTRY.

"Deserted by Spain, denied American citizenship by the Republican majority in Washington, the inhabitants of Porto Rico present the spectacle of 813,937 men without a country. Of course some of them are women, some children, and some 300,000 negroes. But whatever their sex, whatever their age, whatever color may have been burned upon them by the sun of heaven, they have no flag to which they can appeal, no government to which they must bow in love, in gratitude, and in loyal devotion.

"This is the meaning of the Senate bill."

And this indictment is drawn by the Chicago Times-Herald, a Republican newspaper, and in times gone by a sturdy supporter of the Administration. Could anything stronger have been penned?

The SPEAKER. The gentleman from Virginia [Mr. JONES] has a few minutes remaining.

Mr. JONES of Virginia. I yield the remainder of my time to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, whatever may be the necessity or use of this bill as a law with reference to Porto Rico or the Philippine Islands, it seems to me there is no use in the world for it and no excuse for it with reference to Cuba. We have been getting along in the occupation of that island for a good many months without any such depository as is provided for here. The world knows, and we ought to remember, how we came into possession of that island and how we declared that our occupancy of it was to be for a temporary purpose—to pass it over to control of its people.

This, Mr. Speaker, is but another straw to indicate the way the wind blows from certain quarters. It is but another indication of a purpose to get hold of Cuba, or of everything in Cuba that is worth having, and deprive the people there of their independence instead of securing it to them in accordance with our many promises. Instead of legislating to establish American institutions in the island of Cuba, we ought to be legislating, sir, for American departure from the island of Cuba.

And let me say to gentlemen who may hope, by indirect means, by pretense or otherwise, to acquire possession and control of the island of Cuba permanently, that their course is building up and will build up such a sentiment of hostility to Americans and American institutions there that this acquisition will be exceedingly difficult, if desirable at all; and if the island be thus acquired, the holding of it will be a work of immense care and cost.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, it is not a little astonishing——

Mr. COX. Will the gentleman yield just for an instant?

Mr. COOPER of Wisconsin. What is the gentleman's wish?

Mr. COX. Before the gentleman proceeds that he will allow me to suggest a simple question to him.

Mr. COOPER of Wisconsin. Very well.

Mr. COX. I only want to call your attention to that bill, that while the authority is given to establish depositaries for the public moneys in these islands, there is no limitation in the bill, as there is in the national-bank act, as to the interest to be charged for the money loaned out by such banks. They are able, under the provisions of this bill, to charge any amount which they please. They may charge 1 per cent or 200 per cent. There is no limitation upon them.

Mr. COOPER of Wisconsin. Mr. Speaker, I was proceeding to state that it was not a little astonishing that a plain, commonsense, business proposition can not be discussed in a plain, business-like way on the floor of this House. It is evident that the political opinions of gentlemen are to be dragged into these questions and political harangues indulged in every time any proposition touching the islands now under the control of this Government is before the House; at least, whenever such proposition is presented by a Republican member on this floor.

So far as the criticism of the gentleman from Tennessee is concerned, the words "and otherwise" in the bill are the exact words of section 5153 of the Revised Statutes, and they have been in it ever since that section was enacted. So that his criticism in that regard is of no avail. Secretary Gage told our committee that in the administration of the Treasury Department no Secretary had ever taken from a Government depository any kind of security except Government bonds and that no Secretary would ever accept any other. This has been the practice and this the language of the statute for twenty-five years or more.

So far as the banks are concerned, one gentleman suggests that he understands there is a private bank in the Philippines. There is a bank in the Philippines capitalized at $10,000,000, which has branches in Hongkong, Bombay, London, and Paris, and something in the nature of an agency in the city of New York, which will accept the Government deposits and deposit Government bonds as security. The Secretary of the Treasury, in speaking to the Committee on Insular Affairs on that subject, said that there would be no money in it so far as the bank itself is concerned, because the public moneys would be in its possession for a very limited time, but that it would be more or less a benefit to the bank to have the name of being a Government depository; that, so far as he could understand, is all there would be of benefit in it for the banks themselves in these islands. Now, the same thing is true in Cuba and Porto Rico.

There is another kind of money which the disbursing officers are obliged to receive under the statute, and that is the savings of the troops. Last year we appropriated about $92,000 to pay the interest on the savings of soldiers which had been deposited in the United States Treasury. Under the law such money draws 4 per cent interest, and the disbursing officers are required to take this money from the soldiers and to receipt for it. It is not a matter of discretion. They are compelled to take it, and under the law as it now stands they do it at their own risk.

This bill has its inception in the letter which I read from the Paymaster-General of the United State Navy, telling of the hardships which, under existing conditions, obtain, so far as the paymasters of the Navy are concerned, in the Philippines. We wish to have this hardship done away with. We wish to have the power given to the Secretary of the Treasury to designate certain banks there as places where these disbursing officers can, after they have drawn the money from the subtreasury here, deposit it rather than carry it around. The Secretary of the Treasury said that sometimes thousands of dollars would have to be kept in the actual manual possession of these disbursing officers, or otherwise, technically, they would be guilty of embezzlement, unless the Secretary of the Treasury had designated some bank where the money could be deposited. He said that they never had, and did not now propose, to designate any bank as a depository there, because the present law limits depositories to national banks, and there are no national banks there, and there is no law under which he can demand security from any other bank in the islands.

Mr. GAINES. I should like to ask the gentleman a question.

Mr. COOPER of Wisconsin. Yes.

Mr. GAINES. You have explained about the word "banks." Of course we understand what that word means; but you do not say anything about "bankers." You draw a distinction in your bill between banks and bankers, and the banker of course would be the private individual.

Mr. COOPER of Wisconsin. It is entirely immaterial, provided they give the same security that the other bank would give.

Mr. GAINES. Can not the United States throw around our officers over there the same safeguards that a private banker would have—that is, safes and vaults, the sword, etc?

Mr. COOPER of Wisconsin. We do not know of any disbursing officer who is prepared to give the security in the shape of United States bonds that the banks there say they are willing to give.

Mr. GAINES. But the soldier is bound under oath to obey the laws of the United States, and the private banker is not or may not be.

Mr. MOODY of Massachusetts. Is a paymaster going to carry a vault around in his trousers pocket?

Mr. GAINES. No; and he does not carry the money in his trousers pocket. If he did, it would not have been stolen. It has been stated here that some of it has been lost or stolen.

Mr. WM. ALDEN SMITH. But he gives security.

Mr. GAINES. I am opposed to letting this money out to private bankers. That is what I am getting at. We can protect and secure our officers there just as well and better than we can a private banker.

Mr. COOPER of Wisconsin. I am astonished at the question the gentleman asks.

Mr. GAINES. You did not explain it.

Mr. COOPER of Wisconsin. The disbursing officers draw on the subtreasury of the United States, say at New York. The money is taken out there, and under the law, if they deposit it in any bank in these islands without a permit, they are technically guilty of embezzlement. If they deposit it subject to their own order, they are technically embezzlers, and therefore they deposit it at their own risk. If they carry any cash about with them, they do it at their own risk. We can not have four or five officers guarding a safe and another one off with the funds paying out the money. We have got to have a place where the paymasters can deposit funds and where they will be protected, just the same as in the United States of America we designate a national bank, and the national bank is a depository and gives security in the shape of United States bonds.

Mr. GAINES. Do you think the money would be safer in the

hands of a private banker than it would be in the hands of our officer over there, if you give him the same kind of a vault to keep it in?

Mr. PAYNE. But the bankers put up bonds as security.

Mr. GAINES. And the soldier his life, if he does wrong.

Mr. COOPER of Wisconsin. If the paymaster put up the same bonds and had as many men guarding the safe all the time as an ordinary banker, the money would be just as safe; but a paymaster of the United States Army is compelled to travel from one place to another——

Mr. GAINES. Does not the paymaster give a bond?

Mr. COOPER of Wisconsin. Vaults are not portable.

Mr. GAINES. Why, they have them down in my country and elsewhere, and they are perfectly safe.

Mr. LOUD. You can not draw on a safe deposit vault, can you?

Mr. GAINES. We draw on the safe deposit of the House—just outside the door—for our salary, and it is perfectly safe there, and there has never been any defalcation.

Mr. HOPKINS. Oh, yes; there have been defalcations in the past.

Mr. WM. ALDEN SMITH. The gentleman from Tennessee is mistaken. There have been defalcations right there.

Mr. GAINES. Oh, yes; so is the Lord's Prayer disobeyed every day.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the amendments.

Mr. COOPER of Wisconsin. Mr. Speaker, I want a separate vote on the amendment of the gentleman from Alabama.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 11, after the word "bonds," strike out the word "or" and insert the word "and."

The question was taken; and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment, and the amendment offered to the amendment.

The Clerk read as follows:

Page 12, line 3, insert:
"*Provided*, That this act shall apply to Cuba only while occupied by the United States."
Amend the amendment: Page 2, line 3, after the word "Cuba," insert "and the Philippines."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. BREWER. Division.

The House divided; and there were—ayes 85, noes 79.

Mr. COOPER of Wisconsin. I call for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 135, answered "present" 11, not voting 83; as follows:

YEAS—121.

Adamson,	De Vries,	McClellan,	Shafroth,
Allen, Ky.	Dinsmore,	McCulloch,	Sheppard,
Atwater,	Dougherty,	McDowell,	Sims,
Ball,	Elliott,	McLain,	Slayden,
Bankhead,	Finley,	McRae,	Smith, Ky.
Barber,	Fitzgerald, Mass.	Maddox,	Snodgrass,
Bartlett,	Fitzgerald, N. Y.	Meekison,	Spight,
Bell,	Fleming,	Miers, Ind.	Stark,
Benton,	Foster,	Moon,	Stephens, Tex.
Berry,	Gaines,	Muller,	Sulzer,
Bradley,	Gayle,	Neville,	Sutherland,
Brantley,	Gilbert,	Newlands,	Talbert,
Breazeale,	Gordon,	Noonan,	Tate,
Brewer,	Griffith,	Norton, Ohio	Taylor, Ala.
Brundidge,	Griggs,	Norton, S. C.	Terry,
Burleson,	Hall,	Pierce, Tenn.	Thomas, N. C.
Caldwell,	Henry, Miss.	Quarles,	Turner,
Carmack,	Henry, Tex.	Rhea, Ky.	Underwood,
Chanler,	Howard,	Rhea, Va.	Vandiver,
Clark, Mo.	Jett,	Richardson,	Wheeler, Ky.
Clayton, Ala.	Johnston,	Ridgely,	Williams, J. R.
Clayton, N. Y.	Jones, Va.	Riordan,	Williams, W. E.
Cowherd,	Kitchin,	Robb,	Williams, Miss.
Cox,	Kleberg,	Robinson, Ind	Wilson, Idaho
Cummings,	Klutz,	Robinson, Nebr.	Wilson, N. Y.
Cusack,	Lamb,	Rucker,	Wilson, S. C.
Daly, N. J.	Lanham,	Ruppert,	Zenor,
Davenport, S. W.	Latimer,	Ryan, N. Y.	Ziegler.
Davis,	Lewis,	Ryan, Pa.	
De Armond,	Little,	Scudder,	
De Graffenreid,	Lloyd,	Shackleford,	

NAYS—135.

Adams,	Bromwell,	Clarke, N. H.	Dalzell,
Alexander,	Brosius,	Cochrane, N. Y.	Davenport, S. A.
Allen, Me.	Brown,	Connell,	Davidson,
Bailey, Kans.	Brownlow,	Cooper, Wis.	Dayton,
Barham,	Bull,	Corliss,	Dick,
Bartholdt,	Burke, S. Dak.	Cousins,	Dolliver,
Bingham,	Burton,	Cromer,	Dovener,
Bishop,	Butler,	Crump,	Emerson,
Boutell, Ill.	Calderhead,	Curtis,	Fletcher,
Bowersock,	Cannon,	Cushman,	Fordney,
Brick,	Capron,	Dahle, Wis.	Foss,
Fowler,	Ketcham,	Morris,	Smith, Wm. Alden
Gamble,	Knox,	Mudd,	Southard,
Gardner, N. J.	Lacey,	Needham,	Spalding,
Gill,	Landis,	O'Grady,	Sperry,
Graff,	Lane,	Olmsted,	Steele,
Greene, Mass.	Lawrence,	Overstreet,	Stevens, Minn.
Grosvenor,	Linney,	Packer, Pa.	Stewart, N. Y.
Grout,	Littauer,	Parker, N. J.	Stewart, Wis.
Grow,	Littlefield,	Payne,	Sulloway,
Hamilton,	Long,	Pearre,	Tawney,
Haugen,	Lorimer,	Phillips,	Thomas, Iowa
Heatwole,	Loud,	Powers,	Tongue.
Hedge,	Loudenslager,	Prince,	Van Voorhis,
Hemenway,	Lovering,	Pugh,	Wadsworth,
Henry, Conn.	McCall,	Reeder,	Wanger,
Hepburn,	McCleary,	Rodenberg,	Warner,
Hitt,	McPherson,	Russell,	Waters,
Hoffecker,	Mann,	Shattuc,	Weeks,
Hopkins,	Mercer,	Shelden,	White,
Howell,	Miller,	Showalter,	Wise,
Jack,	Mondell,	Smith, Ill.	Wright,
Jones, Wash.	Moody, Mass.	Smith, H. C.	Young.
Kahn,	Moody, Oreg.	Smith, Samuel W.	

ANSWERED "PRESENT"—11.

Allen, Miss.	Gillett, Mass.	Jenkins,	Rixey,
Driggs,	Hay,	Mahon,	Small.
Gaston,	Hill,	Otey,	

NOT VOTING—83.

Acheson,	Crowley,	Lentz,	Robertson, La.
Aldrich,	Crumpacker,	Lester,	Salmon,
Babcock,	Davey,	Levy,	Sherman,
Bailey, Tex.	Denny,	Livingston,	Sibley,
Baker,	Driscoll,	Lybrand,	Sparkman,
Barney,	Eddy,	McAleer,	Sprague,
Bellamy,	Esch,	Marsh,	Stallings,
Boreing,	Faris,	May,	Stewart, N. J.
Boutelle, Me.	Fitzpatrick,	Mesick,	Stokes,
Brenner,	Fox,	Metcalf,	Swanson,
Broussard,	Freer,	Meyer, La.	Tayler, Ohio
Burke, Tex.	Gardner, Mich.	Minor,	Thayer,
Burkett,	Gibson,	Morgan,	Thropp,
Burleigh,	Gillet, N. Y.	Naphen,	Tompkins,
Burnett,	Glynn,	Otjen,	Underhill,
Campbell,	Graham,	Pearce, Mo.	Vreeland,
Catchings,	Green, Pa.	Polk,	Wachter,
Cochran, Mo.	Hawley,	Ransdell,	Watson,
Cooney,	Hull,	Ray, N. Y.	Weaver,
Cooper, Tex.	Joy,	Reeves,	Weymouth.
Crawford,	Kerr,	Roberts,	

So the amendment to the amendment was rejected.

Mr. SMALL. Mr. Speaker, I desire to know if the gentleman from Maryland, Mr. WACHTER, voted?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman did not vote.

Mr. SMALL. I am paired with him, and desire to withdraw my vote and to be recorded as "present."

The following pairs were announced:

For the session:

Mr. HULL with Mr. HAY.

Mr. PACKER of Pennsylvania with Mr. POLK.

Until further notice:

Mr. BURKETT with Mr. BURKE of Texas.

Mr. HAWLEY with Mr. COOPER of Texas.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. GILLETT of Massachusetts with Mr. THAYER.

Mr. TAYLER of Ohio with Mr. FOX.

Mr. BOUTELLE of Maine with Mr. COCHRAN of Missouri.

Mr. ESCH with Mr. BAILEY of Texas.

Mr. TOMPKINS with Mr. CROWLEY.

Mr. REEVES with Mr. SPARKMAN.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MAHON with Mr. OTEY.

Mr. BARNEY with Mr. ALLEN of Mississippi.

Mr. SHERMAN with Mr. DRIGGS.

Mr. MINOR with Mr. RIXEY.

Mr. LYBRAND with Mr. GASTON.

Mr. STEWART of New York with Mr. MAY, for two weeks.

Mr. WACHTER with Mr. SMALL, for one week.

Mr. ALDRICH with Mr. BURNETT, until April 21.

Mr. OTJEN with Mr. BRENNER, until April 20.

Mr. GILLET of New York with Mr. CAMPBELL, until Monday.

Mr. HILL with Mr. UNDERHILL, for balance of week.

For this day:

Mr. JENKINS with Mr. ROBERTSON of Louisiana.

Mr. BABCOCK with Mr. MCALEER.

On this vote:

Mr. BURLEIGH with Mr. DAVEY.

Mr. DRISCOLL with Mr. GLYNN.

Mr. JOY with Mr. LENTZ.

Mr. STEWART of New Jersey with Mr. LESTER.

Mr. HILL. Mr. Speaker, I voted from force of habit. I am paired with the gentleman from New York, Mr. UNDERHILL, and I desire to withdraw my vote and be marked "present."

Mr. HILL's name was again called, and he answered as above recorded.

Mr. LITTLE. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman present and listening for his name when it was called?

Mr. LITTLE. I was.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

Mr. LITTLE's name was called, and he voted as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question now is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will now report the amendment offered by the gentleman from Massachusetts [Mr. FITZGERALD].

The Clerk read as follows:

With the further proviso that all such banks or bankers shall pay at least 2 per cent per annum on all moneys so deposited.

The question was taken; and on a division (demanded by Mr. FITZGERALD of Massachusetts) there were 54 ayes and 62 noes.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I demand the yeas and nays. [Cries of "Oh, no, no!"] I will withdraw the demand, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FITZGERALD] withdraws the demand for the yeas and nays; the noes have it, and the amendment is disagreed to.

Mr. LEVY. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

Mr. CORLISS. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the reading of the amendment offered by the gentleman from New York [Mr. LEVY].

The Clerk read as follows:

Insert after line 2, page 2, the following:

"That the Secretary of War be, and he is hereby, directed to instruct the collector of customs for the island of Cuba to deduct from the monthly receipts of said island of Cuba 25 per cent of the total amount collected, and to transmit said amount to the Secretary of the Treasury of the United States, which amount shall be placed to the credit of the island of Cuba. And such monthly transfers of 25 per cent of the receipts of the island of Cuba shall continue until the total amount expended by the United States on behalf of the island of Cuba shall have been paid, or until such other provisions for the settlement of the indebtedness of the island of Cuba to the United States shall have been made between the Government of the United States and the authorities of the island of Cuba."

Mr. COOPER of Wisconsin. Mr. Speaker, I make the point of order on that amendment that it is not germane.

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of order that the amendment is not germane.

Mr. LEVY. Mr. Speaker, I think this amendment is germane; it relates to the island of Cuba and its financial situation. The bill before the House is upon the financial question in these islands, and I think this amendment is germane.

The SPEAKER pro tempore. In the opinion of the Chair, the amendment relates to an entirely different subject than the subject of the bill, and the point of order is sustained. The question now is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. FITZGERALD of Massachusetts) there were—ayes 69, noes 68.

So the bill was ordered to be engrossed and read a third time; and it was engrossed and read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. JONES of Virginia. Division, Mr. Speaker.

Mr. COOPER of Wisconsin. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 111, answered "present" 9, not voting 108; as follows:

YEAS—122.

Adams,	Davenport, S. A.	Kahn,	Reeves,
Alexander,	Davidson,	Ketcham,	Rodenberg,
Allen, Me.	Dayton,	Knox,	Russell,
Bailey, Kans.	Dick,	Lacey,	Shattuc,
Barham,	Dolliver,	Landis,	Shelden,
Bingham,	Dovener,	Lane,	Showalter,
Boutell, Ill.	Driscoll,	Lawrence,	Smith, Ill.
Bowersock,	Eddy,	Linney,	Smith, H. C.
Brick,	Fleming,	Littlefield,	Smith, Samuel W.
Bromwell,	Fletcher,	Long,	Southard,
Brosius,	Fordney,	Lorimer,	Spalding,
Brown,	Fowler,	Loudenslager,	Sperry,
Brownlow,	Gamble,	Lovering,	Steele,
Bull,	Gibson,	McCall,	Stewart, Wis.
Burke, S. Dak.	Graff,	McPherson,	Sulloway,
Burton,	Greene, Mass.	Mann,	Tawney,
Butler,	Grosvenor,	Marsh,	Thomas, Iowa
Calderhead,	Grout,	Mercer,	Tongue,
Capron,	Grow,	Miller,	Turner,
Cochrane, N. Y.	Hamilton,	Mondell,	Van Voorhis,
Connell,	Haugen,	Moody, Mass.	Vreeland,
Cooper, Wis.	Heatwole,	Moody, Oreg.	Wadsworth,
Corliss,	Hedge,	Morris,	Wanger,
Cousins,	Henry, Conn.	Needham,	Waters,
Cromer,	Hepburn,	Olmsted,	Weeks,
Crump,	Hitt,	Overstreet,	White,
Crumpacker,	Hoffecker,	Payne,	Wilson, N. Y.
Curtis,	Hopkins,	Phillips,	Wise,
Cushman,	Howell,	Powers,	Young.
Dahle, Wis.	Jack,	Prince,	
Dalzell,	Jones, Wash.	Reeder,	

NAYS—111.

Adamson,	De Vries,	Little,	Ryan, Pa.
Allen, Ky.	Dinsmore,	Lloyd,	Scudder,
Atwater,	Dougherty,	McClellan,	Shackleford,
Ball,	Elliott,	McCulloch,	Shafroth,
Barber,	Finley,	McDowell,	Sheppard,
Bartlett,	Fitzgerald, Mass.	McLain,	Sims.
Bell,	Fitzgerald, N. Y.	McRae,	Slayden.
Benton,	Foster,	Maddox,	Smith, Ky.
Berry,	Gaines,	Meekison,	Snodgrass,
Bradley,	Gayle,	Miers, Ind.	Sparkman,
Brantley,	Gilbert,	Muller,	Spight,
Breazeale,	Glynn,	Neville,	Stark,
Brewer,	Gordon,	Noonan,	Sulzer,
Brundidge,	Griffith,	Norton, Ohio	Sutherland,
Caldwell,	Griggs,	Norton, S. C.	Talbert,
Carmack,	Hall,	Pierce, Tenn.	Tate,
Clark, Mo.	Henry, Miss.	Quarles,	Terry,
Clayton, Ala.	Henry, Tex.	Rhea, Ky.	Thomas, N. C.
Clayton, N. Y.	Howard,	Rhea, Va.	Underwood,
Cooney,	Jett,	Richardson,	Vandiver,
Cowherd,	Johnston,	Ridgely,	Wheeler, Ky.
Cox,	Jones, Va.	Riordan,	Williams, J. R.
Cusack,	Kitchin,	Robb,	Williams, W. E.
Daly, N. J.	Kleberg,	Robinson, Ind.	Williams, Miss.
Davenport, S. W.	Kluttz,	Robinson, Nebr.	Wilson, Idaho
Davis,	Lanham,	Rucker,	Zenor,
De Armond,	Levy,	Ruppert,	Ziegler.
De Graffenreid,	Lewis,	Ryan, N. Y.	

ANSWERED "PRESENT"—9.

Driggs,	Hill,	Otey,	Small,
Hawley,	Mahon,	Rixey,	Stewart, N. Y.
Hay,			

NOT VOTING—108.

Acheson,	Crawford,	Lentz,	Ray,
Aldrich,	Crowley,	Lester,	Roberts.
Allen, Miss.	Cummings,	Littauer,	Robertson, La.
Babcock,	Davey,	Livingston,	Salmon,
Bailey, Tex.	Denny,	Loud,	Sherman,
Baker,	Emerson,	Lybrand,	Sibley,
Bankhead,	Esch,	McAleer,	Smith, Wm. Alden
Barney,	Faris,	McCleary,	Sprague,
Bartholdt,	Fitzpatrick,	May,	Stallings,
Bellamy,	Foss,	Mesick,	Stephens, Tex.
Bishop,	Fox,	Metcalf,	Stevens, Minn.
Boreing,	Freer,	Meyer, La.	Stewart, N. J.
Boutelle, Me.	Gardner, Mich.	Minor,	Stokes,
Brenner,	Gardner, N. J.	Moon,	Swanson,
Broussard,	Gaston,	Morgan,	Tayler, Ohio
Burke, Tex.	Gill.	Mudd,	Taylor, Ala.
Burkett,	Gillet, N. Y.	Naphen,	Thayer,
Burleigh,	Gillett, Mass.	Newlands,	Thropp,
Burleson,	Graham,	O'Grady,	Tompkins,
Burnett,	Green, Pa.	Otjen,	Underhill,
Campbell,	Hemenway,	Packer, Pa.	Wachter,
Cannon,	Hull.	Parker, N. J.	Warner,
Catchings,	Jenkins,	Pearce, Mo.	Watson,
Chanler,	Joy.	Pearre,	Weaver,
Clarke, N. H.	Kerr,	Polk,	Weymouth,
Cochran, Mo.	Lamb,	Pugh,	Wilson, S. C.
Cooper, Tex.	Latimer,	Ransdell,	Wright.

So the bill was passed.

The following pairs were announced:

For this session:

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

For this day:

Mr. GARDNER of New Jersey with Mr. CUMMINGS.

Mr. CANNON with Mr. NAPHEN.

On this vote:

Mr. ACHESON with Mr. TAYLOR of Alabama.

Mr. BARTHOLDT with Mr. BURLESON.

Mr. HAWLEY. Mr. Speaker, I voted "aye" on this bill, but as I am paired with my colleague from Texas, Mr. COOPER, I desire to withdraw my vote and answer "present."

Mr. HAWLEY's name was again called, and he answered "present."

The result of the vote was announced as above stated.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSION CLAIMS OF DEPENDENT PARENTS.

Mr. CORLISS. I call for the regular order.

The SPEAKER pro tempore. The regular order is the call of committees.

The Clerk proceeded to call the committees.

Mr. LOUDENSLAGER (when the Committee on Pensions was called). I desire to call up the bill (S. 2336) to repeal section 4716 of the Revised Statutes so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

The bill was read, as follows:

Be it enacted, etc., That section 4716 of the Revised Statutes be, and the same is hereby, repealed so far as the same may be applicable to the claims to pension of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

Mr. LOUDENSLAGER. I ask that the report on this bill be read. I think it will make this case as clear as could be done by any remarks of mine.

Mr. RICHARDSON. I rise to a parliamentary inquiry. Is this bill called up on the call of committees?

The SPEAKER pro tempore. It is.
Mr. RICHARDSON. Is it on the House Calendar?
The SPEAKER pro tempore. It is.
Mr. RICHARDSON. Ought it not to be on the Union Calendar?
The SPEAKER pro tempore. The Chair will examine the bill.
Mr. RICHARDSON. It seems to me that the bill should have been referred to the Union Calendar. I do not know that I shall make any point of order, but I want to get at the facts. I could not hear the bill read. I ask that it be read again.
The bill was again read.
Mr. RICHARDSON. From what I have heard in regard to this bill, I do not care to make any point.
Mr. GAINES. This bill gives to soldiers who fought in the war with Spain, and who may also have served in the Confederate army, equal rights with other soldiers.
Mr. LOUDENSLAGER. This bill removes the prohibition of section 4716 of the Revised Statutes.
A MEMBER. What is that?
Mr. LOUDENSLAGER. That section prohibits the dependent parents of men who were in the Confederate service from receiving pensions. This bill removes that prohibition, so that the dependent mothers of such soldiers may have their claims for pensions adjudicated at the Pension Department.
Mr. GILBERT rose.
The SPEAKER pro tempore. Does the gentleman from New Jersey [Mr. LOUDENSLAGER] yield?
Mr. LOUDENSLAGER. Yes, sir; I yield to the gentleman from Kentucky [Mr. GILBERT].
Mr. GILBERT. Mr. Speaker, this bill, as I understand it, merely removes the disability which is imposed by existing law for having rendered service in the Confederate army during the war of the rebellion. For example, in the Eighth Kentucky district, a young man by the name of Brewer, a graduate of West Point, went as a lieutenant with our army, and was killed in the Philippine Islands last summer. His father made application for pension, he being a worthy old man and dependent entirely upon the boy for his support. I filed his application in the office of the Pension Department here, and he was debarred from obtaining it solely because of the fact that he had been a soldier in the Confederate army. But for that disability, which, as I understand it, this bill seeks to remove, he would, as the dependent father of the young soldier, have been entitled to pension.
Now, if I am correct, the purpose of this bill is merely to remove that disability and allow dependent fathers and mothers or other dependent relatives under existing pension law to obtain pensions as other pensions are granted, notwithstanding the fact that the father may have served in the Confederate army. Is that the purpose of the bill?
Mr. LOUDENSLAGER. That is the purpose of the bill.
Mr. BARTLETT. That is correct.
Mr. GILBERT. That being true, I hope every Democrat and every Republican on the floor will vote for the bill.
Mr. RIDGELY. Will the gentleman allow an interruption?
Mr. GILBERT. Certainly.
Mr. RIDGELY. Does not the gentleman think that this bill is so manifestly just that every man in this House on all sides should and will support it?
Mr. GILBERT. I think so.
Mr. RIDGELY. And we all think so.
Mr. FITZGERALD of Massachusetts. Will the gentleman from New Jersey allow me to ask him a question?
Mr. LOUDENSLAGER. Certainly.
Mr. FITZGERALD of Massachusetts. Is there any law now on the statute books refusing the same rights to the widows and dependent families of Confederates who have served in the Spanish war as are granted to the families of all other soldiers?
Mr. LOUDENSLAGER. The section that this bill seeks to amend—the section of the statute—relates to dependent parents of soldiers and repeals the restriction which was heretofore imposed by the law.
Mr. FITZGERALD of Massachusetts. But is there any other law on the statute books prohibiting the granting of pensions to the family of a soldier who served in the United States Army during the Spanish-American war if previously he had served in the Confederate army? If so, I hope all disabilities of this kind will be removed.
Mr. RIDGELY. Do I understand that this does not remove the disabilities now existing as to pensioning the widows of Confederate soldiers who subsequently served in the war with Spain?
Mr. LOUDENSLAGER. I will say, Mr. Speaker, that if this bill becomes a law it removes that bar as far as dependent parents are concerned.
Mr. MOODY of Massachusetts. Will the gentleman cause to be read the statute proposed to be repealed by this legislation?
Mr. LOUDENSLAGER. I should be very glad to have it read, but it is not before me. I have stated, however, briefly, the purpose of it, and the report sets out clearly what is contemplated by the bill.
Mr. CLARK of Missouri. I think if the gentleman from New Jersey will make an explanation of the bill, so that the House may understand what is proposed to be done, it will be found not to be objectionable and will meet the approval of all members.
Mr. HOPKINS. Let the bill be read, or the report, or the gentleman can make a statement giving the purposes of the bill.
Mr. LOUDENSLAGER. Mr. Speaker, section 4716 of the Revised Statutes prohibits the granting of the benefits of the pension laws to the dependent parents of soldiers who had previously served in the Confederate army. Now, a large number of applications are being made, and are pending at the Department, to grant pensions to soldiers who served through the war with Spain (who had served previously in the Confederate service), for the benefit of their dependent parents who have made application to the Department, but were refused pensions under the prohibition existing by this section 4716.
The whole effect and purpose of the pending bill therefore is to remove that prohibition of the section so far as it applies to dependent parents of those who served in the Spanish war.
Mr. GIBSON. Will the gentleman allow a question?
Mr. LOUDENSLAGER. Certainly.
Mr. GIBSON. Why not repeal this whole section entirely? Why not make a total repeal of it at this time? I ask the gentleman from New Jersey to allow me to offer an amendment repealing section 4716 in toto, so as to allow all of those men who served a while in the Confederate army and who afterwards joined the Union Army to come in and get a pension under existing law.
Mr. LOUDENSLAGER. I can only say to the gentleman that this matter does not come before my committee.
Mr. GIBSON. But it comes before the House.
Mr. WILLIAMS of Mississippi. Do not begin by pensioning deserters from the Conferate army.
Mr. LOUDENSLAGER. I ask the previous question on the bill to its passage.
The previous question was ordered, under the operation of which the bill was ordered to a third reading; and being read the third time, was passed.
On motion of Mr. LOUDENSLAGER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:
S. 3176. An act to provide for the erection of dwellings for the keepers of the Grosse Isle (Michigan) light-houses;
S. 2330. An act to authorize the President of the United States to invite the International Congress of Navigation to hold the ninth session in Washington, D. C.;
S. 4006. An act granting an increase of pension to Edward M. Tucker;
S. 1664. An act to provide for the purchase of a site and the erection of a public building thereon at Bluefield, in the State of West Virginia;
S. 3924. An act to authorize the construction of a bridge across the Tallahatchie River, in Tallahatchie County, Miss.;
S. 1018. An act to establish a Branch Home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of the disabled officers and enlisted men of the Volunteer Army and Navy of the United States;
S. 1364. An act increasing the pension of Henry H. Blockson;
S. 3490. An act in relation to admissions to and dismissions from the Reform School of the District of Columbia;
S. 182. An act for the erection of a public building in Reno, Nev.;
S. 3309. An act to provide for the purchase of a site and the erection of a public building thereon at Carthage, in the State of Missouri;
S. 1982. An act for the erection of a public building at Allentown, Pa.;
S. 3211. An act to authorize the construction of an addition to the public building at Hartford, Conn.;
S. 2. An act to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable;
S. 248. An act for the relief of Winslow Warren; and
S. 2438. An act to establish a fish-hatching and fish station in the State of West Virginia.
The message also announced that the Senate had passed with amendments the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2356. An act for the relief of Hiram Johnson and others; and

H. R. 2456. An act for the relief of the heirs and assignees of Philip McCloskey and John Hagan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3176. An act to provide for the erection of dwellings for the keepers of the Grosse Isle (Michigan) light-houses—to the Committee on Interstate and Foreign Commerce.

S. 2330. An act to authorize the President of the United States to invite the International Congress of Navigation to hold the ninth session in Washington, D. C.—to the Committee on Foreign Affairs.

S. 4006. An act granting an increase of pension to Edward M. Tucker—to the Committee on Invalid Pensions.

S. 1664. An act to provide for the purchase of a site and the erection of a public building thereon at Bluefield, in the State of West Virginia—to the Committee on Public Buildings and Grounds.

S. 3924. An act to authorize the construction of a bridge across the Tallahatchie River, in Tallahatchie County, Miss.—to the Committee on Interstate and Foreign Commerce.

S. 1018. An act to establish a Branch Home of the National Home for Disabled Volunteer Soldiers at Castle Pinckney, in Charleston Harbor, South Carolina, or some other eligible site in or near that city, for the use of the disabled officers and enlisted men of the Volunteer Army and Navy of the United States—to the Committee on Military Affairs.

S. 1364. An act increasing the pension of Henry H. Blockson—to the Committee on Invalid Pensions.

S. 3490. An act in relation to admissions to and dismissions from the Reform School of the District of Columbia—to the Committee on the District of Columbia.

S. 182. An act for the erection of a public building at Reno, Nev.—to the Committee on Public Buildings and Grounds.

S. 3309. An act to provide for the purchase of a site and the erection of a public building thereon at Carthage, in the State of Missouri—to the Committee on Public Buildings and Grounds.

S. 1982. An act for the erection of a public building at Allentown, Pa.—to the Committee on Public Buildings and Grounds.

S. 3211. An act to authorize the construction of an addition to the public building at Hartford, Conn.—to the Committee on Public Buildings and Grounds.

S. 2. An act to provide for the construction, maintenance, and operation, under the management of the Navy Department, of a Pacific cable—to the Committee on Interstate and Foreign Commerce.

S. 248. An act for the relief of Winslow Warren—to the Committee on Claims.

S. 2438. An act to establish a fish-hatching and fish station in the State of West Virginia—to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 8245. An act temporarily to provide revenues and a civil government for Porto Rico, and other purposes; and

H. R. 1092. An act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I desire to inquire if the conference report on the legislative, executive, and judicial appropriation bill is on the Speaker's table?

The SPEAKER pro tempore. It is.

Mr. BINGHAM. I desire to present that conference report. I ask that the reading of the report be dispensed with and that the statement of the House conferees may be read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania that the reading of the report be dispensed with and the statement be read?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8347) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 40, 44, 45, 52, 53, 55, 62, 63, 64, 79, 80, 88, 89, 93, 94, 105, 106, 116, 124, 155, 163, 184, 200, 201, 202, 203, 204, and 246.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 43, 46, 47, 48, 49, 50, 54, 56, 58, 59, 60, 61, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 81, 82, 83, 85, 86, 87, 90, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 109, 115, 117, 118, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 151, 152, 153, 154, 157, 158, 159, 160, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 177, 178, 179, 180, 181, 183, 185, 188, 191, 192, 193, 196, 197, 198, 205, 206, 207, 208, 209, 210, 211, 212, 214, 215, 216, 217, 218, 219, 221, 222, 223, 225, 226, 227, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, and 258, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "Five Civilized Tribes of Indians;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$122,300;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-one;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$37,800;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,620;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,080;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "chief of division, $1,500;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,080;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,060;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For compensation of the Vice-President of the United States from March 3, 1901, $2,622.23;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: On page 29 of the bill, in line 24, after the word "library," insert ", and to enable the Secretary of State to purchase for the library of the Department of State books and manuscripts, including a collection of books and pamphlets bearing upon the history of the war of the Revolution, formerly in the library of Gen. Sir Henry Clinton, commander in chief of the British forces in America during that period, the same having been richly annotated in his hand;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,200;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$294,500;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the number proposed insert "five;" and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the number proposed insert "twenty-two;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,770;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the word "permanent;" and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$165,080;" and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with amendments as follows: Omit the matter inserted by said amendment, and on page 83 of the bill, in line 1, strike out the words "of class 3;" and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,640;" and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement

to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 83 of the bill, in line 14, after the word "Office," insert the words ", at Washington, D. C.;" and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and for the establishment of a branch office at Galveston;" and the Senate agree to the same.

Amendment numbered 187: That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,000;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 85 of the bill, in line 8, after the word "Office," insert the words, ", at Washington, D. C.;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$720;" and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,260;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: On page 93 of the bill, after the word "Office," in line 16, insert the following: ", including $250 for law digests;" and the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "specialist in educational systems, $1,400;" and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,500;" and the Senate agree to the same.

Amendment numbered 224: That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500;" and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$268,130;" and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,520;" and the Senate agree to the same.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

S. M. CULLOM,
W. J. SEWELL,
H. M. TELLER,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8347) making appropriations for legislative, executive, and judicial expenses for the fiscal year 1901 submit the following written statement, in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

On Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, relating to the Senate: Provides for the salaries of employees and for the contingent and miscellaneous expenses of the Senate, as proposed by the Senate.

On No. 17: Requires that the expenses of compiling the Congressional Directory shall be under the direction of the present Joint Committee on Printing, as proposed by the House.

On Nos. 18 and 19: Provides for a clerk to the Committee on Insular Affairs, at $2,000.

On Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82, relating to the Library of Congress: Provides for the officers and employees of the Library of Congress, and for miscellaneous and contingent expenses of the Library, as proposed by the Senate, except that the increases of ten salaries proposed by the Senate, amounting to $3,830, are stricken out.

On No. 83: Makes a verbal correction in the text of the bill relating to the Botanic Garden.

On No. 84: Appropriates for the salary of the Vice-President from March 3, 1901.

On Nos. 85, 86, and 87: Appropriates for a clerk at $1,800, instead of one at $1,600, in the Executive Office, as proposed by the Senate.

On No. 88 and 89: Strikes out the provision proposed by the Senate for two messenger boys at $360 each for the Civil Service Commission.

On Nos. 90 and 91: Increases the salaries of the Second and Third Assistant Secretaries of State from $4,000 to $4,500, as proposed by the Senate.

On Nos. 92 and 93: Appropriates $3,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for books for the State Department, and makes the same applicable to the purchase of books and manuscripts formerly in the library of Gen. Sir Henry Clinton.

On No. 94: Strikes out the appropriation of $2,000 proposed by the Senate for restoring manuscript archives in the State Department.

On Nos. 95 and 96: Increases the salary of the assistant chief of the division of bookkeeping and warrants in the Treasury Department from $2,400 to $2,700, as proposed by the Senate.

On Nos. 97, 98, and 99: Appropriates for an additional clerk at $1,800 and an additional clerk at $900, as proposed by the Senate, in the division of appointments of the Treasury.

On Nos. 100 and 101: Omits 1 clerk, at $1,200, as proposed by the Senate, in the miscellaneous division of the Treasury.

On Nos. 102, 103, and 104: Provides for an assistant chief of division at $2,000, as proposed by the Senate, for the division of stationery, printing, and blanks of the Treasury, instead of a clerk at $1,800.

On Nos. 105, 106, 107, and 108: Provides for 2 additional clerks, at $1,200 each, as proposed by the Senate, in the offices of disbursing clerks of the Treasury, and strikes out the proposed increase of $200 in the salary of a clerk.

On Nos. 109, 110, and 111: Appropriates for 4 pressmen and 1 compositor and pressman in the office of the Treasurer, at $1,400 each.

On Nos. 112, 113, and 114: Provides for 2 additional clerks at $1,200 each, instead of 2 clerks at $900 each, in the office of the Register of the Treasury.

On Nos. 115, 116, 117, 118, and 119: Provides for an additional Deputy Commissioner of Internal Revenue at $3,000, as proposed by the Senate, instead of at $3,000, as proposed by the House; strikes out the provision requiring that he shall be appointed by the Secretary of the Treasury, and appropriates for 9 clerks at $1,000 each, instead of 10 at $900 each, in the office of the Commissioner of Internal Revenue.

On Nos. 120 and 121: Appropriates for an additional clerk at $1,800, as proposed by the Senate, in the office of the Life-Saving Service.

On Nos. 122, 123, and 124: Appropriates $3,500, as proposed by the Senate, instead of $3,000, as proposed by the House, for the officer in charge of the Bureau of Statistics, Treasury Department, and $2,000, as proposed by the House, instead of $4,000, as proposed by the Senate, for services of experts in said Bureau.

On Nos. 125 and 126: Appropriates for one assistant in laboratory in the office of the Director of the Mint, at $1,200, as proposed by the Senate, instead of $1,000, as proposed by the House.

On Nos. 128, 129, and 130: Fixes, as proposed by the Senate, the compensation of the chief of internal-revenue agents at not to exceed $10 per day, and of the other internal-revenue agents at not to exceed $7 per day, and provides, as proposed by the Senate, that the order of the Commissioner of Internal Revenue transferring gaugers and storekeepers to special work shall be accepted by the accounting officers for authority for proper expenses incurred by such gaugers and storekeepers while so assigned.

On Nos. 131, 132, 133, and 134: Appropriates for an assistant bookkeeper at $1,200, as proposed by the Senate, instead of at $1,000, as proposed by the House, and for 2 day watchmen and coin counters at $900 each, as proposed by the Senate, instead of at $720 each, as proposed by the House, in the office of the Assistant Treasurer at St. Louis, Mo.

On Nos. 136 and 137: Appropriates $10,000, as proposed by the Senate, instead of $5,200, as proposed by the House, for employees in the assay office at Seattle, Wash.

On Nos. 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, relating to government in the Territories: Appropriates, as proposed by the Senate, for salaries of the governor, judge, and attorney of the Territory of Alaska at $4,000 each, and inserts a provision requiring the commissioners of Alaska to report to the Attorney-General the amount of fees earned; appropriates $3,000, respectively, for the governors of Arizona, New Mexico, and Oklahoma, as proposed by the Senate, and $500 for moving furniture and records of Arizona to its new capitol building, and inserts a provision proposed by the Senate prohibiting the legislature of Oklahoma from making any appropriation or contract for a capitol building.

On Nos. 151, 152, and 153: Appropriates for an additional chief of division at $2,000, as proposed by the Senate, instead of a clerk at $1,800, in the office of the Secretary of War.

On Nos. 154, 155, and 156: Appropriates for two chiefs of division, at $2,000 each, in the office of the Adjutant-General.

On Nos. 157, 158, and 159: Appropriates for a chief clerk at $2,000 in the Signal Office, instead of a clerk at $1,800.

On Nos. 160 and 161: Appropriates for an assistant draftsman at $1,400, instead of at $1,200, in the office of the Quartermaster-General.

On Nos. 162 and 163: Makes a verbal correction in the text of the appropriation for contingent expenses in the office of public buildings and grounds, and restores to the bill the provision proposed by the House requiring that one-half of certain expenditures under public buildings and grounds in Washington shall be paid out of the revenues of the District of Columbia.

On Nos. 164, 165, and 166: Makes a verbal correction in the text of the appropriation for miscellaneous expenses under the State, War, and Navy building, and provides for an additional clerk at $1,000 in the office of the Secretary of the Navy.

On Nos. 167 and 168: Appropriates for an assistant to the Judge-Advocate-General of the Navy at $2,500, as proposed by the Senate.

On Nos. 169, 170, 171, and 172: Appropriates for 20 additional copyists at $840 each and 3 assistant messengers, as proposed by the Senate, in the Bureau of Navigation, in place of yeomen now detailed for service in said Bureau.

On Nos. 173, 174, 175, and 176: Appropriates for 1 clerk at $1,800, instead of a clerk at $1,600, and for 1 electrical expert and draftsman at $1,600, in the Bureau of Equipment.

On Nos. 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, and 189: Appropriates for the expenses of the Hydrographic Office as proposed by the Senate, except that the provision proposed by the House restricting expenditures in said office in Washington, D. C., to funds specifically appropriated therefor is restored to the bill, and the provision proposed by the Senate, entitling Senators and Members to 10 sets of charts published by the Hydrographic Office, is stricken out, and provision is made for the establishment of a branch hydrographic office at Galveston, Tex., while the one proposed for Manila is stricken out.

On No. 190: Appropriates $4,000, instead of $3,200, as proposed by the House, and $5,200, as proposed by the Senate, for miscellaneous computations in the Naval Observatory.

On Nos. 191 and 192: Appropriates for 2 copyists, at $840 each, in the Bureau of Medicine and Surgery, as proposed by the Senate.

On Nos. 193, 194, and 195: Appropriates for 6 additional watchmen and 1 conductor of elevator, at $720 each, as proposed by the Senate, for the General Post-Office building occupied by the Interior Department.

On Nos. 196, 197, and 198: Appropriates for an additional copyist, at $900, and for a librarian, at $1,000, for the General Land Office, as proposed by the Senate.

On No. 199: Appropriates $200 for law books and $250 for law digests for the General Land Office.

On Nos. 200, 201, 202, 203, and 204: Strikes out the changes proposed by the Senate in the clerical force of the Indian Office.

On Nos. 205, 206, 207, 208, 209, 210, and 211: Appropriates for compensation of the chief clerk and 2 law clerks in the Patent Office, at $2,500 each, as proposed by the Senate, and for 8 additional copyists, at $900 each, instead of 10, at $720 each, and for 5 additional messenger boys, at $360 each, together with $500 for the purchase of law books.

On Nos. 212, 213, and 214: Appropriates $2,000, as proposed by the Senate, instead of $1,800, as proposed by the House, for 1 specialist in education as a preventive of pauperism and crime, and $1,400 for a specialist in educational systems, as proposed by the Senate, in the Bureau of Education.

On Nos. 215 and 216: Provides, as proposed by the Senate, that the office of Commissioner of Railroads shall terminate on June 30, 1901, and strikes out the appropriation of $500 for the examination of books and accounts of certain subsidized railroad companies.

On Nos. 217, 218, and 219: Appropriates for a chief clerk and assistant to

the Architect of the Capitol, at $2,250, instead of a clerk, at $1,800, as proposed by the Senate.

On No. 220: Appropriates $55,500, instead of $52,500, as proposed by the House, and $59,500, as proposed by the Senate, for stationery for the Interior Department.

On No. 221: Appropriates $3,600, as proposed by the Senate, instead of $3,000, as proposed by the House, for postage stamps for the Interior Department.

On Nos. 222 and 223: Appropriates $3,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for the surveyor-general of Alaska.

On Nos. 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, and 241, relating to the Post-Office Department: Appropriates $2,500 for chief clerk to the First Assistant Postmaster-General and $2,100 each for the chief clerks to the Second, Third, and Fourth Assistant Postmasters General; $2,000, instead of $1,800, for the chief of the correspondence division; for an additional clerk, at $1,400, in the office of the First Assistant Postmaster-General; appropriates for the chiefs of the contract and equipment divisions at $2,000 each, instead of $1,800, and for an additional clerk, at $1,000, in the office of the Second Assistant Postmaster-General; appropriates $2,250, instead of $2,000, for the chief of the finance division, and $2,000, instead of $1,800, for the chief of the classification division, and $5,840, instead of $4,380, for per diem allowance to assistant superintendents of the registry system, in the office of the Third Assistant Postmaster-General.

On Nos. 242, 243, and 244: Appropriates $14,985, as proposed by the Senate, instead of $11,000, as proposed by the House, for miscellaneous expenses of the Post-Office Department, and $25,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for publication of the Official Postal Guide.

On Nos. 245, 246, and 247: Appropriates $4,500 for the salary of the Assistant Attorney-General for the Post-Office Department, instead of $4,000, and strikes out the appropriation of $2,500 for an additional law clerk, proposed by the Senate, in the Department of Justice.

On Nos. 248 and 249: Appropriates $60,000, as proposed by the Senate, instead of $58,000, as proposed by the House, for experts and temporary assistants, and $1,000, as proposed by the Senate, instead of $500, as proposed by the House, for the library of the Department of Labor.

On Nos. 250 and 251: Provides for a continuance of the Court of Private Land Claims for two years after June 30, 1900, and appropriates for the expenses of said court for the fiscal year 1901.

On No. 252: Appropriates $1,500, as proposed by the Senate, instead of $1,000, as proposed by the House, for the commissioner in the Yellowstone Park.

On Nos. 253, 254, 255, 256, and 257: Appropriates for 2 clerks, at $1,600 each, and 1 at $1,400, instead of 2 clerks, at $1,200 each, and 1 assistant messenger instead of a laborer, in the Court of Claims, and appropriates $8,000 for employment of auditors in the Court of Claims.

On No. 258: Strikes from the bill, as proposed by the Senate, the provision proposed by the House requiring the heads of the Executive Departments to certify from time to time to the Civil Service Commission the names of persons permanently incapacitated from performing public service.

The bill as finally agreed upon appropriates $24,173,152.53, being $23,287.77 less than as it passed the Senate, $283,156.88 more than as it passed the House, $329,777.56 more than the appropriations for the current fiscal year, and $1,175,894.94 less than the estimates.

HENRY H. BINGHAM,
J. A. HEMENWAY,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. BINGHAM. Mr. Speaker, I desire to submit to the House that this is a final agreement upon all the provisions of the bill. If any gentleman desires to make any inquiries, I will, with pleasure, answer.

Mr. UNDERWOOD. I should like to ask the gentleman from Pennsylvania how much this conference report increases the original appropriations in the bill as it left the House?

Mr. BINGHAM. Two hundred and eighty thousand dollars, in round numbers, and if the gentleman wishes I will state that the large items covering that increase are $50,460 for the Senate, in their own administration of their body; some $66,600 for the Library, increase over the House allowances; some $20,000 for the Hydrographic Office, with the establishing of a rule whereby no moneys for clerical force shall be taken from any appropriation in the bill other than that specifically indicated for clerical force.

Mr. UNDERWOOD. I will ask the gentleman from Pennsylvania to explain the change of the law again. I did not understand his last statement.

Mr. BINGHAM. The Hydrographic Office——

Mr. UNDERWOOD. In reference to the change of clerks. As I understand, the bill makes a new law.

Mr. BINGHAM. If the gentleman has reference to the House provision whereby there is control of the expenditures, I would say the Senate conceded those controlling paragraphs.

Mr. UNDERWOOD. But, as I understand——

Mr. BINGHAM. So that the Hydrographic Office, as the Senate and House understand it, is fully provided for in its present efficiency, together with the establishment of an additional office at Galveston, Tex. If the gentleman will allow me to proceed——

Mr. MOODY of Massachusetts. I should like to ask a question upon that point. I understand that this conference report in no way cripples the present equipment of the Hydrographic Office.

Mr. BINGHAM. In no way whatever. All the stations of the Hydrographic Office are provided for as under current law, with the addition of the hydrographic office at Galveston, which is a new office, and we excluded from the bill the Senate amendment for a hydrographic office in the Philippines.

Mr. MOODY of Massachusetts. I understand the provision to which the gentleman from Alabama [Mr. UNDERWOOD] has referred is simply a prohibition upon that office from paying clerks out of the appropriation for the pay of the Navy, which they have heretofore done, in complete violation of the law.

Mr. BINGHAM. That is correct.

Mr. MOODY of Massachusetts. And the law is changed in no way.

Mr. BINGHAM. In no way whatever.

Mr. MOODY of Massachusetts. They are simply admonished to observe the law in the future.

Mr. BINGHAM. And the efficiency of the Bureau continues.

Mr. MOODY of Massachusetts. In every way.

Mr. BINGHAM. In every way. Now, again, we reenact and continue the Court of Private Land Claims for another year, at an expense, the same as under the current law, of $41,500. We give to the Interior Department an increase in their stationery account, which the exhibit of deficiencies heretofore allowed make necessary, amounting to $7,000, the amount including the administration of the Civil Service Bureau.

In view of the large increase of work in the Post-Office Department, we give the estimates which the First, Second, Third, and Fourth Assistant Postmasters-General have asked, supplemented by the request of the Postmaster-General, and in view of the additional fact that the exhibit this year indicates that, by virtue of the increase of the revenues of general postal service, there will be a deficit of only a little over $4,000,000. We felt warranted in making the administration of the several divisions of the Post-Office Department as effective as possible.

Along the line of the bill there are many minor changes of $200 and the allowance of additional clerks, but these four or five items cover largely the great body of the increases of the Senate and concurred in by the House.

Mr. UNDERWOOD. I would like to ask the gentleman from Pennsylvania what items are increased in the expenditures—for what purpose the money is to be expended where the increase is to maintain the Senate and Library? Those are the two largest items, I understand.

Mr. BINGHAM. The only way in which I can answer the gentleman in connection with the Senate is to say it covers: "Enrolled Bills," "Geological Survey," "Railroads," "Pacific Railroads," "Pacific Islands and Porto Rico," "Philippines," "Relations with Cuba," "Interoceanic Canal," "Transportation," and "Sale of Meat Products," etc. They are clerks.

Mr. UNDERWOOD. Is it additional clerks to those which are already provided?

Mr. BINGHAM. Miscellaneous items, exclusive of labor, $25,000; the Senate has increased it to $50,000.

Mr. UNDERWOOD. That is for the Senate?

Mr. BINGHAM. Let me make this statement. It runs all along the line of appropriations for the general administration of the Senate. Some years ago it was a common rule of this House to enter into contention with the Senate in reference to the administration of that which pertained to the Senate so far as subordinate force is concerned.

It never had but one result, and that was that the House finally yielded. I think for the last six or eight years that I have had general charge of this bill we have accepted the conclusion that the Senate had the right to determine what its subordinate force should be, they according to the House the same right: and while we, at this conference, to some extent resisted this appropriation in our general debate, it was felt that however much we might discuss it the result would be the same.

Mr. UNDERWOOD. Still, with a view to necessary economy, whether we can succeed or not, I think it is just to the country, even when we agree to the Senate amendment, that the gentleman should state how much increase there is for employees and those expenditures that the House conferees did not think necessary.

Mr. BINGHAM. The increase in the sum total is $50,460.

Mr. UNDERWOOD. Is that all for employees?

Mr. BINGHAM. This increase, as the report says, is for employees, the contingent fund, and miscellaneous expenses of the Senate, as proposed by the Senate.

Increases on account of employees and for contingent expenses of the Senate proposed on the legislative, etc., bill by Senate amendments are as follows:

1 committee clerk, from $2,100 to $2,220	$120
3 committee clerks, from $1,800 to $2,220	1,260
5 committee clerks, at $2,220, instead of 5 clerks to Senators, at $1,500 each	3,600
1 assistant superintendent document room, $1,600 to $1,800	200
10 Total	5,180
24 laborers, at $720 each	17,280
Folding speeches, from $4,000 to $6,000	2,000
Miscellaneous items, from $25,000 to $50,000	25,000
Repairs of Maltby Building, from $1,000 to $2,000	1,000
Total	50,460

Mr. UNDERWOOD. Now, in reference to the increase for the Library. For what purpose is that to be used?

Mr. BINGHAM. I would state that the Committee on Appropriations resisted, in the bill that it submitted to the House and passed, a large number of items of increase of force and salaries submitted by the Librarian. The hearing was a long one, lasting almost an entire morning in the subcommittee on the legislative

bill. We so adjusted the bill that we felt we had given the Librarian the full amount to wisely administer the Library.

He, however, was given a full hearing by the Senate, and the Senate took issue with the House on the plans of development that the Librarian intended to operate upon, broad plans to make this great and magnificent Library useful in every respect. We gave in the House bill the full allowance for the copyright department that the Librarian asked for, as that brings to the Government revenue, and should be up to date in administration and work. In the items of catalogue we cut them down and reduced in many other paragraphs of the bill. He submitted to the Senate that on the basis of his estimates for the catalogue the time as to years would not be great, but that upon the allowances of the House it would cover many years—perhaps fifteen years—to complete.

The Senate gave him his estimates for the catalogue. The Librarian also outlined his future work in his general examination, the broad field that he proposed and the field of usefulness he hoped the Library should fill. The Senate acceded to these requests. The House objected to the increases of salary of subordinate force and the Senate yielded; so that in effect your committee, recognizing the thorough training, large experience, and marked integrity of Mr. Putnam, together with the confidence entertained for him by the Congress, especially in his good judgment, we found and concluded that we should yield to the Senate, and I am of opinion valuable results will follow.

Of course, I can not go into the details, but we have given the Librarian, except in the increase of salaries, all he asked Congress for in the Book of Estimates, believing that it was best for the future usefulness of the Library. And in that connection let me state that while we did not feel that it should be put upon this bill, there was an indication in the committee that the usefulness of the Library, even though it is open from 9 o'clock in the morning until 10 o'clock at night, was only filling a limited influence, but that it became the duty of the Librarian to see how it could be more largely extended than under the old rules which now govern it.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, I would like to ask the gentleman from Pennsylvania whether the House concurred in the amendment inserted by the Senate increasing the salary of the Librarian to $6,000 per year.

Mr. BINGHAM. We give the Librarian $6,000.

Mr. FITZGERALD of Massachusetts. That is, the $1,000 that was added by the Senate is still retained?

Mr. BINGHAM. We have accepted the Senate amendment.

Mr. FITZGERALD of Massachusetts. That is a matter of justice, because Mr. Putnam came to Washington with the understanding that he should have that amount. He is, in my judgment, the best qualified man in this country for that position, and I am glad that this increase has been made.

Mr. BINGHAM. There seemed to have been an understanding that the salary Mr. Putnam would receive as the Librarian of the Congressional Library should not be less than the salary he had been receiving as librarian in Boston.

Mr. FITZGERALD of Massachusetts. The understanding was that Mr. Putnam's salary was to be made $6,000, and while we disliked to lose his valuable services in Boston we felt honored that a Boston man had been selected for this great office.

Mr. CUSHMAN. I would like to ask the gentleman from Pennsylvania, Is there a provision in the conference report granting an increase in the expenditure for the Yellowstone National Park?

Mr. BINGHAM. The amount was increased from $1,000 to $1,500.

Mr. ALLEN of Mississippi. Mr. Speaker, I desire to ask my colleague a question, whether or not, notwithstanding all the resistance upon the part of the House to extravagance and unnecessary expenditures upon the part of the Senate, is the House, as one of the leading branches of this Government, responsible to the people, to yield this question altogether to the Senate, and let them spend just as much money as they please for the future, without any effort on our part? Is it not time that we should call some sort of a halt on the Senate, even at the expense of defeating an appropriation bill, and call the attention of the country to this unnecessary extravagance?

Mr. BINGHAM. Mr. Speaker, I move, if there are no other inquiries, the adoption of the report, and on that I call for the previous question.

The question was taken: and on a division (demanded by Mr. BINGHAM) there were—ayes 67, noes 48.

Mr. UNDERWOOD. Tellers, Mr. Speaker.

Mr. HEMENWAY. I would like to know from the gentleman from Alabama what is his objection?

Mr. UNDERWOOD. I think it is time that we should make the appropriations.

The SPEAKER pro tempore. The question is on the demand of the gentleman from Alabama for tellers.

The question of ordering tellers was taken.

The SPEAKER pro tempore. Ten gentlemen rising, not a sufficient number, and tellers are refused. The ayes have it, and the conference report is agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

Mr. CORLISS. Regular order, Mr. Speaker.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments on the District of Columbia appropriation bill and ask for a conference.

The SPEAKER pro tempore. The regular order has been demanded.

Mr. CORLISS. I will yield to the gentleman from Vermont.

The SPEAKER pro tempore. The gentleman from Vermont asks that the House nonconcur in the District of Columbia appropriation bill and ask for a conference.

The motion was agreed to.

The Chair appointed the following conferees on the part of the House: Mr. GROUT, Mr. BINGHAM, and Mr. ALLEN of Mississippi.

ELECTION OF UNITED STATES SENATORS.

Mr. CORLISS. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is the call of committees.

The Clerk proceeded with the call of committees.

Mr. CORLISS (when the Committee on Election of President, Vice-President, and Representatives was reached). Mr. Speaker, I call up House joint resolution No. 28, proposing an amendment to the Constitution providing for the election of Senators of the United States.

The Clerk read the bill, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendments be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, namely: In lieu of the first and second paragraphs of section 3 of Article I of the Constitution of the United States of America, the following shall be proposed as an amendment to the Constitution:

"SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six years, and each Senator shall have one vote. These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people; then, in such case, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature

"When vacancies happen, by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. RUCKER rose.

The SPEAKER pro tempore. Does the gentleman from Michigan yield?

Mr. CORLISS. I do not wish to yield at present. I will directly.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask a question for information.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. CORLISS. Yes, for a question.

Mr. CLARK of Missouri. The gentleman from Missouri [Mr. RUCKER], who is a member of the committee, has a minority report.

Mr. CORLISS. The gentleman and I have a full understanding, and it is not necessary to fix any time; but after I conclude my preliminary remarks I understand the Chair will recognize the gentleman from Missouri [Mr. RUCKER], who desires to offer an amendment.

Mr. CLARK of Missouri. That is what I wanted to inquire about.

Mr. CORLISS. We have a definite understanding.

Mr. CLARK of Missouri. But the amendment which the gentleman wishes to offer is in the nature of a substitute.

Mr. RUCKER. I understood that the substitute ought to be offered now and be pending.

Mr. CORLISS. I have no objection to the gentleman's offering the substitute now.

The SPEAKER pro tempore. The Clerk will read the substitute.

The Clerk read as follows:

Joint resolution proposing an amendment to the Constitution providing for the election of the United States Senators by popular vote.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of paragraph 1 of section 4 of said Article I in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections

for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

The time, place, and manner of holding elections for Senators shall be prescribed in each State by the legislature thereof.

When a vacancy exists in the representation of any State in the Senate, occasioned by death, resignation, or otherwise, the executive authority of such State shall issue writs of election to fill such vacancy: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the next general election in said State for the election of Representatives in Congress, at which time such vacancy shall be filled by election as provided herein.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. RUCKER. Now, Mr. Speaker, I would like to know if the substitute is considered as pending?

The SPEAKER pro tempore. Certainly; the gentleman from Michigan consents that it shall be pending.

Mr. RUCKER. I would like to ask if we can not agree as to some division of the time?

Mr. CORLISS. I submit that we can dispose of this matter this afternoon. I am perfectly willing that the gentleman from Missouri [Mr. RUCKER] should occupy one-half of the time. I do not think it is necessary to make any agreement, but we can occupy the time of the House between now and adjournment, and I am willing that the time should be equally divided. I understood from the gentleman from Missouri [Mr. RUCKER] that that would be satisfactory.

Mr. RUCKER. I understood that each gentleman on the committee could arbitrarily control one hour; but I now learn that is a mistake and that they can not do it. This side would like to have two hours.

The SPEAKER pro tempore. What is the proposition?

Mr. CORLISS. I understand the gentleman from Missouri wants a division of the time. It seems to me it is unnecessary. I have no objection that the gentleman from Missouri shall have as much time as I occupy on this side, but I ask that the matter be disposed of this afternoon.

Mr. RUCKER. Gentlemen on this side want to be heard on this bill, and have asked for more time than we can have between now and adjournment. There is only about an hour and a half remaining.

The SPEAKER pro tempore. Under the rules of the House the gentleman from Michigan is entitled to an hour and the gentleman from Missouri to an hour unless in the meantime the previous question is called for.

Mr. BREAZEALE. I want to suggest to the gentleman from Michigan that more time than an hour and a half is desired on this side.

Mr. CORLISS. Mr. Speaker, I ask that we proceed now regularly with the consideration of this measure; and if gentlemen do not obtain to-day all the time they may desire, I am perfectly willing that the bill go over to some other day. I will not move the previous question until debate has been concluded satisfactorily to the other side.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CORLISS] is recognized.

Mr. CORLISS. Mr. Speaker, I yield to no man a higher appreciation and reverence for the Constitution of my country. It was conceived through the genius of our forefathers, inspired by divine love of humanity, individual liberty, and the welfare of mankind. It has been the enduring monument upon which not only the fabric of our national life rests, but the rock upon which monarchies have been wrecked and governments based upon the sovereign power and will of the people have been builded.

I am not unmindful of the difficulties attending any effort to amend this marvelous instrument. The proposition presented in the present joint resolution is neither new nor novel in our legislative history.

The question whether the United States Senators should be elected by the people was a subject of discussion in the convention which framed the Constitution, and has recently repeatedly engrossed the attention of Congress.

With the meager population, scattered wealth, and primitive conditions of our country at the formation of the Government, I am not surprised that those illustrious men should have finally united against the better judgment of Madison, Hamilton, Wilson, and others, and placed the power to choose Senators in the legislatures of the several States.

They had no warnings to guide them against the evils, intrigues, and maneuvers of corporations and political bosses of modern times. No subject has engrossed the attention and aroused the indignation of the people more during the past twenty years than the conduct of State legislatures in the election of Senators.

The object of this amendment is to place in the hands of the people of the respective States, if they so elect, by constitutional or legislative enactment, the right to express by direct vote the will of the citizen in the selection of Senators.

It will be observed that the proposed amendment broadens and extends the sovereign right of the people of the State by placing in their power the right to either continue the present method for the election of United States Senators by the legislatures or by a direct vote of the people, when in the judgment of the people of the State such method would correct the existing evils and insure to the State her full representation in the United States Senate

This provision preserves the unit of power in the State, in no way affects the rights of a State or the power of the Senate, and maintains the fundamental principles of the Constitution.

The chief concern of all good governments is the welfare and happiness of the people. This can best be secured and preserved through the agency of the direct action of the citizen as the sovereign.

The fundamental principle of our form of Government is based upon the idea that it derives "its power from the consent of the governed."

The people in 30 different States—the required two-thirds—have most emphatically expressed their wish with reference to this amendment by the adoption of resolutions demanding action by Congress. Permit me to read two or three of recent date. They are most significant:

[House joint resolution No. 9.]

Joint resolution concerning the election of United States Senators by a direct vote of the people of each State.

Resolved by the general assembly of the State of Ohio, That the Senate and House of Representatives of the United States of America be memorialized as follows: The general assembly of the State of Ohio respectfully requests the Congress of the United States to submit a constitutional amendment providing for the election of United States Senators by a direct vote of the qualified electors of each State of the Union. The general assembly believes that such an amendment to the national Constitution will result in each State having at all times a full representation in the national Senate, will prevent protracted and disturbing contests for membership therein, and will prevent all attempts to influence improperly or corruptly the selection of members to the national Senate. The general assembly believes that as all political power in the United States comes from the people, that the sole right to select all legislative officers should by the Constitution be vested directly in the people.

Resolved, That the governor is hereby respectfully requested to forward a duly authenticated copy of this memorial (with the vote upon its passage), under the great seal of this State, to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of the Congress of the United States.

CHARLES H. BOSLER,
Speaker pro tempore of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted February 3, 1896.

Resolution adopted by the legislature of Pennsylvania, providing for the appointment of a committee to confer with the legislatures of the other States of the Union, regarding an amendment to the Constitution of the United States which shall provide for the election of United States Senators by popular vote.

Whereas it is evident, judging by the tone of the public press, as well as by the resolutions of the State legislatures, and the resolutions passed year after year by the national House of Representatives, that a majority of the American people desire a change in the Constitution whereby they may elect the President, Vice-President, and United States Senators by direct popular vote: Therefore, be it

Resolved (if the senate concur), That a committee of five, two from the senate and three from the house, be appointed to confer with the legislatures of other States of the Union with the view of bringing about the submission of an amendment to secure the desired result; this committee to report to the legislature in 1901, and not to incur expenses to exceed $500 for the two years.

JERE B. REX,
Chief Clerk of the House of Representatives.

The foregoing resolution concurred in.

E. W. SMILEY,
Chief Clerk of the Senate.

Approved the 6th day of April, A. D. 1899.

WILLIAM A. STONE.

The amount authorized to be expended is written in figures instead of letters. The amount is $500, and I approve the resolution with this understanding.

WILLIAM A. STONE.

[House joint memorial No. 2.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislative assembly of the State of Montana, respectfully represent that we believe there is a general desire upon the part of the legal voters of the State of Montana that United States Senators should be elected by a direct vote of the people, and that the election of United States Senators by the legislative assembly, under the present provisions of the Constitution and laws of the United States, retards and delays the business of the sessions seriously.

Therefore your memorialists respectfully request you to take such steps as may be necessary to secure such amendments to the Constitution and laws of the United States as will provide for the election of United States Senators by a direct vote of the people, and we urge our Senators and Representatives in Congress to use their best endeavors to secure such amendments.

The framers of our Constitution did not intend to permit vacancies to exist in the Senate. The unit of power in the Senate is the State, represented by two votes. All States, large or small, without regard to population, wealth, industrial or commercial influence, stand on an equality in the Senate. Yet, through the present vicious methods of electing Senators, vacancies have existed

for nearly one-half the time during the history of our country in consequence of the failure of the State legislature to elect.

There are to-day four vacancies in the Senate as a result of the present pernicious method, arising from the intrigues and maneuvers of ambitious men and bossism in State legislatures; and it seems to me, from the evidence already presented to the Senate, that another vacancy may soon be created.

Think of it! Five great States of this Union with their influence in the Senate severed in twain and the unit of power only half represented! It is like a one-legged man trying to walk without crutches, or a captain trying to navigate a side-wheel steamer during a storm with one wheel and the rudder.

Judging by the resolutions recently adopted, the people of Pennsylvania, Delaware, California, Utah, and Montana have enjoyed all the fruits of the present vicious method of electing Senators they desire.

Vacancies in this House, in the judiciary and executive branches of the Government are kept constantly filled, while in the Senate, where a single vacancy destroys the principle of equality among the States, vacancies of recent years are almost constant, and the sacred principle of the Constitution thereby violated.

We boast of our Christian civilization, and our people have been taught by the Lord to pray, "Lead us not into temptation," and yet the Constitution in its present form spreads in the pathway of the members of the legislature a temptation through which many true men of merit are forced to defeat and the glory and honor of a Senatorship snatched by unfair means from the hands of the people.

Take from the legislatures the election of Senators and you will destroy the most potent power through which corporate influence now holds its sway.

In many States the entire time of the legislature has been occupied with Senatorial elections and the people of the State humiliated by not only a failure to elect, but by the failure of all legislation in the interest of the people.

The present method of electing Senators carries with it the insinuation that the people are, for some unknown reason, unfit to make choice of their lawmakers in the United States Senate.

Members of this House are compelled to depend upon the direct suffrage of the citizens. Why should Senators object to this plan? Are they afraid of their constituents? Do they fear to trust the judgment of the people? If so, I submit they are unfit to represent the people.

This amendment proposes to allow the citizens of each State to elect whether they will choose Senators by the present method—through the legislature—or by direct vote of the people.

I am aware that some of the members here prefer to make the law uniform in each State. Why? Because it seems more harmonious to their mind. We know that the people in at least 30 out of the 45 States want a change, but have no expression from the other 15 States. They seem to be content with the present law, and I submit that this amendment, which places the responsibility for the change with the people, is based upon the fundamental principles of our Government.

Why should the people of Vermont or Massachusetts be compelled to change their plan of electing Senators because the people of the States of Pennsylvania and Montana demand a change? Why should the members of this House assume to dictate to the people of Massachusetts or New Hampshire, and compel them to comply with a method of electing Senators desired by the people of Pennsylvania or Michigan?

We have tried the other plan, and it has failed in the Senate. Now, let us grant to the people of the thirty States who have asked for a change the power to reach their Senators.

Mr. Speaker, I am sorry to find gentlemen on the other side of this House insisting upon the uniform method proposed by the amendment offered by the gentleman from Missouri [Mr. RUCKER]. What is the matter with these gentlemen? Are they afraid to trust the people of the respective States? Have they forgotten the record of their party leader, William Jennings Bryan, whom they blindly follow into the realm of anti-sound money, anti-tariff, anti-trust, anti-expansion, and anti order, ownership, and peace in the Philippines, who in the Fifty-third Congress, before the gentleman from Missouri became a member of this House, proposed substantially my resolution, and under his leadership every member on that side of the House voted for the amendment?

What would the gentleman from Missouri say, as well as the others on the other side of this House, if we should enact a uniform law with reference to the election of members of Congress? In my State all citizens are permitted to cast their votes for members of Congress, while in many of the Southern States they are deprived of their suffrage because they can not read and write. If it is wise that Senators should be elected uniformly in all the States by the people, why should we not enact a national law that will extend, as provided by the Constitution, to the citizens of all States the right to cast their votes for a member of this House and have it correctly counted?

In Vermont and in many other States the judiciary are appointed by the legislature, while in my State, and in many others, they are elected by the people. Why not legislate with reference to this subject, and make the laws of each State uniform?

In some States the franchise is extended to persons not citizens, persons who have only declared their intention to become citizens, while in my State and in many other States none but full citizens are permitted to vote. Why not pass a law making this uniform throughout all of the States?

This uniform method, which seems so desirable and harmonious to some of the members of this House, is simply an echo of the Senatorial whiplash and will be used to defeat this measure in the Senate. While I think the gentlemen who advocate the proposed amendment are sincere, let me warn them that they are endeavoring to place this measure in such a condition as to excite the bitter opposition of many of the members in the Senate. There is a certain character of Senatorial courtesy existing in the Senate, and the Senator from Pennsylvania, whose people have asked for this amendment, will not trespass upon the rights of his colleague from New Hampshire, whose people are satisfied with the present method.

Mr. Speaker, through the kindness and generosity of Mr. J. S. McLain, editor of the Minneapolis Journal, I am able to illustrate the importance of this constitutional amendment. There is nothing more effective on the human mind or heart than an object lesson.

Here [at this point a large cartoon was, by direction of Mr. CORLISS, exhibited to the House] you can behold the pot-bellied members of the State legislature baiting their hooks with the gold fish in the Senatorial brook.

For over a century they have been casting their tempting bait into this limpid pool until nearly all the trout, bass, and other game fish have been caught or frightened away and nothing but the big-mouthed suckers and bullpouts remain.

The Senatorial honor, in some States at least, has become besmirched with these polluted waters until nothing short of political blackleg vaccine virus will destroy the dangerous Senatorial germs that now infest the wily fisherman.

The modern combinations of capital that threaten the welfare and happiness of the people are slight evils compared with the gigantic trust and monopoly held by these greedy fishermen for over a century.

Uncle Sam has become aroused, and his boys have donned their wading boots and propose to brave this Senatorial brook and propagate again the game fish for Senatorial diet.

Mr. BROSIUS (numerous members having gathered in a group to examine the cartoon exhibited). Mr. Speaker, I rise to a point of order. I hope members of the House may be seated.

The SPEAKER pro tempore. Members will resume their seats.

Mr. GROSVENOR. I rise to a point of order. There is a license tax required in this District for public exhibitions of pictures, etc.; and I deny that the gentleman from Michigan has any right to evade that ordinance by coming in here with his show.

Mr. CORLISS. Judging from what I have observed in this House during three or four terms, my friend from Ohio has had as many "shows" here as any other member. The gentleman from Pennsylvania [Mr. BROSIUS], much to my surprise, objects to this little, harmless cartoon.

Mr. BROSIUS. Not at all.

Mr. CORLISS. Does the gentleman think it reflects on his State? [Laughter.]

Mr. BROSIUS. Not at all. I simply objected to a disorderly assemblage of members.

Mr. CORLISS. I have a few more of these cartoons, which are not so large. I will have copies of them distributed, and I would like members to sit in their seats and examine them. I think it will be instructive.

Mr. WILLIAMS of Mississippi. I should like to ask who is the artist to whom we are indebted for these pictures?

Mr. CORLISS. A very good man who lives in Minneapolis.

Mr. WILLIAMS of Mississippi. I thought the artist might be our friend from Ohio [Mr. SHATTUC]. [Laughter.]

Mr. CORLISS. One of these cartoons relates to matters in Montana. I wonder whether there is a member here from that State who will make objection.

Now, Mr. Speaker, it is not necessary for me to speak further in regard to this measure. While these cartoons may be amusing, the question here involved is a serious problem. The people of the United States are looking to this House to take action upon this measure. They are tired of the evils which have arisen with reference to the election of United States Senators.

I want members here to consider the importance of this matter. How many members are there in this House who dare stand upon this floor and insist that the Constitution shall remain as it is?

The gentleman from Missouri does not propose to deprive the people of their rights in this matter. He simply wants to compel them to elect Senators by popular vote. I desire to give them a greater right, a broader privilege, one that they can exercise in their discretion.

Mr. Speaker, the reasons and arguments in favor of this amendment may be briefly summarized as follows:

First. It grants to the citizens of each State the power, if desired, to elect Senators by a direct vote of the people.

Second. It will afford a prompt and efficient remedy for the evils unfortunately resulting from the present method.

Third. It will remove from State legislatures a political influence which frequently disturbs important State affairs, arouses personal controversies, and fosters political bossism.

Fourth. It will maintain the unit of State power in the Senate as intended by the Constitution.

Fifth. It will prevent vacancies and save the time of the Senate now constantly occupied in the consideration of election cases arising from either the failure of legislatures to elect or alleged corruptions in elections.

Sixth. It will preserve inviolate the fundamental principle of our form of government—that it derives its "powers from the consent of the governed."

Seventh. A thoroughly aroused and enlightened public opinion demands the change.

Mr. Speaker, I submit that it is the duty of this House, in obedience to the expressed wish of the people in thirty different States, to pass this amendment and to continue to do so in each succeeding Congress until the exalted heads in the United States Senate shall listen to the thundering voice and bow to the will of the people.

Mr. NEVILLE. Will not the gentleman from Michigan take this side of the House into his confidence and tell us how many more planks of the Democratic platform he proposes to insert in this law?

Mr. CORLISS. My dear friend, the Democratic platform does not seem to stay with you long. Here is my friend from Missouri presenting a proposition directly opposed, as I understand, to the platforms of both the great parties of our country.

In further answer to the gentleman's question, I want to say that the proposition here is to trust the people. Are you willing to do it? Do you want to dictate to the people any more? Do you desire to force them to adopt the measure that suits you? It pleases me from my political standpoint to see members on the other side trying to force their views on the people of other States, because it is not a uniform method. I trust the people of my State. I am willing to trust the people of your State. I insist that you should not compel the people of any State to adopt a plan that they do not desire.

I reserve the balance of my time.

Mr. POWERS addressed the Chair.

The SPEAKER pro tempore. Does the gentleman from Michigan yield to the gentleman from Vermont?

Mr. CORLISS. The gentleman from Vermont is a member of the committee, and I am perfectly willing he shall be recognized in his own right.

Mr. NEVILLE. I should like to ask the gentleman from Michigan another question.

The SPEAKER pro tempore. Has the gentleman from Michigan concluded?

Mr. CORLISS. I have concluded my remarks, and I yield the floor to the gentleman from Vermont.

The SPEAKER pro tempore. Is the gentleman from Vermont opposed to the bill?

Mr. POWERS. I am opposed to the proposition that comes from the majority of the committee and also to the proposition that comes from the minority of the committee. [Laughter.]

In order that the House may have a precise understanding of the posture of this question, I desire to say that a majority of the committee have presented the proposition which is urged here by the gentleman from Michigan, and which is an alternative proposition. It provides for the election of Senators of the United States by the State legislature, or, if the State prefers, by a direct vote of the people. The minority of the committee has submitted a proposition for the election of United States Senators by a direct vote of the people. It is to be noticed that there is no alternative method of election proposed in the minority report; but they go a step further, and propose to amend another article of the Constitution, giving to the State the right to fix the time, place, and manner of election of Senators; and there they stop. It will be recalled by members of the House that section 4 of Article I of the Constitution provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The manifest purpose, therefore, of the minority proposition is to eliminate any control on the part of Congress as to the manner of electing Senators of the United States.

Well, Mr. Speaker, I am opposed to any change in section 4 of Article I of the Constitution in that behalf, for this reason: That a Senator or Representative is a Federal officer. He is elected without the control of the Federal Government, but the Federal Government should be endowed with full power to control and regulate its own legislative body.

Mr. CLARK of Missouri. Will the gentleman yield for a question?

Mr. POWERS. Certainly.

Mr. CLARK of Missouri. Does not the proposition of the minority absolutely control the election of Senators through Congress or under Federal control?

Mr. POWERS. I did not quite catch the gentleman's question.

Mr. CLARK of Missouri. I asked the gentleman if the proposition submitted by the minority of the committee does not absolutely retain the control of the election of United States Senators in Congress or under the supervision of the Federal Government?

Mr. POWERS. I do not so understand it.

Mr. CLARK of Missouri. Why, their proposition is that United States Senators shall be elected by the popular vote, just as we are demanding and the people of the country are demanding.

Mr. POWERS. Yes: but as to the matter of time, place, and method of electing Senators this proposition by the minority would eliminate any control on the part of Congress to control.

Now, suppose that some State should decline to be represented in the Senate—absolutely refused to elect Senators at all. That being the case, they are doing a wrong to the entire country at large. The State of Vermont is as much interested in having Ohio represented in the Senate as the State of Ohio is itself. And so any State that sees fit to decline to elect a Senator would have the right practically to nullify the legislation of this body, because if one may refuse the majority might; and if one can do this all can do it, and you open the door to the most perfect system of secession that has ever been announced to the country or ever contemplated by the thoughtful men who have investigated this question or have taken time for its consideration.

In the last Congress—the Fifty-fifth Congress—an amendment was proposed in the same form now suggested by the gentleman from Michigan [Mr. CORLISS], and the gentleman from Alabama [Mr. UNDERWOOD] proposed an amendment providing for a direct vote of the people and saying nothing whatever about any Federal control of it. And that joint resolution passed the House almost unanimously. There were only 11 votes against it, both sides of the House being almost unanimously in favor of it.

I can not, Mr. Speaker, see why gentlemen are desirous of removing the ultimate and legitimate control of Congress over the election of their Senators and Representatives. What harm can possibly come from it? What benefit can arise from adopting the opposite procedure? It is a matter of protection to the General Government itself. It is a matter of self-defense that they may require every constituency entitled to be represented in the Senate to be actually represented on the floor of that body and leave no vacancies. They can compel the State to elect Senators if the State shall for any reason decline to do so, because they can prescribe a method by which they shall be elected.

Now, Mr. Speaker, this clause in the Constitution has never been called into action but once in the history of the Government. In 1866 the representative from my own State in the Senate proposed an act of Congress by which United States Senators should be elected at a uniform time, namely, on the second Tuesday of the session of the legislature and in a particular manner. This is the act of June, 1866, and is the only instance in which that clause of the Constitution giving Congress control over the time and place and manner of electing Senators has ever been appealed to or availed of.

Mr. FOWLER. I would like to ask the gentleman from Vermont a question for information, if he will yield for that purpose.

Mr. POWERS. Certainly.

Mr. FOWLER. How could we compel a State, under our present system of government, to elect a Senator if there were a refusal on the part of the State to do so?

Mr. POWERS. Well, suppose New Jersey, if they had sole control of the election of Senators and Representatives, declined to exercise the right. Now, Congress says that the State has a right to have representatives in the Federal Government, but the people of New Jersey take no steps to secure such election—the electors refuse to elect. In that event you have the right or the power under the law, if it should be adopted, to put the election under Federal control and submit to the people of New Jersey the opportunity to have somebody to represent them in the Federal Senate, and thus take from the people or from the control of your State legislature the election altogether, if you undertake to act in defiance of the control and power of the Federal Government over the subject. There is no question about that.

Now, Mr. Speaker, I am heartily in favor of this proposition to elect Senators by a direct vote; but while I wish to say here that no man in Congress has given the time and attention to this subject which the gentleman from Michigan [Mr. CORLISS] has given, and while he is entitled to a great amount of credit for the vast research that he has made and the great learning that he has displayed in the study of the question, yet it seems to me absurd to have one mode of electing Senators in one State and a different mode in another, the State of Colorado, for instance, electing by a direct vote of the people, the State of Kansas electing by a legislature, the State of Pennsylvania electing by a board of electors, if you please. They may adopt any plan they see fit under this proposition.

Mr. CORLISS. Will the gentleman allow a question?

Mr. POWERS. Yes.

Mr. CORLISS. Is not that true with reference to the judiciary?

Mr. POWERS. I will come to that in just a moment. We should have a perfect uniformity in our system. We are amending the organic law of our country, and we should make it operative alike in all parts of the country, not in one way in one part of the country and in a different way in another.

Mr. CLARK of Missouri. This is a practical and important question, and I should like to ask the gentleman from Vermont what objection there is in ingrafting on the Constitution the principle that every State shall elect its United States Senators by popular vote?

Mr. POWERS. That is just exactly what I want to have done.

Mr. CLARK of Missouri. Now, while they are doing that, if you think it advisable, you can fix the time of election of United States Senators in conjunction with this.

Mr. POWERS. Yes; and the place.

Mr. CLARK of Missouri. Yes.

Mr. POWERS. And the method.

Mr. CLARK of Missouri. Are you for the minority report, then?

Mr. POWERS. No, sir; I go a step further. The minority members have eliminated from section 4 of our present Constitution the right of Congress to make or alter the regulations that the State may adopt. I want to retain that power of self-defense in behalf of the General Government. I can see that some years ago, before the millennium came about, there might have been in some sections of the country an adherence to the old notion of State rights that would move them to insist that the Federal Government should have no control over the election even of its own representative agents or the men who are to carry it on.

In our system of dual government we do not undertake to interfere with the States as to the methods by which they shall choose their officers, and I say that the States should not interfere with the method that the Federal Government may adopt for the election of its officers, provided the Federal Government sees fit to change any special regulation that has been prescribed by the State.

But I was saying, Mr. Chairman, that in making the Constitution—and that is precisely the work that we now have in hand—it seems to me that we are making it for the whole people of the country, and that every clause in every method of election that we prescribe should be the same for Virginia and Minnesota and Vermont and every other State in this Union. The mischief that we are trying to correct by providing for election by a direct vote is to get rid of the scandals that have followed the method of electing by State legislatures.

Now, the proposition of my friend from Michigan is to allow that opportunity for scandal to remain in any State where they see fit to remain or leave to the State legislatures the power to elect, and only give the people the right to elect in States where they vote so to do. If we are going to amend the Constitution, it seems to me we should amend it for the whole people. It was made for the whole people. Every clause of it was made for the whole people, and now do not let us begin to make a patchwork Constitution by providing that you may elect Senators in one way in one State and in another way in another State.

Mr. CORLISS. Let me ask the gentleman a question. Is it not true that under the Constitution the unit of power in the Senate is different from the unit of power anywhere else in our country?

Mr. POWERS. Yes.

Mr. CORLISS. Every State has two Senators, whether it has a large or a small population, whether it has great wealth or little. Those two Senators from each State are the representatives of the people of that State. Are you not now trying to misrepresent them, or to compel them to act in a particular way, and thereby deprive some of them of the privilege that they ought to enjoy?

Mr. POWERS. My friend from Michigan fails to note the distinction between the scope of the Federal Government and the scope of the State government. The Federal Government is the unit that spreads over the whole country. He and I are sworn to our allegiance to the Federal Government; he and I are also sworn to our allegiance to our respective State governments; and so far as our State governments are concerned, the people of the State are absolute; they have plenary power; they may do what they please as to the method of electing State officials; but when you go outside of that and take on Federal functions, then it is that the Federal Government provides for a uniform system of electing its legislative body. That is what I insist upon.

Mr. CORLISS. Do we do that with reference to members of Congress? Do we not leave to the States the manner, the method, and the time of electing members of Congress?

Mr. POWERS. We now leave both the election of Senators and Representatives to the State, but have retained the right to control both. They may control your election to this House.

Mr. CORLISS. The power that the gentleman speaks of is still retained.

Mr. POWERS. It is in your amendment, but it is not in the minority report. I am contending that both are wrong, in part, at least.

Now, then, to answer the question proposed to me a moment ago by the gentleman from Michigan. He inquired if the judges of Vermont were not elected by the legislature. I say they are, and it has a perfect right to settle that question as it sees fit. United States judges are not so elected. The State judges constitute the courts that are provided for by the State legislature. So that the illustration that my friend made is not apropos to this question at all. They are acting within the scope of their proper limits of State jurisdiction. But now we are talking about representatives of the Federal Government, and providing the method of election that shall apply simply to that portion of the legislative body that is to represent the Federal Government.

Mr. CORLISS. Right on that point, is it not true that in electing the members of this House some States elect in the month of June, some in the month of September, and different methods in different States? Does it work any hardship here?

Mr. POWERS. Not at all.

Mr. CORLISS. Is not that authorized by the Constitution?

Mr. POWERS. It works no hardship here, and it is authorized by the Constitution.

Mr. CORLISS. Why not give the States the same rights in reference to the Senate that we give the people with reference to members of this House?

Mr. POWERS. There is no harm from that fact at all; but there is ever present with the Federal Constitution the right to correct.

Mr. CORLISS. And that I reserve in our amendment.

Mr. POWERS. But we do not provide that members of Congress shall be elected by the legislature in one State and by the people in another. We adhere to the popular idea that the representative of the people must be elected by the people; and the fact that they elect on one day in one State and another day in another does not touch the gist of this question. Now, then, Mr. Chairman——

Mr. KLUTTZ. Mr. Chairman, will the gentleman allow me to interrupt him there? I want to make this suggestion as to this section as to "the time, place, and manner of holding elections for Senators shall be prescribed in each State by the legislatures thereof." Would it not meet the gentleman's view to have it subject, however, to such laws and regulations as may be prescribed by Congress?

Mr. POWERS. Well?

Mr. KLUTTZ. That would leave it to the State where Congress did not act.

Mr. POWERS. That would exactly meet my point.

Mr. KLUTTZ. Why not strike that out?

Mr. POWERS. Strike it out and that is all right. Strike out the proposition of the minority and you will leave Article IV in force undisturbed.

Mr. KLUTTZ. I will state to the gentleman that the gentleman from Missouri who has charge of this matter agrees that that may be stricken out by unanimous consent, because we want to get at something practical and something that we can all agree to.

Mr. POWERS. Now we are brought to a practical question. The minority proposition having been amended, we are brought to the practical question whether we will adopt the amendment submitting to the legislatures of the States the question of a direct vote of the people, or submit to the legislatures of the several States the proposition to elect by a direct vote of the people, if they have a mind to, or otherwise by the legislature. That is the precise question we now have. I am in favor of submitting this to a direct vote of the people, a popular vote, for very many reasons. In the first place, it is a suggestion that has met the approval of a large majority of the American people already. Thirty or thirty-one State legislatures have already passed joint resolutions advising or proposing a change of the

Constitution by which United States Senators should be elected by a direct vote of the people. I have yet to learn that any legislature has passed a resolution providing for an election by a direct vote or by the legislature, as the gentleman from Michigan proposes.

Every one of them, without exception, so far as I have seen, make no provision whatever for a continuance of the method of electing by State legislatures, but they go the whole figure and say, Submit this election to a direct vote of the people. Why should it not be so? Why, in the Federal Convention, when this matter was the subject of debate, there was a large fraction of the members in favor of submitting the election of Senators to a direct vote, but it was deemed best, after discussion, under the then existing circumstances, to provide that that election should be made by the legislatures.

One eminent member of that convention declared on the floor that he wanted to remove the election of these officers as far away from the people as possible. They must have as little to do with the election of United States Senators as possible—and that was no less a person than Mr. Sherman, of Connecticut, one of the ablest members of that convention.

Another distinguished member, Mr. Dickinson, of Delaware, said he wanted to make the United States Senate a House of Lords, or as near to it as possible, and in order to do it the electorate to choose Senators must be a different body from the populace. Well, Mr. Speaker, I do not know but they have pretty nearly succeeded in getting a House of Lords. I have sometimes thought the hope of that gentleman had been realized in some measure. [Laughter.]

But the time has at last come when it has been demonstrated by experience that a popular choice of the United States Senators would not only be safer for the rights of the people, but it would be in a thousand other ways better. A legislative body in the State is not a body chosen, is not a body provided, for any such purpose; it is chosen to make laws for the State.

In how many instances can gentlemen recall where a legislature has spent nearly its entire session in the fruitless ballot for United States Senator to the neglect of proper legislative duties resting upon it and giving their whole time to partisan scramble for United States Senators.

Not only that, but they have failed to elect in some instances, and there are several vacancies in the United States Senate because the method of election by the legislature has been found to be ineffective and not accomplishing a choice. But you submit an election to the people, and there would always be a choice; there could be no such thing as a failure to elect the Senators. So, the plan which indifferent men to-day say works well enough does not work at all, and therefore it does not work well enough.

Now, again, the election of United States Senators in certain sections of the country has been said at least—every gentleman can form his opinion as to the truth of the matter—to have been accomplished by means of corrupt methods. It has been charged—and I suppose I am exposing no secrets—it has been charged, and some gentlemen believe, that seats in the United States Senate in the past—I say nothing about the present personnel of the Senate—have been procured by the corrupt use of money. It is easier to buy up a small legislative body than it is the great mass of the people. You can not buy the whole people. It might be said in answer to this that if you provide for a popular election, there will be a convention to nominate a candidate, and, that convention being a relatively small body, that somebody may buy up 51 per cent of the members. Suppose he does; there is another gantlet that must be run. He must go before the people, and the very fact that he had procured the nomination by fraudulent means would give to the people a lever to pry over that would forever blast his hopes of success at the polls.

It is one of the greatest possible securities to give this election to the people, even though men may practice fraudulent methods in securing a nomination to the office. But when you submit the matter to the legislature and buy that up, there is no further appeal; they are bought for all time. The mischief has been perpetrated, and there is no remedy left. I have said this proposition has been one that merits and receives popular approval. The very fact that thirty States have asked for the proposition is pretty good evidence of the popular opinion of the majority of the States in this Union. Not only that, this House has itself, during the last Congress, as I have already stated, passed that proposition in the form I now urge—the clean, straight, naked proposition to submit it to the people, upon an amendment proposed by the gentleman from Alabama [Mr. UNDERWOOD], and I presume that he will propose the same amendment again; I hope he will. That passed the House with only 11 votes against it.

Some of the political parties have incorporated this proposition into their platforms, but they never have asked for an alternative proposition. It has been a straight, clean proposition to submit the matter to the vote of the people. My friend from Michigan says, Can not you trust the people? I reiterate his inquiry, Can not you trust the people? Can not you trust the people better than you can trust part of the people to elect one way and a part of the legislatures to elect the other?

Mr. CORLISS. I would like to ask the gentleman a question. Do you think the Senators from the fifteen States that have not passed resolutions on this question would vote for your proposition?

Mr. POWERS. Mr. Speaker, what my opinion might be about that is of very little importance. I do not think we should test the merits of a proposition by inquiring whether Senators from fifteen States are going to vote for or against the measure. It makes no difference how a Senator may vote; that is his business, not mine. It is our business here to adopt the proposition which commends itself to our judgment; and when it gets over to the Senate, it is for that body to determine whether it meets with the judgment of Senators or not.

Mr. CORLISS. Have we not presented the proposition you advocate on at least three different occasions, and has not the Senate simply allowed it to die?

Mr. POWERS. Yes; that is true, and I propose for one to bombard the United States Senate with a good proposition until they come to their senses and adopt it. [Applause.]

I confess, Mr. Speaker, that this great reform—and it is a reform—is one that has been clogged in its pathway at the other end of the Capitol. I confess that I expect the time will never come when our Constitution may be changed until the proposition to amend it is tried along the lines of the other method provided in the Constitution. It will be remembered that the Constitution provides two methods of amendment. One is for Congress to take the initiative, as we are doing now, and present to the State legislatures a proposition for amendment. The other is for the States to take the initiative: and in that event, if two-thirds of the States join in the proposition to Congress, it is the duty of that body to call a national convention to pass upon the question of proposed amendments.

Mr. Speaker, there are two classes of men that have opposed this proposition in the past. One class is represented by the ultra conservative man and the other by the ultra indifferent man. The conservative man hesitates to vote for a change of our Federal Constitution, because, he says. "It was the work of inspired men. It is a great magna charta of liberty prepared by the wisest men of their day or any day, and therefore we must adhere to it." The man who speaks thus forgets that ten years after our Constitution was adopted twelve different amendments were made to it. So that this great work of the "inspired" men was found early after they had launched it to need some changes. Thus the idea that this Constitution is the inspired work of great men has been somewhat shattered by the historical facts to which I have alluded.

And we know that about seventy years later three or four more amendments were adopted. As the country has grown and the application of our system of government to existing conditions has required changes they have been made. The existing method of electing Senators has been demonstrated to be wrong—during the last twenty-five years more conspicuously than ever before. It is only since wealth has become so enormous—since our great manufacturing and railroad enterprises have become enlarged—that people have discovered that the power of wealth and corporate influence has invaded the legislatures of the States and turned them over to the election of Senators by corrupt methods. Hence arises this demand for a constitutional amendment.

There is nothing in the assumption that the instrument is a sacred one. The men who framed it knew that it was not to exist for all time without change, because they expressly provided not one but two methods by which it could be changed; and they provided a method by which, if Congress should become corrupt or unmindful of the rights of the people, the people themselves might initiate a scheme for constitutional changes. So that the argument of the conservative man, it seems to me, should have very little weight on this subject.

The argument of the indifferent man is, "Oh, it works well enough." There are a great many men in this world who are disinclined to take part in any new movement, to adopt any new suggestion, because, they say, "Old methods are working well; let them alone." Now, Mr. Speaker, the very fact that the present system of electing Senators does not in some instances work at all is a pretty good answer to the claim that it is working well enough. Here are States unrepresented; States that have been unrepresented for the last six or eight years; and they will continue in this condition just as long as the money influence can get control of a legislative body. The only remedy we have left to us is to change the methods of election and give to the people the control of this subject. In that way the idea of a government of the people and by the people can be realized. [Applause.]

Mr. RUCKER. Mr. Speaker, I now yield thirty minutes to the gentleman from Pennsylvania [Mr. ZIEGLER].

Mr. ZIEGLER. Mr. Speaker, the question under discussion by the committee rises above the usual discussions in this House and involves an amendment to the Constitution of the United States.

It is comforting as well as refreshing to hear at times debate upon a subject that does not appeal to political passion and prejudice. Nothing that I may say, therefore, in the course of my remarks, can be construed as of a political character. I shall endeavor to address the mind and conscience of each member, believing that the vote will be divided as perhaps the discussion of no other question can divide it.

The distinguished gentleman from Missouri [Mr. RUCKER], who has the honor to have expressed in writing the views of the minority, and who some time ago sustained the report in an able argument, and I, who now speak, are the only two members of the committee who signed the minority report, and we are hopeful that after this measure is discussed there will be found more than two-thirds who, by their votes, will sustain our views. For the attainment of this hope I will immediately address myself to a consideration of the proposed amendments and will advocate the views contained in the minority report.

The third section of Article I of the Constitution of the United States provides that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years.

It is this provision of the Constitution that we seek to amend.

There is no difference of opinion among the members of the committee having in charge the consideration of this important measure as to the absolute necessity for a constitutional amendment as to the method of electing Senators of the United States.

There is, however, this difference of opinion on the subject: The minority report favors the election of United States Senators by a direct vote of the people in all the States of the Union. It seeks to take from the legislatures of all the States the right to elect Senators and confers that power upon the people of each and every State of the Union. The majority report, it is true, as stated therein, broadens and extends the sovereign right of the people of the State by placing in their power the right to either continue the present method for the election of United States Senators by the legislature or by a direct vote of the people when in their judgment such method would correct the existing evils and insure to the State her full representation in the United States Senate.

We would deprive all legislatures from exercising any such right and confer the right directly upon the people of all the States. We would give this right by constitutional amendment to the people of all the States, because we have in them a greater confidence that wiser and better selections would be made by them through State conventions than by the legislatures. It may be said in answer to this that the people can make mistakes. This is true, but the people can be trusted to quickly remedy any mistakes they make.

Under the system provided in the minority report candidates for the United States Senate would be nominated by State conventions, and they are larger bodies than the legislature and could not so easily be approached, corrupted, and purchased. If, however, an unworthy candidate for the United States Senate be nominated by State conventions and if the method of his nomination be irregular or obtained by unfair or corrupt means, the people can be trusted at the ensuing election to defeat any candidate so nominated.

Governors of Commonwealths, State officers, and the judiciary are all elected by the people, and we believe they should in like manner be permitted to elect United States Senators, not by a diversity of ways, but uniformly. Why should the great Commonwealth of Pennsylvania have one method of electing United States Senators and Texas another? Why should Ohio elect by the legislature and Massachusetts by the people? We should have uniformity in the system and not incongruity.

For the purpose of enforcing upon the minds of the committee the simplicity of the proposed amendment as contained in the minority report, to show the clearness with which it is stated and the entire absence of incongruity, I may be permitted to again state it here, although but recently reported by the Clerk of the House:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

"When a vacancy happens by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The majority report well says that the Constitution in its present form spreads in the pathway of the members of the legislature a moral temptation through which many good and true men of merit are forced to defeat and the glory and honor of a Senatorship snatched from the hands of the people by corrupt means. This statement is preceded, Mr. Speaker, by a quotation from the Lord's Prayer, "Lead us not into temptation." And yet the majority report would leave that temptation to exist in some of the States, for surely wherever the people would refuse to depart from the present method of electing Senators there the temptation would exist and the evils complained of would be carried on.

Let me illustrate: The legislature would overcome the tempter in the wilderness; it would overcome the tempter on a pinnacle of the temple; but should the legislature be taken up into an exceeding high mountain and shown all the kingdoms of the world and the glory of them, and told by the tempter, all these things will I give thee if you make me United States Senator, in that case the legislature yields to the tempter. We would destroy the last vestige of right in the legislatures to elect, and give this right to the people who are the sovereigns and who as a body are not so easily corrupted.

I very well understand it has been argued that both methods give the right to the people to say how Senators shall be elected, but who does not believe that there are some States where the people would not change the existing method of electing Senators—and I have seen the statement in the special Washington letter written by the distinguished member of this House, writing upon this subject (I refer to Mr. CLARK, of Missouri), that the States in which this law would be the most salutary are likely to be the States where the legislatures would make the selection. We would get rid, if possible, of the humiliating spectacle presented in recent efforts to elect United States Senators in some of the States, where corruption and bribery are charged, arrests made, and men tried and now awaiting trial in the courts, and upon failure to elect by the legislatures, unconstitutional powers exercised by governors of States in making appointments of United States Senators in manner clearly illegal and unauthorized by State constitutions.

Mr. Speaker, the United States Senate is a place of great trust and honor, and they upon whom this great trust and honor is placed should be elected by a direct vote of the people. It is the safer way of the two measures proposed. I am in favor of submitting the straight and single proposition to the Senate. The majority report contains an option. If the minority report is voted down and the majority report adopted, you perpetuate the very evils of which those who favor the majority report, as well as all of us, complain. Some States may change the system, and others will not. In those States where the legislatures are under the control of machine politicians or bosses no change will occur. There are some States in the Union where the machine is so strongly intrenched and where the power of the bosses is so great that no change would be made, because the machine influence and bosses would so direct.

Let us hope that if the minority report is passed here and in the Senate, there will be found in the Union three-fourths of the States which will ratify the amendment and such States as those about which I have been speaking will be compelled to accept the amendment as the law of the land. Let us, by submitting this question to a direct vote of the people, save the disgrace and humiliating spectacle presented by a rich man buying his way into the United States Senate by way of the legislature. Such scenes will then be a thing of the past, and poor but able and competent men will have some show of a nomination by a State convention and an election by the people.

The majority report says the impression prevails that it is as difficult for a poor man to enter the Senate of the United States as for a rich man to enter the kingdom of heaven. Such an impression does prevail, I am sorry to admit, but we desire to remove that impression by making it almost, if not entirely, impossible for a rich man to buy a State convention and a majority of the people at the general election. We desire to make it as impossible for a rich man to buy both State convention and the people as it would be for him to go through the eye of a needle.

Mr. Speaker, the great State of Pennsylvania voted against the election of Senators by the legislatures in 1787 when this subject was before the Convention which framed the Constitution. Her citizens to-day favor the same doctrine. They clamor for a change pure and simple. They ask a direct vote of the people for Senators. The public press demands it. The resolution adopted by the last session of the legislature evidences the prevailing sentiment of the people.

The majority report quotes it as an argument in its favor. It is no argument in favor of the majority report. It sustains the contention of the minority report. Permit me to read it:

Whereas it is evident, judging by the tone of the public press, as well as by the resolutions of the State legislatures and the resolutions passed year after year by the National House of Representatives, that a majority of the American people desire a change in the Constitution whereby they may elect

the President, Vice-President, and United States Senators by direct popular vote: Therefore, be it

Resolved (if the senate concur), That a committee of five, two from the senate and three from the house, be appointed to confer with the legislatures of other States of the Union with the view of bringing about the submission of an amendment to secure the desired result; this committee to report to the legislature in 1901, and not to incur expenses to exceed $500 for the two years.

What is the result desired by the adoption of the said resolution?

Not that the present method of electing Senators of the United States by the legislatures may be preserved in some States and denied in others, but an amendment to the Constitution of the United States which shall provide for the election of United States Senators by a direct popular vote. This is the demand of the people, of the public press, and of our State legislators.

It is contemplated within the year to hold a convention in Philadelphia for the purpose of giving expression upon this question. This convention, it is expected, will be composed of representatives from all the States of the Union, and is the direct outcome of recent events in the election of Senators in Ohio, Delaware, and Montana, and the efforts to elect in Pennsylvania and California.

There is no issue in which the people are interested in which their dissatisfaction is more clearly defined. Some years ago, if I am not mistaken, the question, Shall United States Senators be chosen by a popular vote, was submitted for expression of opinion to the people of California, and 187,958 votes were cast for popular election of Senators and 13,342 votes against the proposition. I believe every county in the State gave a majority in favor of popular election of United States Senators. After the experience that California has recently had there would in my opinion be scarcely any votes recorded in favor of maintaining the present method. If this Congress does not meet the popular demand, there is another method provided by the Federal Constitution which will require Congress to act.

That provision is, on the application of the legislatures of two-thirds of the several States, Congress shall call a convention for proposing amendments. This provision is found in Article V of the Constitution, the same article which requires two-thirds of both Houses to agree to the contemplated constitutional amendment. The voice of a great convention, such as I have said will be held, ought to have some effect upon the Senators of the United States, who have several times heretofore refused to permit that body to be reformed.

It is sad to reflect that the Senate that needs reforming is the very body that, for personal reasons, stands in the way of reform. It may be, if two-thirds of the members of this House sustain the minority report and send it to the Senate, it may not pass the Committee on Elections and Privileges; or, if it is reported favorably, that it will be voted down; but mark my prediction: Many of us will live long enough to see this House and the Senate driven so strongly by popular demand that the people's mandate will have to be obeyed by one or the other method of amending our Federal Constitution to permit United States Senators to be chosen by a direct vote of the people in all the States of the Union.

When the legislature of the State of Ohio in 1896 adopted a similar resolution to that adopted in Pennsylvania, it did not contemplate a retention anywhere of the present system of electing United States Senators or even make it permissible in any State. This resolution is quoted in the majority report as though it sustained the proposition therein contained. I read it:

Resolved by the general assembly of the State of Ohio, That the Senate and House of Representatives of the United States of America be memorialized as follows: The general assembly of the State of Ohio respectfully requests the Congress of the United States to submit a constitutional amendment providing for the election of United States Senators by a direct vote of the qualified electors of each State of the Union. The general assembly believes that such an amendment to the national Constitution will result in each State having at all times a full representation in the national Senate, will prevent protracted and disturbing contests for membership therein, and will prevent all attempts to influence improperly or corruptly the selection of members to the national Senate. The general assembly believes, as all political power in the United States comes from the people, that the sole right to select all legislative officers should by the Constitution be vested directly in the people.

Resolved, That the governor is hereby respectfully requested to forward a duly authenticated copy of this memorial (with the vote upon its passage), under the great seal of this State, to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of the Congress of the United States.

Mr. Speaker, we will all observe that the resolution calls upon us as the representatives of the people to submit a constitutional amendment providing for a direct vote of the people of each State of the Union. So it will be observed the demand of the people and the demand of the legislatures is for a uniform system and not for an incongruous one. Similarly there comes up from Montana a joint memorial and brought about by the investigation of charges that a Senator of the United States bought his way into that distinguished body. It is addressed to the Senate and House of Representatives, and reads as follows:

Your memorialists, the legislative assembly of the State of Montana, respectfully represent that we believe there is a general desire upon the part of the legal voters of the State of Montana that United States Senators should be elected by a direct vote of the people, and that the election of United States Senators by the legislative assembly, under the present provisions of the Constitution and laws of the United States, retards and delays the business of the sessions seriously.

Therefore your memorialists respectfully request you to take such steps as may be necessary to secure such amendments to the Constitution and laws of the United States as will provide for the election of United States Senators by a direct vote of the people, and we urge our Senators and Representatives in Congress to use their best endeavors to secure such amendments.

This resolution is quoted by the majority report as sustaining its contention. It does not do so. It sustains the minority report. We are told that 24 other States have passed similar resolutions, and I venture the assertion that every one of them contemplates uniformity of the election of Senators, as contemplated by the minority report.

Mr. Speaker, a measure similar to that of the minority report has on different occasions passed the national House of Representatives and has found its burial ground in the Senate. It has passed the Fifty-second Congress. In the Fifty-third Congress, House resolution No. 20, on the same subject, passed by a vote of 141 yeas to 50 nays. In the Fifty-fifth Congress it passed by the following vote: Yeas, 185; nays, 11. I would have this House now reenact this measure. I would give it anew the form of law, as expressive at least of the mind of this House on this important question, and send it to the Senate, there to give the Senators once more an opportunity to meet the demands of the people and make it the law of the land or again bury it.

Opinions of Senators on this proposed constitutional amendment have been obtained and were published in a recent edition of the New York Journal, which paper strongly advocates the election of Senators by a direct vote of the people. It may not be considered inappropriate to call the attention of the House to these utterances. On the contrary, they will show that there is but one argument advanced against the contemplated change of the Constitution, and that of the weakest character. Senator CHANDLER is quoted as saying:

It does not appear that by electing Senators by direct votes of the people we shall get any nearer to the popular wishes than we do now. If Senators are elected by the people, State conventions of the political parties will name the Senators. Is it any more difficult improperly to control the bare majority in the State convention than the legislature? Is a political party State caucus any more likely to act independently, honorably, or wisely than the legislature?

Senator PETTUS, of Alabama, thinks that "there will be abuses in any system," and that "the people have their own remedy in the election of proper legislators."

Senator HOAR, of Massachusetts, holds that "such a method of election, involving the manipulation of party conventions, will create new temptations to fraud and corruption."

Senator PRITCHARD, of North Carolina, remarks:

"I am inclined to believe that the nomination of Senators by the party conventions would result in just as much scandal as complained of now. It would be just as easy for rich men to buy up conventions as it is for them to buy up legislatures."

These are the opinions of a few of the Senators, and it is well known that there are a number of Senators who favor the minority report. Let us hope that not many of the grave and reverend Senators entertain such views as those above expressed. It is perfectly plain, by way of answer to these Senators, that it would be more difficult to control a State convention than a legislature, and, moreover, if a State convention would be improperly or fraudulently controlled, it could not guarantee the election, because, as the New York Journal says, it could not deliver the goods. It has been argued here, and in the light of the utterances of Senators which I have quoted, it may be said that the Senate of the United States will not pass the amendment. That may be so, but so far as I am concerned, I do not believe that this House should legislate to please the Senate. We should legislate here as we think right and proper.

I do not believe in bowing to expediency nor in sending to the Senate an optional measure, a halfway amendment, because there is a better prospect of passing it or because it is better than nothing. The question is, What is right, what ought we to do? Do not be swerved from the path of duty by the argument that if the minority report passes here it will not be adopted by the Senate. Follow in the line where duty directs. If on three prior occasions this House believed the principle contemplated in the minority report and regarded it as right, say so the fourth time.

Keep on sending it to the Senate for such action as in its wisdom may be deemed right and proper. If the measure be again defeated in the Senate, the responsibility will be with the Senate of the United States and not with the Representatives of the people in this House. Mr. Speaker, with profound regard for the views and conclusions expressed in the report of the majority, still I am forced to dissent from that report so far as relates to the mode or manner of electing United States Senators alone, and as a reason for my position I am content to rely upon my judgment, fortified and sustained by the expressed wishes and demands of the people of more than thirty States of the Union, for which I confess I have a more profound regard.

The people have appealed to Congress to permit them to elect

United States Senators by a direct vote. This appeal is not sectional, nor is it partisan. It reaches us from all sections and from the different political parties with a degree of unanimity quite surprising and unaccountable, if not guided and impelled by a sense of righteous indignation aroused by reports and accusations of alleged methods sometimes employed by gentlemen whose ambitions lead them to seek a seat in the Senate of the United States. We can well afford—indeed, as their representatives it is our bounden duty—to respect the wishes and do the will of the people and give them a uniform law allowing them by direct vote to elect their Senators.

Believing, as I do, that the time has come when the Constitution should be amended, to the end that the high and exalted position of a Senatorship shall not be suspicioned of being purchasable, and that the dignity, integrity, and honor of this great office may never be assailed, and with unwavering confidence in the intelligence, wisdom, and patriotism of the people, I respectfully recommend the adoption of the substitute for the resolution reported by the majority. [Applause.]

During the delivery of the foregoing remarks the following proceedings took place:

Mr. CORLISS. Will the gentleman from Pennsylvania permit me to interrupt him for a moment?

Mr. ZIEGLER. Certainly.

Mr. CORLISS. Mr. Speaker, the gentleman from Pennsylvania has consented to an interruption to enable me to submit to the House an understanding reached between myself and the gentleman from Missouri who represents the minority on this question. The gentleman from Missouri [Mr. RUCKER], in charge of the minority report, and myself agree to ask unanimous consent that the general discussion of this subject shall continue during the afternoon of to-day, with leave to any gentleman to extend his remarks in the RECORD, and that a vote shall be taken upon the question immediately after the reading of the Journal to-morrow morning, without debate.

The SPEAKER pro tempore. The Chair will submit the request to the House. Is there objection to the request of the gentleman from Michigan that debate shall continue during the remainder of this day and a vote be taken immediately after the reading of the Journal to-morrow morning, without debate; and also that gentlemen who have addressed the House have general leave to extend their remarks in the RECORD? Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Will the gentleman from Pennsylvania permit an interruption before he resumes his seat?

Mr. ZIEGLER. I will.

Mr. WILLIAMS of Mississippi. I want to say only this, and perhaps the gentleman may not agree with me: That the first objection in the way of the desired legislation is in the Senate of the United States——

Mr. ZIEGLER. Yes, sir; undoubtedly.

Mr. WILLIAMS of Mississippi (continuing). That body being interested in a great measure to prevent such legislation, and the Senate and the legislatures of the States are interested to some extent in the same way. Now, the substitute proposed by the gentleman from Missouri does away with one of the two objections which are obstacles to the legislation proposed. Is that not true?

Mr. ZIEGLER. That is true; but the obstruction is still at the other end of the building; and it is mortifying that the body to be reformed by this process is the very body that stands in the way of the reform demanded by the people of this country. [Applause.]

Mr. RUCKER. I yield to the gentleman from North Carolina [Mr. KLUTTZ].

Mr. KLUTTZ. Mr. Speaker, I am glad that we have enough of the Constitution left for purposes of amendment; and as we have kept the remains of that venerated instrument so resolutely at home, it behooves us to amend it as resolutely for the best interests of our own home people. I am an old-fashioned believer in the Constitution.

While it remains the supreme law of the land it should be obeyed, and those of us who have sworn to observe it should be careful in all things to conform both to its letter and spirit. Unfortunately, both have been grievously violated in the election of Senators of the United States, and the time has long since come when its provisions in that behalf have demonstrably shown the need of amendment. [Applause.]

Our fathers, honest themselves, too implicitly believed that their descendants would always remain so.

The honest people of a State, electing supposedly honest members of their State legislatures, likewise mistakenly believe, as is too often proven, that they will remain honest after election.

The most superficial perusal of the records of Congress for many years, including the present session down to this very date, demonstrates that if wise at the time of its adoption, the method of electing United States Senators by the legislatures of the several States has long since become an evil which cries aloud for amendment. [Applause.]

The people of this country, in tones not to be mistaken, demand that they be allowed to elect Senators by their own direct vote, and the legislatures of the great States of Ohio, Pennsylvania, Montana, Arkansas, California, Colorado, Florida, Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oregon, Utah, Washington, Wisconsin, Wyoming, and others, thirty-four in all, have voiced this demand in petitions and memorials to Congress and in resolutions of instruction to their representatives here.

In the light of recent scandalous events, the petitions from some of these States are absolutely pathetic. If the people could have directly elected Senators, the obloquy which in the popular estimation—and too justly so—beclouds the title to many seats in that august body could never have had foundation.

The report of the majority of the committee shows that under the present system several vacancies now exist, due to the corrupt manipulations of State legislatures by wealthy aspirants for Senatorial honors. Very recent exposures made by committees of the Senate are such as to emphasize the absolute need for speedy amendment of the Constitution in this regard.

It is enough for me that the people demand it, that all the people demand it, for "everybody is wiser than anybody," even if "anybody" happens to be the Senate of the United States. [Applause.] I quote these axiomatic truths from the committee's report:

> The fundamental principle of a republican form of government is based upon the idea that it derives its just powers from the consent of the governed.

Again:

> If the people have the wisdom to elect governors and State officers, our State judiciary (and Representative in Congress), why may they not be permitted to enjoy the right of electing United States Senators?

What divinity doth hedge about these august Senators that the common people may only vote for them indirectly and by proxy?

Let us tear down the intermediary wall and take from the legislatures the selection of United States Senators, and we will destroy one of the most potent powers (to quote again the language of the committee) through which corporate influence now holds its sway, and it can then no longer be said that it is as difficult for a poor man to enter the Senate of the United States as for a rich man to enter the Kingdom of Heaven.

There are many honorable men in the Senate, and therefore I shall make no application of the story of the old darkey preacher, who, before beginning his sermon, raised a large rock aloft with the startling announcement, "Thar is a nigger in this congregation what's been stealing chickens last night, and I'm gwine to heave this here rock at his head," when every male head before him at once ducked behind a bench. [Laughter and applause.]

I will not say that a somewhat similar announcement, varied only to suit the environment, would be followed by similar action in the Senate.

Mr. Speaker, in supporting this proposition I am not merely giving expression to my individual views, but I am speaking for the whole people of North Carolina, as I believe, without regard to party.

I am but obeying a resolution of instructions from the legislature of my State, which was passed unanimously, as I recollect, without party distinction or division, and I am but trying to give effect to one of the planks of the Democratic platform of my State.

Neither of the propositions before the House is exactly what I could wish, but I am so heartily in favor of the general proposition that I shall heartily support the substitute offered on behalf of the minority by the distinguished gentleman from Missouri [Mr. RUCKER], amended to accord with the suggestions of the gentleman from Vermont [Mr. POWERS].

I am reminded of the homely wisdom of a young fellow in my district, who, on his first venture at courting, was discarded, or, as we say in North Carolina, was "kicked." Of course he was awfully surprised, for every young fellow thinks that any girl ought to be glad to get him and can not understand why he should be rejected. So, stunned and smarting, he insisted upon knowing why she would not have him. Finally she said, "Johnny, it's because I love somebody else better." "Oh, yes, Sally," said he; "so do I, but we can't get them, you know." [Laughter.]

That young man had very nearly sounded the depths of the safer philosophy of life; and it is generally wise to do the best we can under any given circumstances.

Acting upon this principle, I shall support the substitute of the minority, amended to meet the views of gentlemen, amended in any and every minor detail, so only that it maintains and holds out to the American people a genuine, general, and feasible plan of electing Senators by a direct vote without intermediary. I have hope, sir, that the quickened conscience of the Senate will join us in submitting such an amendment to the Constitution,

and if submitted to the legislatures of the several States its adoption is as certain as the rising of the morrow's sun. [Applause.]

I now yield five minutes to the gentleman from Louisiana [Mr. BREAZEALE].

Mr. BREAZEALE. Mr. Speaker, I yield to no man in reverence to the Constitution of this great Republic. I regard it with pride and admiration, and venerate its wisdom, its majesty, and its beauty. The fathers builded better than they knew. This remarkable instrument, framed for the government of 3,000,000 people, has proven amply sufficient for the government of 100,000,000 human beings, and will stand with its undying principles for the government of millions yet to be born.

I readily concede, Mr. Speaker, that in the matter of amending this instrument we should be conservative and cautious. The fullest consideration should be given the question, and before reaching a final conclusion we should be thoroughly satisfied in our minds and conscience that the amendment proposed is wise, just, necessary for the public welfare, and dictated by the loftiest and most patriotic motives.

The bill under consideration proposes an amendment to section 3 of Article I of the Constitution relative to the method of electing United States Senators. The language of the bill is as follows:

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six years, and each Senator shall have one vote. These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people; then, in such case, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen, by resignation or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The report of the committee to which this bill was referred is unanimous that a change in the Constitution is necessary.

Now, sir, why is the change necessary? For more than one hundred years Senators have been elected by the legislatures of the respective States. I shall not go deeply into the reasons for a change, nor shall I go deeply into the history, constitutional and legislative, of the article of the Constitution sought to be amended.

I shall content myself with a brief review of the proceedings of the Convention that framed the organic law, and endeavor to point out the wisdom and necessity for the change proposed.

The article of the Constitution providing for the election of Senators by the legislatures of the respective States was not adopted by the unanimous vote of the Convention. Two States, exercising an influence on the work of that Convention perhaps larger than any other two of the States represented in that august body, were opposed to the method adopted. Both Pennsylvania and Virginia refused their assent to the method, and urged that to the people of the respective States be reserved the right and power to elect by direct vote their representatives in that most important branch of government—the United States Senate.

In no uncertain terms did Mr. Madison and Mr. Mason, of Virginia, and Mr. Wilson, of Pennsylvania, express their confidence in the wisdom and ability of the people to elect their Senators. They sought to lay the foundation of the governmental fabric upon a solid and broad basis. As Mr. Madison expressed it—

The great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures.

I do not deem it necessary at this time to discuss the reasons urged for the final action of the Convention. A careful analysis of the utterances of many of the great men composing that body, including both Jefferson and Hamilton, justifies, perhaps, the assertion that neither of those two master minds were fixed in the opinion that Mr. Madison was not right.

Now, sir, viewing the question from the standpoint of necessity, I submit there are overwhelming reasons appealing to the conscience of every patriotic man that the time has come for a change in the present method of electing Senators.

I will not pause to discuss the law of the case. I will not pause to discuss whether or not under the constitution of this State, or of that State, or under the Constitution of the United States, the governor of a State has or has not the right to appoint the United States Senator under any circumstances whatever. It would be bootless to discuss that question. Suffice it to say that under the law as it now stands sovereign States of this Union have been and are now without full representation in the Senate department of this Government. Such a condition of affairs justifies, in my judgment, radical and immediate remedy. If the Constitution is the bar, then amend that Constitution. Stand not upon the order of amending, but amend at once.

I do not deem it necessary to review history to show the many cases of grave injustice done to sovereign States in thus depriving them of representation in the Senate of the United States. I deem it unnecessary to point out the present vacancies in State representation in the Senate; we are all familiar with these and have heard ad nauseam the arguments pro and con. I submit, sir, that such a condition is a crying shame, and an infamous outrage upon the people of these States, and the law that permits such injustice should be stricken from the statute books.

The plan proposed by the committee of which I have the honor to be a member offers a remedy for the evil; adopt it, and under its operation you will never again hear of vacancies existing in the United States Senate by reason of the failure to elect.

And now, Mr. Speaker, I propose to discuss another phase of the evil of permitting legislatures to elect Senators—a phase of the question alike disagreeable and revolting. Sir, I have been taught to revere, and I do revere, the institutions of my country. I glory in her grandeur and her greatness. I venerate her Constitution and her laws, and under my oath I would uphold them with all the energy of my soul. I have been taught to believe, sir, and I do believe, that to be a representative of a sovereign State in the Senate of the Union is the highest honor which can be conferred by a State upon a citizen. To aspire to that high and exalted position is worthy the ambition of any honest man. To fill that dignified and honorable station should be the lasting pride of any virtuous citizen. High and honorable position as it is in the estimation of all people; high and honorable position as it is in reality, it should be exempt from the blighting influences of scandal and the degrading shadow of corruption.

Mr. Speaker, I point to the investigation recently going on at the other end of the Capitol building as the strongest argument that can be presented in support of this measure. A Senator of the United States, the representative of a sovereign State, is compelled to defend himself against the charge of corrupting the members of a State legislature and buying his seat in the United States Senate. The dignity of the position is lowered, the honor of a State is tarnished, the self-respect of the whole people of the whole Union is impaired by the spectacle. The sickening, nauseating details of the case, the hideous evidence dragged from unctuous witnesses is revolting to every honest man and is a stench in the nostrils of the nation. Sir, I am not concerned with the truth or falsity of the charges made. It makes no difference in the consideration of this measure whether the verdict be guilty or not guilty; the fact remains that under our present system charges of infamy and corruption can be made and can be supported by evidence which brings the blush of shame to the cheek of every American citizen. And if the majority report of the committee is adopted, I have sufficient confidence in the integrity and virtue of the citizens of every State in the Union that they will demand and enforce their right to place the election of United States Senators beyond the corrupting influence of money.

Legislators may be bought. They may be bought in sufficient number to elect the Senator; but, sir, I deny that the people can be bought. I have an abiding confidence in the people. When all else fails, an appeal to the honor, the integrity, the virtue of the plain people is never made in vain. There is another sound reason for this change, Mr. Speaker; it exists in the pernicious, injurious effect the election of Senators now has upon legislation in the various States. It dominates in importance, either in reality or in the force of circumstances, every measure coming before the legislature, and its pernicious influence is frequently felt in preventing the adoption of wholesome legislation. Even the legislatures of many of the States have seen the necessity for the change recommended. Some thirty of the States, through their legislatures, have memorialized Congress to amend the organic law in this particular.

Again, Mr. Speaker, it too frequently happens that the Senator elected considers that he owes no allegiance to the people of the State that he represents; considering that he was elected by the legislature and not by the people, he ignores their expressed wishes and arrogates to himself the wisdom of all the ages, considers himself the master, not the servant of the people, and casts his vote in direct opposition to the expressed will of the people whom he represents.

I take it for granted that the committee, as a whole, reflects the views and the wishes of the House, and that consequently this House is unanimous in desiring a change in the organic law. The committee differ only as to the scope of that change, and two reports are presented.

The majority of that committee propose that the several States be empowered to select one of two methods of electing Senators. The minority propose restricting that power to one method of election.

So far as I am concerned I strongly favor the majority report. I have carefully considered all the arguments advanced by the minority and I fail to discover a single one sound in principle or wise in the light of experience. But, sir, I shall cheerfully vote

for the substitute or any measure that will give the people the right to elect their Senators, but my better judgment tells me the majority report stands a better chance of adoption by the Senate than the minority substitute.

They urge in its favor there should be uniformity throughout the Republic in the manner of electing the members of this important branch of the Government. That it would not look nice to have one State elect by direct vote of the people and the adjoining State to elect by the legislature. This idea of uniformity appeals with more force perhaps to the lawyer than to the layman. As a trained lawyer I would like to see in all things the beautiful symmetry of the Constitution preserved. Had I the sole power to effect this change I would unhesitatingly adopt the views of the minority and compel every State to elect its representatives in the national Senate by direct vote of the people, but in doing so I would yield to my training as a lawyer and to the objection every lawyer has to an incongruity, real or fancied, in the laws of the land, organic or legislative.

But this idea applied to this particular case is purely sentimental and will not bear the test of sound reasoning and critical analysis. It must yield to the principle involved in the majority report. This being a government by the people, whatever laws tending to increase and enlarge the right of self-government finds its support in that principle. The optional method of electing Senators proposed by the majority of the committee most assuredly increases and enlarges the power of the people. It is, in my judgment, the soundest Democratic doctrine. It does not restrict as the minority report does, but empowers the people to select either method—elect the Senator by their direct votes or to delegate that authority to their representatives in the State legislature. It recognizes the principle of local self-government and the principle of home rule.

Viewing the question from a practical standpoint, I believe the majority report will meet with the least resistance in its consideration by the Senate of the United States. It requires two-thirds of both Houses to adopt this measure; and if it passes this Chamber and goes to the Senate, it will require the vote of two-thirds of the membership of that body to enact it into law. Each member of that body is directly interested in its provisions. It is fair to presume that self-interest, always a powerful factor, will have more or less influence on each vote. We are all human and very human when it comes to matters of this kind. The experience of the past should largely influence our vote. Three times within the past few years has this measure, in its general scope as proposed by the minority, passed this House and been waylaid and murdered in the Senate.

Many Senators who opposed the measure urged as reasons, therefore, the fact that the people of their respective States desired no change; that their people were perfectly content with the present method of election and opposed a change. Conceding to those Senators what we demand for ourselves—honesty of purpose and a desire to faithfully represent our constituents—we can not successfully answer them. But now we come with a different proposition. We say to them, "Very well; we admit the people of Maine and Vermont and New Hampshire desire no change in the method of electing Senators, but the people of Michigan and Wisconsin and Louisiana do desire a change; now we submit to you a plan by which all can be satisfied." What answer can they make? Some one has said, "Let us keep knocking at the door of the Senate Chamber, in the name of the people, until they do hear." I agree most heartily, Mr. Speaker; and I submit, sir, that the majority report herein is a double knock, so loud its thunderous tones are sufficient to awake even the dead.

In conclusion, Mr. Speaker, I believe the majority report is sound in principle, in harmony with the fundamental principles of self-government; wise, expedient, and essentially practical. The argument that it would be a constant bone of contention, a firebrand in the politics of the respective States, is, to my mind, puerile and worthless. I do not fear the people. They can be trusted, sir. If they desire to elect the United States Senator by their direct vote, give them the right to compel it, and rest assured they will attain it. Revolutions of this character never turn backward, and once settled in favor of the people they will never relinquish that right. No one need fear the people. Experience has taught us that the great body of the plain people can always be relied upon. The lust of money and the lust of power may corrupt the individual and dry up the fountains of patriotism and love of country, but the great mass of the plain people—the honest, virtuous, patriotic, toiling masses—can always be relied upon. To enlarge their powers in the affairs of government is to enlarge their sense of individual responsibility and renew the fires of patriotism.

Sir, I shall vote for the majority report to enlarge the power of the people, with perfect confidence in the wisdom, integrity, and virtue of my fellow-countrymen. [Applause.]

[Mr. SNODGRASS addressed the House. See Appendix.]

Mr. RYAN of Pennsylvania. Mr. Speaker, the bill now before the House to amend the Constitution of our country is worthy of the best thought and careful consideration of a legislative body. For myself I hesitate to add to or take from that sacred instrument of rights which for more than a century has served so well the purposes of the greatest Republic of the world. From childhood the American people have revered the Constitution, which insured the blessings of liberty to the people of this country. But, in the language of the majority report, I am not unmindful of the veneration of the people for this great instrument, or wanting in appreciation for the memory of the illustrious men whose enduring monument is this greatest charter of national life and individual liberty.

The framers of the Constitution, believing that useful alterations would be suggested by experience, provided by Article V of the Constitution for amendments and the course to be pursued. The conditions, in some respects, under which our Constitution was framed have changed, and to meet emergencies, keep apace with the onward march of progress and time, our Constitution should be amended, and, in whatever part found weak, strengthened. I regard it as the duty of this House and the people of the country to strengthen every link in the chain of our Constitution whenever it appears that the same may be necessary.

The committee, Mr. Speaker, in charge of this bill unanimously agreed that a change should be made in the manner of electing United States Senators, and they are supported in their views by the people of more than thirty States of the Union, all of whom have petitioned for an amendment to the Constitution whereby United States Senators may be elected by the direct vote of the people.

The right of the people to petition the Government for a redress of grievances is a right conferred by the Constitution, and has never passed unheeded by an American Congress.

The amendment proposed, Mr. Chairman, charges the people of our country with the right to elect United States Senators, and strips them of the power to delegate that right to others. Under the present system the United States Senators are elected, not by the people, but by their representatives in the State legislature.

The framers of our Constitution concluded that representative government was the best form of government, and no doubt they were right in their conclusions, under the conditions then existing.

But, Mr. Speaker, the people in more than thirty States of our great Union have petitioned for this amendment, and believe that the stability and great progress of our country for more than a century past warrant this change, and that it will inure to the improvement of our form of government.

Mr. Speaker, this is not a new proposition. It was urged by several of the framers of the Constitution that the right to elect United States Senators should be lodged in the people and not in their representatives.

An examination of Madison's Reports on the Debates in the Federal Constitution shows that no serious objection was made against the right of the people to elect United States Senators.

At that time a great difference of opinion existed as to the apportionment and manner of electing Senators, one part of the Convention, headed by Hamilton, Madison, Wilson, and Morris, advocating the election of Senators by the people, and representation apportioned on the basis of population.

This was most earnestly objected to by Patterson, Lansing, and Martin, representatives of the smaller and less populated States, for the reason that the larger and more thickly populated States would have a greater number of representatives; and as United States Senators are representatives of States, not of individuals, each State should have an equal voice.

While this great battle of the question of representation was being debated, Sherman, Franklin, and Gerry were most active, and eventually successful, in effecting a compromise between the contending parties, which culminated in the final adoption of section 4, Article I, of the Constitution, which provided for the election of United States Senators by the respective legislatures and equal representation from each State of the Union.

From an examination of this question, it seems apparent that it was originally intended to leave to the citizens of each State the right to determine when, where, and in what manner the election of Senators should be held; that the exception and restriction to the legislature was the result of a compromise and contrary to the best judgment of the great constitutional lawyers, members of Congress, including Hamilton and Jefferson.

And now, Mr. Speaker, I take pleasure in quoting the Hon. James Wilson, of Pennsylvania, who had the honor of representing the old Keystone State on the floor of the first Continental Congress of our country, and who with other patriots had the manhood and courage, in the then trying times, to declare "that these united colonies are, and of right ought to be, free and independent States." In his advocacy of the election of United States Senators by the direct vote of the people he said:

I am in favor of raising the Federal pyramid to a considerable altitude, and for that reason I wish to give it as broad a base as possible. No government can long subsist without the confidence of the people.

And with like pride, Mr. Speaker, I call the attention of this House to the words of Hon. James Madison, of Virginia, who so ably and patriotically participated in the construction of the Constitution of our country. In his contention for the election of United States Senators by the direct vote of the people he—

thought the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures.

The wisdom of Wilson, Madison, Hamilton, Jefferson, and others has been fully borne out by events, and to-day the State which I have the honor in part to represent has petitioned this body for an amendment to the Constitution whereby United States Senators may be elected by the direct vote of the people. The resolution passed by the legislature of the State of Pennsylvania not only fully evidences the prevailing sentiment of the people of Pennsylvania but the country at large, and should exercise much influence in the favorable consideration of the proposed amendment. I now, Mr. Speaker, most respectfully submit the same:

Resolution adopted by the legislature of Pennsylvania, providing for the appointment of a committee to confer with the legislatures of the other States of the Union, regarding an amendment to the Constitution of the United States which shall provide for the election of United States Senators by popular vote.

Whereas it is evident, judging by the tone of the public press, as well as by the resolutions of the State legislatures and the resolutions passed year after year by the national House of Representatives, that a majority of the American people desire a change in the Constitution whereby they may elect the President, Vice-President, and United States Senators by direct popular vote: Therefore, be it

Resolved (if the senate concur), That a committee of five, two from the senate and three from the house, be appointed to confer with the legislatures of other States of the Union with the view of bringing about the submission of an amendment to secure the desired result, this committee to report to the legislature in 1901, and not to incur expenses to exceed $500 for the two years.

JERE B. REX,
Chief Clerk of the House of Representatives.

The foregoing resolution concurred in.

E. W. SMILEY,
Chief Clerk of the Senate.

Approved the 6th day of April, A. D. 1899.

WILLIAM A. STONE.

The amount authorized to be expended is written in figures instead of letters. The amount is $500, and I approve the resolution with this understanding.

WILLIAM A. STONE.

In addition to the foregoing this Congress has been appealed to through similar resolutions and memorials by the States of Arkansas, California, Colorado, Florida, Idaho, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Utah, Washington, Wisconsin, and Wyoming.

One of the primary objects of Government is the welfare and happiness of its people, as clearly demonstrated by the beneficent effect of our own Constitution, and that happiness and welfare can best be maintained through the direct action of the citizen as the sovereign. [Applause.]

It is, therefore, Mr. Speaker, incumbent upon this House to respond to the numerous petitions presented by the different States, especially when we take into consideration the corrupt means and influences resorted to by ambitious and unscrupulous men to obtain a seat in the United States Senate. But it has been said that the people are just as liable to make mistakes in the selection of Senators as are the legislatures. This view I apprehend is held but by a small number; and, Mr. Speaker, if held by any now occupying a seat in the United States Senate, the question may be asked, Why do you fear the judgment of your constituency? What wrong have you committed that you fear condemnation? Are these the questions he fears to answer? If so, he should not now occupy a seat in the Senate of the United States, and the sooner this amendment becomes a part of the Constitution the better for the country, the Senate, and the Senator.

Why this alarm? The people of his State, so well qualified to elect municipal and State officers and judges of the highest judicial power of the Commonwealth, will make no mistake at the polls in passing a just and proper judgment upon him.

It can not be said that the citizens of the respective States are less capable of choosing proper representatives, or that they are more susceptible to corrupt influences, than the legislatures. It must be admitted that there are many men in every State of the Union fully competent to represent the State in the Senate of the United States, and if the power were placed with the people to elect, the intrigues of the ambitious, the bribes of the rich, and the machine rule of political factions would pass away, the honest will of the people recorded, and the "characteristic policy of republican government" fully established.

More than one hundred years past, when the framers of our Constitution deliberated upon this question, fully conscious of the gravity of the work to be assigned to the highest legislative body of our nation, thought that the United States Senate should be composed of the most capable and conservative, and expressed apprehension of the ability of the people to judge. Roger Sherman, to whom the people of his country owe much, for his able and faithful services, in speaking of the people, said: "They want information, and are constantly liable to be misled," and for that reason insisted that Senators should be elected by the legislatures. Such may have been the conditions over one hundred years ago, but they do not exist now.

Again, Mr. Speaker, when the clause providing for the election of the President of the United States by the National Legislature was under discussion, in speaking of the people he said:

The latter will never be sufficiently informed of characters, and besides will never give a majority of votes to any one man. They will generally vote for some man in their own State, and the largest State will have the best chance for the appointment.

But such are not the conditions to-day.

And again, Mr. Speaker, Mr. Dickinson, whose error of mind, not of heart, all American citizens are pleased to overlook, moved in the convention—

That the members of the second branch (the Senate) ought to be chosen by the individual legislatures—

And said he had two reasons for this motion:

First, because the sense of the States would be better collected through their government than immediately from the people at large; second, because he wished the Senate to consist of the most distinguished characters—distinguished for their rank in life and their weight of property—and bearing as strong a likeness to the British House of Lords as possible, and he thought such characters more likely to be selected by the State legislatures than in any other mode.

How striking the illustration that "great men are not always wise." Yet, if we were to judge men by mistakes and erroneous opinions only, injustice would be done. We judge the founders of our Constitution by their best work, and they are deserving of the rare honor which alone belong to the founders of empires. But, Mr. Speaker, there is no longer ground for apprehension. The conditions then perchance existing do not confront us now.

The efficiency of our public-school system and institutions of learning can not be questioned; and the intelligence of the American people as a nation is admitted the world over. Before the war of independence there were but 9 colleges in the United States, while to-day there are 400, and our common and public schools are located in every city, town, and township within our country. One hundred years ago but few newspapers were published in the United States. In 1775 there were only 37 newspapers and periodicals; and the first daily newspaper issued in this country was the American Daily Advertiser, published in Philadelphia in 1784. To-day there are about 2,000 daily papers, and of the other issues some 18,000.

This, coupled with the general thirst for reading and knowledge, especially fit the American people for self-government in its entirety, for the education of the masses is the crowning glory of our country and her only reliable safeguard. Such is the intelligence of our people to-day that they are conversant with all great political questions, and I have unbounded faith in their ability to exercise all the rights which the proposed amendment offers. I hail with delight the opportunity to advocate the adoption of this measure, and place in the hands of the people, where it properly belongs, the right to elect United States Senators.

I have no doubt of the ability of the people of Pennsylvania to exercise all the rights under the proposed amendment, and, if given the opportunity, will demonstrate to the country the wisdom of the legislation. A vacancy now exists in Pennsylvania, for the legislature, while in session, failed to elect. Under the Constitution, when vacancies occur it is provided that they shall be filled temporarily by the appointment of the governor prior to the convening of the State's legislature and the election of a Senator at the first session thereof.

Never in the history of the Senate, it can be creditably said, has that body seated a person seeking admission by appointment from the governor after the legislature of the States had failed to elect.

Senator Conkling, in discussing the right to fill vacancies where the legislature failed to elect, said that—

The governor of a State and his friends, by cabal, intrigue, and maneuver, may so arrange that the legislature will decide not to elect or would fail to elect, in order that the governor might gather to himself the power to fill the vacancy.

And I have no doubt but many of the most reputable citizens of the State of Pennsylvania have implicit faith in the statement of that honored gentleman.

To-day, through the failure of legislatures to elect Senators, three vacancies exist—namely, in Pennsylvania, Delaware, and Utah—while I venture to say that if the right to elect were placed with the people, not one of the States named would be without a full representation.

After a trial, Mr. Speaker, of over one hundred years it has been demonstrated clearly to the people of the United States that the present system of electing United States Senators does not carry with it the intent and purpose of the Constitution. Hamilton said:

Among independent and sovereign States, bound together by a simple league, the parties, however unequal in size, ought to have an equal share in the common councils.

It can not be contended that all the States possess that equality intended by the Constitution when at this time three vacancies exist through the failure of the respective legislatures to elect. An examination of the records of the Senate give evidence of the failure of the present system and in some cases the absolute failure of State legislatures to carry out the will of the people and the spirit of the Constitution. As proof of this statement, John Kusey, of Delaware, was refused a seat in the Third Congress because a session of the legislature had intervened between the time of the expiration of his term and prior to his appointment.

Samuel S. Phelps, Senator from Vermont, was refused admission on appointment by the governor, for the reason that subsequent to the appointment and prior to the meeting of the Senate a session of the legislature had intervened. (Volume 28, Congressional Globe, part 1, first session Thirty-third Congress.)

In the same Congress Jarrett W. Williams was refused a seat under like circumstances as those of Senator Phelps. (Volume 28, part 3, Congressional Globe, page 2208.)

In the Twenty-fourth Congress James Harlan, Senator from Iowa, was refused admission because a majority of both bodies of the legislature were not present at the joint convention. (Congressional Globe, third session Twenty-fourth Congress, 260.)

In the Thirty-eighth Congress the State of Arkansas was deprived of representation in the United States Senate because the legislature was not legally organized. (Senate Journal, Thirty-eighth Congress, and second session Thirty-ninth Congress.)

Henry P. Dupont, of Delaware, was refused a seat in the Fifty-fourth Congress because the vote that elected him was not a legal vote under the constitution of that State.

Lee Mantle, of Montana, was refused admission into the Fifty-third Congress under an appointment by the governor of that State because a session of the legislature had intervened between the time of the expiration of his term and the date of his appointment; and Henry W. Corbett, of Oregon, was refused admission into the Fifty-fifth Congress under an appointment by the governor of Oregon upon the ground that the legislature, while it had refused to organize, had met and failed to elect.

It seems apparent, Mr. Speaker, that too frequently have legislatures failed to carry out the purpose of the Constitution, whereby all States may enjoy the equality to which they are entitled; that the right to elect United States Senators should be placed in the hands of the people. With the adoption of the proposed amendment all States will enjoy fully the rights intended by the Constitution and the will of the people honestly recorded, for they will never willfully betray themselves. [Applause.]

Mr. RUCKER. I now yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, the joint resolution now before the House and under discussion proposes to amend the Constitution so that Senators in Congress shall be elected directly by the people. I am in favor of the people electing United States Senators. Ever since I have been a member of this House I have worked faithfully to bring about this desirable reform. I introduced this joint resolution in the Fifty-fourth Congress, I introduced it in the Fifty-fifth Congress, and I reintroduced it the first day of this Congress. It passed this House by an almost unanimous vote in the last Congress, but failed to pass the Senate. For years, in Congress and out of Congress, in season and out of season, I have favored, discussed, and agitated this proposition. I believe it is right. I know the people favor it, and I hope every member of this House will now vote for it. The people all over this country demand this change in the Constitution and appeal to us to pass this resolution to give them this right.

This appeal is not sectional, nor is it partisan. It reaches us from all sections and from the different political parties with a degree of unanimity quite surprising and unaccountable, if not guided and impelled by a sense of righteous indignation, aroused by reports and accusations of alleged methods sometimes employed by gentlemen whose ambitions lead them to seek a seat in the Senate of the United States. We can well afford, indeed, as their representatives it is our bounden duty, to respect the wishes and do the will of the people and give them a uniform law allowing them by direct vote to elect their Senators.

It has been said that our action in passing this resolution will be useless and a waste of time, for the reason that the Senators will never consent to a change in the mode of their selection. That may be true in regard to some of the Senators, but I know it is not true in regard to all of them. Many of them favor this change and will advocate it. I know also that this resolution may fail this time, as it has failed to pass the Senate before, but those who believe in this change will not give up the struggle to bring it about, and sooner or later it will be adopted.

If a majority of Senators oppose the adoption of this resolution in this Congress and, from personal motives, mistaken ideas, or narrow-minded views, vote it down, the agitation of the people for this change will not cease, but will become more pronounced and more determined until there is a Senate that will respond to their wishes and enact legislation that will give the people the right to elect their United States Senators as well as their Representatives in Congress. Do not be deceived; make no mistake. This reform is growing more popular every year and is destined to come in the near future. I trust it will come this year and that the Senate will concur in the judgment of this House before this Congress adjourns.

In recent years there has been much scandal in several States regarding the election of United States Senators by the State legislatures. These scandalous elections are becoming more flagrant and more frequent. The adoption of this amendment will prevent corruption, stop scandal, and to a great extent eliminate the temptation to gerrymander for partisan purposes.

Let me say to this House that this legislative gerrymandering has been carried further by the Republican party in my own State of New York than perhaps any other State in the Union. In the State of New York, under the present outrageous Republican apportionment, the people can not secure a Democratic legislature unless the Democratic party carries the State by at least a plurality of 100,000 votes.

The Republicans in their partisanship went so far that they wrote in our State constitution a provision that no matter what the population of Greater New York should be, no matter if it were twice as large as the population in the rest of the State, the city of Greater New York should never have more than one-half the members in the upper branch of our State legislature.

I believe the change in our Federal Constitution sought to be made by this resolution will almost entirely prevent these unfair and outrageous apportionments and at the same time give the poor man the same opportunity under the law as the wealthy one to submit his cause and his candidacy to the arbitrament of the people for the high and honorable office of a Senator in Congress.

I favor this change in the Constitution, as I shall every other that will restore the Government to the control of the people. I want the people, in fact as well as in theory, to rule this great Republic and the Government to be directly responsible and immediately responsive to their will. I believe in the people, and I trust the people. In my judgment, the people can and ought to be trusted.

If the people can not be trusted, if they can be corrupted, coerced, influenced, or intimidated, then representative government is a failure and the free institutions of the Republic are doomed. We must rely on the people, and we should legislate at all times in their interest.

With the adoption of this amendment to the Constitution it will be impossible to defeat the will of the people, and the vacancies that are now too frequent in the Senate and occupy the time and attention of that body would never occur.

Mr. Speaker, there is a rapidly growing sentiment all over the country in favor of this change in the mode of electing Senators in Congress. It is a most important question to the people, and the Senate will make a sad mistake if it attempts to ignore it.

The legislatures of thirty-four States have formally indorsed this proposed amendment to the Constitution, and I firmly believe, if the Senate will now pass it, that every State in the Union will speedily ratify it, and it will become a part of the supreme law of the land. The people are in earnest in this matter and any attempt to thwart their will in securing this reform will only hasten its consummation.

I am opposed to delegating away the rights of the people, and where they have been delegated I would restore them to the people. For one hundred years and more the distrust of the people by some of the founders of the Republic, as embodied in our Federal Constitution, has stood as fixed and immutable as the laws of the Medes and the Persians.

I am a friend of the Constitution and share in the patriotic sentiment which is prompt to challenge almost every proposition to amend it. But, sir, I sincerely believe the man who would boldly point out the defects in our great Magna Charta and honestly seek to remedy them is a better friend of the Constitution than he who will not see its faults, or, seeing them, endeavors to justify them from motives of mistaken zeal.

The right to elect United States Senators by the people is a step in advance and in the right direction. I hope it will speedily be brought about. It is the right kind of reform, in the interest of the many and for the benefit of all the people, and its accomplishment will keep the Government nearer the masses and herald a better and a brighter day in the onward march of the Republic. [Applause.]

Mr. RUCKER. I yield to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the House. See Appendix.]

Mr. RUCKER. I now yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Speaker, any question is important which proposes to change the Constitution of the United States. That time-honored instrument, so perfectly wrought out and so nearly adapted as a complete foundation for the establishment of free government, is perhaps the greatest instrument which man hath produced. In considering the proposition before us to-day it might be well to inquire into the conditions existing at the time of the adoption of the Constitution and contrast them with the environments of this day. At that time the Continental Congress, which had so admirably conducted the affairs of state during the Revolutionary war, was chosen by the legislatures of the several States. In the States themselves the governors, judges, and other officers were named by the legislature. In some instances they went so far as to name the county officers through the same source. Popular election meant simply the selection of a legislative body for the State.

With these conditions existing and so much good having resulted from the legislative bodies, both of the States and the Continental Congress, it was natural that many of its provisions should be introduced in the Constitution which was to serve as the foundation for National Government. The members of the Continental Congress itself were chosen by the legislatures and received their credentials from them very much as the Senators now receive them from the States. It is not strange, then, that, emerging from the war of Independence with the method of government then existing, they should fail to see the danger that would lie in the path of such a system.

The men of that period were statesmen of unusual force and character. The pictures that come to us in stone or bronze or exhibited on canvas present individuals strong, intellectual, deeply furrowed with the cares and responsibilities of life. They present an appearance of sublimity that to me is awe-inspiring. These sages read of Greece and Rome in their efforts to be free. They were students of literature and were versed in history of mankind in its effort to establish free government. They had some help in their work; a few examples and precedents could be found; but most of them had met the sad fate of decay and could only serve to warn them to avoid the mistakes which lead to their ruin. No men ever engaged in nobler task.

History produces none upon whom so much depended. Here were States to be retained in the enjoyment of their sovereign rights and a compact to be formed which would unite in one sisterhood of States. The three departments of government are to be separate and distinct and each to enjoy their proper functions, and it was desired that the people should in all respects be supreme. How admirably they brought order out of chaos in this work. We laud the heroes of the Revolution who, amid blood and carnage, achieved so much for the world, and we can not praise them too highly. But the civil heroes who, after the ruins of war, amid the factions and discord which followed, framed a Government which served to perpetuate the enjoyment of the freedom gained are alike entitled to our greatest admiration. Washington the statesman is as much to be honored and revered as Washington the general. The works accomplished are as enduring as any that could be brought by force of arms. It has been said by one of the greatest statesmen of Europe that the American Constitution is the most perfect scheme of civil government ever devised by human wisdom.

The Convention, when it came to consider the question of choosing Senators, had different views, but naturally, with the experiences through which they had just passed, would adopt the method of selection by the State legislatures. Different views were then maintained, however. Mr. Wilson, as is shown by the Madison Papers, said, in the discussion of the matter:

> If we are to establish a National Government, that Government ought to flow from the people at large. If one branch of it should be chosen by the legislatures and the other by the people, the two branches will rest on different grounds and dissension will naturally arise between them. I wish the Senators to be elected by the people, as well as the other branch.

Robert Morris fully indorsed this position. The distribution of the power of government was justly regarded by the framers of our fundamental law as one of the greatest safeguards of liberty. By the proper distribution of power the tendency toward centralization or absolutism could be checked.

It is for this purpose that this amendment to the Constitution is proposed. In what I may say on this occasion I wish it to be understood that I have no intention of reflecting upon any individuals occupying positions in the other end of this Capitol. While much has been said by the press of the country, and many charges of fraud and corruption have been made against individuals who have found place in that body, it is not my purpose to reiterate these charges nor to say anything that would reflect upon the honor or dignity of any member of that body. I believe that most men are honest and that as a rule charges made against public men have but little foundation in fact. If anything can be done which will tend to satisfy the public mind and to remove the idea prevalent that fraudulent methods are frequently adopted to secure and retain office, I am pleased to encourage it and secure its adoption.

Under the Constitution this great fabric of government has placed only one division of the legislative branch under the direct control of the people. The President is selected through electors chosen by the people. After his induction into office he names the chiefs of Departments and heads of bureaus, who have in charge the great machinery of the Government, subject to the confirmation of the Senate. The United States court, whose members are practically appointed for life, are named by the Executive and confirmed by the Senate, so that in neither the executive nor judiciary branches of government do the people make direct selection. The lower House of Congress alone has its indorsement from them.

When adversity has come to the nation and the fearful curse of war has threatened the country, the people have rallied to the support of the flag and have given their lives as a ransom for the maintenance of national honor and glory. The citizen soldiery has been its bulwark—the invincible power that has brought to the attention of the world the devotion and valor of the constitutional sovereigns, the people themselves. Not the privileged few, nor yet the favored by birth and fortune, but the people have saved the nation from destruction, have fought its battles, enlarged its borders, and have rescued liberty from the grasp of every designing enemy.

Can it now be said that these defenders of home and country can not be trusted; that wisdom will not follow their deliberation; that their action will be hasty and inconsiderate? These heroes of field and plain, these victors on land and sea, these bearers of the triumphant flag now ask that they have the privilege of controlling the legislative branch of the Government. Who shall say they shall not? Who is so lost to the principles of free government and the necessity of recognizing the people as to deny this request? From over thirty State legislatures, from every part of the country, through farmers' organizations, labor unions, and popular conventions this purpose has been expressed.

This proposition does meet with opposition but from what source? Who is it that says you can not trust the people in this important function? What class of our citizens is fearful of the consequences of leaving the control of the lawmaking branch of government in the hands of the people? My own observation is that aggregate wealth and corporate monopoly, with their agents and attorneys, are the prime factors in this attempt to defeat the popular will. Of course the Senator who secures his position by improper means resents it. If fraud has entered into his methods and has brought success to him, he would rather risk the smaller body than to submit his claims to the voters of his State. He who feels that the people are not in sympathy with his political methods would likely oppose it. But the people of all classes, high and low, capitalist and laborer, in office or out of it, who are in real sympathy with a government of the people are in favor of yielding to this demand for legislative control. When you find an individual contending against this system, you can almost safely inquire, What private claim does he represent, to whom has he sold his birthright, and who is the master to whom he owes allegiance?

The proposed amendment to the Constitution does not detract from the power of the State legislatures, the State itself, or from the prestige of the Senator when chosen. The representative of this honorable and select branch of the American Congress would be permitted to throw down his commission upon the Clerk's desk and ask the oath of office with the proud realization that it came from the people of the Commonwealth he expects to represent. It seems to me that nothing could be coveted, save the position of Chief Executive, that could be considered a greater honor than to thus represent the people.

The opposition to this measure, however, in other years has asserted itself in the other end of this Capitol. Resolutions of this character have been pigeonholed there ever since the Forty-ninth Congress. Frequently this body has asserted the people's will and passed a bill similar to that presented by the minority at this time. But in the Senate archives these important resolutions have slept the sleep of banishment and darkness. Does this lessen our obligations? Shall we crawl in the dust of compromise and concession in order to secure the passage of a measure which would fail to accomplish the desired purpose? Not so.

Unless we can secure the legislation desired by the people, let the ancient and time-honored instrument, framed by our fathers with such consummate wisdom, remain untouched. The report of the majority proposes to make concession to secure action elsewhere, by giving to the States the option of selection of their Senators according to the present method or by direct vote of the people. It seems to me this would defeat the real purpose of the measure, for the result would be that in those States where corruption and fraud are now resorted to to secure the preferment of men who, by their wealth or connection with great moneyed interests, are enabled to control the legislatures, would use their methods to prevent the people from enjoying the benefits of the proposed amendment.

It is surprising that the same objection that is made to-day against this measure of popular favor was made in the Continental

Convention when the method of selection of Senators was first discussed. Mr. Gerry, as is shown by the Madison Papers, then said:

He was opposed to the view of Mr. Wilson, who was in favor of electing by direct vote of the people, that the commercial and moneyed interests would be more secure in the hands of the State legislatures than of the people at large.

Tacitly admitting that all other interests would be safer in the hands of the people. The real objection then, as now, is that you can not safely rely upon the people's choice. A great Senator, in discussing this measure in the Senate in 1893, said:

I am not afraid to say to the American people that it is dangerous to trust any great power of government to their direct or inconsiderate control. I am not afraid to tell them not only that their sober second thought is better than their hasty action, but that a government which is exposed to the hasty action of a people is the worst and not the best government on earth.

This expresses the real animus of the opposition, and well illustrates what is feared by them.

Shall we not do what the people desire? Let us say to the petition of the laborer, "We have heard your call and take the initial step you ask;" to the farmer be it said, "Your wishes have been considered and your request has been granted." Shall we not say to all classes that their demand on us shall be met, and thus do our duty here by sending to the Senate a resolution providing for the election of Senators by direct vote of the people? [Applause.]

Mr. RUCKER. I now yield to the gentleman from Kansas [Mr. RIDGELY].

[Mr. RIDGELY addressed the House. See Appendix.]

Mr. RUCKER. I now yield to the gentleman from Ohio [Mr. MCDOWELL].

[Mr. MCDOWELL addressed the House. See Appendix.]

Mr. RUCKER. I yield to the gentleman from Missouri [Mr. ROBB].

Mr. ROBB. Mr. Speaker, I am in favor of and shall vote for the substitute proposing an amendment to the Constitution of the United States, providing for the election of United States Senators by a direct vote of the people of the several States. Any power which properly belongs to the people and which can be exercised by them, I think, ought to be exercised by them. No man can give a satisfactory reason why the people should not elect their representatives to any office, whether it be to the office of United States Senator, or a member of this House, or a member of any other legislative body. The nearer you bring home to the people the election of their officers the more directly those officers will feel their responsibility and obligations to the people.

I think the amendment to the Constitution as provided by this substitute will insure at all times the election of a United States Senator. There can be no deadlocks and failures to elect when the people, the sovereign power in the several States, are given the right to vote directly for Senators. It will also insure us against fraud and corruption entering into these elections, and purify the political atmosphere now in some instances surrounding elections to that high office. It will elevate the dignity of the United States Senate in the estimation of the country, and make those who have been or who may be honored by this high office more responsive to the voice of the people.

The resolution provides that—

The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

When a vacancy happens, by death, resignation, or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The purpose of the resolution is to change the fundamental law so that the people may exercise the power which they now delegate to the legislature.

Except as to the mode of election and filling vacancies, no other change is proposed, and the relation of Senators to their States and to the several departments of the Government will remain unaffected.

The question before us is not a new one. An amendment of this kind was proposed during the first session of the Fiftieth Congress, which convened December, 1887. Since that time many similar resolutions have been offered, and some have passed this House by an almost unanimous vote. This was but a just response to the almost universal popular demand for the change.

The great masses are in earnest upon this question, and, in obedience to their emphatic demands, the legislatures of 34 of the 45 States have passed resolutions requesting Congress to submit an amendment for ratification such as is now proposed. And why should it not be done? Are not the people of the State the sovereign authority of that State, and ought they not to have the right to say directly by their votes who they desired should represent them and their State in the United States Senate? Why compel them to delegate to some one else the power to do that which properly belongs to them as a sovereign right, and which they are demanding that they be allowed to exercise? Who is afraid to trust the people? He who is should not be trusted by the people.

Thomas Jefferson, the great apostle of Democracy, the founder and father of the Democratic party, the greatest statesman of this country, and who wrote the immortal Declaration of Independence, declared:

I am not among those who fear the people.

Had he been a member of the convention which framed our Federal Constitution he would have stood where George Washington, James Madison, Edmund Randolph, George Mason, and John Blair stood—in favor of giving to the people of the States the right to elect Senators by a direct vote.

It is not enough for us to say the Senate will not pass this resolution; that similar resolutions at other times have failed to receive its favorable consideration. We should join with the people of nearly every State in the Union in making this demand. We should unite with them our protest against a system which has been abused and corrupted and which deprives them of the sovereign right of American citizenship. The people are in earnest and they are determined. Every year adds strength to the movement and the time is not far distant when this amendment will be adopted.

In an able speech made upon this subject in the House of Representatives on May 11, 1898, by Hon. WILLIAM A. JONES, a distinguished Representative from the Commonwealth of Virginia, in referring to the earnest demand of the people for this change and the refusal of the Senate to pass the resolution, he said:

But, despairing of any immediate relief by reason of the refusal of the Senate itself to submit this amendment to a popular vote of the States, the voters in many of the States have discovered a means by which they may accomplish indirectly what they are not permitted to do directly. In many of the States there are held Senatorial primary elections, in some of which they are held under the sanction of statutory enactments, whilst in others they are protected only by such regulations and safeguards as may be provided by the political organizations resorting to this method of securing an expression of the popular will.

In no State where such a device has been employed has it ever been abandoned. On the contrary, in States where these primaries were originally held simply under party regulations they grew so rapidly in popular favor that legislative acts have been passed and special statutes enacted prescribing the methods by which they should be held. In some States the legislatures have merely legalized the holding of party primaries; in others they have made it obligatory as to many of the offices to be filled. In Florida, for instance, an act has recently been passed merely legalizing Senatorial and other primaries, whilst in South Carolina the primary system, which has worked so satisfactorily in that State, is now made obligatory by statute.

To quote the language of the junior Senator from that State:

"The primary in our State is the outgrowth of a popular demand. * * * It may not suit the politicians, but it suits a large majority of the people of South Carolina, and has become a fixture."

In Georgia, Arkansas, Nebraska, and other States the Democrats have adopted primary systems by which the Democratic voters indicate their choice for Senators; and so strong a sentiment upon this subject prevails in Texas that all of the Democrats who thus far have announced their intention to become candidates before the legislature which is to fill the next vacancy in the Senate from that State have publicly declared their willingness to submit their claims to a Senatorial primary, to be held under the auspices of the Democratic executive committee of that State.

Even more recently, indeed only this year, the legislature of Illinois, in response to an irresistible public demand, has enacted a statute providing a complete primary system applicable to the nomination of candidates for all public offices in that State and for the Congress of the United States. This act makes the holding of these party primaries imperative in all counties containing 125,000 inhabitants, but it is only to apply to such other communities as shall adopt this act upon its being submitted to their legal voters.

The primary system enlarges the power of the people, gives them a direct vote on the question involved, and hence it is popular with them.

Mr. Speaker, numerous considerations have been productive of this dissatisfaction on the part of the people with the present system.

First. It is a reflection upon their honesty and intelligence, and amounts to a declaration that it is unsafe and prejudicial to the public interest to empower them to elect by a direct vote their representative in the United States Senate. It is an abridgment of the right of suffrage by depriving the individual voter of the right to vote for the man of his choice.

Second. The charges of fraud and corruption and bribery, by means of which it is claimed and believed elections have been secured to the United States Senate, has excited in their minds just apprehensions as to the character of the men and the kind of services which will be performed by those elected by such methods.

Third. The serious effect upon the business of the State legislatures resulting from the contests, lasting sometimes through an entire session, and in some cases even then without successful termination, and the corrupting influences resulting from the intrigues, manipulation, and lavish expenditure of money. Not only are the material interests of the State seriously affected by these protracted Senatorial struggles, but often a State is denied

its proper representation in the United States Senate by reason of the failure of the legislature to elect.

I might call attention, in this connection, to the States of Washington, Wyoming, Montana, Oregon, Kentucky, and Delaware, where the legislatures failed to elect. There are now three States without their proper representation in the United States Senate as the result of this pernicious and undemocratic system. And but recently it was solemnly resolved, by a unanimous vote of the Senate committee having the subject under consideration, that the person holding a certificate from the great State of Montana was not entitled to his seat as a United States Senator, by reason of the improper expenditure of an unusually large sum of money in procuring his election. The public trust has been abused and the public confidence shaken in the integrity of many of these elections.

Although the growth of public sentiment in favor of this amendment to the Federal Constitution has been rapid and pronounced, it is not to be wondered at in view of the recent experiences of many of the State legislatures and the suspicions surrounding some of these elections.

But however this may be, Mr. Speaker, whether it is to have little or great weight in the consideration of this question, outside of, above, and beyond this is the right of the people to rule; and if we are to rise to the true grandeur of "an absolutely free and independent representative government," this restriction should be removed and the authority to elect placed where it properly belongs—in the hands of the people.

When this question was under consideration in the Constitutional Convention, Mr. Madison declared that he "thought that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the legislatures." James Wilson, of Pennsylvania, in advocating elections by the people, said: "I am in favor of raising the Federal pyramid to a considerable altitude, and for that reason I wish to give it as broad a base as possible. No government can long subsist without the confidence of the people."

Mr. Speaker, this movement of the people is in the interest of the people, and the resolution should be passed and submitted to the States for their ratification if this Republic is to be in fact what it professes to be in name, "a government of the people, by the people, and for the people."

Mr. RUCKER. I yield to the gentleman from Virginia [Mr. JONES].

Mr. JONES of Virginia. Mr. Speaker, I do not wish to occupy even the two minutes granted me. My own record upon this question has been made and is well known. I simply want to say that the legislature of Virginia since the beginning of this year has passed, with only two dissenting votes, a resolution instructing its representatives in the Senate of the United States to vote for an amendment to the Constitution which shall provide for the election of Senators of the United States by the direct vote of the people.

Mr. RUCKER. Mr. Speaker, before the debate is closed on this resolution, I desire unanimous consent to withdraw the resolution heretofore offered by the minority of the committee, and to have read and considered as pending, in lieu of the resolution heretofore offered, the resolution which I send to the desk.

Mr. CORLISS. This resolution might be printed in the RECORD, to be considered as offered in lieu of the substitute.

Mr. POWERS. And as pending.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] withdraws the amendment heretofore offered and offers as a substitute therefor the amendment which the Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

"When a vacancy happens, by death, resignation, or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution

Mr. CORLISS. I ask that the consent heretofore granted for leave to print be limited to ten days after the passage of the bill.

Mr. UNDERWOOD. I understand that general leave to print has been granted without this limitation. On a bill of this kind I do not see any reason for limiting the time. The leave heretofore given was granted when the House was full. I object.

LEAVE OF ABSENCE.

Mr. PARKER of New Jersey, by unanimous consent, obtained leave of absence for the residue of this week, on account of important business.

And then, on motion of Mr. DALZELL (at 5 o'clock and 18 minutes p. m.), 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 the Treasury, transmitting, in response to a resolution of the House, reports of collectors of customs, giving names of importers and articles imported into the United States from Porto Rico since the treaty with Spain, with amounts paid and dates of payment—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Modern Woodmen of America against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George Brunk against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Frank G. Simmons against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Hiwassee River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the schooner *William and Joseph*, William Lander, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the Assistant Secretary of War, transmitting a reply to the resolution of the House of Representatives of March 30, 1900, relating to any opinion or opinions of a law officer of that Department on the relation of the island of Porto Rico to the Constitution—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10665) to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory, reported the same in lieu of H. R. 5780, accompanied by a report (No. 992); which said bill and report were referred to the House Calendar.

Mr. DE VRIES, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10225) relating to rights of way for canals and ditches used for irrigation and other beneficial uses, reported the same with amendment, accompanied by a report (No. 993); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BROMWELL, from the Committee on the Post-Office and Post-Roads, to which was referred the bill of the House (H. R. 9393) to extend the uses of the mail service, reported the same without amendment, accompanied by a report (No. 994); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHELDEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10445) granting an increase of pension to Bertha G. Kimball, reported the same with amendment, accompanied by a report (No. 995); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 2441) granting a pension to Felix G. Sitton, reported the same without amendment, accompanied by a report (No. 996); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1619) granting an increase of pension to Ella Cotton Conrad, reported the same with amendment, accompanied by a report (No. 997); which said bill and report were referred to the Private Calendar.

Mr. BROMWELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8885) granting a pension to Sara H. M. Miley, reported the same with amendment, accompanied by a report (No. 998); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7812) granting a pension to Lydia Strang, of Osceola, Polk County, Nebr., reported the same with amendment, accompanied by a report (No. 999); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CUSHMAN: A bill (H. R. 10654) giving to the Quinaielt Indians in the State of Washington authority to grant certain fishing privileges on the Quinaielt Indian Reservation—to the Committee on Indian Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 10655) to extend additional homestead rights to soldiers and sailors serving in the war with Spain or during the military occupation of Cuba, Puerto Rico, or the Philippines—to the Committee on the Public Lands.

By Mr. JONES of Washington: A bill (H. R. 10656) to provide American register for the steamship *Garonne*—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAWNEY: A bill (H. R. 10657) to repeal certain provisions of an act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," relating to stamp taxes upon deeds of conveyance, mortgages, leases, notes of hand, and so forth—to the Committee on Ways and Means.

By Mr. FLYNN: A bill (H. R. 10658) to authorize the town of Miami, in the Indian Territory, to issue bonds, and for other purposes—to the Committee on Indian Affairs.

By Mr. BABCOCK: A bill (H. R. 10659) regulating permits for private conduits in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WISE: A bill (H. R. 10660) authorizing the construction of a drawbridge across the Eastern Branch of the Elizabeth River, between the city of Norfolk and the town of Berkley, Va.—to the Committee on Interstate and Foreign Commerce.

By Mr. DAYTON: A bill (H. R. 10661) to authorize the Central Railway of West Virginia to build a bridge across the Monongahela River at or near Morgantown, in the State of West Virginia—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: A bill (H. R. 10662) to provide for the construction of a revenue cutter for use of Philadelphia, Pa.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10663) fixing the hours of labor for clerks and employees in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

By Mr. MORRIS: A bill (H. R. 10664) granting permission to the Indians on the Grand Portage Indian Reservation, in the State of Minnesota, to cut and dispose of the timber on their several allotments on said reservation—to the Committee on Indian Affairs.

By Mr. LITTLE, from the Committee on Indian Affairs: A bill (H. R. 10665) to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory—to the House Calendar.

By Mr. HEATWOLE: A bill (H. R. 10692) to amend an act to provide revenue for the Government and to encourage the industries of the United States, approved July 24, 1897—to the Committee on Ways and Means.

By Mr. SOUTHARD: Joint resolution (H. J. Res. 234) authorizing the Secretary of War to apply the unexpended balance of appropriation heretofore made for the Port Clinton Harbor to the deepening and widening of the channel of said harbor—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 10666) to correct the military record of James W. D. Hill—to the Committee on Military Affairs.

By Mr. DAYTON: A bill (H. R. 10667) for the relief of Elk Branch Presbyterian Church, of Jefferson County, W. Va.—to the Committee on War Claims.

By Mr. DRIGGS: A bill (H. R. 10668) granting a pension to John W. Norris—to the Committee on Invalid Pensions.

By Mr. EDDY: A bill (H. R. 10669) granting an increase of pension to John Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10670) granting an increase of pension to James Neale—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: A bill (H. R. 10671) to reimburse D. W. Henry—to the Committee on Claims.

By Mr. HENRY of Mississippi (by request): A bill (H. R. 10672) for the relief of Frank P. Murphy—to the Committee on Claims.

By Mr. JACK: A bill (H. R. 10673) granting a pension to J. L. Hall—to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 10674) granting an increase of pension to Kate Cadwell—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 10675) granting an increase of pension to Patrick Moran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10676) for the relief of John H. Rollins, late a private in Company F, First District of Columbia Volunteer Cavalry, and in Company D, First Maine Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 10677) granting an increase of pension to Edson D. Bemis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10678) granting a pension to George D'Vys—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10679) granting a pension to Lowell M. Maxham—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 10680) granting an increase of pension to William A. Noel—to the Committee on Invalid Pensions.

By Mr. SCUDDER: A bill (H. R. 10681) to reimburse the town of East Hampton, Suffolk County, N. Y., for expenses and fees incurred by the board of health thereof for records of deaths at the United States encampment at Montauk Point, Suffolk County, N. Y.—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 10682) granting an increase of pension to Ira D. Boardman—to the Committee on Invalid pensions.

Also, a bill (H. R. 10683) granting an increase of pension to James B. Judson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10684) granting an increase of pension to Jehu F. Wotring—to the Committee on Invalid Pensions.

By Mr. WHEELER of Kentucky: A bill (H. R. 10685) for the benefit of William E. Holcombe—to the Committee on Pensions.

By Mr. ZIEGLER: A bill (H. R. 10686) authorizing and directing the Secretary of War to issue medals of honor to the 60 surviving members of the Worth Infantry and York Rifles, who were the first troops to respond to the call of President Lincoln for volunteers April 15, 1861, and who entered the service April 19, 1861—to the Committee on Military Affairs.

Also, a bill (H. R. 10687) to remove the charge of desertion from the military record of Jesse Utz, private in Company G, Seventy-fourth Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 10688) removing the charge of desertion from the military record of George W. Stape, late of Company E, One hundred and seventh Regiment Pennsylvania Volunteers, and Company C, Two hundred and fifteenth Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 10689) to increase the pension of Michael Falkoner, Company B, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 10690) for the relief of the legal representatives of John C. Adkins—to the Committee on War Claims.

By Mr. DINSMORE: A bill (H. R. 10691) for the relief of William H. Roach, of Scotland, Van Buren County, Ark.—to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 10693) granting a pension to George Serrell—to the Committee on Claims.

By Mr. HITT: A bill (H. R. 10694) granting an increase of pension to Katherine J. Gilman—to the Committee on Pensions.

By Mr. HOFFECKER: A bill (H. R. 10695) for the relief of Samuel S. Weaver—to the Committee on Claims.

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. BAILEY of Kansas: Petition of Topeka Pressman's Union, No. 49, Topeka, Kans., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

By Mr. BELLAMY: Petitions of the United States Brewers' Association and North Carolina Liquor Dealers, Distillers and Grape Growers' Association, for the repeal or reduction of the war tax on malt liquors—to the Committee on Ways and Means.

By Mr. BELL: Petitions of G. W. Bartholomew and E. Margaret Gowdy, of Colorado Springs, Colo., favoring the passage of House bill No. 5457, known as the Spalding bill—to the Committee on Military Affairs.

Also, petitions of the First Baptist and Congregational churches, of Grand Junction, Colo., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, and Soldiers' Homes—to the Committee on Military Affairs.

Also, resolutions of Mulligan Post, No. 79; Upton Post, No. 8, and J. W. Anderson Post, No. 96, Department of Colorado, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of substitute letter carriers of Kansas City, Kans., in favor of House bill No. 1051, relating to grading of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Columbus (Ohio) Brotherhood of Locomotive Engineers, in opposition to proposed legislation restricting the sale of butterine—to the Committee on Agriculture.

By Mr. CANNON: Petitions of farmers, dairymen, stock raisers, merchants, creamery employees, and others, residents of the Twelfth Congressional district of Illinois, favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. COCHRANE of New York: Petition of T. M. Burt Post, No. 171, of Valatie, N. Y., Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. CONNELL: Petition of the Preachers' Alliance of Carbondale, Pa., for the suppression of liquor selling in our new islands and in our Army—to the Committee on Military Affairs.

By Mr. DAYTON: Petition of Joseph C. Smith, of Berkeley County, W. Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. DINSMORE: Petition to accompany House bill granting a pension to Mary Pruit, of Capark, Ark.—to the Committee on Pensions.

By Mr. DOLLIVER: Petition of citizens of Whittemore, Iowa, favoring the Grout bill relating to dairy products—to the Committee on Agriculture.

By Mr. ELLIOTT: Petition of citizens of Charleston, S. C., asking that the sum of $6,000 be included in the sundry civil bill for painting and frescoing the interior of the new post-office and court-house at Charleston, S. C.—to the Committee on Appropriations.

By Mr. FITZGERALD of Massachusetts: Petition of Baird & Co. and others, of Boston, Mass., in relation to the passage of Senate bill No. 1439, known as the Cullom bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Resolutions of the Board of Trade of Deadwood, S. Dak., favoring the retention of the remaining public lands for the benefit of the whole people, for the construction of storage reservoirs, irrigation works, etc., by the Government—to the Committee on the Public Lands.

Also, petitions of C. F. Whaley and 45 citizens of Codington County; G. B. McIntyre and 39 others, of Miner County; P. C. Murphy and 40 others, of Brookings, and Christian Hanson and 57 others, of Stockholm, S. Dak., in favor of the bill to tax oleomargarine—to the Committee on Agriculture.

By Mr. GASTON: Petition of substitute letter carriers at Erie, Pa., in favor of House bill No. 1051, relating to substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Erie city and county, Pa., against the passage of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM: Memorial of the United States Brewers' Association, New York, asking for the repeal of the war tax on malt liquors—to the Committee on Ways and Means.

By Mr. GRIFFITH: Resolution of Marling Post, No. 224, of Jackson County, Ind., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of citizens of Allegan, Cheshire, Cushing, Grand Junction, Woodland, and Eau Claire and vicinity, Michigan, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, petition of A. E. Lawrence and other citizens of the Fourth Congressional district of Michigan, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church of Sturgis; Baptist, Presbyterian, and United Brethren churches of Hastings, Mich., to prohibit the sale of intoxicating liquors in Army canteens and at military posts—to the Committee on Military Affairs.

Also, petitions of John C. Joss Post, No. 124; Jeffords Post, No. 82, and Henry M. Liddle Post, No. 131, Department of Michigan, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HEMENWAY: Resolution of J. C. Veach Post, No. 123, Department of Indiana, Grand Army of the Republic, in favor of the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HITT: Petition of Alex McCall and other citizens of Roscoe, Ill., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

Also, resolution of John A. Davis Post, No. 98, of Freeport, Ill., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of citizens of Hinckley, Ill., in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. JACK: Petition of the Methodist Episcopal Church of Reynoldsville, Pa., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. McCALL: Petition to accompany House bill for the relief of Edsen D. Bemis—to the Committee on Invalid Pensions.

Also, petition of druggists of Boston, Mass., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. McCLELLAN: Petition of 29 associations of brewers in all parts of the United States, in favor of a reduction of the internal-revenue tax on beer—to the Committee on Ways and Means.

By Mr. McDOWELL: Petition of Meredith True, of Sherodsville, and others, of Urichsville and Dennison, Ohio, in favor of the Grout bill taxing oleomargarine—to the Committee on Agriculture.

By Mr. NORTON of South Carolina: Petition of citizens of Charleston, S. C., asking that the sum of $6,000 be included in the sundry civil bill for painting and frescoing the interior of the new post-office and court-house at Charleston, S. C.—to the Committee on Appropriations.

By Mr. OTEY (by request): Petition of Addison M. Davis, late inspector of customs, port of New York, in respect to certain charges against him—to the Committee on Reform in the Civil Service.

By Mr. PAYNE: Petitions of Farmington Grange, No. 431; Wallington Grange, No. 159; Marion Grange, No. 214; Novite Scriba Grange, No. 100; Newark Grange, No. 366, and Clyde Grange, No. 33, Patrons of Husbandry, of New York, in support of House bill No. 3717, to control the sale of imitation dairy products; also in favor of Senate bill 1439, to vest additional authority in the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. PUGH: Papers to accompany House bill No. 6920, for the relief of William T. Moore—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 10354, for the relief of John W. Campbell—to the Committee on Invalid Pensions.

By Mr. RIDGELY: Paper to accompany House bill No. 9818, to increase the pension of Charles R. Ford—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of the estate of John S. Monteith, deceased, late of Stafford County, Va., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SCUDDER: Petition of the Woman's Christian Temperance Union of Islip, N. Y., in reference to the use of intoxicants in the Philippines and in the Army—to the Committee on Military Affairs.

By Mr. SHAFROTH: Petition of the Beecher Island Memorial and Park Association, for a national park in Arapahoe County, Colo.—to the Committee on the Public Lands.

Also, petition of E. E. Fordhaus and others and E. T. Beckwith and others, of Westcliffe, Colo., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

By Mr. SHATTUC: Papers to accompany House bill No. 10438, for the relief of Helen Robinson—to the Committee on Claims.

Also, petition of A. W. Graves Post, No. 563, of Cincinnati, Ohio, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SULLOWAY: Petition of W. S. Hancock Post, No. 9, Department of New Hampshire, Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. UNDERWOOD (by request): Papers relating to the claim of Elizabeth L. Coleman—to the Committee on War Claims.

By Mr. VREELAND: Petitions of Jamestown, Rossburg, Allegany, and Olean, N. Y., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of Ripley Grange, No. 65, Patrons of Industry, of New York, favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Woman's Christian Temperance Union of Cuba, N. Y.; Baptist, Free Methodist, and Methodist Episcopal churches of Rushford, N. Y., against the sale of liquor in Army canteens, etc.—to the Committee on Military Affairs.

Also, petitions of Cattaraugus Post, Silver Creek Post, and Forestville Post, Grand Army of the Republic, Department of New York, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WADSWORTH: Petition of George F. Thompson and others, of Middleport, N. Y., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Attica Post, No. 219, Grand Army of the Republic, Department of New York, favoring the passage of a bill to establish a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WANGER: Petition of Jesse S. Kriebel and 57 other members of the Farmers' Union of Worcester, Pa., for the enactment of a law making oleomargarine and other imitations of dairy products subject to State laws upon arrival in any State or Territory, and especially amending House bill No. 6445—to the Committee on Agriculture.

Also, resolutions of Graham Post, No. 106, Grand Army of the Republic, Department of Pennsylvania, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WEEKS: Petition of the Shipmasters' Association of Detroit, Mich., asking for a resurvey of the north end of Lake Michigan and west end of the Straits of Mackinaw—to the Committee on Rivers and Harbors.

Also, petition of Abraham Lincoln Lodge, No. 445, Brotherhood of Locomotive Firemen, of Columbus, Ohio, against any legislation increasing the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Robert J. Wade Post, No. 417, of Harbor Beach, Mich., Grand Army of the Republic, in favor of House Bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WHEELER of Kentucky: Petition of William E. Holcombe, private, Company I, Fourth Regiment Tennessee Volunteers, for pension—to the Committee on Pensions.

By Mr. WRIGHT: Petitions of the Woman's Christian Temperance Union of Tunkhannock, Pa., and the First Methodist Episcopal Church of Canton, Pa., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. ZIEGLER: Petition of surviving members of Worth Infantry and York Rifles, in support of House bill authorizing and directing the Secretary of War to issue to them medals of honor, etc.—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion now standing against George W. Stape—to the Committee on Military Affairs.

Also, papers to accompany House bill to remove the charge of desertion from the record of Jesse Utz, late of Company G, Seventy-fourth Pennsylvania Volunteer Infantry—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 13, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROWNLOW for one week, on account of important business.

The SPEAKER. The gentleman from California [Mr. KAHN] has sent word to the Chair that he wishes to be excused indefinitely, on account of the death of his mother. Without objection, this request will be granted.

There was no objection.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar, under the special rule fixed for Fridays.

Mr. CORLISS. Mr. Speaker, it seems to me, under the agreement made in the House on yesterday, to vote on the adoption of the joint resolution which was discussed yesterday afternoon immediately after the reading of the Journal, that that is the special order for this morning, and is first in order.

The SPEAKER. The point made by the gentleman from Michigan is well taken. The Chair had overlooked the fact.

The Clerk will report the title of the joint resolution under consideration on yesterday.

METHOD OF ELECTION OF SENATORS.

The Clerk read the title of the joint resolution, as follows:

Joint resolution (H. Res. 28) proposing an amendment to the Constitution providing for the election of Senators of the United States.

Mr. POWERS. Mr. Speaker, I ask unanimous consent that the resolution reported by the majority, and the substitute of the minority also, be read for the information of the House. They are very short.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The joint resolution (H. J. Res. 28) and the proposed substitute were read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendments be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, namely: In lieu of the first and second paragraphs of section 3 of Article I of the Constitution of the United States of America, the following shall be proposed as an amendment to the Constitution:

"SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen for six years, and each Senator shall have one vote. These Senators shall be chosen by the legislatures of the several States unless the people of any State, either through their legislature or by the constitution of the State, shall provide for the election of United States Senators by direct vote of the people; then, in such case, United States Senators shall be elected in such State at large by direct vote of the people; a plurality shall elect, and the electors shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

"When vacancies happen, by resignation or otherwise, in the representation of any State, in the Senate, the same shall be filled for the unexpired term thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the next general election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

The SPEAKER pro tempore. The Clerk will read the substitute.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, who shall be elected by a direct vote of the people thereof for a term of six years, and each Senator shall have one vote. A plurality of the votes cast for candidates for Senator shall be sufficient to elect. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures, respectively.

"When a vacancy happens, by death, resignation, or otherwise, in the representation of any State in the Senate, the same shall be filled for the unexpired team thereof in the same manner as is provided for the election of Senators in paragraph 1: *Provided*, That the executive thereof may make temporary appointment until the next general or special election, in accordance with the statutes or constitution of such State."

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution.

Mr. CORLISS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The Chair will first state the situation in the House. There is the original joint resolution reported from the Committee on the Election of President and Vice-President and Representatives in Congress, which has just been read. To that the gentleman from Missouri [Mr. RUCKER] has offered the substitute by way of an amendment, which is the only amendment pending to the original proposition. So that the question now is on agreeing to the amendment of the gentleman from Missouri.

For what purpose does the gentleman from Michigan rise?

Mr. CORLISS. I desired simply to have that statement made.

The question being taken on the amendment proposed by Mr. RUCKER, the Speaker announced that the ayes appeared to have it.

Mr. CORLISS demanded a division.

The House divided; and there were—ayes 135, noes 30.

Mr. CORLISS. I rise to a parliamentary inquiry. If it be necessary that a two-thirds vote must be had to carry the original proposition, and this being a substitute for that original proposition, then, of course, the substitute would require the same proportion of votes.