

SENATE.

TUESDAY, May 15, 1900.

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

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

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

INQUIRIES RELATIVE TO THE PHILIPPINE ISLANDS.

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, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate of the United States:

In further response to the resolution of the Senate of January 17, 1900, and having reference to my messages to the Senate of March 5, March 27, and April 18, 1900 (Senate Documents, Fifty-sixth Congress, first session, No. 208, Parts I, II, and III), I transmit herewith a copy of a letter dated March 8, 1900, from Maj. Gen. E. S. Otis, military governor of the Philippine Islands, with a copy of an autograph letter of Emilio Aguinaldo, inclosed therewith, dated Malolos, January 7, 1899, four weeks before the insurgent attack on the American forces, to Señor D. Benito Legarda, warning him and his family to leave the city of Manila.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, May 14, 1900.

REPORT OF THE PHILIPPINE COMMISSION.

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 paper, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, Volume II of the Report of the United States Commission to the Philippine Islands.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, May 14, 1900.

CHRISTIAN CHRITZMAN.

The PRESIDENT pro tempore laid before the Senate a communication from the Sergeant-at-Arms, United States Senate, transmitting a statement of the amount expended by him under authority of the resolution of February 20, 1900, in payment of the funeral expenses of Christian Chritzman; which was ordered to be printed, and, with the accompanying papers, ordered to lie on the table.

HOUSE BILLS REFERRED.

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

- A bill (H. R. 538) granting an increase of pension to Charles F. Winch;
- A bill (H. R. 852) granting an increase of pension to James Cooper;
- A bill (H. R. 1230) granting a pension to Hannah Kennedy;
- A bill (H. R. 1570) granting a pension to Susie Margarite Landrum;
- A bill (H. R. 1748) granting a pension to Ellen V. McCleery;
- A bill (H. R. 2020) granting a pension to Clarissa Carruth;
- A bill (H. R. 2634) granting an increase of pension to Erasmus Darwin Steen;
- A bill (H. R. 2694) granting a pension to Maggie D. Chapman;
- A bill (H. R. 2708) granting an increase of pension to Cecelia B. Chauncey;
- A bill (H. R. 2726) granting a pension to James A. Root;
- A bill (H. R. 3082) granting an increase of pension to Joseph H. Sparks;
- A bill (H. R. 3252) granting an increase of pension to Sarah Somerville Lion;
- A bill (H. R. 3495) granting an increase of pension to Levi G. Wilgus;
- A bill (H. R. 3526) granting a pension to James M. Ellett;
- A bill (H. R. 4424) granting a pension to Isaac N. Jennings;
- A bill (H. R. 4455) granting a pension to Louisa Weidner;
- A bill (H. R. 4554) granting an increase of pension to Margaret M. Badger;
- A bill (H. R. 4571) granting an increase of pension to Helen Mauck;
- A bill (H. R. 4649) granting a pension to William Bates;
- A bill (H. R. 4992) granting an increase of pension to Susan Buntin;
- A bill (H. R. 5192) granting a pension to Louise Adams;
- A bill (H. R. 5330) granting an increase of pension to Uri S. Keith;
- A bill (H. R. 5439) granting an increase of pension to Thomas B. Holland;
- A bill (H. R. 5549) granting an increase of pension to David H. Ingerson;
- A bill (H. R. 5555) granting a pension to Virginia Hull;
- A bill (H. R. 5647) granting a pension to Amanda Hurd;
- A bill (H. R. 5673) granting an increase of pension to Ellen A. Spalding;

- A bill (H. R. 5695) granting a pension to Matilda Reeves;
 - A bill (H. R. 5720) granting a pension to David Smith;
 - A bill (H. R. 5929) granting an increase of pension to Barton Acuff;
 - A bill (H. R. 6151) granting a pension to Zylpha J. Kelly;
 - A bill (H. R. 6164) granting a pension to Julia Traynor;
 - A bill (H. R. 6352) granting a pension to Lizzie B. Leitch;
 - A bill (H. R. 6425) granting an increase of pension to William H. Wendell;
 - A bill (H. R. 6490) granting a pension to Martha E. Horn;
 - A bill (H. R. 6559) granting an increase of pension to Genevieve Laighton;
 - A bill (H. R. 6564) granting a pension to Anna M. Starr;
 - A bill (H. R. 6990) granting a pension to Patrick O'Donnell;
 - A bill (H. R. 7145) granting a pension to Catharine Slayton;
 - A bill (H. R. 7180) granting an increase of pension to Amelia A. Taylor;
 - A bill (H. R. 7588) granting a pension to Robert Patterson;
 - A bill (H. R. 7812) granting a pension to Lydia Strang;
 - A bill (H. R. 7852) granting an increase of pension to Oliver M. Brown;
 - A bill (H. R. 8044) granting an increase of pension to James M. Barrett;
 - A bill (H. R. 8157) granting an increase of pension to Thomas C. Mills;
 - A bill (H. R. 8211) granting an increase of pension to William Shulmire;
 - A bill (H. R. 8217) granting a pension to Josephine B. Wood;
 - A bill (H. R. 8235) granting an increase of pension to Daniel Metcalf;
 - A bill (H. R. 8236) granting an increase of pension to James M. Dennison;
 - A bill (H. R. 8404) granting an increase of pension to Timothy A. Lewis;
 - A bill (H. R. 8475) granting an increase of pension to Alice de Vecchj;
 - A bill (H. R. 8476) granting a pension to Christopher Costello;
 - A bill (H. R. 8536) granting an increase of pension to Robert Anderson, jr.;
 - A bill (H. R. 8686) granting a pension to James A. Tulloss;
 - A bill (H. R. 8829) granting an increase of pension to John P. Pepper;
 - A bill (H. R. 8885) granting an increase of pension to Sara H. M. Miley;
 - A bill (H. R. 9175) granting an increase of pension to Stella B. Armstrong;
 - A bill (H. R. 9194) granting a pension to Sarah Elvira C. Upham;
 - A bill (H. R. 9207) granting a pension to John F. Kelly;
 - A bill (H. R. 9424) granting an increase of pension to George Cronk;
 - A bill (H. R. 9481) granting an increase of pension to James Anderson;
 - A bill (H. R. 9701) granting a pension to Jonah Duncan;
 - A bill (H. R. 9740) granting a pension to Sophia A. Lane;
 - A bill (H. R. 9826) granting an increase of pension to Russell L. Moore;
 - A bill (H. R. 9915) granting a pension to Madison T. Trent;
 - A bill (H. R. 10060) granting an increase of pension to Winefred M. Goins;
 - A bill (H. R. 10071) granting an increase of pension to Mary W. Clark;
 - A bill (H. R. 10082) granting an increase of pension to Lewis Oliver;
 - A bill (H. R. 10147) granting a pension to Delia A. Jones;
 - A bill (H. R. 10443) granting a pension to Anna C. White;
 - A bill (H. R. 10455) granting an increase of pension to Bertha G. Kimball;
 - A bill (H. R. 10581) granting a pension to Joseph B. McGahn; and
 - A bill (H. R. 10612) granting an increase of pension to Richard Harden.
- The bill (H. R. 4063) to remove the charge of desertion against David Edwards was read twice by its title, and referred to the Committee on Military Affairs.
- The bill (H. R. 8298) to remove the charge of desertion from the record of Walter Allen, of the United States Navy, was read twice by its title, and referred to the Committee on Naval Affairs.
- The bill (H. R. 8815) to amend chapter 4, Title XIII of the Revised Statutes of the United States, was read twice by its title, and referred to the Committee on the Judiciary.
- ELLA COTTON CONRAD.
- The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1619) granting an increase of pension to Ella Cotton Conrad.
- The amendment was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-five."
- Mr. GALLINGER. I move that the Senate nonconcur in the

amendment made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. TURNER were appointed.

JULIA MACN. HENRY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1781) granting an increase of pension to Julia MacN. Henry.

The amendment was, in line 9, before the word "dollars," to strike out "one hundred" and insert "fifty."

Mr. GALLINGER. I make a similar motion in reference to that bill.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SHOUP, and Mr. TURNER were appointed.

SARAH E. TRADEWELL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1890) granting an increase of pension to Sarah E. Tradewell.

The amendment was, in line 9, before the word "dollars," to strike out "twenty-five" and insert "twenty."

Mr. GALLINGER. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

MARGARET B. SHIPP.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1066) granting an increase of pension to Margaret B. Shipp.

The amendments were, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five," and in line 9, after the word "receiving," to insert:

And \$2 per month additional on account of each of the minor children of said William E. Shipp until they reach the age of 16 years.

Mr. GALLINGER. I move concurrence in the amendments made by the House of Representatives.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. MASON presented the petition of A. Y. Trogdon, of Paris, Ill., praying that an examination be made into the subject of pension appeals; which was referred to the Committee on Pensions.

Mr. McMILLAN presented petitions of the Wesleyan Guild, Chapter of Epworth League, the Young Men's Christian Association, the Presbyterian Christian Endeavor Society, the congregation of the First Congregational Church, the Woman's Christian Temperance Union, the Welsh Woman's Relief Corps, the Order of Lady Maccaabees, and of the congregation of the Episcopal Church, all of Ann Arbor, in the State of Michigan, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. FAIRBANKS presented the petition of Henry Holtzman and sundry other druggists of Elwood, Ind., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. HALE presented the petition of J. J. Lord, of Ellsworth, Me., praying that he be granted compensation for the preservation of the bark *William* from destruction during the late civil war; which was referred to the Committee on Claims.

Mr. CULBERSON presented a petition of the faculty of the University of Texas, praying for the establishment in the Indian Territory of a system of public free schools, to be controlled by proper authorities of the United States Government; which was referred to the Committee on Indian Affairs.

Mr. BATE presented a petition of the Woman's Christian Temperance Union of Deer Lodge, Tenn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Alaska, Hawaii, the Philippines, Porto Rico, and Cuba; which was ordered to lie on the table.

Mr. PETTIGREW presented a petition of 60 citizens of Mount Savage, Md., praying for the public ownership of railways, telegraphs, and telephones, and for the passage of Senate bill No. 1770, relative to the acquisition, purchase, construction, and condemnation by the United States of railroads lying within the United States, the respective States, and the District of Columbia, engaged in interstate commerce, etc., and remonstrating against the passage of Senate bill No. 1439, to amend the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. VEST presented a petition of the Kansas City Live Stock Exchange, of Kansas City, Mo., praying for the enactment of legislation to extend the limit of time for the transportation of live stock from one State to another; which was referred to the Committee on Interstate Commerce.

Mr. FRYE presented sundry petitions of the Ex-Slave Mutual

Relief, Bounty, and Pension associations, of Tehula, Miss., praying for the enactment of legislation granting pensions to ex-slaves; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2767) granting a pension to Nellie L. Parsons;
A bill (S. 3890) granting an increase of pension to Americus V. Rice;

A bill (S. 3517) granting an increase of pension to Adam Velten;
A bill (S. 4553) granting an increase of pension to Stephen Long-fellow; and

A bill (S. 4420) granting an increase of pension to James Irvine.
Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 4441) granting a pension to Gertrude B. Wilkinson, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3267) granting an increase of pension to Jacob W. Mocar; and

A bill (H. R. 6494) granting an increase of pension to Dorus M. Fox.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 4553) granting an increase of pension to Benjamin Rippleman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 56) granting a pension to Sayer Jensen; and
A bill (S. 946) granting a pension to Stephen Johnson.

Mr. KYLE (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (S. 2430) granting a pension to Mary C. Williams, reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (S. 352) to increase the pension of Catherine A. Young, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7418) granting an increase of pension to George Garrett, reported it with an amendment, and submitted a report thereon.

He also (for Mr. KENNEY), from the same committee, to whom was referred the bill (H. R. 1625) granting an increase of pension to Mary B. Douglass, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 3763) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain, reported it without amendment, and submitted a report thereon.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred an amendment relative to the establishment of a Branch of the National Home for Disabled Volunteer Soldiers on the Fort Sherman military reservation in Idaho, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUARLES (for Mr. KENNEY), from the Committee on Pensions, to whom was referred the bill (S. 4128) granting a pension to Hester A. Phillips, reported it with an amendment and submitted a report thereon.

He also (for Mr. KENNEY), from the same committee, to whom was referred the bill (S. 3991) granting an increase of pension to Sylvester Solomon, reported it without amendment, and submitted a report thereon.

He also (for Mr. KENNEY), from the same committee, to whom was referred the bill (S. 2954) granting an increase of pension to Elam Kirk, reported it with amendments, and submitted a report thereon.

Mr. QUARLES, 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. 9643) granting a pension to Ada E. Whaley;
A bill (H. R. 4086) granting an increase of pension to Jeremiah Lockwood; and

A bill (H. R. 4355) granting an increase of pension to Oren E. Barber.

Mr. BAKER, from the Committee on Pensions, to whom was referred the bill (S. 4574) granting an increase of pension to Mary Emily Wilcox, reported it with amendments, and submitted a report thereon.

He also (for Mr. ALLEN), from the same committee, to whom was referred the bill (H. R. 8559) granting an increase of pension to Margaret R. Clune, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7230) granting an increase of pension to Roxie B. Salter, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 4020) to amend the act of Congress approved May 14, 1880, entitled "An act for the relief of settlers on the public lands," reported it without amendment, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. MONEY (for Mr. WARREN) on the 8th instant, relative to the purchase of the property known as the Corcoran Art Gallery, Washington, D. C., intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SIMON, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the amendment submitted by Mr. CARTER on the 11th instant, proposing to increase the appropriation for gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid regions from \$50,000 to \$250,000, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McMILLAN, from the Joint Committee on Centennial of the Establishment of the Seat of Government in Washington, to whom was referred the amendment submitted by himself on the 14th instant authorizing the President of the United States to appoint an architect, a landscape architect, and a sculptor to make an examination and report plans for the enlargement of the Executive Mansion, and proposing to appropriate \$10,000 for services and expenses incident thereto, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. JONES of Arkansas, from the Committee on Finance, to whom was referred the bill (S. 1350) for the relief of the Little Rock and Memphis Railroad Company, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred an amendment submitted by himself on the 11th instant proposing to appropriate \$300 to pay for services rendered to the Committee on Pacific Islands and Porto Rico in preparing the document entitled "Organic Acts for the Territories of the United States," etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

BILLS INTRODUCED.

Mr. CAFFERY (by request) introduced a bill (S. 4697) granting an increase of pension to Marie E. Pillow; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4698) for the relief of the estate of Marcus Walker, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTIGREW introduced a bill (S. 4699) granting an increase of pension to Patrick H. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 4700) granting an increase of pension to Mrs. J. N. Ball; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4701) granting an increase of pension to Bridget Swan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4702) to confirm to the administratrix of the estate of Lucretia Williams the title to one square league of land in the State of Louisiana (with an accompanying paper);

A bill (S. 4703) for the relief of the estates of W. R. Brown and Mrs. Elmyra Brown, both deceased;

A bill (S. 4704) for the relief of Lucy J. Boyle;

A bill (S. 4705) for the relief of the estate of Henry Bauman, deceased; and

A bill (S. 4706) to amend the act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes (with an accompanying paper).

Mr. NELSON introduced a bill (S. 4707) granting an increase of pension to John Sirrine; which was read twice by its title, and referred to the Committee on Pensions.

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

A bill (S. 4708) for the relief of Eugene L. Derr, executor of the estate of John Derr, deceased;

A bill (S. 4709) for the relief of Lorenzo Thomas, jr., and Henry C. Thomas;

A bill (S. 4710) for the relief of the estate of George Smith, deceased;

A bill (S. 4711) for the relief of Catherine Winters; and

A bill (S. 4712) to confirm title to lots 3, 4, and 5 in square 979 in Washington, D. C. (with accompanying papers).

Mr. THURSTON introduced a bill (S. 4713) to provide for the registration of married Indians, and for the licensing, the legal performance, and the recording of marriages among reservation Indians, or between reservation Indians and others; and to make definite and to record the family relations of Indians who have not yet received allotments of land in severalty; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SEWELL introduced a bill (S. 4714) granting an increase of pension to John D. Ferguson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4715) to incorporate the National Soldiers' Aid Society; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 4716) granting an increase of pension to Robert G. Dyhrenfurth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 4717) for the relief of Charles H. Kumpe, administrator of the estate of John Kumpe, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4718) to disapprove an act passed by the legislative assembly of the Territory of New Mexico, approved February 23, 1899; which was read twice by its title, and referred to the Committee on Territories.

Mr. DANIEL introduced a bill (S. 4719) granting to the Ballston Railroad Company, a corporation incorporated under the laws of the State of Virginia, certain powers and privileges within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 4720) for the relief of Tandy Duval; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 4721) for the relief of Mrs. Louisa C. Urquhart; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MASON introduced a bill (S. 4722) for the relief of Prentiss B. Reed and Lucretia H. Reed Regnier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Revolutionary Claims.

Mr. BAKER introduced a bill (S. 4723) for the relief of J. A. Towle; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 4724) to remove the charge of desertion against William T. Grady; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4725) for the relief of Morton A. Pratt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4726) granting a pension to Delila F. Russell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4727) granting a pension to Martha Ann Sanders; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SIMON introduced a bill (S. 4728) granting an increase of pension to Marvin V. Tufford; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAFFERY submitted an amendment authorizing the Secretary of the Treasury to state an account with Morgan's Louisiana and Texas Railroad and Steamship Company for transporting the United States mails over postal routes Nos. 30003 and 149003 during the period between July 1, 1878, and February 21, 1892, and pay to said company such sum as shall remain due, etc., 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.

Mr. KYLE (by request) submitted an amendment granting to

S. H. Slaughter the free use of 100 to 200 acres of suitable and available ground on the Island Reservation or Lee farm for a sufficient number of years for the purpose of demonstrating the growing, harvesting, and preparation of ramie fiber for market, 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.

He also (by request) submitted an amendment directing the Secretary of the Interior to help establish one ramie fiber, silk, and flax demonstration station in or near Washington, D. C., and proposing to appropriate \$110,000 for the encouragement and development of 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.

Mr. FOSTER submitted an amendment proposing to appropriate \$1,529.20 to enable the Attorney-General to pay James C. Drake, late United States marshal in the State of Washington, for moneys expended in connection with his duties as such marshal, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. LODGE submitted an amendment authorizing the Secretary of the Treasury to pay \$998.96 to Capt. B. Tellefsen, master of the Norwegian steamer *Albert*, for expenses incurred by him in consequence of a violation of Article XIII of the treaty of commerce and navigation between the United States and Sweden and Norway, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEAR submitted an amendment proposing to appropriate \$325 to pay Daniel M. Reiter for services as a folder from July 1, 1899, to January 1, 1900, inclusive, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SPOONER submitted an amendment proposing to appropriate \$11,167.35 to be paid to the devisees named in the will of James W. Schaumburg, deceased, being the amount of the pay and allowance of a first lieutenant of dragoons from July 1, 1836, to March 24, 1845, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

PERSONAL EXPLANATION—SENATOR FROM MONTANA.

Mr. CLARK of Montana. Mr. President, I rise to a question of privilege personal to myself. It had not been my intention to disturb the recognized traditions of this most honorable body by intruding my opinions upon any questions that might arise for consideration during the present session; but the question called up to-day for discussion so vitally concerns my own interests, and the interests of the great State which I have the honor in part to represent, that I shall ask the indulgence of the Senate while I, as briefly as possible, submit some remarks, referring, first, to the character of the investigation; second, to the majority report of the honorable Committee on Privileges and Elections, which has submitted findings adverse to the retention of my seat in the Senate; third, to the conditions existing in the State of Montana for a number of years prior to my election which justified my political action; and, lastly, a statement as to the course I deem best to pursue in the premises.

It is not my desire to cast any aspersions upon the motives which actuated the distinguished Senators composing the committee, and yet, with the most respectful consideration for the learning, legal ability, and eminent standing of these gentlemen, I am forced to the conclusion, which I believe meets with the concurrence of not only a large number of Senators on both sides of this Chamber, but also to 80 per cent of my constituency in the State of Montana, regardless of political affiliations, that the methods of procedure in the investigation of this matter were manifestly unfair, nonjudicial, and that they resulted in a verdict of the committee entirely opposite to that which would have occurred should the evidence have been confined to that which was admissible and pertinent to the issue.

I contend that an investigation involving a seat in the highest legislative body of this nation, as well as the honor of an individual chosen for that position by the people of one of the sovereign States thereof, should be conducted in a strictly judicial manner, and that in the proceedings the established rules of evidence should be applied. It is well known to everybody that this was not the case. It is true that there was a strong effort made by the honorable Senators from Alabama, Maryland, Kansas, and North Carolina at the beginning of the investigation to exclude all the irrelevant testimony, but their efforts were unavailing.

The Senators who filed a minority report expressed in emphatic terms their condemnation of the proceedings in this respect, as well as a denunciation of the character and practices of the principal attorney and of some of the witnesses who testified for the prosecution.

The result of the admission of all kinds of hearsay, irrelevant, malicious, and perjured testimony was damaging in the extreme to my case, as through the medium of both the respectable and

venal press the most widespread publicity was given throughout the land to some of the most pernicious falsehoods touching myself and likewise a large number of the most eminent and upright legislators who supported me, and who are the peers of the boasted men of any State in this Union.

The prevailing theory of presumptive innocence was largely ignored, and the entire proceedings were closely analogous to the Dreyfus case, where the prosecution was based upon a presumption of guilt. The precedents that have been established in examinations of this character since 1785 have been lightly considered, if not entirely disregarded. It has heretofore been held that there must be proved actual complicity of fraud on the part of the principal or actual, not presumptive, knowledge of corruption on the part of his agents, or that it must be proved, not inferred, that a sufficient number of legislators have been corruptly influenced to change the result of the election.

As to the first proposition, no proof was adduced that was accepted by the committee, and no charge of complicity has been made in the report.

As to the second proposition, not in a single instance, in my opinion, or in the opinion of the eminent counsel who aided me in this investigation, has there been any proof sufficient to establish the guilt of a single legislator. On the contrary, positive evidence has been elicited in every case where the respondent was allowed to introduce testimony that no consideration was given or received or promise of any consideration made to secure a vote for the respondent.

In order to change the result of the election it would be necessary to establish that eight members of the legislature were corruptly influenced.

Much stress has been laid upon the comparative financial condition of two or three legislators before and after the Senatorial contest. These men gave a full explanation of the circumstances and conditions relating to such matters. The presumption is that if their financial condition was better, they acquired it innocently. This is a plain proposition of law, and the burden of proof did not rest upon them. From their well-known character I do not believe them dishonest, and even if they were it must be remembered that there was much legislation before that assembly, involving millions of dollars, in which some of the memorialists were deeply interested; and although they appear here as apostles of purity, it is well known in Montana they would not fail to test the probity of every man in the most unscrupulous manner to promote their own interests.

They were actively engaged in preventing the revision of the infamous election law, enacted at their instance, which the honest people of Montana were endeavoring to correct, with regard to the cross in the circle, by which these people have been enabled to coerce every man in their employ into casting his ballot to suit their wishes.

They were also deeply interested in attempting the repeal of a law that had been established by a previous legislature, requiring safety cages to be put into every mine, which law has been a "dead letter" so far as they are concerned and totally disregarded by them, although all other companies operating in the State of Montana complied with its provisions. Proceedings have been commenced against the Anaconda Company by the State inspector of mines to enforce a compliance with the provision of the statute, and a judgment obtained against them, which, I am informed, they are resisting by appeal to the higher courts and are operating to-day in utter contempt of the statute. It is charged that many lives have been lost by reason of this disregard of the law.

There was other legislation involving the transfer of property which was hotly contested by contending parties in Montana in which the respondent had no interest whatever.

Hence, if it could be shown that money was improperly used during the session of the legislature, there would scarcely be even a presumption that it was chargeable to the respondent or friends working in his interest.

I therefore submit, Mr. President, my belief that the conclusions of the committee on the main proposition, and those of a majority on all propositions, are inferential, incorrect, and are not supported by the evidence; and I confidently believe that after a thorough and fair investigation of the evidence and all the circumstances attending the investigation, the majority report would not be sustained.

FINDINGS.

Mr. President, I wish to revert to a few of the points set out in the findings of the report, and particularly where there was a direct personal reference to myself.

On page 2 of the report, under the head of "The admitted or undisputed facts," in subdivision 3, we read:

Senator CLARK has been constantly a candidate for office. He was a candidate for Congress in 1888 and defeated. In 1890 there were two legislatures in Montana. He was elected United States Senator by the Democratic legislature, but was not seated. He was a candidate for the Senate in 1893, but there was no election. In 1895 he was voted for as the Democratic candidate, but Senator CARTER was elected.

Are we to infer from the first statement that it is a crime to be

a candidate for office? Are not the very first lessons which are taught to our boys at home and in the schools as a stimulus to ambition and to foster a spirit of patriotism that one of the greatest privileges in a free government is the opportunities it presents to the humblest individual to rise to distinction, even to the highest position in the land?

The fact is that I never voluntarily sought to be elected to any office. In 1888 I was nominated by acclamation for Delegate in Congress, which I declined several times, and yielded finally, having been unable to resist the persistent and determined efforts of the delegates in the convention to press the nomination upon me. The Territory was Democratic by several thousand votes at that time, and I had the most positive assurances from Mr. Daly and all of his friends of their loyal support.

On the evening preceding the election he sent a train load of men from Anaconda to Butte, who bore torches in the procession which preceded a grand rally. Later in the evening rumors were current that Daly was disloyal. Three members of the Butte committee hired an engine and went to Anaconda, 28 miles distant, to confer with him, and he assured them that the rumors were false, and that he would go to Butte in the morning, pull off his coat, and go to work in the interests of the party.

At the opening of the polls his employees came flocking down the hill with Democratic tickets in their hands, except that the name of the Republican nominee was pasted over mine. The Australian system of ballot had not then been established, and there were shift bosses at all the polls who knew the men and made them show their tickets before depositing them. These gangs of men repeated several times, and in the precinct in which I live the vote was nearly double that cast at preceding and subsequent elections, and this was the case at other precincts.

This treacherous work was done everywhere in the several counties where Daly had men employed, and the result was my defeat by several thousand majority, and from this staggering blow of treachery the party did not recover for many years. There was no provocation for this. There had been no business difficulties and never an unkind word had been spoken between us. It was simply an envious and diabolical desire on his part to forever destroy my political influence in the Territory.

There were two legislatures in 1890, which grew out of the fraud of throwing out an entire precinct by a Republican canvassing board. I was made one of the caucus nominees by acclamation, without any solicitation on my part, and while the Senators, elected by a Republican legislature, were seated after a memorable discussion of several months' duration in this Chamber, in which a number of Senators present participated, so strong was the conviction of the unfairness of their election that they were repudiated by their own party in the State, and neither of them succeeded himself.

In 1893 there was a Democratic majority in joint convention of the members of the legislature, when, after the first ballot, I was the unanimous choice of the caucus, but six or seven members, most of them in the immediate employ of Daly, were by him held out of the caucus and voted continuously for Daly's attorney until the last day of the session, thus creating a deadlock, and preventing an election.

In 1895, when my distinguished colleague [Mr. CARTER] was elected, I was in Europe, and I believe that the only five or six Democrats in the legislature at that session gave me a complimentary vote.

This explanation, Mr. President, I deem to be necessary to eliminate any false impressions that may have obtained in the minds of anyone by reason of the prominence given to the subject by the honorable committee, by their having made it the leading part of the third subdivision.

The remaining portion of the article should be modified to conform to the evidence, which plainly shows that the organization alluded to was the result of an urgent appeal from some of the most prominent citizens of Montana, who were alarmed at the aggressions of the one-man power that was menacing the property interests and personal liberties of the people of the State, and which was intended to reduce the entire people to the same condition as then existed and to-day exists in certain localities where his sway is supreme—that of abject submission to his arbitrary rule.

In this connection I wish to state that my undertaking to break down Daly rule in Montana was made with the distinct, express understanding that my name should not be used in connection with the Senatorial race, and I defy anyone to show that I was such a candidate until after the election, and not until in December of 1898.

In Article VI, Mr. President, we find this statement:

In December, 1898, Senator CLARK began negotiations with one H. W. McLaughlin, a member of the legislature, for the purchase of his wood, lots, and sawmills.

This statement, Mr. President, is not correct, as all of the evidence states clearly that the negotiations were begun by Mr. Bickford, and not by me, in the month of September, and before Mr. McLaughlin was ever nominated for the legislature. The com-

panies with which Mr. Daly was connected had purchased about all of the lumber interests of the State, and put the price of lumber up several dollars per thousand, and being a large consumer, I was obliged to embark in the lumber business to prevent extortionate charges, and hence instructed Mr. Bickford, who then lived in Missoula County, the center of the large timber interests, to look up a favorable location, which he found in Mr. McLaughlin's possession.

The evidence shows that this transaction was a purely business enterprise, and was an exceedingly good purchase, as the capital stock has been increased from \$50,000 to \$150,000, and in addition to this I have since purchased individually to be held for the company over 300,000,000 feet of timber. All of the proceedings connected with this transaction were open, and the conveyances were duly recorded upon the conclusion of the negotiations as soon as the company was incorporated.

Mr. McLaughlin is an efficient manager, and is now in charge of the affairs of the company. The evidence of Mr. McLaughlin, Mr. Bickford, and myself all concur that the Senatorial matter was never once referred to by any one of us. This transaction was as clear as any ever transacted in the world, as the evidence shows, and the mention of it as a subject of one of the subdivisions of the report is, I respectfully submit, manifestly unfair. I hope that the Senators will read all of the testimony referring to this affair. It is convincing evidence of a weak cause, when such flimsy expedients as the McLaughlin incident are relied upon for support.

In Article VII, Mr. President, we find the following statement, which is absolutely unfounded, to wit:

Senator CLARK knew of Mr. Bickford's attempt to purchase the indebtedness which Woods owed.

There is not one word of evidence to show this to be a fact, and I here state upon my honor as a man and as a Senator that I never heard of that transaction until it was disclosed in the testimony during this investigation.

Mr. President, in Subdivision XII, there is a reference to an agreement between Mr. Fine and myself made during the session of the legislature to do certain work. The evidence shows that there was no agreement, but simply a statement made by me to him, after my election, we having heard from several sources that Clark, of Madison County, had been charged with unprofessional conduct, that I would like to have him look it up; and any other negotiations or payments of money I had no knowledge of and took no part in.

Mr. Fine testified that he procured considerable testimony for the purpose of disbaring Mr. Clark, of Madison County, and also procured a large number of witnesses to impeach Clark, of Madison County, in the Wellcome disbarment proceedings, for all of which he received a compensation from W. A. Clark & Bro. and Mr. Wellcome. I was absent from the State during all of this time, and had no knowledge of what transpired. Mr. Fine testified (page 839) that he was never offered anything, nor were any promises ever made to him, in consideration of his vote. He also testified that he had been a warm and loyal supporter of mine since my betrayal by Mr. Daly in 1888.

With regard to the Day incident, the subject of Subdivision XIV, I desire to correct the misstatement that—

On February 13 Senator CLARK personally wrote a letter directing that \$5,000 should be given to Mr. Day for his services in the legislature.

I never wrote a letter couched in such language. I simply stated that this amount should be paid to him as a testimonial of my friendship for him and my appreciation of the services that he had rendered me during a period antedating the legislature, and did not state that it was for services rendered in the legislature, but it was to include services to be rendered, if required, in any contest that might arise, which at the time was threatened.

Mr. Day has for many years been a warm personal friend of mine, and loyally supported me without any hope or promise of financial consideration. He had not been very successful financially, and I simply gratified my own impulse in making him a gift. It was a surprise to him, and both he and myself testified that it was not in pursuance of any previous understanding.

The law upon this proposition has been clearly stated in the brief submitted to the committee, and it is clearly shown that the payment of money made, as in this case, after election to a voter without a prior promise, expressed or implied, would not constitute bribery.

Perhaps, if I had used my influence to create a fat office at the expense of the State or of the Government with which to reward Mr. Day, as is frequently done in discharging political liabilities, the incident would not have aroused any criticism.

So much, Mr. President, for the so-called "undisputed facts."

WHITESIDE INCIDENT.

So far as the Whiteside incident and the conspiracy is concerned, I will simply say that on the briefest examination of all the testimony it must be apparent to the mind of any reasonable man, with any considerable political experience, that the charge against Mr. Wellcome is utterly absurd. Mr. Wellcome was educated in New England, and admitted there to practice at the bar,

and afterwards began his migration westward, stopping in St. Paul and in Dakota, where he practiced his profession, and landed in Montana ten or twelve years ago. He is an eminent lawyer, and has had a wide political experience amongst the cleverest politicians of the country.

He is a man of mature years and cool judgment. He was several times warned against the treacherous character of Whiteside and his connection with the Daly people. It is not possible that a man of his ability, experience, and sagacity could fall into such a trap, or that he would, if he were so disposed, attempt to bribe two men in the presence of each other, when, knowing the character of at least one of them, he might expect to be betrayed.

There is not a man living who knows John B. Wellcome who would for one instant believe such a story. The whole scheme is in accord with the tactics of the prosecutors in this case, as we were prepared to prove, but were not allowed to do so by the committee.

We offered to show by George E. McGrath, a reputable man, who was associated with the Daly faction in 1893, that a similar conspiracy was attempted at that time. His affidavit is as follows:

UNITED STATES OF AMERICA, District of Columbia, ss:

G. E. McGrath, being duly sworn according to law, deposes and says as follows:

That he was a resident of Montana from 1890 to 1895; that during part of the time affiant lived in Montana he was connected, as an editorial writer, with a newspaper published in Butte called *The People*, owned by Mr. James B. Lehigh; that during his residence in Montana affiant was affiliated with the Democratic party of the State and took a part in the politics of the State.

During the fall of 1892 and the first half of the year 1893 affiant acted as secretary to the Democratic State central committee, having been elected to that office by the Democratic State central committee which was chosen at the State convention held in the fall of 1892. During his incumbency as secretary of the State central committee affiant came in contact with most of the prominent Democrats of the State and became well acquainted with many of them.

That after the fall campaign of 1892 affiant went to the city of Helena, which was at that time and now is the capital of the State, and was present during the Senatorial contest of 1893, at which time W. A. CLARK and W. W. Dixon were the rival Democratic candidates for the United States Senate, and W. F. Sanders and Lee Mantle were the Republican candidates.

That during the progress of the contest for the office of the United States Senate affiant was brought into frequent and intimate political relations with Marcus Daly, who was the leader of one faction of the Democratic party and who supported the candidacy of W. W. Dixon for the United States Senate, whose candidacy was advocated by the paper on which affiant was at that time an editorial writer.

W. A. CLARK became the caucus nominee of the Democratic party. At the request of Mr. Daly affiant accompanied him to Helena for the purpose of assisting him in compassing the defeat of Mr. CLARK for the United States Senate by whatever means that would best bring about that result. That affiant was in frequent consultation with those who were opposing Mr. CLARK, and during such consultations ascertained the methods to be employed and means adopted to bring about the defeat of Mr. CLARK.

At the first joint session of the legislature affiant was requested by Mr. Daly to attend and ascertain the vote of the members for United States Senator. Immediately after the vote was recorded affiant returned to Mr. Daly's headquarters in the Merchants' Hotel, in Helena, and reported the vote on that day, which, to the best of affiant's recollection, stood as follows:

Mr. W. F. Sanders, 35 votes; W. A. CLARK, 15 votes; Samuel T. Hauser, 11 votes; W. W. Dixon, 8 votes; Samuel Mulville, 2 votes; and Martin McGinnis, 1 vote.

Mr. Daly said upon hearing the vote that it was perfectly satisfactory, and that he thought he could bring influence to bear upon Mr. Hauser that would keep him in the fight as a candidate, and that if that could be accomplished, they might have no fear of CLARK being elected at this session. About two days after that it became known that the Democratic members of the legislature were to hold a caucus for the purpose of uniting upon some one candidate for United States Senator.

Every Democratic member was invited to attend this caucus, and the members under Mr. Daly's control sought his advice as to whether or not they would attend, and Mr. Daly absolutely refused to give his consent for them to attend that or any other caucus called for the purpose of selecting a candidate for the United States Senate except upon the express condition that Mr. CLARK should retire from the contest. Affiant heard Mr. Daly express himself to the foregoing effect, and his followers did not attend the Democratic caucus when the same was held.

The caucus was called, however, and the following day at the joint assembly of the legislature Mr. CLARK received 25 votes in consequence of having received the support of the caucus, Mr. Hauser having retired in his favor. On the evening of that day there was a large gathering of the Daly followers at the headquarters, at which affiant was present, and the political situation was discussed among them. Mr. Daly said at that meeting that the fight was now on in earnest, and that he expected every man who claimed to be a friend of his to do his full duty.

He said that the Democratic party of Montana, as represented by the 25 men who had voted for Mr. CLARK, had thrown defiance to him and his friends, and that so far as he was concerned he proposed to meet it and fight them and Mr. CLARK to a finish, and that so long as he lived Mr. CLARK would never be elected to represent Montana in either branch of the National Congress. He said that the best that his friends could do now was to go out and circulate among the members of the legislature and use every effort in their power to prevent them (the members of the legislature) from voting for Mr. CLARK.

Most of the crowd took their departure at this time, and soon after Mr. James B. Lehigh and affiant, in taking their leave from Mr. Daly, asked him if he had any suggestions to make for the week's issue of their paper. Daly said that there was no doubt but what "we" have a big fight on our hands; that the only way he could see to defeat CLARK, now that he was the regular caucus nominee, was to completely discredit him in the public mind.

He said that that could be done by charging him morning, noon, and night with bribery, attempted bribery, and the commission of about every other crime on the calendar, and to keep the fact before the people that the Northern Pacific Railway "robbers" had brought Mr. CLARK forward as their candidate, and to keep insisting upon this line, and perhaps a public sentiment would be created that would compel Mr. CLARK to retire.

He added that if some of his men could only obtain some money from Mr. CLARK, or his agents, on a promise of voting for him, and then arise in the legislature and exhibit the money, and state how they procured it, and from

whom they had procured it, that he had no doubt but what that would settle the contest, and that CLARK would not only be defeated, but would be henceforth politically dead in the State of Montana. Affiant stated at that time that if Mr. CLARK was really trying to obtain votes by the use of money that it would be simply a case of retributive justice for anyone to accept the money and exhibit it in the legislature.

Daly said that this move was necessary for these reasons: First, that no member of the legislature who had not as yet voted for CLARK would dare to do so, through fear of being charged with being a bribe taker; second, that Mr. CLARK and his managers would be handicapped in their work, because they would be continually afraid of being jobbed; and, third, that the public antagonism this move would create against CLARK would be so strong that the opposition would have to quit, and the CLARK forces would break up, and leave his (Daly's) friends masters of the situation.

From that time on it was well and generally understood by Mr. Daly's friends that efforts were being made to entrap Mr. CLARK or his managers to give up some money to members of the legislature. This condition of affairs continued until about the second week of February. At that time Hon. Lee Mantle, of Butte, Mont., succeeded Hon. W. F. Sanders, of Helena, as the choice of the Republican members of the legislature for United States Senator.

A Mr. Annear, from Silver Bow County, a Republican, and Mr. Coder, from Fergus County, also a Republican, refused to support Mr. Mantle as a substitute for Mr. Sanders, giving as their reason that they believed that Mr. CLARK would make an able and impartial representative of the whole people, and they cast their votes for Mr. CLARK. This break in the Republican vote of the legislature threw consternation into the ranks of the Daly forces.

Affiant was at headquarters soon afterwards and found Mr. Daly in quite a passion. Daly said that his men were a lot of "chumps" or they would have had some of CLARK's money before this to expose him, and the sensation he had contemplated would have taken place and CLARK would have never bothered them any more. He said that now that the break in the Republican side had occurred there was no telling where it would end, and that something radical had to be done. He then asked: "What is the matter with letting three or four of our men have a few thousand dollars for the purpose of showing in the legislature and stating that it is CLARK's money? This is the only way I now see to accomplish his defeat. What do you think of it?"

Affiant told him that it would be a very dangerous proceeding, and that if the CLARK men were at all bright they would immediately move to impound the money; and further, that it would be asking a great deal of his friends who had supported him so loyally to perform such a task as he had proposed. Mr. Daly answered that the situation was such that something more than Sunday-school politics was required, and left that part of the headquarters.

To the best of affiant's recollection, that there was present at this interview Peter Breen, of Butte; Charles Bonner, member of the legislature from Granite County; Michael Gorman, of Missoula, and probably one or two others whom affiant can not recollect.

GEO. E. McGRATH.

Sworn and subscribed to before me this the 19th day of February, 1900.

JOHN F. PARET, Notary Public.

Mr. McGrath was in attendance here for five weeks, but could not be heard.

This theory of the conspiracy was corroborated by the testimony of Thomas P. Cullen, State senator from Dawson County, who testified that he had a conversation with Mr. Daly in a dining car on board a certain train of which he (Cullen) was the conductor, in December, 1898, in which Daly stated that any man who voted for CLARK would be published as a boodler and bribe taker, and said:

If you fellows elect Mr. CLARK, I will see that he never takes his seat in the United States Senate.

This theory of conspiracy is also corroborated by Mr. Frank E. Corbett, of Butte, Mont., who testified before the committee, repeating a conversation which occurred between himself and Mr. Daly in New York City on or about December 24, 1898, in the Netherlands Hotel, in which Daly stated that if CLARK should show his head in the legislative assembly of Montana which was to convene the following January, that "we would hear something drop" that would drive CLARK and his friends out of Montana politics forever and drive some of them into the penitentiary.

This conspiracy on the part of the Daly forces to prevent my election by any means, either fair or foul, is corroborated by the testimony of Harry Ringwald. In a conversation had by him with Whiteside in the Park Hotel in Great Falls, Whiteside stated, after endeavoring to enlist the services of Mr. Ringwald in their behalf, "You keep quiet and wait a while, and you will hear a bomb explode, and you will know the rest after that." Whiteside also stated to Mr. Ringwald that he was going to spring a sensation on W. A. CLARK to prevent him from being elected, and said: "I am going to get \$50,000 for the job."

Statements made by William Berne in his testimony concerning conversations had with Fred. Whiteside also corroborate the theory on the part of the Daly forces to prevent my election.

Attorneys for the respondent also made an effort to produce two witnesses, Mr. B. W. S. Folk and his wife, from Kalispell, Mont., to prove an attempt by Whiteside to bribe Mr. Folk with an offer of \$1,000 to give him access to the vault of the court-house, where the ballots were deposited awaiting the action of the canvassing board.

Mr. Folk was deputy county clerk and custodian of the ballot boxes. This was in the fall of 1898, and Whiteside was a candidate for the State senate. Whiteside told Folk that he feared he was defeated and wanted to fix the ballots to save himself. Mrs. Folk was in an adjoining room and heard all of the conversation. This transpired in Folk's house at midnight. Whiteside was arrested and is now under bail to appear in June, when his trial is to take place. Mr. Folk and his wife, both of the highest standing for veracity and integrity, were in attendance here for four weeks, but the committee refused to hear them, although they afterwards

allowed evidence, in spite of objection by respondent's counsel, as to the amount paid by respondent to attorneys for the prosecution of Whiteside for the attempted bribe.

CONDUCT OF REPUBLICAN LEGISLATORS.

The report also deals extensively with the conduct of the Republican legislators who voted for the respondent. With reference to this matter, Mr. President, the Senate should remember that the members of the legislature were better acquainted with local conditions than the Senate Committee on Privileges and Elections. They should also remember that the alleged exposure made by Whiteside on the 10th of January had been investigated by a grand jury shortly thereafter.

It should also be remembered that each legislator had an opportunity of investigating the truth or falsity of the charges made by Whiteside on his own account and in his own way. It should also be remembered that before the time when the final vote was had upon the election of Senator charges had been preferred against Whiteside in the State senate, and that he had been expelled therefrom by a vote of 14 to 10, both Democrats and Republicans joining in his expulsion from the senate. As a matter of fact, the exposure made by Whiteside had been disproved on January 28, and had been so disproved to the entire satisfaction of the great majority of the members of the legislature as well as the people of Montana.

The grand jury which investigated the matter was composed of seven of the very best citizens of Lewis and Clarke County. The particular fact which disputed the testimony of Clark, of Madison, Myers, and Whiteside was their own statements as to the manner in which they said they had received the money. The unscrupulous methods which were being pursued by those opposed to the respondent in his candidacy for the Senate and the well-known policy of that wing of the Democratic party to adopt any means, however unscrupulous they may have been, to bring about the result desired by them helped to bring about the final result of the contest.

The Republican members of the legislature had continuously, from the commencement of the session to and including the 27th of January, acted in accordance with the dictates of a caucus which was held by them from day to day. Their action of the 28th day of January, the day upon which the election took place, was not different from the acts of the party prior to that time.

A caucus was held, as shown by the testimony, and 9 out of the 15 members (1 being absent) voted in favor of supporting me. If the reasons given by the Republicans for voting as they did can be characterized as "pretenses and covers," so could any reason be so designated; and it is not a legitimate or fair argument that no effort was made by the Republicans to elect any other Democrat.

To say that any one man was responsible for the action of the Republican members is both unreasonable and contrary to the evidence. Phillips, Geiger, Ingersoll, and, in fact, every Republican who testified showed that the action of the members of that party on the Senatorial question was in response to an almost unanimous public sentiment evidenced by letters, petitions, telegrams, and by delegations from the various counties of the State urging that the members of their party should vote for and support the respondent.

On page 9 of the majority report it is stated that Senator Hobson is mainly responsible for the action of the Republican members. It is also stated in a previous paragraph that the respondent had been negotiating with Mr. Hobson, the leader of the Republicans, and again in the following paragraph that Mr. Hobson early began negotiations with Mr. CLARK; not one statement of which is sustained by the testimony. There is no evidence to show that any negotiations were had between Senator Hobson and the respondent; nor is it true that any negotiations of any character whatsoever were pending between them.

It is also stated as follows:

No one pretends that any effort was made to bring about the election of any other Democrat than Mr. CLARK.

It may not appear in the evidence, but it is nevertheless a fact known to every member of the Republican caucus, that ex-Senator Thomas C. Power did appear before the said caucus, and urged that the votes of the Republicans should be cast for Daly's candidate, W. G. Conrad. This is a fact that no one will dispute.

To say that Senator Hobson had any more voice in the matter than other members of the Republican party or was actuated by improper motives is an injustice to one of the most highly respected citizens of the State.

Again, the committee is in error when it reports that Mr. Hobson is a man of moderate means. Such is not the case. The only direct testimony bearing upon this subject is that of Frank E. Wright, on page 980, where he says, in answer to a question as to the reputed wealth of Mr. Hobson:

It is supposed that he is a wealthy man; probably worth two or three or four hundred thousand dollars.

This testimony is undisputed, and is corroborated by the fact that the testimony shows that Mr. Hobson is the leading business

man of his county, has large interests in mining operations, and cattle and sheep raising.

Senator Hobson was summoned to appear before the committee and was in attendance here for twenty-two days, but for reasons which are not stated in the report of the committee was never called as a witness.

The letter referred to in the testimony a shaving been written by the respondent to Mr. Hobson was addressed to him as the chairman of the Republican caucus, and because of this fact alone. The testimony is clear and undisputed that there was no understanding or agreement concerning the vote of Senator Hobson; that he was ever promised or given any consideration for his support, and the Senate should not draw any conclusion or inference from transactions had subsequent to the election which would overthrow the presumption of the honesty of ordinary business relations.

That Mr. Hobson owed \$30,000, which he paid in 1899, and went to Europe at about the same time as myself, when the testimony shows that the amount mentioned is not unusual for the man to owe, and that payment was made at about the season of the year when large payments are usually made; that I did not see Mr. Hobson on his European or Eastern trip, and that when he was in Europe sold a valuable mine, certainly could not have left much ground for the committee to base its ever-ready suspicion upon.

It is not proper that any inference should be drawn by the committee concerning the stock transaction which was had with ex-Senator Power. This transaction occurred long after my election to the United States Senate, and it is disclosed by the testimony that Senator Hobson had nothing to do with it.

The testimony disclosed the fact that this bank-stock transaction was a purely business deal, having no relation to the Senatorial controversy, and there is nothing in the evidence from which the committee could infer that one dollar of the purchase money went to anyone except the party from whom the stock was purchased. Nor can it be said that the fact of the transfer of the stock upon the books of the company or a failure to transfer the stock upon the books of the company is a circumstance which should be taken into consideration by the committee.

The testimony clearly shows that the reason why no transfer of the stock had been made upon the books of the bank was that the purchaser had been absent in Europe until June, 1899, and that no direction had been left for such transfer to be made. No presumption of wrongdoing could be drawn from the failure to transfer stock.

So much stress is put upon the violation of the Montana statutes that I deem it my duty to refer to the same briefly. The first finding of the committee refers to the violation of laws, and in Subdivision II is again referred to.

Comment is made upon the fact of the enactment of a law relating to crimes against the elective franchise, meaning thereby the act of February 25, 1895.

It may be a matter within the knowledge of the Committee on Privileges and Elections that the act of February 25, 1895, is a part of the work of a code commission, provided for by a previous legislative assembly of the State of Montana, and that the three codes of Montana—the political code, the civil code, and the criminal code—were passed by a legislative assembly of the State of Montana on the strength of a report of the code commission which had prepared and presented to the legislature the codes mentioned, and that under a suspension of the rules, and without reading or without other consideration than that which had been given to the codes by individual members outside of the legislative halls, these codes were passed.

They were not passed for the purpose of meeting a special contingency at the time of the passing of the act; were not passed for the purpose of preventing the commission of crimes against the elective franchise, because crimes of that kind were known to be prevalent, but were a part of a large compilation of laws intended for the guidance of the people of the State and covered every subject of criminal law contained within the criminal codes of the State. It should be observed in this connection that the laws of Montana provide a punishment for crimes against the elective franchise. Among other provisions is one that a fine of \$1,000 may be imposed for the violation of these laws, but nowhere in the laws is it provided that a violation of the law shall forfeit the office because of such violation.

This attempt on the part of the Committee on Privileges and Elections to deprive a man of a public office to which he has been elected is adding a new punishment to the laws of Montana. The committee practically seeks to enact laws for the State of Montana, and at the same time to enforce the punishment of the laws so enacted by a Federal tribunal. The committee has seen fit in its wisdom to take the place of the legislature of Montana, the courts of Montana, and the executive officials of the State, and by reason of its ruling in this matter to govern affairs in Montana instead of allowing these affairs to be governed by local tribunals and magistrates.

It is quite true that the law of Montana provides both a fine

and imprisonment for persons omitting to make the return required by law; but at no place is it provided that the person shall be deprived of an office to which he has been elected by reason of his failure to make such return.

The committee should have allowed the legal authorities to deal with the question of violation of Montana laws.

The committee should have taken into consideration the fact that a legal tribunal had inquired into the facts and circumstances surrounding the alleged violation of laws of the State with reference to bribery of members of the legislature, and had decided against the question of there having been an undue use of money in the election of United States Senator. The tribunal mentioned was the grand jury of Lewis and Clarke County, which heard all the evidence introduced in this case and went over the whole question at a time when the facts were fresh in the minds of all concerned, and when the witnesses introduced before that tribunal had not had an opportunity to mold their stories nor manufacture such evidence as to create a deeper impression than the truth would warrant.

It is to be presumed that the members of the grand jury were acquainted not only with the evidence given before them, but were also acquainted with local conditions, and that the investigation was made as severe and as searching and as complete as was possible under the circumstances.

Mr. President, I have only one more reference to make to the report, and that is the remarkable statement relating to the "criticism of the prosecutors," wherein we find the following clause:

Some members of the committee, however, do not join in any criticism of Mr. CAMPBELL and Mr. Daly.

I construe this to mean, therefore, that all of the conduct of these men is approved by at least two members of the committee. I do not desire to draw any conclusions, but I am constrained to call the attention of the Senate to the character of Mr. CAMPBELL as shown by the record and the evidence.

He first appeared as a pretended friend of the cause of cooperation in the interest of good government in Montana, where at a conference he feigned sleep in order to obtain information which he might use to betray his friends. Not then knowing his true character, he received the support of myself and all my friends, which insured his nomination and election. Immediately thereafter he threw off the mask and went to work to encompass my defeat, having been employed, as he stated, as counsel for a mining company belonging to the Anaconda Company at a salary of \$5,000 per annum, ostensibly as a blind, as he could not remember on the witness stand the name of the company for which he pretended to act.

He labored almost incessantly for almost a year in procuring perjured testimony, as was fully disclosed by the 19 pages of affidavit which he procured from Ben Hill, which Hill refused to testify to on the stand, and afterwards did testify that CAMPBELL knew that the trumped-up statements therein, suggested largely by him with the diabolical object in view of my complete destruction, were false as hell.

The evidence shows that he had numerous detectives employed in Montana, New York, and Washington to dog my steps, and all my friends, to lay, if possible, a foundation for plausible perjured testimony.

He brazenly admitted having conspired to open private letters and, with apparent exultation, stated that he would do so again, notwithstanding that it was a penal offense, of which he claimed to be ignorant.

Some of his correspondence with his detectives was read before the committee which exposed the degradation of the man, and one was so vile and obscene that it could not be read openly, and the loathsome thing was passed from hand to hand and read by each member in silence and with evident disgust. This portrays the character of this man, who was honored by an election to an office the duties of which he entirely neglected, scarcely ever having answered a roll call until the investigation was ended, and for the first time in the history of this Government violated the courtesy that common decency would suggest, and which has always been respected, by appearing in the prosecution of a member of a coordinate branch of the National Congress; and yet, Mr. President, it appears that there are some members of the committee who have no criticisms to make of the conduct of such a man.

Mr. President, there has been considerable reference to the large expenditure of money which I testified to having authorized.

It must not be overlooked that these expenditures covered three distinct campaigns, beginning with the primaries in August, 1898, and extending to the last of January, 1899, as fully appears in the testimony and in the briefs and arguments by the counsel for the respondent.

If the Senators knew the conditions which confronted the people of Montana they would not wonder that such action was necessary.

I entered the Territory of Montana, or rather the territory of which Montana was afterwards created, in 1863. Marcus Daly

made his advent in 1876—thirteen years later. In all that intervening time I took an active interest in politics, and never in all that period did I ever see or hear of a dollar having been paid for a vote. Those who lived there during that period will bear me out in this statement.

He introduced the system soon after his advent, and through this and the coercion which he invariably employed his success was almost always certain.

Although claiming to be a Democrat, he really had no politics, and elected judges, sheriffs, mayors, and other officers whom he knew would best subserve his purposes regardless of their politics, giving the preference oftentimes to Republicans.

In 1889 the Democratic party, more in fear than love of his influence, elected him as chairman of the State committee.

He had one of his attorneys nominated for Representative in Congress. That was the time that the large assessment referred to by Governor Hauser was made. It was amazing; but we all yielded, as party feeling was pretty strong at that time.

His tactics did not win, with the exception that his attorney was pulled through by less than 300 votes.

After the election the State committee met at Helena to settle up affairs and console each other, and when some member of the committee, who was doubtful as to his section having received a proper distribution of funds, asked the chairman for a statement of disbursement, she blandly replied that the books were burned.

It was at this election that at Anaconda he had a large number of ignorant Italians, Austrians, and Slavonians at work in the smelters of the company.

I may state here that these men were not naturalized, or very few of them were, until the day they voted or a few days prior to the election; that he had the judge in that district busily engaged in naturalizing them as fast as they could be taken before him, and he sent train loads of them to Butte to appear before the courts there to be naturalized in order to vote at the coming election. They could neither read nor write English, and therefore could not make out their tickets. Judges of election could assist electors only when physically disabled or ignorant. These men were led like animals to the polls, carrying a tag on which was printed, "I can not read or write the English language. I want to vote the Democratic ticket."

When the Australian ballot was adopted it was thought some protection might be had. It provided that a cross should be made after the name of each candidate for whom the elector desired to vote. This gave the elector employed by Mr. Daly too much independence. So the law was changed, as referred to in these remarks, so that a circle was placed above the candidates of each political party, which were in separate columns, so that the entire ticket of any one party could be elected by making a cross in the circle above any one column.

The booths were so constructed that the men on guard to watch could readily see what circle each man crossed when he would hold it up to mark it.

It was to prevent an amendment to this law that the Anaconda forces fought so zealously at the last session of the legislature.

The system of coercion is so strenuous that no employee of that company can exercise the great privilege of independent suffrage guaranteed by our Constitution.

One of Daly's pet schemes is colonization from surrounding places into his great lodging house just previous to registration, but the most effective method adopted by him in Silverbow County is the repeating system at the primaries. This was practiced to a great extent in 1898. In one precinct there were more Daly Democratic votes cast at the primaries than the total vote of all the parties combined at the following election.

The total Daly registration in the county was 5,810 votes against 1,814 anti-Daly. At the election following the total Democratic vote was only 5,988. From this it is apparent that about 2,000 fraudulent votes were cast by the Daly people at the primaries. They practically took possession of the polling places.

A train was run from Anaconda to South Butte with a squad of men who repeated at several polling places. It was this infamous action that caused the loyal and honest Democracy of the county to refuse to support the county ticket, and for this they were denounced as bolters.

The boycott is another great weapon used by Daly and his associates. An example of this will illustrate. Mr. James H. Lynch, who was in business near the mines of Mr. Daly and largely dependent upon the employees thereof for support, was in the habit of cashing checks for the miners, and after deducting the amount due him paid the balance in cash. That was when they issued checks. They do not do so now, but compel their employees to go to their large department store to get the few dollars, if any is left, when their bills are paid.

Mr. Daly attempted to foist a water-supply system on the city of Butte. Mr. Lynch had been elected as a member of the council; and on account of the iniquity of the scheme refused to support it, as he was an honorable man and had the interest of the city at heart. A watch was thereafter stationed near the place of

business of Mr. Lynch. Every man that entered his place was discharged, and finally he had to close up.

That was during the Administration of President Cleveland, when it was supposed that I had some influence in securing appointments. Mr. Lynch besought me to endeavor to get him an appointment as postmaster at Butte, which I secured for him, and he was happy in the thought, as he expressed it, that "Marcus Daly could not boycott the man that sells postage stamps."

Every employee is now obliged to buy everything that they require at their department store or lose his position. Single men buy clothing that they do not need, and sell again at a reduced price to the pawn shops of Butte, which in consequence are strong competitors with the vendors of cheap clothing.

Everything imaginary is kept in that great store, from a sucking bottle to a coffin, in order to meet all the requirements of employees from the cradle to the grave.

In the great capital fight of 1894 this company spent, according to the best judgment of expert men, over \$1,000,000 to secure the location of the State capital at their own town, Anaconda, off to one side of the State, and served only by one bobtail railroad, and difficult of access from other parts of the State. This place is only 60 miles from the State line, and there is scarcely any settlement intervening.

In that election money flowed like water, and was offered to anyone who would take it. Thousands of young men casting their first vote were debauched.

Mr. Daly testified that about three hundred and fifty to four hundred thousand dollars were spent in that contest; but what credit can be placed upon the statements of a man who had the audacity to testify that he had no ill feeling toward me, when in the next breath he swore that he had authorized the unlimited use of money to crush me?

The testimony of one of the best men in Cascade County, who disbursed the capital funds in that county, can be procured that he disbursed in that county alone over \$80,000; and that is only one of 24 counties in the State.

What was the object of this gigantic effort and great expense? They could not hope to get in return one-tenth of the expenditures from the sale of lots which they owned.

The sole object in view was to get the seat of government where their thugs could control members of the legislature, and where the slick operators in Daly's employ could weave a subtle web around the governor, the members of the supreme court, and other officials, and thus complete a system of control so infamous and despotic that it would not be tolerated in Russia or anywhere else in the civilized or uncivilized world. Thank God, we broke down that effort of this great tyrant, and are now hoping to complete the work and remove the heel of the despot forever from the necks of our people.

My distinguished colleague [Mr. CARTER] labored with me in that memorable struggle. He knows the truth of all I say and will verify it. As it is to-day, he (Daly) endeavors to put his own attorneys on the bench of the districts where his companies have property interests and to control the election of members of the supreme court, so that nearly every corporation in the State has been compelled to reorganize under the laws of some other State for self-protection in order that actions at law or in equity may be commenced in the Federal court, where they have a reasonable hope of obtaining justice. This is a sad commentary on the existing affairs in Montana, but it is only too true.

In the city of Anaconda, which is dependent wholly upon the smelting works of Mr. Daly's company, he rules as a veritable czar, a name which has in fact been applied to him throughout the State. He has dominated every phase of community life—political, social, industrial, and commercial. The entire community has been completely at his mercy. Individuals and business firms have been raised or crushed at the bending of his finger, while political opposition has been the signal for practical banishment.

The Anaconda town site was originally located and platted by Mr. Daly and a few of his friends. Hundreds of thousands of dollars' worth of lots were sold at high prices. People were induced to erect houses and to build up the city by the generous promises and predictions as to the plans of the company which emanated from Mr. Daly in occasional interviews published in his personal organ, the Anaconda Standard.

Most of the houses were built by men in the employ of the corporation, credit being given them for the material, which was also sold by the concerns owned or controlled by Mr. Daly. In many instances the owners of these houses, after paying installments upon them for one, two, or three years, suddenly found themselves persona non grata to Mr. Daly, and lost their positions and were compelled to sacrifice about all they had invested in their houses and lots. It is stated that about 600 homes in that town are now vacant.

Mr. President, I have not recounted a tenth of the insolent domination, the blacklisting, the boycotting, and political debauchery of this man and his associates, who have without cause or provocation pursued me so relentlessly, and whose perversion of wealth,

extracted from the great mines of Butte, has left in its train the financial and moral ruin of men, the misery of women and children, the destruction of personal liberty, and a blight and stain upon the fair name of our State.

Is there any wonder, Mr. President, that the liberty-loving people of Montana should become alarmed and seek financial help to throw off the great octopus that threatened everything that was dear to them?

How was it possible to attack this un-American despotism, strengthened by long years of undisputed success, without a great effort which only money could secure. I was in a position to aid in this work and I am proud that I undertook it. It was done legitimately and with honesty of purpose, and although here, where the conditions are not fully understood, I have received some censure, the honest people of my State approve my action and will accord me grateful recognition.

Mr. President, I was born amid the humble surroundings of farm life in Pennsylvania. I went to the West when a lad, educated myself as well as I could by my own exertions while working on a farm and teaching school for a few years, when a spirit of adventure led me to the Rocky Mountains, where I have lived, mostly in Montana, for thirty-eight years. For three years I worked in the mines, and then engaged in other pursuits, and my enterprises now extend from one ocean to the other. I employ thousands of men and pay them generously for their labor.

I am endeavoring to discharge my duty toward mankind. I have occupied many positions of honor and trust—was State orator at Philadelphia at the exposition in 1876; represented the State at the New Orleans Exposition; was president of both constitutional conventions in my State; was appointed major of the First Battalion of Montana Volunteers in the Chief Joseph invasion in 1878. I was never in all my life, except by such characters as are now pursuing me, charged with a dishonorable act, and I propose to leave to my children a legacy, worth more than gold, that of an unblemished name.

Mr. President, acting upon my own judgment and holding no one responsible for the result, I have concluded to place my resignation in the hands of the chief executive of Montana, and I here submit a copy of a letter addressed to him under date of May 11, and which is now in his hands:

UNITED STATES SENATE, Washington, D. C., May 11, 1900.

DEAR SIR: The Sixth legislative assembly on the 28th day of January, 1899, elected me to represent the State of Montana in the Senate of the United States for the term commencing on the 4th day of March, 1899.

Under the authority of the credentials signed by the governor of the State I entered upon the discharge of the duties of that position on the first Monday of last December, after qualifying by taking the oath of office prescribed by law.

On the 4th day of December, 1899, two memorials were presented to the Senate of the United States, praying that my right and title to continue to act as a Senator under the credentials which certified to my election should be investigated.

These memorials, with the accompanying papers, were referred to a standing committee of that body. After a protracted investigation of the allegations of said memorialists the committee has submitted its conclusion to the Senate, in which it finds that the seat which I now occupy under the credentials issued by authority of the vote taken in the joint assembly of the legislature on the 28th day of January, 1899, should be declared vacant.

None of the charges affecting my personal honor, or which alleged that I had personally been guilty of corrupt practices, have been sustained by the finding of the committee.

Conscious of the rectitude of my own conduct, and after a critical examination of all the evidence taken by the committee, convinced that those friends who were so loyal to me during that bitter contest did not resort to dishonorable or corrupt means to influence the action of the members of the legislature in their choice of a Senator, yet I am unwilling to continue to occupy a seat in the Senate of the United States under credentials which its committee has declared rests for their authority upon the action of a legislature which was not free and voluntary in its choice of a Senator.

Self-respect and due regard for the opinion of my associates, and a sense of duty to the people of the State of Montana, demand that I should return the credentials under which I am acting as one of the representatives in the Senate of the United States, leaving the State and her people to take such action as will conserve and promote her best interests in the national councils.

Influenced by these considerations I deem it eminently proper without unnecessary delay to resign the position of United States Senator from the State of Montana, to which I was chosen by the Sixth legislative assembly of Montana on the 28th day of January, 1899.

With sentiments of esteem, I remain, respectfully, yours,

W. A. CLARK.

To His Excellency the GOVERNOR OF MONTANA,
Helena, Mont.

Mr. President, I desire, in retiring from the Senate, to state that I have here formed some warm attachments, which I regret to leave.

I have received from the honorable Presiding Officer the most courteous attention. I am deeply sensible of the generous sympathy and support of almost all of my Democratic colleagues, and for the cordial good wishes of a great number of Republican friends I wish to express my profound gratitude.

Mr. CHANDLER. Mr. President, in deference to the statement which has just been submitted to the Senate, I ask that the resolution touching the Montana Senatorial case may go over until 1 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the following acts:

An act (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans.; and

An act (S. 2499) to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city.

ORDER OF BUSINESS.

Mr. ALLISON. I ask that the Senate proceed to the consideration of the conference report on the District of Columbia appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa will yield for a moment. The morning business is not quite completed.

Mr. ALLISON. I learn just now that the Senator from Vermont [Mr. ROSS] has given notice that he desires to speak for a brief time upon some matter pending before the Senate, and I will give way to him and also to routine business.

The PRESIDENT pro tempore. The Chair will receive morning business.

LANDS AT NAVAL ACADEMY.

Mr. MCCOMAS submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved by the Senate, That the papers from the authorities of the city of Annapolis, State of Maryland, which include certain correspondence of the proper United States naval authorities relative to the acquisition of certain lands adjoining the United States Naval Academy grounds, submitted to the Senate January 24, 1900, be printed, without maps or diagrams, as a Senate document.

M'LEOD BROTHERS.

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

Resolved, That the Interstate Commerce Commission is hereby directed to report to the Senate all the facts in the case of McLeod Brothers, of Marietta, Kans., which was investigated by order of the commission, including the appeal to the President and all correspondence relating thereto.

SARAH W. ROWELL.

Mr. GALLINGER. I ask the Chair to lay before the Senate a bill which has been returned from the House of Representatives with an amendment.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2497) granting an increase of pension to Sarah W. Rowell.

The amendment was, in line 8, before the word "dollars," to strike out "forty" and insert "thirty."

Mr. GALLINGER. I move that the Senate nonconcur in the amendment made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. SHOUP, and Mr. TURNER were appointed.

POST-OFFICE APPROPRIATION BILL.

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

The resolution was read, as follows:

Resolved, That the stenographer employed to report the hearings before the Committee on Post-Offices and Post-Roads on the bill (H. R. 10301) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1901, be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. Under the law the Chair is compelled to send the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WOLCOTT. I will be obliged to the Chair if he will send it there.

I should like to give notice that on Thursday at the conclusion of the morning business I shall ask the Senate to take up the Post-Office appropriation bill. I would call it up to-morrow, but I postpone its consideration for the Senator from Georgia [Mr. CLAY], who asked me to put it over a day.

STATUE OF GEN. ULYSSES S. GRANT.

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

Resolved, That during the exercises of the 19th instant, incident to the reception and acceptance of the statue of Gen. Ulysses S. Grant, the committee of the Grand Army of the Republic on the Grant Memorial, the present commander in chief of the Grand Army of the Republic, the senior vice-commander in chief, the junior vice-commander in chief, the surgeon-general, the chaplain in chief, the adjutant-general, the quartermaster-general, the inspector-general, the judge-advocate-general, and the senior aid-de-camp and chief of staff of the Grand Army of the Republic be admitted to the floor of the Senate.

CLAIMS AGAINST COLOMBIA.

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

Resolved, That the President be, and he is hereby, requested, if not in his opinion incompatible with the public interest, to furnish the Senate with

copies of all correspondence and papers in regard to the claims of Messrs. Isaacs and Asch and other citizens of the United States against the Government of Colombia, growing out of the withdrawal of the military forces and police from Colon by the Colombian Government, and the firing of the city by the insurgent, Pedro Prestan, in the year 1885.

CUBAN INVESTIGATION.

Mr. BACON. Mr. President, before the Senator from Vermont proceeds with the speech of which he has given notice, I desire to recall to the Senate the fact that on yesterday under the rule there was an order in reference to the resolution which I introduced relative to investigating the receipts and expenditures which have been made in Cuba. In view of the then pendency of the naval appropriation bill, the chairman of the committee asked the unanimous consent of the Senate that that resolution should go over, retaining its place, subject to my call in the morning hour.

I had intended to ask the consideration by the Senate of that resolution this morning. But for the question of privilege, to which the Senator from Montana [Mr. CLARK] addressed himself, I should have done so. Under the circumstances, of course it was impracticable and improper that I should call up the resolution.

The Senator from Vermont desiring now to go on, and this consent of the Senate relating as it does to the morning hour, I desire to say that in pursuance of that consent I shall ask the Senate to-morrow morning, immediately after the routine business, to consider the resolution.

CIVIL OFFICES IN ALASKA, HAWAII, ETC.

Mr. ROSS. Mr. President, I ask unanimous consent that Senate bill 2000 be taken up for the occasion of some remarks.

The PRESIDENT pro tempore. The Chair lays the bill before the Senate.

The SECRETARY. A bill (S. 2000) regulating appointment to and removals from civil offices in outlying dependencies of the United States.

Amendment of the Committee to Examine the Several Branches of the Civil Service. Strike out all after the enacting clause and insert:

"That all appointments to civil offices made by the President or any head of a Department in Alaska, Hawaii, or any place brought within the jurisdiction of the United States by the recent treaty with Spain, shall be made irrespective of the political opinions of the persons appointed, and, so far as consistent with the proper performance of the duties of the office, in such a manner as to represent the entire country. In case of removal from any such office, whenever practicable, charges shall be made in writing and a copy thereof furnished to the accused, who shall be afforded reasonable opportunity to make answer thereto; and the President or head of a Department making the appointment may, whenever the public interest shall seem to require it, suspend the official pending hearing or investigation of such charges."

Mr. ROSS. Mr. President, during the closing year of the century this nation has taken on new relations and entered upon the discharge of new duties. For the first time in her existence she has entered upon the difficult undertaking of governing dependencies, located quite remotely, having fixed customs and laws—growth of the centuries—the fundamental principles underlying which are the opposite of those which have ruled her existence.

I speak of them as dependencies because that word most clearly expresses their relation to this nation. "Territory" is a more general term and applies more strictly to the nation's ownership of the soil than to its relation to the inhabitants of the country. "Colony" less correctly expresses their true relation. Most of them are quite thickly populated and are not expected to become colonies nor to furnish a place for the overflow of our surplus population. All are, and for years will be, dependent, in a great measure, upon this nation for protection against foreign nations, for laws and their due administration. They may properly be denominated "dependencies."

Whether this new work shall redound to the nation's glory or shame depends largely upon the spirit and manner in which it is entered upon and conducted. It is a trite and true saying, "Well begun is half done." Well may Congress and the nation enter cautiously, conservatively, and thoughtfully upon the discharge of these new and important duties, in which the welfare of nearly or quite 100,000,000 people is more or less directly involved. The measure before the Senate, if enacted into law and obeyed in spirit, in my judgment will be most helpful in the proper discharge of these important and difficult duties. Its details will be considered later.

The present Congress will doubtless provide for permanent governments in Alaska, in Hawaii, in Porto Rico, and for less permanent governments in the Philippine Islands and in Cuba. None of these by the act of cession or annexation have the promise of eventually being given statehood. Whether any of them ever will be admitted as States is a question not ripe now for determination, nor even for consideration.

The conditions to be met and provided for in the several dependencies differ widely among themselves, and from any hitherto encountered by this nation. All the territories hitherto dealt with had, in advance, the promise, in due time, to be determined

by Congress, of being admitted into the Union as States. All were contiguous or nearly contiguous to some of the States, and their inhabitants largely came from the surplus population of the States. When admitted as States, and sometimes before, they were factors in the politics of the nation. These dependencies are quite differently situated. They are remote from any of the States; many of them densely populated, each with inhabitants peculiar to itself. Most of them have fixed laws and customs. For years they can exert no direct influence in the political policies and parties predominating in the nation. Questions as to their proper management and government may become involved in the policies of the political parties.

The conditions to be encountered differ widely in each dependency. Alaska is a country of magnificent distances, has a diversified population, widely scattered and mostly afloat, ready to pick up their few belongings and start at a moment's notice for the most recently discovered promising gold field. Very few of its inhabitants are permanently located or own the fee of the soil where their homes are located. They are also intermixed with the uneducated native tribes. The main industries are the salmon, the fur seal, and gold mining. The civil and criminal codes recently enacted are to be so applied, if possible, as to meet the peculiar conditions existing there.

In Hawaii the conditions are very different and much diversified. The natives, partially educated and civilized, the Portuguese, Japanese, Chinese, and peon laborers have each their national and other peculiarities, but are dominated by a comparatively small number of descendants from devoted American missionaries and by speculators of more recent arrival. They are a mixed population, in all stages of civilization and advancement, existing under established laws and institutions, coming from royalty down to their present status. Upon these has been ingrafted by Congress, little knowing what the existing laws are, the provisions of the civil government or Territorial act. The industrial conditions are also somewhat anomalous. The government of these islands presents no easy problem if they are to be successfully molded under and made subject to the fundamental principles of this Government.

The conditions in Porto Rico and the Philippine Islands are greatly unlike those which exist in Alaska or Hawaii. Each have existing customs and laws of similar origin and kind. But the inhabitants and industrial and other conditions to which the laws are to be applied, are dissimilar and peculiar and very different from those prevailing in Alaska and Hawaii. Porto Rico is generally under cultivation and well peopled. Its people are mostly of mixed origin; Indian, negro, and Spanish blood prevails in various degrees of intermixture. These constitute four-fifths or more of the population and are mostly laborers dependent upon their daily earnings for a living. They possess limited education and have little, if any, experience in governmental affairs. The other fifth are mostly merchants, planters, and professional men, better educated and possessing more wealth. There are few schools and very limited internal improvements. It will be no easy task to ingraft the recent civil-government act upon the existing laws and customs, and much more difficult to train the inhabitants into suitable ways of legislation, of living, and of thinking.

In addition to these peculiarities, in the Philippine Islands there are many races, speaking many languages, varying in attainments and civilization from savagery to a medium civilization. Between many of these tribes there exist bitter hostilities. Some portions of the islands are well and others sparsely populated. The islands vary in fertility and climatic conditions. Some of the tribes are fairly educated and others densely ignorant. They have no uniformity of religious or governmental views. Generally the best educated and most advanced in civilization are cruel, treacherous, and have slight regard for truth.

The nation's relations to Cuba are by the terms of the resolution of April 20, 1898, of temporary duration. I will not dwell upon the conditions existing there. Much that has been said of the conditions in Porto Rico will apply. Probably no civil appointments, under existing relations, will be made in that island, nor at present in the Philippine Islands. But in the assignment of military officers to discharge civil duties the same care and good judgment should be exercised as in making appointments to civil offices in the other dependencies.

The several civil government acts provide that the nation shall control, by appointees, the heads of the three departments in their government. This necessarily must continue so long as this nation is responsible to other nations and to its own people and to the people of the several dependencies for the conditions that shall exist in them. In every form of government responsibility and control are closely related factors. The one can not well exist in the absence of the other.

It is manifestly evident that to mould successfully the civil government acts into existing laws in these dependencies; to set up and establish the executive, legislative, and judicial departments; to administer them honestly, prudently, in the best inter-

ests of their respective and varied inhabitants, and in the best interests of the nation, demand that the appointees to control and administer these departments be men filled with the fundamental principles of our institutions, men of intelligence, of experience in governmental affairs, of excellent judgment, thoroughly honest, energetic, and heartily devoted to their work.

Statutes, however carefully formulated and nicely adapted to existing conditions, are lifeless and inert. Those who put them in operation, who mold, construe, and enforce them, give them life and action, effective to beneficial results. That these results may be most beneficial to every interest demands that the appointees be men of national qualities and characteristics, devoted to their work, earnest and practical. Unlike appointees for home work, to whom all the conditions and every detail are familiar, these appointees will go to new and unfamiliar fields, encounter comparatively a strange people, speaking an unknown tongue and surrounded by peculiar conditions. They must be given time to become acquainted with the people and their conditions. The whole nation, not the party in power, will be responsible for the results accomplished; every citizen will be more or less affected thereby.

It must be apparent that the appointees should be nonpartisan, should be national. This is what the bill demands, not rigidly, with no allowance for the exercise of discretion and judgment. Such requirement would be unwise. The requirement that these appointees shall be selected and commissioned by the President and heads of Departments casts upon them grave responsibilities, duties not easy of performance. They should be given reasonable discretion. But the principles which should control the exercise of this discretion should be clearly outlined, both to guide their action and the action of the Senate in confirming nominations for appointments. This is done by requiring the appointments to be made without regard to party opinions, and so as to represent the entire nation, or to be of national character. But no person possessing the qualities of mind and heart requisite to a successful performance of these difficult but important duties can be secured unless the position is reasonably secure from unjust removal and the service demanded be fully compensated.

The bill seeks to secure reasonable permanency by requiring removals to be made on charges preferred in writing with an opportunity to answer and be heard in regard to their truth. If appointments are nonpartisan, and removals made only on charges in writing, established by proof on hearing, men of high qualities of mind and character can be secured, men who will be exemplars, missionaries of the fundamental principles of this Government.

A measure of this kind should be inaugurated, and control the making of the first appointments. If the appointments, provided for in the acts establishing civil government in these dependencies, are once made on a partisan basis, subject to removal without filing charges or hearing, they will continue of the same character. The men appointed will not be of the highest class, men sought out for their qualities of mind, heart, and efficiency, men devoted to promoting the highest interests of those over whom they are given authority.

Such men always have desirable positions which they can not be induced to surrender to accept difficult positions for an uncertain period. On the contrary, there will be appointed men who have political pull, who are given a place to square political accounts, frequently men who have been active but incompetent or inefficient partisans, unable to command the support of honest citizens, and who bring pressure to secure appointment to some position removed from observation where they can secure large pay for diminutive service. If the appointees are from this class, removals must be expected to follow every change in the political administration of the Government. If such appointments are made and prevail, the nation will entirely fail in the discharge of its duty, and the condition of the dependencies be made worse instead of better. Rather than incur such results the nation had better, to its humiliation and disgrace, haul down the flag and leave the islands to go their own way.

The PRESIDING OFFICER (Mr. PETTUS in the chair). Will the Senator please suspend for a moment while the Chair lays before the Senate the regular order?

Mr. ALLISON. I ask unanimous consent that the regular order may be informally laid aside.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. President, the soundness of these views, previously formed, has been confirmed by the report of the able commission sent to examine into the conditions and report a form of government to be established in the Philippine Islands. What they so well say in regard to the character and quality of service required of appointees, if made in these islands, applies with nearly equal force to appointments in Alaska and all the island dependencies. I read what they have so forcibly said on pages 113 to 116, inclusive, of their report:

A small number of American officials will be necessary for the Philippine service. The highest, according to the form of government recommended by the commission, may be divided into two classes.

In the first group belong the governor, secretary, attorney-general, certain judges, and other high officers of the Territorial government. To the second group belong the directing heads of the postal, customs, and other departments of the Federal service in the Philippines. It is not meant that in practice these groups should be isolated and kept apart, as they are in the States of the Union. Indeed, there are obvious advantages, including harmony of action and centralization of responsibility, in unifying as completely as possible all the branches and departments of government over which the Americans are to preside in the Philippines.

The members of the first group will be appointed by the President; those of the second, probably transferred from the home service. In neither case will there be examinations. Now, in neither of these groups is there any necessity for limiting the term of office except, of course, in the case of the governor, whose term should be long enough, however, to enable him to accomplish something. Under the scheme of government recommended by the commission half of the senate is to consist of appointed members, and it is assumed that the attorney-general, secretary, and other heads of departments would be appointed senators.

It would be extremely unfortunate if, when these officials had come to understand the language of the people and to appreciate their character, as well as to have gathered valuable experience, their places should be taken by novices, for whom the same elementary training would once more be necessary, and with whom again it would be balked of its proper fruition. The same considerations apply to the judges, the chiefs of the customs, post-office, and other departments of the Federal service. Permanency of tenure is therefore the first requisite in the highest offices which Americans will be called upon to fill in the Philippines; and to secure the best men—men who are qualified for the arduous task of shaping and guiding public administration in the Philippines—it is essential that high salaries should be paid.

Besides the executive, administrative, and judicial heads, who can not be selected by means of competitive examinations, there will be a small number of offices, intermediate between the heads of departments and the great body of native officials, in all branches of the government, for which it will be desirable to have American incumbents. Americans who are candidates for these positions should be subjected before admission to tests of fitness in the United States. They should then be promoted upon merit, and retained during efficiency and good behavior. In some cases it may be desirable on account of their experience and training to transfer men from the existing classified service to the Philippine service, and provision should be made to enable such officials to retain all their rights and privileges as classified employees. By whichever method secured, American officials in the Philippines should be offered salaries large enough to induce the most capable of their class not only to enter and remain in the service, but to give an honest, effective, and economical administration, free from any taint of corruption. The appointment to the service of the best men available, without regard to politics, and their retention as long as they discharge their duties satisfactorily, are, in the opinion of the commission, indispensable principles of administration in the Philippines.

With a view to facilitate the discharge of their official duties, as well as to promote mutual understanding, sympathy, and good fellowship between Americans and Filipinos, the commission holds it essential that the American members of the regular Philippine civil service should be required to learn the language of the people (Tagalog, Ilocano, Visayan, Vicol, etc.) among whom they live, and that facility in the use of such vernacular be a condition of all promotion. This requirement should be extended to the town and county commissioners or supervisors, if they are not as a class brought under the provisions of the civil-service regulations. The more an American official has to do with natives, the greater the need and the more imperative the duty of learning their language. By no other means can the two people be so speedily brought to understand and appreciate one another. Of course this recommendation is not inconsistent with another recommendation made by the commission—i. e., that English should be taught in the schools of the archipelago to the utmost extent feasible.

The business or merit system of civil service is economical of officials, for it aims only at the public good. The patronage system, on the other hand, creating offices for favorites irrespective of the needs of the country, implies an exorbitant number of officials. Good government being the result of the former system, the people are contented and only a small force is necessary. The patronage system, on the other hand, necessarily involves incapacity and extravagance, and issuing in misgovernment and corruption, alienates and embitters the governed, and necessitates in consequence large armies to keep them in subjection.

As has been shown elsewhere, Spain, prior to the last insurrection, spent annually more than \$4,000,000 on the Philippine army and more than \$800,000 on the civil guard, the latter being composed of 3,482 individuals and the former of 13,291, of whom, however, only 2,210 were Europeans. Burma, with about the same population, has a military force of about 15,000 men, of whom one-third are British and two-thirds Asiatic (almost entirely Indians); and the annual cost of the establishment is about 10,000,000 rupees. In addition, the civil police force of Burma consists of 13,000 men, at an annual cost of 3,563,097 rupees, and military police force of nearly 16,000 men, at a cost of 4,045,552 rupees—all Asiatics, except a small number of British officers.

The figures are extraordinarily high; first, because Burma is a comparatively new acquisition; secondly, the population is scattered, and thirdly, upper Burma on three sides is surrounded by extensive mountain tracts, occupied by wild and savage tribes. In an old colony like Ceylon, with 3,500,000 inhabitants, the military force numbers only 1,700 men (mostly British, however), with a voluntary corps of 1,200 men (mostly Asiatics), both together costing annually less than 2,000,000 rupees, while the police force consists of about 1,600 officers and men (of whom only 42 are Europeans), at an annual cost of less than 500,000 rupees. The experience of Ceylon indicates what with good government may be anticipated in the Philippines in the course of a decade or two.

As to the number of Americans who may be needed for the Philippine civil service the experience of the British will once more afford the safest indications. Take British India and the feudatory native states, with an area of 1,500,000 square miles and a population of 300,000,000, of which British India alone has an area of nearly 1,000,000 square miles and a population of over 230,000,000. "The whole of the higher executive and judicial work in this immense area and over this enormous population," says an eminent authority, Mr. Montague Kirkwood, "is performed by 1,000 British officials with the aid of natives on the average of one such European official to every 1,000 square miles of country and to every 230,000 inhabitants."

A similar work in Ceylon, with 25,000 square miles and 3,500,000 population is discharged by 71 British officials. * * * The conclusion is irresistible, that only a small number of Americans are needed as the organizing and directing brain of the civil administration of the Philippines; but these should be men of the highest qualifications, and to secure them, and at the same time good government, it is indispensable that they should be offered high compensation and appointments during good behavior and efficiency. On them, and practically on them alone, will devolve the fulfillment of our high obligations in the Philippines.

Again, on page 121, the commission gives this as their eighth conclusion:

The greatest care should be taken in the selection of officials for adminis-

tration. They should be men of the highest character and fitness, and partisan politics should be entirely separated from the government of the Philippines.

If the conclusions reached by these eminent commissioners, made on personal examination and after careful study and consideration, are true, it follows that economical and successful administration of these dependencies can be made only through competent appointees, selected and continued in accordance with the letter and spirit of this bill.

The most effective home institutions for the cultivation of the principles of religious and civil liberty are nonpartisan. The New England common schools, higher institutions of learning, towns, courts of all grades, churches, Army, and Navy, as a rule, are nonpartisan and each a most effective educator in these principles. The common school may well be denominated the primary school of religious and civil liberty.

In the school district persons liable to taxation meet on equal terms, choose the necessary officers, discuss the common needs of the youth of the district, make provision therefor, deal with subjects which touch closely their pockets and the dearest interests of their homes. The same is true, only as affecting a larger community, in the management of the affairs of the town. The instruction in all educational institutions and in the churches, the determination of property and personal rights in courts, and the organization and teaching in the Army and Navy are nonpartisan; and these institutions are most effective educators in these principles. They educate and develop the individual man; hence the community. They quicken and strengthen his power of thought, stimulate his ambition, show him that his rights of person and property are as fully protected as those of any class; that there is no class of nobility but those who think noble thoughts and perform noble deeds.

The product of our institutions in developing from the lowest stations in life the noblest, finest, highest specimens of individual manhood has been the wonder of the age and the amazement of mankind. This is the crowning glory of our free institutions. The nation must carry this work into and develop it in each of these dependencies, commencing with the primary or lower institutions of society, and there educate and develop the child, even the wayward child, into the noble man; the man into the honest, high-minded citizen and officer.

The great work can suitably be committed to the management, control, and development of only high-minded, unselfish, competent, efficient, nonpartisan appointees who, by security from unjust removal, are given time to comprehend fully the greatness and importance of the work and prosecute it to a successful issue. It is, under the resolution of April 20, 1898, not the work of a party, but the work of the nation, undertaken in the spirit of the good Samaritan, of the good neighbor, among the nations of the earth.

The intervention of this nation, on the terms announced in that resolution, for the relief of the Cubans is the first application of the doctrine of the good Samaritan, so far as I am aware, to national rights and duties. As there announced, the application is an unselfish intervention by this nation for the relief of a people suffering for centuries under "abhorrent conditions," robbed, stripped, wounded, half dead. In driving away the robber and granting relief to the Cubans, the Porto Ricans and Filipinos were found in like condition under the power of the same oppressor. Every noble instinct, as well as the spirit upon which the relief of the Cubans was undertaken, demands that like relief should be granted to them. The nurse who volunteers to relieve the half dead must be allowed some discretion in regard to the remedies to be applied, certainly until the sick is restored to reason and in some measure to health. Such is the teaching of the parable. The motive inciting to this action is the noblest known to the world. Its glory must not be dimmed by withdrawal before substantial relief has been given, religious and civil liberty established, nor by allowing selfish motives to dominate the nation's actions.

No worthy citizen of any political party can or will desire to have the nation's noble work in this behalf prove unsuccessful. They all are ready and will most heartily aid the President and heads of Departments in selecting and appointing high-minded, capable men to take charge of and carry forward the work. If this is done in the spirit of the good Samaritan, and in firm reliance on the guidance of the Father of men and nations, most surely the croakings of the pessimists will prove but idle words, born of their own doubts and fears, and there will be erected in each dependency a light-house of religious and civil liberty, which shall enlighten, elevate, and render contented and happy all the inhabitants thereof and afford help and encouragement to surrounding nations. To this end this measure, if enacted into law and obeyed in letter and spirit, will prove an important step in the right direction.

Unless further discussion of it is desired, I ask unanimous consent of the Senate that it may receive present and favorable consideration.

Mr. HALE. Mr. President, before the matter is voted on, I desire to say that I wish I could share in the hope and expectation that the Senator from Vermont [Mr. Ross] has, that the peaceful and perfect programme that he has marked out for what are called our new possessions could ever be realized. I do not expect it ever will be realized. The history of colonial possessions from the days of the Romans to the present time is a history of robbery, of peccation, of extravagant expenditure of money, of wrongdoing in high places, and of corruption broad and large. I do not think that the examples of to-day go to show that we are to be exempted from the monstrous evils that have always attended colonial rule.

The proconsular system of the Roman Empire and of the Roman Republic was the system that produced the abuses against which Cicero spoke to the senate, and, to use Macaulay's language, Tacitus thundered against the oppressor of Africa. The world has not changed. The jaunty way in which the American people embarked in this enterprise of colonial possessions and sent out its officials and its armies has certainly had a rebuke in what has been seen to happen in the last few months; and the Senator from Vermont and I will be older than we are now before the rule that has been laid down in all history is changed in our experience.

I do not object to the passage of the bill, but before it was passed I wanted to say this.

Mr. ALLISON. I hope the Senator from Vermont will not press that bill at this time. I yielded to the Senator with the view of giving him an opportunity of making some observations on the bill. After I have concluded the business I have in hand I shall not interfere with the further business of the Senate to-day. I now ask that the conference report on the District of Columbia appropriation bill may be laid before the Senate, without interfering, of course, with whatever is the order of business this morning.

Mr. HOAR. I suggest to the Senator from Iowa that he allow the bill of the Senator from Vermont to be considered—indeed, it is before the Senate—and then that the Senator from Vermont give way to the conference report, because if the bill has to be called up anew a week or a fortnight hence it will take an hour or two then, whereas it might not take five minutes to finish it now.

Mr. ALLISON. The junior Senator from Massachusetts [Mr. LODGE], who has charge of what is known as the Philippine bill, which is the regular order by unanimous consent of the Senate, desires it to preserve that situation and position.

Mr. HOAR. That bill can be laid aside informally. I think the bill of the Senator from Vermont will not take much time.

Mr. ALLISON. If it will not take much time, that is another matter.

I ask now that whatever is the pending business before the Senate may be informally laid aside until I can present to the Senate the conference report on the District of Columbia appropriation bill.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside, and the conference report on the District of Columbia appropriation bill be laid before the Senate. The Chair hears no objection, and that order is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the following bills:

A bill (S. 906) to provide an American register for the steamer *Esther*, of New Orleans; and

A bill (S. 4291) to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port.

The message also announced that the House had passed, with an amendment, the bill (S. 6) for the relief of James H. Latham; in which it requested the concurrence of the Senate.

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

A bill (H. R. 4400) for the relief of Frank E. Kellogg, of the Sixth internal-revenue district of Missouri;

A bill (H. R. 6063) to amend chapter 2 of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897;

A bill (H. R. 8765) for the relief of John C. Smith;

A bill (H. R. 8925) to authorize the detail of an officer of the retired list of the Army as adjutant-general of the District of Columbia militia;

A bill (H. R. 9389) to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory;

A bill (H. R. 10921) granting to the Keokuk and Hamilton

Water Power Company right to construct and maintain wing dam, canal, and power station in the Mississippi River in Hancock County, Ill.; and

A bill (H. R. 11537) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes.

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House the bill of the House numbered H. R. 5136, granting an increase of pension to John M. Smith; in which it requested the concurrence of the Senate.

POLICY REGARDING THE PHILIPPINES.

Mr. McCUMBER. Mr. President, I desire to give notice at this time that on Friday morning, immediately after the routine morning business, I shall submit some few remarks on the joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate proceeded to consider 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. 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.

The PRESIDING OFFICER. The report of the conference committee will be read.

The Secretary proceeded to read the conference report, which appears in full in the proceedings of the Senate of yesterday, and continued the reading to the action of the committee on Senate amendment numbered 78, in relation to the public schools of the District of Columbia.

Mr. TELLER. I want to ask the chairman of the conference committee on the part of the Senate whether the committee made any change in the amount of money appropriated for the schools? We have not reached that part of the report yet, I believe. I inquire what is the amount of that appropriation?

Mr. ALLISON. I do not know that I can give the total appropriation at this minute.

Mr. TELLER. How does it compare with the appropriation as made by the Senate?

Mr. ALLISON. It stands practically as it was passed by the Senate. There is some little modification as to the wording of the provision.

Mr. TELLER. I want to say a word or two about the schools. Some things have come to my knowledge since the bill passed the Senate which, if I had known when it was pending in the Senate, I should have called attention to. There has been a general complaint for several years that there were not school facilities enough in the District, and the Committee on Appropriations have made an effort to secure facilities in that line. I understand that the complaint is that there was not sufficient appropriation to pay all the teachers. Last year eight young ladies taught school during the whole year without any compensation whatever, with the understanding, of course, that when there were vacancies in the pay force, they should have an opportunity to fill those places. Two of them have been thus provided for this year; but the district attorney held that the authorities had no right to employ those people without paying them. There are now six teachers employed at a salary of \$5 a month, which is practically teaching for nothing. I do not believe that either the Government of the United States or the people of this District are so poor that there is any necessity of teachers giving their services for nothing. If there is a demand, as there must be or they would not have these teachers, Congress ought to provide ample compensation for them. I do not know whether this bill does so or not.

Mr. ALLISON. Mr. President, if the Senator will allow me, what he now states was not brought to the attention of the committee.

Mr. TELLER. I never heard of it.

Mr. ALLISON. This bill increases the number of teachers in this District by 45.

Mr. TELLER. That may cover the point I had in view.

Mr. ALLISON. The way it was stated to us by those in authority was that this was ample provision for the increased growth of the schools. There are 45 more teachers provided for in this bill than are provided for in the present law.

Mr. TELLER. That may avoid the cause of complaint I thought I had. At least, it seemed to me that there had been some fault somewhere, for I know the Committee on Appropriations has been ready to make appropriations sufficiently large to cover the necessities of this District.

Mr. STEWART. Mr. President, I think under the amendment the committee have agreed to, more definite information will be obtained by the next session of Congress in regard to all these matters. Without going into details, the Committee on the District of Columbia thought it was best to have a responsible head

to report on the complaints that were brought before that committee. We could not go into the matter fully at this session, but I think at the next session you will have laid before you, if this bill is carried out—and undoubtedly it will be—such details as will enable the committee to act intelligently.

I would prefer to have the members of the board of education appointed by the President.

Mr. TELLER. How are they to be appointed under the agreement made by the conference committee?

Mr. STEWART. By the District Commissioners; but after the investigation which has been had and the well-known views of Congress upon the subject, no doubt the District Commissioners will select the best persons that can be had, and I have every hope that it will be a success in accomplishing what the friends of the schools most desire.

The Secretary resumed and concluded the reading of the conference report.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the report of the committee of conference?

Mr. VEST. Mr. President, I hope the chairman of the Committee on Appropriations, one of the conferees, will excuse me for asking him a question, because I can not tell from the published conference report what is really now the condition of the bill as to certain provisions. Does this bill strike out all of the charities under the control of churches except the St. Ann's Infant Asylum?

Mr. ALLISON. It does.

Mr. VEST. What amount is appropriated for that?

Mr. ALLISON. St. Ann's Infant Asylum?

Mr. VEST. Fifty-four hundred dollars, is it not?

Mr. ALLISON. I will find the amendment in a moment.

Mr. VEST. I know the superintendent of public charities asked for \$5,400 in his report, but I do not know the amount allowed in the bill as it came from the House.

Mr. ALLISON. For St. Ann's Infant Asylum I think the sum is \$5,400.

Mr. VEST. Yes. That is what he asked for. I should like to ask the Senator from Iowa if there is any question as to St. Ann's Infant Asylum being a Catholic institution, under the charge and control of the Catholic Church?

Mr. ALLISON. I think there is not any doubt about it.

Mr. VEST. I so understand it.

Mr. President, with no hope of defeating this report, and with no intention of attacking this appropriation for the infant asylum, of which I heartily approve, I want to make a few observations in regard to the extraordinary course as to this legislation.

In 1897, against my consent, Congress adopted the provision that from and after June 30, 1898, no appropriation in the District of Columbia should be made to any charity under the control and management of any church. It was stated then emphatically and reiterated that the tax money of the people of the United States should not be given to any school or charity that was under the management and control of any church, Protestant or Catholic. I should like to know, as a matter of legislative curiosity, if it is a proper term, how, in the face of that law, which is declared to be a general law by the superintendent of charities and of the Children's Guardians Board, this provision is retained in the bill, with the consent and approval of the board of charities and of the Board of Children's Guardians, giving \$5,400 of the tax money of the people of the United States to a Catholic school. I understand—I have been so informed, but I have not the honor to be a member of the Committee on Appropriations—that it is said in defense of this extraordinary provision that the people who manage the infant asylum, the Catholic nuns, can not possibly make Catholics out of infants under 7 years of age. In other words, the ground is abandoned that the tax money of the people shall not be taken for a denominational school, and the real reason is given, which I have always believed to exist, that these children were not to be made Catholics. That is the foundation and at the root of this whole matter.

I do not belong to any church, unfortunately, possibly, for myself. I am speaking now as a legislator, holding in trust the money of the people of the United States; and, more than that, I am speaking as a practical man and a reasonably honest man. I hate a hypocrite. I have had as bitter enemies as any man who ever lived, but I always respected one who struck above the belt, although he struck me almost a mortal blow. I despise a hypocrite who pretends one thing and does another, and is not honest in his statements or in his convictions. These people now who are pandering to this miserable, fanatic bigotry, and pretending that they are opposed to every denominational school, are advocating here \$5,400 to be taken out of the Treasury to be given to a Catholic school, and they know it to be one and do not dare to deny it. As I have said, their reason is, as they give it, that the children are of such tender age that they can not be made Catholics.

Mr. President, I have felt considerable interest in one of the Catholic schools in this city, not because it is a Catholic school, but because I thought it was doing a great and noble work. I look at this matter not as a member of any church, but as one intrusted with making laws for the people of the United States, including the people of this District, and I consider this subject, as I have had occasion to say before, exactly as if I were about to build a house or purchase a suit of clothes. I would get the best contractor and the best mechanic, and I would never ask his politics or his religion. I have been of the opinion, possibly a misapprehension, that every sort of charity and every sort of school that kept the boys and girls of the country out of the penitentiary, out of the houses of correction, out of the jails, and made of them honest, industrious, law-abiding citizens, ought to be encouraged, and that whenever it was done, if what was done inured to the benefit of public order and public decency, the Congress of the United States should encourage that work, and it should have it done in the best and most economical way. That has been my poor judgment upon the matter. If the Baptists or the Methodists or the Presbyterians or the Lutherans or the Catholics can do this work better and more cheaply than anybody else, I would pay them for it. I would not put a provision in here to take the tax money of the people and give it to a Catholic school upon the ground that they could not make Catholics out of those children because their age was too tender.

I was about to say in a plain way that I had become interested, without any ecclesiastical bias at all, in one institution in this city. That is the St. Joseph Orphan Asylum. It is a simple story, probably scarce worth the telling, yet I choose to state it. I live in the vicinity of P Street Market and Iowa circle, and in the spring and summer months, when Congress is in session, I have been in the habit of going to that market in the early hours of the morning in order to inhale the fragrance of the flowers, to see the country people come in with their products, and to enjoy the scene of activity, almost excitement, that prevails.

Several years ago I noticed on one of these early morning visits, while I was dealing with my butcher, two nuns standing in the market with a couple of little boys holding baskets. They spoke to nobody, they occupied always the same place; and I inquired of this gentleman with whom I was trading what was the meaning of these statues with their peculiar headdress, always standing, without a word, in the same place. He said they were nuns from the St. Joseph Orphan Asylum, and that two of them went on each market day to every market in this city, to give opportunity to the charitably disposed to make donations for the asylum; that they did not receive a dollar from the Government, and were dependent entirely upon those who were charitably disposed; that they relied upon that spiritual injunction "Faith, hope, and charity; and the greatest of these is charity." "And," said this tradesman, "a great many of the market people have stock left on hand which becomes stale if not sold, and we give it to these nuns to feed the hundred little boys, fatherless, motherless, homeless except for these good women."

I inquired and found the statement to be true. When the District appropriation bill came up, which was in a very short time, I proposed an amendment giving \$2,000 to the St. Joseph Orphan Asylum, the only charity in the city that received nothing from the Government. It was adopted. It became a law and remained for years until reduced to \$1,800 under the excited raid made upon all these charities in recent years. That is my interest, so far as I am personally concerned, in this question.

Mr. President, we are told by a gentleman who seems to be at the head of this whole business, Mr. Herbert Lewis, superintendent of charities and superintendent of the Board of Children's Guardians—and this is in his report for last year—that in his tour of inspection through these charitable institutions he discovered an altar at the St. Joseph Asylum, an altar at which was celebrated mass and at which these nuns knelt and asked assistance from God in the noble work they are carrying on. A Catholic altar! Beat your drum; fly your flag; double-shot your musket! A Catholic altar has been discovered absolutely in one of these institutions!

When Mr. Herbert Lewis's name was before the Senate for confirmation as superintendent of the Board of Children's Guardians, I opposed it, for I had reason to believe from information given to me that he was utterly opposed to anything that had the name of Catholic or the flavor of Catholicism about it. Take his reports, and you can read between the lines that he is a fanatic. I am told that he is honest. I have no doubt of it. There never was a fanatic yet who was not honest, and they have poured out more blood in the history of the world than everybody else put together. There is no doubt the Mohammedans are honest, one of whom is so vividly described in the Fire Worshipers as—

One of that saintly murderous brood,
To slaughter and the Koran given,
Who thinks through unbelievers' blood
Lies the directest road to Heaven.

The world is full of such people. They may not have swords in their hands, but they have them in their hearts, and they are honest. They believe that the way to save sinners is to take the Bible in one hand and the scimitar in the other. If not the Bible, to take the Koran. I do not sympathize with that sort of thing.

When Mr. Lewis's name was before the Senate for confirmation, I opposed it. It was toward the close of the session, and I held him up, as the saying is, while my friend the Senator from Michigan [Mr. McMILLAN] urged the confirmation, and repeatedly called upon me to withdraw opposition. I frankly stated to him, my reason for opposing Mr. Lewis's confirmation; that he might be the most honest man in the world, but he was not a man for this place; that we wanted a broad-minded man, a liberal man, and a man who would administer his office, one of the most delicate in the District, not with a view to his hostility to any church or his favoritism to any sect. At last Senator McMILLAN asked me to have an interview with Mr. Lewis in his committee room, that of the Committee on the District of Columbia, and I went with him as a personal favor.

Mr. Lewis stated to me in the presence of Senator McMILLAN that he had no hostility to the Catholic Church; that he would treat it as he would any other church. I told him frankly the reason why I opposed his confirmation, "because," I said, "I am opposed to any favoritism or any proscription. I am not a member of any church, but I want to keep these boys in this orphan asylum out of the jail and out of the house of correction and out of the penitentiary;" and he pledged himself solemnly that if confirmed he would administer this office fairly and equitably. Senator McMILLAN assured me that his promise could be relied upon, and he would be responsible for his conduct.

Now, take his reports. There is not one of them in which you can not read between the lines the animus that inspires him in all this work. He discovers a cross, a crucifix, an altar for saying mass, and he seems to regard it as a sort of treason against the United States. He seems to think that he has discovered a nest of scorpions plotting against the Government in secret. I do not attack this man personally. I would not know him if I should see him upon the street. I am talking of his official report, of his official action, as he has a right to talk of mine.

But, again, we are told that not a dollar of the tax money of the United States shall go to any of these institutions of any denomination, and Mr. Lewis argues in his report that it is a great economy to keep up this board of guardians, which may do some good work, but in my judgment it does very little. Yet what do the figures show? If there is any question about them, I can produce them, for I have examined his report this morning. There are, in round numbers, 100 orphan boys in the St. Joseph's Asylum. I take that for an example, as I am more familiar with it than any other. We have asked for the institution \$1,800 a year for boarding and clothing and educating these houseless little waifs. That is \$18 to the scholar. The report of the superintendent of the Board of Children's Guardians, Mr. Lewis, shows that in what he calls free homes—that is, where the children are farmed out and put with anybody who will take them, to be worked and educated after a fashion, and clothed and fed after a fashion—it costs \$14 a year. For what I do not know. He calls it administrative expenses. But there are a large number of these children who are boarded in different institutions; for instance, in the House of the Good Shepherd in Baltimore, where colored girls are placed who were leading irregular lives.

There is the Hart farm, as it is called, for colored people. His report shows that the expenses of the House of the Good Shepherd—I mean for clothing and feeding and educating, if there is any education there—amount to \$94 a year for every colored girl who goes into that school. That is the lowest that is paid by the Board of Children's Guardians to any of these institutions where they board their wards. On the Hart farm it costs \$185 a year for each one of the scholars or wards. Mr. Lewis asks for \$50,000 a year for the Board of Children's Guardians, and I suppose he has got it in this bill. The Senator from Iowa can tell us. The nuns at St. Joseph Asylum propose to clothe, feed, and educate daily these poor little orphans at \$18 a year. Mr. Lewis proposes to take them before the courts, have them condemned, in legal phrase, and he has two agents who go through the country to find somebody who is willing to take a boy and clothe and feed him and find the remuneration in his work.

Mr. President, I have lived long enough to distrust unselfish charity unless based on some religious feeling. I would rather put a poor, fatherless, motherless boy at Dotheboys Hall under Mr. Squeers than to put him out on a poor farm with strangers, to have his soul worked out of his body, in order that they can get back the cost of his clothing and food. I do not believe that you can have unadulterated and honest charity toward these poor little friendless creatures unless the higher instinct of religious duty is found as the incentive to that charitable action.

Mr. Lewis reports that the average cost in every one of the institutions where there are contracts to board his wards is \$112 a

year, and he says that there is a saving of at least \$75 by putting them in what he calls a free home. What does he mean by a free home? Does he mean a home that is free from restraint? Does he mean a home where there is personal liberty? He uses the phrase "a free home," and says there is a saving of \$75 by putting one of these poor children out on a poor farm, where he is worked by people who have possibly children of their own, and who naturally and inevitably will discriminate between this motherless and fatherless boy and their own offspring.

Let any Senator—it is not far from here—go down to St. Joseph's Asylum and look at those hundred little boys, well fed, well clothed, well educated, happy, and contented. Mr. Lewis says that after the appropriation was taken away they were not turned into the street. No; they were not turned into the street; but no thanks to him and the people who agree with him. They were not turned into the street because charitable people in this District came forward and donated enough to keep them where they are. I know one lady here who gives every year to these hundred little boys a suit of clothes apiece, besides other donations. I know a gentleman here who gives a certain portion of his income, divided amongst these charities. And they are not politicians; they are not pampering to votes; they do it because it is humane and right, and they look for their reward in the approval of their own consciences.

Does the fact that these charitable persons liberally donate to these institutions absolve the Government from its duty to pay a part at least of the expenses of clothing, feeding, and educating these children?

Mr. President, I challenge any Senator to take the report of Mr. Lewis, as superintendent of charities and superintendent of the Board of Children's Guardians—and he is at the head of both institutions and draws a salary for both—I challenge any Senator to take his own arithmetical statement and disprove my assertion as to the St. Joseph's Asylum, where 100 of these little boys are clothed, educated, and fed for \$18 apiece each year, when he, under his contracts made with other institutions, pays out \$112 for each one of these children, a difference of \$96.

Now, if I believed that the people who are attacking these charities because they belong to some particular church were sincere, I would not open my mouth in this Chamber in regard to the bill. But I go back now to the initial point, and I ask the question and I want some answer, or I brand this bill as a subterfuge and a fraud. I want to know how St. Ann's Orphan Asylum, notoriously and openly under the charge of the Catholic Church, receives \$5,400 a year of the people's tax money while the velvety ears and silken consciences of these reformers are torn and lacerated at the idea of giving \$1,800 a year to St. Joseph's Orphan Asylum?

Mr. ALLISON. Mr. President, only a word, and not in reply to the suggestions of the Senator from Missouri.

The appropriation for the St. Ann's Infant Asylum came to the Senate from the House of Representatives. It was inserted there by a vote of the House. It is said that there is no suitable place, at least none at the present time, where the children who are now supported at the St. Ann's Infant Asylum can be supported elsewhere. So they inserted that item, as we were informed, as an exceptional one.

We also inserted two items, one for St. Joseph's Orphan Asylum, \$1,800, and also a like sum for the Church Orphanage Association of St. John's Parish. I think all these three organizations are what might be regarded as denominational. The St. John's Church Orphanage is an Episcopal society, and they also take care of children from infancy to the age of 12 or 14 years. The St. Ann's Asylum takes little children in their infancy and provides for them until they are 6 or 7 years old, when they are most of them, I believe, turned over and cared for by the St. Joseph's Orphan Asylum.

The Committee on Appropriations inserted these items, believing that, like the St. Ann's Infant Asylum, they were exceptional in their character and nature; that is, that whatever may be the discussion or the different beliefs as respects sectarian appropriations, they were also exceptional in their nature, and we inserted these two items. But the House conferees refused to agree to them on the ground that they were not as exceptional as the item concerning St. Ann's Infant Asylum, that there are other places where these children can be cared for, and that if that were not true there is ample opportunity for benevolence here, and its exercise has been from year to year evidenced by the support of the St. Joseph's Asylum and other like institutions in this District.

It is a mistake to suppose that the charities in the District of Columbia—and there are many of them—are supported wholly or even partially by appropriations made by Congress. There are a great number of these charitable associations that receive nothing from Congress. The Methodists in the District have such an association. They have a large orphan asylum, where the orphans of that sect are cared for; and the Catholics have a great number of such institutions here that are not supported by Congress at

all. One of the best charities I know of is that of the Little Sisters of the Poor, in this District, which now has more than 200 inmates, white and colored, and is supported entirely by the voluntary contributions of the people.

So as respects the two items which the Senator has criticised, the conferees on the part of the Senate were unable to convince the conferees on the part of the House that they should remain in the bill; and as the two items involve only a small portion of the vast number of items in conference, we yielded.

That is all I have to say about the matter.

Mr. VEST. Mr. President, I am not criticising our conferees. I think I understand their situation. I do not ask the Senator from Iowa to divulge what happened in the conference committee, but I should like to know why, if the principle is established that the tax money of the people shall not be taken for denominational schools, the appropriation of \$5,400 to St. Ann's Infant Asylum is justified by the fact that there is no other place for these infant children and that they are too young to receive the Catholic religion. That is the mystery with me.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. MASON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois rise to the conference report?

Mr. MASON. Yes, sir.

Mr. FORAKER. What report is it?

The PRESIDENT pro tempore. It is the conference report on the District of Columbia appropriation bill.

Mr. MASON. Mr. President, I had supposed that we would have had more notice when the conference report came up. I did not know that it was coming up. I am anxious for information upon the report. I have been trying to get it as well as I can from the printed report, which is now before me. I refer to the change in the law relative to the public schools of the District of Columbia.

I see on page 4 of the report that—

In lieu of the matter inserted by said amendment, insert the following: "For officers: For 7 members of the board of education, at \$500 each, \$3,500; not more than \$1,750 of which shall be used during the first half of the fiscal year; 1 superintendent of public schools, \$4,000; 2 assistant superintendents, at \$2,500 each; 1 secretary, \$1,800; 1 clerk, \$1,400; 2 clerks, at \$1,000 each, and 1 messenger, \$720; in all, \$18,420."

Now, as I understand, that is to take the place of Senate amendment No. 79. For my part, as I am at present advised, from what I can see and learn, and I have been giving considerable attention to the public schools of Washington and I desire to say nothing but what will be to the advantage of the public schools, I can see no possible benefit in the intended change.

I should like to have this report go over until to-morrow, so that I can present such matters as I have prepared, or it is possible that I may be able to get such information as will enable me to support the conference report.

I am very anxious to show to the Senate, first, that there is the best public-school system in the United States here in Washington. I propose to show it by the comments and criticisms of the leading educators in this country, from New York and Boston, from Chicago and San Francisco. I can see no reason for taking the board, now composed, as I understand, of eleven citizens, appointed by the District Commissioners, and changing it to a petty salaried office at \$500 a year, when there is a larger board doing good work.

I am prepared to combat the proposition that there is anything like a failure in the public schools of the District of Columbia. I propose to do that, if I can have an opportunity, and if necessary I will do so now; but I prefer to have it go over, because if it does I might avoid taking the time of the Senate if I can see, or be permitted to see, any benefit which will come to the schools from this change.

I think we should teach in the public schools by precept and by example. I have no disposition to get into a debate with the Senator from Nevada [Mr. STEWART], who is not here at the present time. I consider the examination, to characterize it as mildly as possible, very unfair. I propose to show that the marking was unfair. They examined the boys and girls here ranging at about 15 years old, the first year in the high school, and the examination was not conducted in the fair, frank, and open way that would commend itself to the people and to the scholar. I have examined the papers. I have examined the report. I have examined the comments of the leading educators of this country upon the system employed in Washington. If this is a scheme to adopt some political plan to oust the present officers and managers of the schools of this city, I hope it may not be successful. I have visited every branch of the schools in this city, and I must say that I have never in my life visited schools where there is such uniform cleanliness, such splendid discipline, such apparent earnestness on the part of the teachers as there is found here in Washington.

I ask that the report may go over until to-morrow, that I may

submit the remarks that I have to submit in order, and I can save perhaps more time for the Senate in that way. Otherwise I shall proceed this afternoon, if the Senator from Iowa does not wish to have the report go over.

Mr. ALLISON. Mr. President, I should be very glad to accommodate the Senator from Illinois, but this is a conference report, and I do not see very well how he can reach the question he speaks of in any other way than to vote down the report.

So far as I know, no one—certainly no member of the Committee on Appropriations—has in any way in the debate intimated that our schools are not efficient, and I know very well there has been the highest encomium upon the schools by teachers in other cities, and perhaps in published reports. I myself have had many letters on that subject. There has been a practical difficulty in the management of the schools hitherto, and that difficulty lies in a divided responsibility. It has been claimed by the board of trustees and by others that the present board is practically without power, and it is believed by those who have investigated the subject that it is too large.

Now, the only thing that is done in this amendment is to change the name of the trustees from a board of trustees to a board of education and reduce their number to 7 instead of 11. Their appointment will be made by the Commissioners of the District of Columbia, as now. I do not see any practical benefit to be derived from the postponement of the report until another day. To accommodate the Senator we might have an understanding that we shall have a vote at 2 o'clock to-morrow. I will be willing to postpone the vote until that time.

Mr. MASON. I have no objection to that.

Mr. ALLISON. Unless we can have an understanding as to a particular hour when the vote shall be taken on the conference report, I shall be obliged to insist that we shall go on with the discussion at this time.

Mr. MASON. I have no objection to having an hour fixed, Mr. President. I may not take any of the time of the Senate to-morrow at all. I will not do so if I can avoid it.

Mr. FORAKER. Mr. President, I desire to call attention to a matter which I did not know about in time to remedy, if I had been able to do so, when the bill was under consideration.

Since it went to the conference committee it has come to my knowledge that the assistant teachers in the kindergartens in this city are being paid at the rate of only \$5 a month for the services they render. I speak of this now in order that I may call the attention of the committee of the Senate on the District of Columbia affairs to the matter, with a view to having it investigated, to see if there is not a wrong being done to these very faithful and very efficient workers in the course of instruction that they are placed in charge of.

In looking over this bill I see that very liberal salaries are being paid to the teachers. I do not complain of that at all. But when we get down to the appropriation made for kindergarten schools we have simply a lump sum of \$25,000 to provide for kindergarten instruction. I understand that there are only sixteen kindergarten schools in the city for white children and eight kindergarten schools in the city for colored children. It seems to me that with that kind of an appropriation there might be paid a more liberal salary to a young lady who has prepared herself by taking a course of instruction and who is devoting her life to that kind of important work. I do not know what explanation there is for it. I addressed a letter to the superintendent of schools, Mr. Powell, when I heard of it, asking him why it was, but until this time I have not had any answer.

Mr. MASON. What did you say the salary was?

Mr. FORAKER. Five dollars a month; \$60 a year. It seems to me to be a scandal and a shame and a reproach that anybody should be asked to engage in work that requires the preparation and labor and is of such importance as that for any such sum of money, and unless there is some explanation for it that I can not conceive of, I think it inexcusable, and it ought to be remedied. If we are to make this appropriation as a lump sum, as we have done, of course it passes beyond our power now to deal with it; but I trust the committee on the affairs of the District of Columbia will give it such attention as may be necessary to correct the wrong, if there is one, and it seems to me on the face of things there is.

Mr. ALLISON. I will say that the matter of the salaries of the teachers in the kindergarten schools here was not brought to the attention of the Committee on Appropriations in making appropriations for these schools. We appropriated for 1,245 teachers, the number of teachers that we supposed were necessary to carry on the teaching in the several schools. We provided specific salaries, the lowest salary being \$450 as the bill passed the Senate; and as it now will pass on the conference report, if the conference report is agreed to, the lowest salary paid will be \$425 per annum.

Two or three years ago the Committee on Appropriations were induced to make a special appropriation for kindergarten schools.

The first appropriation, I think, was \$12,000. It was not so much to pay for teachers as it was to rent rooms and provide in various ways the necessary material to be used in kindergarten schools. Until the Senator from Ohio, at my seat a moment ago, called my attention to the fact that these teachers are paid this insignificant sum, I did not know of the fact; but whatever the sum may be, it is too late to remedy it in this bill, as I understand.

Mr. FORAKER. I recognize that, and I did not rise with any view of remedying it, but only to call the Senator's attention to the matter.

Mr. ALLISON. Of course, if the committee's attention had been called to it, it might have been provided for.

Mr. MASON. Are there not assistants who are employed while they are studying to become kindergarten teachers?

Mr. FORAKER. In answer to the suggestion of the Senator from Illinois, I will state that the case I have in view is a case where a young lady took a regular course in a kindergarten school of instruction in the city of Boston, graduating therefrom after two years of training and study. Since that time she has taught a kindergarten—a private school of her own—in the State of Massachusetts. She then came here a year ago and took a position at \$5 a month, with the view of ultimately securing a position in kindergarten work in this city, where she would get something like an adequate salary. She now aspires to become a principal, where she would get, I think, \$40 a month, which is certainly little enough, considering the character of work the principals are required to do.

So that it is not the case of a young lady teaching as an assistant for the purpose of securing instruction, but it is the case of a skilled instructor in such work being required to accept a starvation salary that is a disgrace to the capital of the nation.

Mr. MASON. The Senator will understand I was only asking for information.

Mr. FORAKER. I so understand.

Mr. MASON. I quite agree with what the Senator has said about the salaries.

Mr. ALLISON. I wish to say that this whole matter of compensation of teachers and the management of the schools, subject to the limitations of these appropriations, are within the control of the eleven trustees and the Commissioners of the District of Columbia. Therefore whatever is necessary under this appropriation of \$25,000 will be amply within the power of the board of education to correct during the next school year, without the intervention of any statute or the interposition of any rules or regulations, other than can be made by the board of education.

Mr. FORAKER. I want to say, further, that the young lady from whom I got this information and to whom I referred made no complaint whatever. She came here voluntarily, she sought the position and accepted the service, but with a view, as I stated, to securing a promotion in due time by her faithful work. I make the complaint myself on my own motion. I could scarcely credit the statement when I heard it.

Mr. McMILLAN. Has the report of the conference committee gone over?

The PRESIDENT pro tempore. No. The question is, Will the Senate agree to the report of the conference committee?

Mr. MASON. I understood the Senator from Iowa to ask that we have the vote on the conference report at 2 o'clock to-morrow.

The PRESIDENT pro tempore. No request has been made.

Mr. ALLISON. I made no request, but I stated to the Senator that if there could be an understanding that at 2 o'clock to-morrow the vote should be taken on the report I would not object, but I see that other Senators desire to speak, and so I trust we shall go on at least until Senators can understand what the report contains and for such debate as may be required this afternoon.

I gave notice yesterday morning that I would call up this conference report, and I supposed every Senator had ample notice of that fact.

Mr. MASON. I will say to the Senator that I did not happen to be in my seat when he gave the notice. I had requested the Senator to let me know when the report would come up, so that I might have a chance to examine it and see if there had been any marked change in the matter. I say now that I do not know that I shall want to take the time of the Senate one moment upon the report; but I should like to have the matter go over until 2 o'clock to-morrow.

Mr. ALLISON. I ask unanimous consent that the vote may be taken on the report of the conference committee to-morrow at 2 o'clock.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the vote be taken on the conference report on the District of Columbia appropriation bill to-morrow at 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

CIVIL OFFICES IN ALASKA, HAWAII, ETC.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (S. 1929) to provide for eliminating cer-

tain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein.

Mr. ROSS. Senate bill 2000 was laid aside temporarily for the consideration of the conference report on the District of Columbia appropriation bill, and, unless there is objection, I should like to have action upon the bill by the Senate.

The PRESIDENT pro tempore. What is the request of the Senator?

Mr. ROSS. That the bill I have named be considered at the present time, unless there is objection or more discussion is desired upon it. The bill is really under consideration now. It was laid aside temporarily for the consideration of the conference report. The amendment reported by the committee has been read.

The PRESIDENT pro tempore. The Chair is informed that the bill was before the Senate and that the amendment reported by the committee had been read.

Mr. ALDRICH. What is the bill? Let it be read by title.

The PRESIDENT pro tempore. The title will be stated.

The SECRETARY. A bill (S. 2000) regulating appointment to and removals from civil offices in outlying dependencies of the United States.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and the amendment reported by the committee will again be stated.

The Secretary read the amendment reported by the Committee to Examine the Several Branches of the Civil Service, which was, to strike out all after the enacting clause and insert:

That all appointments to civil offices made by the President or any head of a Department in Alaska, Hawaii, or any place brought within the jurisdiction of the United States by the recent treaty with Spain, shall be made irrespective of the political opinions of the persons appointed, and, so far as consistent with the proper performance of the duties of the office, in such a manner as to represent the entire country. In case of removal from any such office, whenever practicable, charges shall be made in writing and a copy thereof furnished to the accused, who shall be afforded reasonable opportunity to make answer thereto; and the President or head of a Department making the appointment may, wherever the public interest shall seem to require it, suspend the official pending hearing or investigation of such charges.

The PRESIDENT pro tempore. The question is on the amendment of the committee, which has been read.

Mr. GALLINGER. Mr. President, when the Senator from Vermont [Mr. Ross] a little time ago asked for the consideration of this bill, I raised some objection, and it went over. I merely rise to-day to say that while I shall not object, as I desire to be very courteous to the Senator from Vermont, I regard it as an unnecessary and an absurd bill.

The amendment was agreed to.

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

Mr. VEST. Mr. President, from what committee does the bill come?

The PRESIDENT pro tempore. From the Committee to Examine the Several Branches of the Civil Service.

Mr. ROSS. I will state that the report of the committee is unanimous.

Mr. VEST. It seems to be a very strange bill.

Mr. TURLEY. Mr. President, I am a member of the committee which reported the bill, and the Senator from Texas [Mr. CULBERSON] and myself, the Senator from Vermont will remember, when the bill was in committee, asked, and we understood it was agreed to, that the caption of the bill be changed so as to strike out the words "outlying dependencies."

Mr. ROSS. There is provision for that in the amendment reported to the title of the bill.

Mr. TURLEY. I mean in the title of the bill.

Mr. ROSS. That will be in order after the bill shall have been passed.

The PRESIDENT pro tempore. There is a proposed amendment to the title, which will be reached in time. The question now is on ordering the bill to be engrossed for a third reading.

Mr. VEST. I must confess, Mr. President, I do not understand this bill. I have never known of any such legislation. We are telling the President of the United States—true, it is a mere platitude—that he shall make appointments with a view to the interests of the whole country. I hardly think it is exactly our province to tell the Executive what his duty is about appointments. That matter is exclusively for him, with the approval of the Senate. The Constitution gives him the right to make appointments on the advice and consent of the Senate; and now we anticipate his action and say, if I understand it—a Senator was talking to me at the moment and perhaps I did not correctly catch the meaning of the bill—"Mr. President, you must make these appointments with a view to the best interests of the entire country." I am not representing the President, but I rather think he will do that, and rather think we are going out of our way to tell him he ought to do it. If we had a Democratic President, I should certainly think so.

The PRESIDENT pro tempore. The question now is, Shall the bill be engrossed for a third reading?

Mr. MASON. Do I understand that the question now is on the engrossment and third reading of the bill?

The PRESIDENT pro tempore. The question is on ordering the bill to be engrossed for a third reading.

Mr. MASON. Then I ask to have it read in full.

The PRESIDENT pro tempore. The bill will be read in full as it has been amended.

The bill was read in full as amended, and ordered to be engrossed for a third reading.

The PRESIDENT pro tempore. The question now is, Shall the bill be read a third time?

Mr. MASON. I object to the further consideration of this bill at the present time. I have not had a chance to examine it, and this is the first time I have heard of it.

Mr. LODGE. It is too late now to object.

The PRESIDENT pro tempore. The Chair understands the bill is parliamentarily before the Senate and that an objection does not lie against it.

Mr. MASON. What is the entry in the Journal in regard to it?

The PRESIDENT pro tempore. The bill was laid before the Senate this morning on the request of the Senator from Vermont [Mr. ROSS] without objection; the Senator from Vermont made a speech upon it, and then it was laid aside.

Mr. GALLINGER. If I may be permitted, while I do not wish to obstruct this bill further than to vote against it, the Senator from Vermont asked distinctly in my presence that the bill be laid before the Senate that he might submit some remarks upon it. That is a customary thing to do, without proceeding to the consideration of a bill.

Mr. MASON. I did not understand that the bill had been taken up.

The PRESIDENT pro tempore. The present occupant of the chair was not presiding at the time it took place, but the Chair is informed—

Mr. ROSS. I asked that the bill be considered.

The PRESIDENT pro tempore. The Chair is informed that the Senator from Vermont asked unanimous consent for the consideration of the bill, that that consent was given, and that it was, by unanimous consent, laid aside in order that the Senator from Iowa [Mr. ALLISON] might present the conference report on the District of Columbia appropriation bill. Therefore, if that is a correct statement of the matter, the bill is before the Senate, and no objection will lie against it. The question is on the third reading of the bill.

Mr. SCOTT. I move that the bill be indefinitely postponed.

Mr. PENROSE. I second the motion.

The PRESIDENT pro tempore. The Senator from West Virginia moves the indefinite postponement of the bill. [Putting the question.] By the sound, the "ayes" have it.

Mr. ROSS. I call for the yeas and nays on the motion.

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

Mr. CAFFERY (when his name was called). I have a general pair with the Senator from Michigan [Mr. BURROWS]. If he were present, I should vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINS], who is absent.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Georgia [Mr. CLAY]. I suggest to the Senator from Louisiana [Mr. CAFFERY] that we might transfer our pairs, if agreeable to him, and then we may both vote.

Mr. CAFFERY. That meets my approval.

Mr. LODGE. I vote "nay."

Mr. CAFFERY. I vote "nay."

Mr. MARTIN (when his name was called). I have a general pair with the Senator from Illinois [Mr. CULLOM]. In his absence, I withhold my vote. I should vote "nay" if he were present.

Mr. MORGAN (when his name was called). I am paired with the junior Senator from Iowa [Mr. GEAR].

Mr. PENROSE (when his name was called). I have a general pair with the Senator from Delaware [Mr. KENNEY]. He being absent, I will withhold my vote.

Mr. PLATT of New York (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. HEITFELD]; but this question being one that is nonpolitical, I will take the liberty of voting, and will vote "nay."

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

Mr. TURLEY (when his name was called). I have a special pair with the Senator from Connecticut [Mr. PLATT], who is

necessarily absent. As I am informed he would vote "nay" on this question, I shall vote. I vote "nay."

The roll call was concluded.

Mr. BACON. The junior Senator from Rhode Island [Mr. WETMORE], with whom I am paired, is absent, and so I withhold my vote. If he were present, I should vote "nay."

Mr. CULBERSON (after having voted in the negative). I desire to ask if the junior Senator from Wisconsin [Mr. QUARLES] has voted?

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

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

Mr. SPOONER. I wish to announce that my colleague [Mr. QUARLES] is absent acting upon a subcommittee of the Senate.

Mr. THURSTON. I understand that no quorum has voted. If that is the fact, I will take the liberty of voting, notwithstanding my pair. I vote "yea."

The result was announced—yeas 12, nays 28; as follows:

YEAS—12.			
Butler,	Hale,	McMillan,	Thurston,
Carter,	Hansbrough,	Scott,	Vest,
Gallinger,	Jones, Nev.,	Sewell,	Wellington.
NAYS—28.			
Aldrich,	Clark,	Lodge,	Platt, N. Y.
Allison,	Cockrell,	McComas,	Proctor,
Bard,	Foraker,	Mallory,	Ross,
Bate,	Frye,	Nelson,	Spooner,
Berry,	Harris,	Perkins,	Stewart,
Caffery,	Hoar,	Pettigrew,	Teller,
Chandler,	Kyle,	Pettus,	Turley.
NOT VOTING—46.			
Allen,	Depew,	McBride,	Rawlins,
Bacon,	Elkins,	McCumber,	Shoup,
Baker,	Fairbanks,	McEnery,	Simon,
Beveridge,	Foster,	McLaurin,	Sullivan,
Burrows,	Gear,	Martin,	Taliaferro,
Chilton,	Hanna,	Mason,	Tillman,
Clay,	Hawley,	Money,	Turner,
Culberson,	Heitfeld,	Morgan,	Warren,
Cullom,	Jones, Ark.,	Penrose,	Wetmore,
Daniel,	Kean,	Platt, Conn.,	Wolcott.
Davis,	Kenney,	Pritchard,	
Deboe,	Lindsay,	Quarles,	

The PRESIDENT pro tempore. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Culberson,	McComas,	Ross,
Allison,	Davis,	McMillan,	Sewell,
Bacon,	Fairbanks,	Mallory,	Shoup,
Bard,	Frye,	Mason,	Spooner,
Bate,	Gallinger,	Morgan,	Stewart,
Berry,	Hanna,	Nelson,	Teller,
Butler,	Hansbrough,	Penrose,	Thurston,
Caffery,	Harris,	Perkins,	Turley,
Carter,	Hoar,	Pettus,	Vest,
Chandler,	Jones, Ark.,	Platt, N. Y.,	Wellington.
Clark,	Kyle,	Proctor,	
Cockrell,	Lodge,	Quarles,	

Mr. CULBERSON. My colleague [Mr. CHILTON] is absent on account of illness.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. There is a quorum present. The roll will again be called on the motion to indefinitely postpone the bill.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce my pair with the junior Senator from Rhode Island [Mr. WETMORE].

Mr. CAFFERY (when his name was called). Under the arrangement made with the Senator from Massachusetts [Mr. LODGE] to transfer our respective pairs, I vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Texas [Mr. CHILTON].

Mr. HANNA (when his name was called). I have a general pair with the Senator from Utah [Mr. RAWLINGS].

Mr. LODGE (when his name was called). I am paired with the junior Senator from Georgia [Mr. CLAY]; but under the arrangement heretofore made with the Senator from Louisiana [Mr. CAFFERY], I transfer that pair to the Senator from Michigan [Mr. BURROWS] and vote "nay."

Mr. PENROSE (when his name was called). I again announce my pair with the Senator from Delaware [Mr. KENNEY], and withhold my vote.

Mr. THURSTON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], but being anxious to assist in making a quorum I feel justified in voting. I vote "yea."

The roll call was concluded.

Mr. McMILLAN (after having voted in the affirmative). I have a general pair with the Senator from Kentucky [Mr. LINDSAY], but under the circumstances I will let my vote in the affirmative stand.

The result was announced—yeas 10, nays 35; as follows:

YEAS—10.			
Butler,	Hale,	Morgan,	Vest.
Carter,	Hansbrough,	Sewell,	
Gallinger,	McMillan,	Thurston,	
NAYS—35.			
Aldrich,	Culberson,	Kyle,	Proctor,
Allison,	Daniel,	Lodge,	Quarles,
Bard,	Fairbanks,	McComas,	Ross,
Bate,	Foraker,	Mallory,	Shoup,
Berry,	Frye,	Nelson,	Spooner,
Caffery,	Harris,	Perkins,	Stewart,
Chandler,	Hoar,	Pettigrew,	Teller,
Clark,	Jones, Ark.	Pettus,	Turley.
Cockrell,	Kean,	Platt, N. Y.	
NOT VOTING—41.			
Allen,	Elkins,	McEnery,	Sullivan.
Bacon,	Foster,	McLaurin,	Taliaferro,
Baker,	Gear,	Martin,	Tillman,
Beveridge,	Hanna,	Mason,	Turner,
Burrows,	Hawley,	Money,	Warren,
Chilton,	Heitfeld,	Penrose,	Wellington,
Clay,	Jones, Nev.	Platt, Conn.	Wetmore,
Cullom,	Kenney,	Pritchard,	Wolcott.
Davis,	Lindsay,	Rawlins,	
Deboe,	McBride,	Scott,	
Depew,	McCumber,	Simon,	

So the Senate refused to postpone the bill indefinitely.

The PRESIDENT pro tempore. The question recurs, Shall the bill be read a third time?

Mr. MASON. Mr. President, I desire to offer a few remarks in regard to the pending bill. The original bill as it was introduced provided:

That appointments to civil offices in Alaska, in Hawaii, in Guam, in Cuba, in Porto Rico, and in the Philippine Islands shall be made irrespective of the political affiliations of the appointees and in such manner as to represent the entire country and to give to each political party, as nearly as practicable, its proportionate share thereof.

Section 2 provided:

That such appointees shall not be removed from office except for incompetency, misconduct, inefficiency, or neglect of duty. Before removal the charges shall be made in writing and a copy thereof furnished to the accused, who shall be ordered to make answer thereto in writing, under oath, within a reasonable time, named in the order for answer.

Section 3 provided:

That if the accused shall fail to make answer within the time named the charges shall be taken as confessed. If the answer shall deny the charges, the President may refer the ascertainment of the truth of the charges to any impartial person, who shall, in the vicinity of the place where the office is located, hear the testimony and report the facts found thereon to the President.

This bill was introduced and referred to the committee in January of this year, and of course we all had constructive notice, at least, as to what the bill provided. We may not, of course many of us did not, have actual notice, but we certainly had constructive notice; and now, for the first time, the Senate's attention is called to the fact that all the three sections of the bill are stricken out; the author is heard in support of his bill as amended, and by some management which is not in keeping with the facts of the case, as I understood it, for I was in the Senate Chamber, we are forced to a vote upon this bill without discussion and without an opportunity of weighing its good or bad qualities. Yes, as the Senator from Pennsylvania suggests to me, it may be unconstitutional, and some of us constitutional lawyers have not had an opportunity to discover wherein it is or is not constitutional.

I wish, before I proceed to a discussion of the merits of this case, to call attention to the marked difference between legislation if it is introduced by one of our brother Senators or if it is introduced by some other brother Senator, not necessarily showing any special influence or advantage that any distinguished Senator may have over some experienced brother upon this floor, but to show how eager we are to take up and discuss in brief moments those things which seem to be satisfactory or will give us an opportunity to say to the world that we are in favor of civil service, for I propose to show before I sit down that there is no civil service here. It is a division of the spoils, and you gentlemen who have been preaching civil service, which is one of the living hypocrisies of the age, abandon your high plane of civil service and say, "No more examinations for fitness, but let us agree, boys, that whichever one of us wins we will divide the plums regardless of the man's ability, fitness, education, or training for the situation."

Mr. GALLINGER. And do it geographically.

Mr. MASON. Yes, and do it geographically. Now, I do not know whether or not our distinguished appointee in Cuba, Mr. Neely, was examined and gave the distance from the earth to the moon. One distinguished gentleman who was examined out West by the Civil Service Commission was asked how many Hessians came over to fight the Americans, and his answer was that a great many more came over than went back. [Laughter.] I think he received 90 per cent for the answer that he gave to that important question, when he was being examined to determine whether or not he could throw a letter into the Chicago box that was addressed to St. Louis. [Laughter.]

But, as I said before, I want to show the difference in treatment that this revolutionary bill has received and that which was received by the resolution I introduced, expressing sympathy for the struggling Boers. I introduced the resolution long before the appearance of Santa Claus last Christmas, long before you gentlemen went home or stayed in Washington to celebrate your Christmas holidays. I had supposed, by reason of the precedents established from the days of Monroe down to the days of Grover Cleveland, and the present Administration, too, that when I introduced a part of the Republican platform, which we adopted at St. Louis and which was adopted at the polls, from the beginning of the roll call, from the distinguished Senator from Rhode Island [Mr. ALDRICH], who answers first, down to my younger and less experienced friend who answers last, every man in the Senate would pray for a moment when he could express his sympathy for the struggling Republic in South Africa.

I introduced that resolution. I had not the good fortune the distinguished Senator has who presented this of being able to report my own resolution. On the 6th day of December, as I remember, I sent it adrift into the cave of doom and despondency, into the very valley of the shadow of death, presided over by the distinguished Senator from Minnesota [Mr. DAVIS] whom I now address.

Mr. President, I am sorry to address the Senate when there are so few present to hear these remarks of wisdom that fall from my lips so easily.

Mr. WELLINGTON. Would it not be well to have a quorum present? I raise the question of the presence of a quorum.

Mr. MASON. I am obliged to the Senator from Maryland.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Maryland suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Culberson,	Kyle,	Quarles,
Bacon,	Fairbanks,	Lodge,	Ross,
Bard,	Foraker,	McComas,	Sewell,
Bate,	Frye,	McMillan,	Shoup,
Berry,	Gallinger,	Mallory,	Teller,
Butler,	Hanna,	Morgan,	Thurston,
Caffery,	Hansbrough,	Penrose,	Turley,
Carter,	Harris,	Perkins,	Wellington.
Chandler,	Hoar,	Pettus,	
Clark,	Kean,	Proctor,	

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. A quorum is not present.

Mr. PETTIGREW. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 16, 1900, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 15, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

RECALL OF BILL FROM THE PRESIDENT.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill of the House 5161, granting an increase of pension to John M. Smith.

The SPEAKER. Without objection this request will be granted.

There was no objection.

Mr. LANHAM. I suppose that request is preferred in consequence of the death of the beneficiary?

Mr. LOUDENSLAGER. Yes; the beneficiary died on the 4th of May.

Mr. LANHAM. I informed the Commissioner of Pensions of that fact myself.

AMERICAN NATIONAL RED CROSS ASSOCIATION.

Mr. GILLET of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 2931.

The Clerk read as follows:

A bill (S. 2931) to incorporate the American National Red Cross, and for other purposes.

Whereas on the 22d of August, 1864, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony and Wurtemberg, and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of suppressing the needless severity and ameliorating the condition of soldiers wounded on the field of battle; and particularly providing, among other things, in effect, that persons employed in hospitals, and in affording relief to the sick and wounded,