By Mr. GARNER of Texas: Petition of citizens of fifteenth congressional district of Texas, protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. GOULDEN: Petition of citizens of New York, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of A. R. Cook, of Syracuse, N. Y., favoring a dental corps for the Army; to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of Amalgamated Association of Iron, Steel, and Tin Workers of Pittsburg, Pa., against repeal of act of July 1, 1898 (30 Stat. L., chap. 546, p. 605), relative to hand printing of United States notes, bonds, and checks; to the Committee on Expenditures in the Treasury Department.

By Mr. HANNA: Petition of people on rural routes of North Dakota, for increase of salaries of rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, against parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of farmers of the county of Pembina, State of North Dakota, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HENRY of Texas: Petition of citizens of South Bosque, Tex., against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HIGGINS: Petition of Lumber Dealers' Association of Connecticut, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. JAMES: Petition of citizens of Paducah, Ky., for reduction of oleomargarine tax; to the Committee on Agriculture.

Also, petition of citizens of Williamstown, Ky., for restricted immigration; to the Committee on Immigration and Naturalization.

By Mr. KENDALL: Petition of citizens of Des Moines and Muscatine, Iowa, for neutralization of the Panama Canal; to the Committee on Military Affairs.

By Mr. KRONMILLER: Petitions of Wabash Council, No. 73, Junior Order United American Mechanics, Baltimore City; the State Council, Daughters of America; Washington Camps Nos. 67 and 82, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petitions of Rock Council, No. 54, and Colonial Council, No. 605, Junior Order United American Mechanics, of Glen Rock, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LOWDEN: Petition of citizens of New York, favoring construction of battleship *New York* at a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Loren Township Civic League, 78 voters, for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petitions of citizens of Falls City and business men of Virginia, Du Bois, Table Rock, Lewiston, Dawson, and Salem, all in the State of Nebraska, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Washington Camps Nos. 461, 419, 608, 7, and 101, all of Patriotic Order Sons of America, urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also petition of Local No. 1731, United Brotherhood of Carpenters and Joiners of America; Daniel Webster Council, No. 700; Kenderton Council, No. 221; Port Matilda Council, No. 921; Spring City Council, No. 900; Johnstown Council, No. 700; Smoky City Council, No. 119; Markleysburg Council, No. 568; and Sherwood Council, No. 160, all of Junior Order United American Mechanics, and Washington Camp No. 147, Patriotic Order Sons of America, urging passage of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Hair Spinners' Union No. 72347, of Philadelphia; Mr. A. C. Nowland, J. C. Dounton, Charles Wallace & Co., all of Philadelphia, Pa., favoring the passage of amendment to agricultural appropriation bill; to the Committee on Agriculture.

By Mr. PALMER: Petition of Washington Camps Nos. 752, 727, and 117, Patriotic Order Sons of America, and of Sherwood Council, No. 160, and Susquehanna Council, No. 89, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of citizens of Helena, Mont., in favor of the Carter-Weeks bill; to the Committee on the Post Office and Post Roads.

By Mr. REEDER: Petition of citizens of Kansas, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Kansas, against Senate bill 404, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SHEFFIELD: Petition of Town Council of Warren, R. I.; P. P. Stewart Hale and 15 other citizens of Newport, R. I.; and George W. Leonard and 20 others, of Newport, R. I., favoring Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of Hugh R. Miller and 7 others, Edward M. Chase and 28 others, John Degraw and 10 others, F. H. Bennett and 15 others, William Maberg and 52 others, James M. Brady and 12 others, Warren Evans and 8 others, East Casco Grange and 144 others, Frank La Chapelle and 36 others, William Arnold and 17 others, S. E. Martin and 17 others, all residents of the sixth Michigan congressional district, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SPERRY: Memorial of Metal Trades Council of Hartford and Central Labor Union of Hartford, favoring construction of battleship *New York* at Government navy yard; to the Committee on Naval Affairs.

Also, memorial of Unity Grange, of Chester, Conn., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, memorial of the Lumber Dealers' Association of Connecticut, favoring the Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. SULZER: Petition of New York State Pharmaceutical Association, for defeat of House bill 25241; to the Committee on Ways and Means.

Also, petition of the Hardwood Manufacturers' Association of the United States, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. TOU VELLE: Petition of Western Star Council, Sidney, Ohio; Ruby Council, Bradford, Ohio; and General Meade Council, Junior Order United American Mechanics, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of New York: Petition of John J. Young and other citizens of Brooklyn, N. Y., for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

SENATE.

TUESDAY, *February 14, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 30571) permitting the building of a dam across Rock River at Lyndon, Ill.

ENROLLED BILLS SIGNED.

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

S. 7252. An act granting an annuity to John R. Kissinger;

H. R. 1883. An act for the relief of John G. Stauffer & Son;

H. R. 2556. An act for the relief of R. A. Sisson;

H. R. 6776. An act for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 17007. An act for the relief of Willard W. Alt;

H. R. 19747. An act for the relief of William C. Rich;

H. R. 20375. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 22688. An act to authorize the extension of Thirteenth Street NW. from its present terminus of Madison Street to Piney Branch Road;

H. R. 23314. An act to authorize the employment of letter carriers at certain post offices;

H. R. 24749. An act revising and amending the statutes relative to trade-marks;

H. R. 25074. An act for the relief of the owners of the schooner *Walter B. Chester;*

H. R. 25081. An act for the relief of Helen S. Hogan;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.;

H. R. 26529. An act for the relief of Phoebe Clark;

H. R. 29715. An act to amend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 30135. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30886. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad;

H. R. 30899. An act to authorize the Great Western Land Co. of Missouri, to construct a bridge across Black River;

H. R. 31161. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasco County, Minn.; and

S. J. Res. 124. Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution of the Legislature of the State of Montana, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint resolution 1, relative to election of United States Senators by popular vote.

Whereas a large number of State legislatures have, at various times, adopted memorials and resolutions in favor of electing United States Senators by the direct vote of the people of the respective States; and

Whereas a large number of State legislatures have created senatorial direct-election commissions: Therefore be it

Resolved by the General Assembly of the State of Montana, That the Legislature of the State of Montana, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union, and respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for the submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by convention therein, as one or the other mode of ratification may be proposed by the Congress.

SEC. 2. That at the said convention the State of Montana will propose, among other amendments, that section 3 of Article I of the Constitution of the United States should be amended so that the Senators from each State shall be chosen by the electors thereof, as the governor is now chosen.

SEC. 3. A legislative commission is hereby created, to be composed of the governor and four members to be appointed by him, not more than two of whom shall belong to the same political party, to be known as the Senatorial Direct Election Commission of the State of Montana. It shall be the duty of the said legislative commission to urge action by the legislatures of the several States and by the Congress of the United States, to the end that a convention may be called, as provided in section 1 hereof. That the members of said commission shall receive no compensation.

SEC. 4. That the governor of the State of Montana is hereby directed to transmit certified copies of this joint resolution and application to both Houses of the United States Congress, to the governor of each State in the Union, to the honorable Representatives and Senators in Congress from Montana, who are hereby requested and urged to aid, by their influence and vote, to the end that the United States Senators shall be elected by popular vote.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved February 2, 1911.

EDWIN L. NORRIS, *Governor.*

Filed February 2, 1911.

A. N. YODER, *Secretary of State.*

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UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint resolution No. 1, relative to election of United States Senators by popular vote, enacted by the twelfth session of the Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 2d day of February, 1911.

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

Done at the city of Helena, the capital of said State, this 2d day of February, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. BEVERIDGE. I present two telegrams in the nature of memorials, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

PHILADELPHIA, PA., *February 12, 1911.*

Hon. ALBERT J. BEVERIDGE,
1155 Sixteenth Street, Washington, D. C.:

The farm press of the country, representing thousands of farmers in your State, looks to you for relief from any increase in second-class postal rates or any tax on advertising pages. About 70 of the leading and most helpful ones will be affected, all seriously, some fatally, for what they have done for American agriculture. They do not deserve this proposed stab in the back. With conditions same as last year, it means the staggering sum of $75,000 extra to us. Don't.

FARM JOURNAL.

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LAKEWOOD, N. J., *February 12, 1911.*

Hon. A. J. BEVERIDGE,
Washington, D. C.:

The proposed amendment to postal bill, imposing special postage on magazine and not newspaper advertising, is both class and discriminatory legislation. Advertising is as much a magazine department as any other. It equally helps advertising and domestic interests. It is an industrial exhibition benefiting exhibitors and visitors alike.

ELBERT F. BALDWIN.

Mr. BEVERIDGE. I present a memorial to Congress from the Board of Trade of Phoenix, Ariz., requesting restriction of spread of the alfalfa leaf weevil. I ask that the memorial be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

To the Congress of the United States of America:

We, your memorialists, recognizing a grave danger with which the leading agricultural industry of Arizona is threatened, urge upon you a careful consideration of the matter hereinafter set forth and the provision for protective measures such as the importance of the matter warrants.

The total amount of land now devoted to the growing of alfalfa in Arizona is approximately 120,000 acres, of which 65,000 acres are in one body under the Salt River irrigation project of the United States Reclamation Service. At the rate of $150 per acre, this crop represents an investment to Arizona ranchers of $18,000,000. The value of the alfalfa crop in Arizona amounts to more than $6,000,000 per annum. The alfalfa crop is the backbone of our agricultural system. No crop could take its place without a tremendous loss to all business interests, and the failure for any cause of the alfalfa industry would be a great calamity.

This industry is now greatly endangered by the presence of a most destructive insect pest in an adjoining State. The alfalfa leaf weevil is stated in the report of the Chief of the Bureau of Entomology, United States Department of Agriculture, to constitute a great menace to alfalfa culture, and an appropriation of $10,000 for an investigation of the pest has been requested. The importance of the pest is set forth in detail in a recent bulletin of the Utah Agricultural Experiment Station, No. 110. In this bulletin the means of spread of this alfalfa pest are discussed and the prediction made that it will probably be a question of 'but a short time before the insect will be generally distributed over the alfalfa-growing regions of the United States. Railroad trains are recognized as the most important agency in the spread of the pest.

The alfalfa-growing sections of Arizona, and doubtless many such sections outside of this Territory, are so isolated that a small expenditure in efforts to check the spread of the weevil from the region at present infested would mean a saving of many millions of dollars. Arizona is especially menaced by the importation of live stock and household goods in car lots by prospective settlers from Utah. In cars containing such goods, alfalfa hay and other material likely to harbor the adult weevils is frequently shipped, and disastrous consequences are most certain to result in the near future unless steps are taken to supervise properly shipments of this kind.

In this emergency Arizona is without means of protection, having no adequate law nor available appropriation to meet the situation. Furthermore, the steps that should be taken to hinder the spread of the alfalfa weevil are to a large extent protective to all alfalfa-growing sections in the United States outside of the portion of Utah which is already infested. It is believed by your memorialists that it is a matter of national importance that every reasonable effort be made to protect against the spread of these insects.

In consideration of the facts and circumstances which have been stated, we respectfully urge that in addition to appropriating the sum of $10,000 for investigating the alfalfa leaf weevil, as requested by the Chief of the Bureau of Entomology, there be appropriated the sum of $25,000 for the purpose of devising means for checking the spread of this pest, and for practical work in accomplishing this end by locating and exterminating incipient isolated colonies by cooperating with common carriers and by other means.

[SEAL.] JOHN M. FOSS,
President Phoenix and Maricopa County Board of Trade,
AND OTHERS.

PHOENIX, ARIZ., *January 28, 1911.*

Mr. MCCUMBER. I present a memorial of the Legislature of the State of North Dakota, which I ask may be read. As it is being read I especially ask the attention of the reciprocity Senators from the eastern part of the United States to it.

There being no objection, the memorial was read and referred to the Committee on Foreign Relations, as follows:

Whereas the people of the State of North Dakota being an agricultural population interested in the raising of food products, are especially concerned in obtaining fair and reasonable prices for such prod-

ucts, and are supporters of a doctrine of protection of home industries: Now, therefore, be it

Resolved by the house of representatives of the State of North Dakota (the senate concurring), That this legislative assembly, representing the agricultural population of this State, vigorously protests against the adoption of the Canadian reciprocity agreement, by which the food products of a foreign country will be brought into competition with those of the United States and of the State of North Dakota: Be it further

Resolved, That a copy of this resolution be forwarded at once to the Senators and Representatives in Congress.

Passed by both the house and the senate.

E. H. GRIFFIN, *Chief Clerk.*

Mr. PILES. I present a joint memorial of the Legislature of the State of Washington, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint memorial 14.

To the honorable Senators of the United States in Congress assembled:

We, your memorialists, the Legislature of the State of Washington, in regular session assembled, believing that the time has come for the showing of every consideration to the old soldiers of the Mexican and Civil Wars; and

Believing that the bill that recently passed the House of Representatives of the United States Congress and known as the Sulloway bill, providing for a flat pension for all soldiers over 62 years of age of $15 per month, and those over 65 years of age of $20 per month, and those over 70 years of age of $25 per month, and those over 75 years of age of $36 a month, comes more nearly adjusting the inequalities in the various pensions heretofore allowed, and more adequately and more justly shows a due appreciation for the gallant services rendered in times of need to our surviving soldiers and sailors of the Mexican and Civil Wars;

Therefore we most respectfully urge that the said Sulloway bill be immediately enacted into law, and thus we, your memorialists, will ever pray.

Passed the house February 6, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 7, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. GUGGENHEIM. I present a memorial of the Legislature of the State of Colorado, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate resolution 16.—Senator Hecker.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the General Assembly of the State of Colorado, would respectfully represent that,

Whereas that there is now pending in the Senate of the United States the Sulloway pension bill, being in favor of its passage.

Therefore your memorialists pray your honorable body to pass said bill.

And your memorialists will ever pray.

STEPHEN R. FITZGARRALD,
President of the Senate.
GEORGE MCLACHLAN,
Speaker of the House of Representatives.

Approved this February 8, 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

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UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full and complete transcript of senate resolution No. 16 by Senator Hecker, which was filed in this office the 8th day of February, A. D. 1911, at 4.30 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 10th day of February, A. D. 1911.

[SEAL.]

JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

Mr. GUGGENHEIM. I present a joint resolution of the Legislature of the State of Colorado, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint resolution 15.—Senator Crowley.

Whereas there is now pending before the Congress of the United States a resolution proposing amendment to the Constitution of the United States for the election of United States Senators by direct vote of the people; and

Whereas the resolution proposing such amendment is being discussed in Congress, and is likely to be voted upon within the next few days; and

Whereas both the senate and the house of representatives of the State of Colorado, by their action in passing the direct-primary bill, which contains a provision providing for an expression of the people upon the candidates for United States Senate, which is as near a popular election as it is possible to attain without an amendment to the Constitution of the United States: Now, therefore, be it

Resolved, That we request our Representatives in the United States Senate and House of Representatives to use all honorable means within their power to have passed the resolution proposing an amendment to the Constitution for the popular election of United States Senators.

STEPHEN R. FITZGARRALD,
President of the Senate.
GEORGE MCLACHLAN,
Speaker of the House of Representatives.

Approved this February 8, 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

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UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full and complete transcript of senate joint resolution No. 15, by Senator Crowley, which was filed in this office the 8th day of February, A. D. 1911, at 4.30 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado at the city of Denver this 10th day of February, A. D. 1911.

[SEAL.]

JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

Mr. SCOTT presented a petition of Philip G. Bier Post, No. 17, Department of West Virginia, Grand Army of the Republic, of New Martinsville, W. Va., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of Local Camp No. 11, of Summit Point, and of Local Camp No. 31, of Vanclevesville, Patriotic Order Sons of America, of the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. YOUNG. I present a concurrent resolution of the General Assembly of the State of Iowa, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Concurrent resolution.—Senator Brown.

Whereas a bill, H. R. 29346, known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, has passed the House of Representatives, in the Congress of the United States, and is now pending in the Senate: Therefore be it

Resolved by the General Assembly of the State of Iowa, That we heartily approve all of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States as it passed the House of Representatives.

Resolved, That copies of this resolution, signed by the respective officers of both houses, be sent to each of the Senators from Iowa in the Congress of the United States.

Adopted February 11, 1911.

GEO. A. WILSON, *Secretary.*

Mr. GRONNA. I have in my hand a memorial of the Legislature of North Dakota, remonstrating against the trade agreement with Canada, similar to the one presented by my colleague. As it has been read and will be printed in the RECORD, I will withhold the copy which was sent to me.

I present a memorial of sundry citizens of Fargo, N. Dak., remonstrating against the passage of the so-called parcels-post bill, which I move be ordered to lie on the table, the bill having been reported from the committee.

The motion was agreed to.

Mr. GRONNA presented a petition of sundry citizens of Olmstead, N. Dak., praying for the retention of the present duty on barley, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Sargent County, N. Dak., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURROWS presented petitions of sundry citizens of Detroit, Quincy, and Kalamazoo; of the congregations of the United Churches of Charlevoix and the First Presbyterian Church of Burr Oak; of Prairie River Hive, No. 735, Ladies of the Modern Maccabees of Burr Oak; of Woodbine Rebekah Lodge, No. 244, Independent Order of Odd Fellows, of Burr Oak; of Local Grange, No. 1350, Patrons of Husbandry, of Burr Oak; and of the Woman's Christian Temperance Unions at Centreville, Saginaw, Birmingham, Plainwell, Highland, Sanford, Homer, Watervliet, Jackson, Detroit, Burr Oak, Chesaning, South Rutland, Blissfield, Dryden, Marion, Capac, Berrien Springs, Hesperia, Jones, and Lapeer, all in the State of Michigan, praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which were referred to the Committee on the Judiciary.

He also presented petitions of Corbin Post, No. 88, of Union City; of Farragut Post, No. 32, of Battle Creek; and A. W. Chapman Post, No. 21, of Benton Harbor, Department of Michigan, Grand Army of the Republic, in the State of Michigan, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Petoskey, Mich., remonstrating against any increase being made in the postal rates on magazines and periodicals, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 110, Switchmen's Union, of Saginaw, Mich., and a petition of Local Lodge No. 80, Switchmen's Union, of Grand Rapids, Mich., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Common Council of Sault Ste. Marie, Mich., and a petition of the Board of Commerce of Detroit, Mich., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Education of Ionia, Mich., praying for the passage of the so-called children's bureau bill, which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Menominee, Mich., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Antrim, Mich., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the L'Allegro Club, of Marcellus, Mich., praying enactment of legislation providing for the preservation of forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

Mr. CULLOM presented petitions of Local Union No. 741, United Brotherhood of Carpenters and Joiners, of Beardstown; of Washington Camp No. 18, Patriotic Order Sons of America, of Pullman; of Washington Camp No. 46, Patriotic Order Sons of America, of Chicago; of the Trades Assembly of Belleville; and of the Tri-City Central Trades Council, of Granite City, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Jacquith Post, No. 293, Department of Illinois, Grand Army of the Republic, of Chebanse, Ill., and a petition of sundry citizens of Cave in Rock, Versailles, Hillsboro, Fairfield, Danville, Elgin, and McLeansboro, in the State of Illinois, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Peoria, Ill., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Typographical Union No. 16, of Chicago, Ill., remonstrating against any increase being made in the postal rates on magazines and periodicals, which was ordered to lie on the table.

He also presented a memorial of the Trades and Labor Assembly of Belleville, Ill., and a memorial of Local Branch No. 43, Glass Bottle Blowers' Association, of Olney, Ill., remonstrating against any change being made in the present method of printing securities, etc., which were referred to the Committee on Printing.

He also presented a petition of the Tri-City Central Trades Council, of Granite City, Ill., and a petition of Prosperity Lodge, No. 128, International Association of Machinists, of Chicago, Ill., praying for the construction of all battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

Mr. DU PONT presented memorials of Farmers' Grange, No. 49, of Magnolia; Blackwater Grange, No. 47, of Blackwater; Seaford Grange, of Seaford; Hartly Grange, No. 26, of Hartly; Excelsior Grange, No. 8, of Frederica; and Delaware Grange, No. 46, of Newport, all of the Patrons of Husbandry, and of O. A. Newton, of Bridgeville, all in the State of Delaware, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Washington Camp No. 18, Patriotic Order Sons of America, of Viola, and of Local Council, Junior Order United American Mechanics, of Whitesville, in the State of Delaware, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN. I present a memorial of the Legislature of the State of Idaho, house joint memorial No. 5, and ask that it be printed in the RECORD and referred to the Committee on Public Lands. I think it should go to the Committee on Public Lands. It deals with matters of legislation pending in that committee.

There being no objection, the memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 5.—Black.

Memorializing the Congress of the United States to grant relief to a large number of citizens of the State of Idaho who have settled upon lands under the homestead laws of the United States in the years 1902, 1903, and 1904, prior to the proclamation and act creating the Coeur d'Alene National Forest Reserve, within which said lands are now located, in the State of Idaho.

Be it resolved by the house of representatives of the State of Idaho (the senate concurring), That the Congress of the United States be memorialized as follows:

Whereas a large number of the citizens of the State of Idaho settled upon lands under the homestead laws of the United States in the years 1902, 1903, and 1904, prior to the proclamation and act creating the Coeur d'Alene National Forest, within which said lands are now located, in the State of Idaho; and

Whereas protests and contests have been filed by the officials of said reserve against practically all of said settlers' entries, with a view of having said entries canceled and the lands covered thereby become a portion of said reserve; and

Whereas these settlers have undergone great hardships for upward of eight years in homesteading said lands, owing to the remoteness of the same from any town where supplies can be obtained, and to the fact that access thereto can be had only by "pack" trails over a rough and mountainous country, over which trails their supplies and material for homesteading have been "packed" for all these years; and

Whereas all the homes, improvement, and effect of said settlers on said lands have been entirely destroyed by the forest fires of August, 1910, some of them losing their lives on an attempt to save their homes from destruction, and all the timber upon their claims killed by such fires, and the same will rot and become worthless on account of the worms and pests that follow in the wake of forest fires, unless the settlers are permitted to cut and dispose of such timber at an early date; and

Whereas said settlers have petitioned Congress for relief on account of such protests, contest, and fires, and asked permission to cut and sell said timber from said lands in order to save such timber from going to waste on account of such fires having burned over such timberlands; and

Whereas a great many of these settlers have offered final proof on the said lands and, their proofs having been satisfactory, have received their receivers' receipts and final certificates, but their patent is not issued owing to a blanket protest having been filed against said lands and entrymen by the Forestry Department, preventing an early determination of their rights: Now, therefore, be it

Resolved by the Legislature of the State of Idaho, That the Congress of the United States is hereby requested to enact such legislation as will grant the relief prayed for by such settlers on any such lands; and be it further

Resolved, That the Secretary of State of Idaho is hereby instructed to immediately forward copies of this memorial to the Senate and House of Representatives of the United States and to each of your Representatives in Congress.

This joint memorial passed the house of representatives on the 6th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This joint memorial passed the senate on the 6th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within joint memorial No. 5 originated in the house of representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 5, by Black, relating to relief to settlers who settled upon lands under the homestead laws of the United States, situated within the boundaries of the Coeur d'Alene National Forest Reserve prior to the creation thereof.

Passed the house of representatives February 6, 1911.

Passed the senate February 6, 1911.

Which was filed in this office the 9th day of February, A. D. 1911, and admitted to record.

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

Done at Boise City, the capital of Idaho, this 10th day of February, A. D. 1911, and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. BOURNE. I present a telegram from the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the telegram was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SALEM, OREG., *February 13–14, 1911.*

Hon. JONATHAN BOURNE, Jr.,
Washington, D. C.

Senate joint memorial No. 6.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that

Whereas Representative MONDELL, of Wyoming, has introduced a bill in Congress to prohibit the suspension of final proofs in land entries on protests of special agents and others, unless such protests are based on good, sufficient reasons under the law, providing that when such protests are made the reasons therefor shall be transmitted promptly to the local land office to the entrymen, who shall be given a prompt hearing; and

Whereas we believe much injury has been wrought entrymen in the West, causing much delay to the progress and the development of western lands by such suspension, and that a law should be passed to put a stop to indiscriminate suspensions on mere suspicion or informal reports of agents and others when there is no real proof to substantiate such action: Therefore be it

Resolved, That your memorialists favor the bill proposed by Representative MONDELL, of Wyoming, and urge its immediate enactment into law; and be it

Resolved, That the secretary of state is directed to transmit a copy of this memorial by telegram to our delegation in Congress.

Adopted by the senate February 6, 1911.

BEN SELLING, *President of the Senate.*

Adopted by the house February 7, 1911.

JOHN P. RUSK, *Speaker of the House.*
FRANK W. BENSON, *Secretary of State.*

Mr. GALLINGER presented a petition of the Federation of Citizens' Associations of the District of Columbia, praying for the enactment of legislation providing for a universal transfer system in the District, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Washington, D. C., praying for the retention of the present board of education in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of the District of Columbia, remonstrating against the proposed abolishment of the Board of Education, which was referred to the Committee on the District of Columbia.

He also presented a petition of Robert Campbell Post, No. 58, Department of New Hampshire, Grand Army of the Republic, of Bradford, N. H., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of the Boston Cooperative Milk Producers Co., of Massachusetts, representing farmers of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and eastern New York, and a memorial of Mountainville Grange, Patrons of Husbandry, of Conway, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Paul Revere Council, of Epping; General Marston Council, of Atkinson; and Rockingham Council, of Salem, all of the Junior Order United American Mechanics, in the State of New Hampshire, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DEPEW presented memorials of the Sunburst Club, of Brooklyn; of Local Grange No. 72, of Friendship; of Valley Grange, No. 1050, of Ellenburg Depot; of Adirondack Grange, No. 971; of Local Grange No. 912, of Washingtonville; of West Parishville Grange, No. 542; of Academy Grange, No. 62, of Cheshire; of Towlesville Grange, No. 430; and of Goshen Grange, No. 975, all of the Patrons of Husbandry, and of sundry citizens of Java Center, Port Byron, Denmark, Chittenango, Batavia, and Amsterdam, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Merchants' Association of New York, the West Side Business Men and Taxpayers' Association of Buffalo, the Commercial Association of Fort Edward, and of sundry citizens of Syracuse, New York City, Jamestown, Port Richmond, Binghamton, and Poughkeepsie, all in the State of New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of Sloatsburg Council, No. 93, Junior Order United American Mechanics; of Local Union No. 1407, United Brotherhood of Carpenters and Joiners, of Perry; of Iron Molders' Union, No. 260, of Lancaster; of Washington Camp, No. 7, Patriotic Order Sons of America, of Elmira; of the Central Labor Union of Lancaster and Depew; and of the Trade and Labor Council of Ogdensburg, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., praying that an appropriation be made to establish a light vessel in American waters on Lake Erie between Point Abino, Canada, and Sturgeon Point, N. Y., which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of New York, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the Musicians' Protective Association of Buffalo, N. Y., praying for the enactment of legislation to prohibit enlisted musicians entering the competitive field with civilian musicians, which was referred to the Committee on Military Affairs.

Mr. BURNHAM presented the petition of Horace P. Montgomery, of Portsmouth, N. H., praying for the enactment of legislation providing for the construction of the proposed Lincoln memorial road from the city of Washington to Gettysburg, Pa., which was referred to the Committee on Appropriations.

He also presented petitions of Suncook Valley Council, of Loudon, and of General Marston Council, of Atkinson, Junior Order United American Mechanics; of the Central Labor Union of Berlin; and of the Merrimac Lodge, No. 266, Brotherhood of Railway Trainmen, of Nashua, all in the State of New Hampshire, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the National Association of Cotton Manufacturers, of Boston, Mass., praying for the enactment of legislation providing for the preservation of forest reserves at the headwaters of navigable streams, which was ordered to lie on the table.

Mr. BROWN presented a petition of Strong Post, No. 91, Department of Nebraska, Grand Army of the Republic, of Minden, and a petition of sundry veterans of Minden and Juniata, all in the State of Nebraska, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. ROOT presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation authorizing an investigation with a view to the establishment of a general parcels post, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the New York Board of Trade and Transportation, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. GAMBLE presented a petition of sundry citizens of South Dakota, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Vermilion, S. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

He also presented a memorial of the American Protective Tariff League, remonstrating against the establishment of a permanent tariff board, which was ordered to lie on the table.

Mr. NELSON presented a petition of the Trades and Labor Assembly of Minneapolis and Hennepin County, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. STEPHENSON presented a petition of E. A. Ramsey Post, No. 74, Grand Army of the Republic, Department of Wisconsin, of Oconto, Wis., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the Cigarmakers' Local Union, No. 186, of Madison, Wis., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented petitions of Washington Camps Nos. 82 and 78, of Baltimore; 46, of Golts; and 80, of Goldsboro, Patriotic Order Sons of America; of Unity Council and American Flag Council, of Baltimore; and of Hillsboro Council, of Hillsboro, Junior Order United American Mechanics, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WATSON presented a petition of Washington Camp No. 31, Patriotic Order Sons of America, and of Local Camp No. 31, American Federation of Labor, of Vanclevesville, W. Va., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of the Department of West Virginia, Grand Army of the Republic, and of Lyon Post, No. 22, Grand Army of the Republic, of Independence, W. Va., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. FRYE presented memorials of Thorne's Corner Grange, No. 498, of Lewiston, and of Local Grange No. 45, of Norway, Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the reciprocal agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 24435. An act for the relief of Kay-zhe-bah-o-say (Rept. No. 1150); and

H. R. 24434. An act for the relief of Nah-me-won-aush-e-quay (Rept. No. 1151).

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (S. 7565) for the relief of the estate of Eliza B. Hause, reported it without amendment and submitted a report (No. 1152) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 10476) for the relief of Passed Asst. Paymaster Edwin M. Hacker, reported it with an amendment and submitted a report (No. 1153) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (H. R. 28215) to fix the time of holding the circuit and district courts for the northern district of West Virginia, reported it without amendment.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 18014) to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897, reported it without amendment and submitted a report (No. 1154) thereon.

Mr. WETMORE, from the Committee on the Library, to which was referred the amendment submitted by Mr. BACON on the 10th instant proposing to appropriate $1,500 to procure for the court room of the Supreme Court of the United States a marble bust, with pedestal, of the late Chief Justice Melville Weston Fuller, and also proposing to appropriate $1,500 to procure for the robing room of the Supreme Court of the United States an oil painting of the late Chief Justice Melville Weston Fuller, 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. McCUMBER. On yesterday the Senator from West Virginia [Mr. SCOTT] reported from the Committee on Pensions the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, and submitted a report thereon. I present the views of the minority on the bill and ask that they be printed.

The PRESIDENT pro tempore. The views of the minority will be printed. (Rept. No. 1145, pt. 2.)

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 10786) to amend section 2291 of the Revised Statutes of the United States, relating to homestead entries; to the Committee on Public Lands.

A bill (S. 10787) granting an increase of pension to Warren J. Bowman;

A bill (S. 10788) granting an increase of pension to Orlando Gates; and

A bill (S. 10789) granting an increase of pension to Francis M. Cox; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 10790) to provide for the acquisition of a site and the erection thereon of a public building at Newcastle, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. HEYBURN:

A bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior, under its grants, that such lands be surveyed; to the Committee on Public Lands.

By Mr. PENROSE:

A bill (S. 10792) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put-in-Bay Island during the year 1913, in commemoration of the one hundredth anniversary of the battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812 (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 10793) to amend the immigration law relative to the separation of families (with accompanying paper); to the Committee on Immigration.

By Mr. CRANE:

A bill (S. 10794) to amend an act entitled "An act relating to rights of way through certain parks, reservations, and other public lands," approved February 15, 1901; to the Committee on Public Lands.

By Mr. BURTON:

A bill (S. 10795) to donate two pieces of artillery for memorial purposes at the grave of the late Brig. Gen. John S. Casement, United States Volunteers, at Painesville, Ohio; to the Committee on Military Affairs.

By Mr. FLINT:

A bill (S. 10796) providing for the adjustment of conflict between placer and lode locators of phosphate lands; to the Committee on Public Lands.

By Mr. PAYNTER:

A bill (S. 10797) granting a pension to Edward J. Moss (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 10798) granting an increase of pension to W. C. Elder; to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 10799) granting an increase of pension to Emily P. Hubbard (with accompanying paper); to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 10800) granting an increase of pension to John M. Jackson (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 10801) for the relief of the estate of Jonathan B. Polk, deceased; to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 10802) for the relief of the owners of the steamers *Harry Brown* and *Stella Moren;* to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate $10,000 for the erection and completion of the memorial structure at Point Pleasant, W. Va., 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. WETMORE submitted an amendment proposing to appropriate $150,000 to purchase the tract of land formerly known as Graceland Cemetery, in the District of Columbia, to be used as a public park, 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.

PENSIONS TO SURVIVORS OF CIVIL AND MEXICAN WARS.

Mr. McCUMBER submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, which was ordered to lie on the table and be printed.

RECIPROCITY WITH CANADA.

Mr. GALLINGER. Mr. President, on yesterday the Senator from Delaware [Mr. DU PONT] had inserted in the RECORD a letter of the Secretary of Agriculture in favor of the reciprocity agreement with Canada. I have in my hand a reply to that letter, signed by ex-Gov. Bachelder, of my State and home city, who is chairman of the legislative committee of the National Grange. I ask unanimous consent that the letter may likewise be inserted in the RECORD, and that it may be referred to the Committee on Printing, with a view to having it incorporated in a document with the letter of the Secretary of Agriculture.

There being no objection, the letter was referred to the Committee on Printing, with a motion to print it as a document, and it was ordered to be printed in the RECORD, as follows:

NATIONAL GRANGE, PATRONS OF HUSBANDRY,
Concord, N. H., February 13, 1911.

Hon. JAMES WILSON,
Secretary of Agriculture, Washington, D. C.

DEAR SIR: We are in receipt of your letter of February 9, in which you endeavor to show that the Canadian reciprocity bill is fair to the farming interests of the country. We deeply regret that you have seen fit to take this position, and deplore the character of the arguments advanced by you in favor of this so-called reciprocity scheme.

In reply to our statement that the pending bill was onesided and unfair to the farmers, in that it makes no material reduction in duties on manufactured articles used by them, you attempt to defend the continuance of a high tariff for manufacturers, along with free trade for the farmers, by claiming that it is the protected workers who furnish the farmers with their chief market. We would respectfully submit that you are simply repeating the pet argument of the domestic manufacturer, and that in asserting that the prosperity of the farmer depends on the workers in protected industries, you are claiming what is exactly the reverse of actual conditions. It is on the prosperity of

the farmers that the welfare of all other classes—manufacturers, merchants, transportation interests, and factory workers—depends; and we can not understand how, at this late day, you should be found repeating the stale and exploded theory that the farmers exist by the grace of protected manufacturers, or anyone else on earth.

This, however, is not the occasion for a discussion of the general question of protection versus free trade. The sole question before the American people is whether we shall have free trade in all farm products and high protection for manufactured articles. We understand that you are a protectionist. What kind of protection is it that would compel the farmer to pay from 45 to 60 per cent duties on everything he buys and subject him to free-trade competition in farm products, which can be produced more cheaply in Canada than in this country? You know that the price of farm land is much lower in Canada than in the United States. You know that the wages of Canadian farm labor are much lower than we have to pay. You know that the Canadian farmer buys his manufactured articles cheaper, because his tariff on foreign goods is lower. You know that the farm lands of Canada are mostly virgin soil, requiring no fertilizers, while our lands have been cropped so long that we must use immense quantities of fertilizers. And yet, knowing all this, you would strike down the very moderate tariff, averaging about 25 per cent, which they now receive, without giving them the benefit of any real reduction of duties on manufactures.

The esteem and affection in which we hold you personally, and as the head of the Department of Agriculture, makes difficult a suitable rejoinder to your letter. We can only conclude that you have been deceived by the special interests, which have cunningly plotted to allay the country-wide clamor for an honest revision of the tariff, by making the farmer the scapegoat for the sins of the high-protection system. Else you would never be found making such a statement as that "free barbed-wire fencing will be a boon to our farmers."

Do you not know that the steel trust sold last year in Canada more than 100,000,000 pounds of wire, and that we bought no wire from Canada? Do you not know that this barbed-wire provision is an attempt to fool the farmers by a transparent trick? Do you not know that Canada produces practically no wire, and that with the duty on Canadian wire abolished we would not import one pound?

You refer to the advantages to our great milling interests of the free admission of Canadian wheat. How will this help the farmers? How will it help the consumers of our towns and cities? Wheat is on the free list, but flour is to be taxed 50 cents per barrel! Cattle, hogs, and sheep are to be free, but meat, both fresh and cured, is to be taxed 1½ cents per pound! Is this an honest measure in the interest of the consumer? Is this your idea of a fair and just reciprocity measure? Protection to the miller and meat packer! Free trade to the tiller of the soil!

You refer to the drift of population away from the country into the cities. Do you really believe that this reciprocity measure will tend to encourage the back-to-the-farm movement? Will it help the farming industry to remove the slight protection now given it and continue to give high protection to manufacturing industries? Surely you can not believe for a moment that the way to encourage farming is to open our markets to the free admission of cheaper farm products.

We beg to assure you that the farmers are not so easily deceived as many persons imagine. They know that their income and the value of their property is threatened by this legislation, and they are determined to defeat it. They ask for nothing but a square deal—equal protection for all classes and interests—and they will take nothing else.

Yours, sincerely, N. J. BACHELDER,
Chairman Legislative Committee.

SENATOR FROM ILLINOIS.

Mr. BEVERIDGE. I had intended on to-day to submit some remarks on the election case, but in view of the continuation to-day of the speech of the Senator from Texas [Mr. BAILEY], to be followed by an extended speech by the Senator from Ohio [Mr. BURTON] on the Appalachian bill, and as to-morrow will be taken up entirely by the unanimous-consent agreement for a vote on the Appalachian bill, I shall defer my remarks for the time being.

INVESTIGATION OF COPPER COMPANIES.

Mr. CLAPP submitted the following resolution (S. Res. 348), which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on the Judiciary:

Resolved, That the Attorney General of the United States be, and is hereby, authorized and directed to investigate the organization, method of operation, relation to each other and to other allied corporations of the Amalgamated Copper Co. and the Anaconda Copper Co. and the United States Metal Selling Co., for the purpose of determining whether there does not exist therein violations of the laws of the United States and especially what is known as the Sherman antitrust law, and whether there does not exist unlawful merger and combination in said companies and in their relation with each other for the purpose of controlling the output of copper metal and the price thereof and for the purpose of destroying competitors.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On February 2:

S. 10053. An act to extend the time within which the Baltimore & Washington Transit Co. of Maryland shall be required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908.

On February 4:

S. 10268. An act granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo.; and

S. 10304. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

On February 9:

S. J. Res. 133. Joint resolution providing for the filling of a vacancy, which occurred on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; and

S. 9449. An act to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln.

On February 13:

S. 1318. An act for the relief of Arthur H. Barnes;

S. 2429. An act for the relief of the estate of James Mitchell, deceased;

S. 3097. An act for the relief of Douglas C. McDougal;

S. 3494. An act for the relief of Edward Forbes Greene;

S. 3897. An act for the relief of the heirs of Charles F. Atwood and Ziba H. Nickerson;

S. 4239. An act to amend section 183 of the Revised Statutes;

S. 4780. An act for the relief of the heirs of George A. Armstrong;

S. 5379. An act to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the battle of Guilford Court House, N. C.;

S. 5873. An act for the relief of John M. Blankenship;

S. 6011. An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes;

S. 6386. An act to diminish the expense of proceedings on appeal and writ of error or of certiorari;

S. 6693. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 6842. An act to authorize the Secretary of the Interior to withdraw public notices issued under section 4 of the reclamation act, and for other purposes;

S. 7138. An act granting to the town of Wilsoncreek, Wash., certain lands for reservoir purposes;

S. 7901. An act providing for the restoration and retirement of Frederick W. Olcott as a passed assistant surgeon in the Navy;

S. 8353. An act for the relief of S. S. Somerville;

S. 8583. An act for relief of Malcolm Gillis;

S. 8592. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota;

S. 8916. An act extending the time for certain homesteaders to establish residence upon their lands;

S. 9552. An act to authorize the construction of a bridge across St. John River, Me.;

S. 10099. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 10221. An act authorizing the Secretary of Commerce and Labor to exchange the site for the immigrant station at the port of Boston;

S. 10288. An act granting to Herman L. Hartenstein the right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich.; and

S. 10324. An act extending the provisions of the act approved March 10, 1908, entitled "An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala."

RAILWAY MAIL SERVICE.

Mr. LA FOLLETTE. I ask leave to call up from the table the resolution I introduced calling on the Postmaster General for information. It will not provoke any discussion, I am certain, and I wish to dispose of it this morning.

The PRESIDENT pro tempore. The Senator from Wisconsin asks to take from the table Senate resolution 345, directing the Postmaster General to transmit certain information to the Senate relating to railway postal clerks and railway postal cars. The Chair hears no objection, and the resolution is before the Senate.

Mr. LA FOLLETTE. I ask to strike out the last paragraph of the resolution, for the reason that I fear it would occasion some delay in the Postmaster General responding to the call for information, and I am very desirous of getting the information before the Senate in time for the use of Senators in connection with the consideration of the Post Office appropriation bill. In perfecting the resolution, I strike out the last paragraph.

The PRESIDENT pro tempore. Without objection the last paragraph will be stricken out.

Mr. SMOOT. Let the resolution be read as modified.

The PRESIDENT pro tempore. The resolution will be read as modified.

The resolution as modified was read and agreed to, as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to transmit to the Senate a statement from the records of the Post Office Department showing:

1. The number of opportunities for promotion of railway mail clerks, resulting from deaths, removals, or otherwise, during the past fiscal year and the number of promotions actually made, giving classes in each instance.

2. The number of railway mail clerks killed and injured in wooden railway mail cars suffering wreck or collision while being operated in trains in front of heavier cars of steel or steel underframe construction during the last fiscal year.

3. What penalties, if any, have been enforced against railroads for operating wooden mail cars in front of steel or steel underframe construction cars in the same train, and the amount of penalties collected or withheld from railroads on this ground during the last fiscal year.

4. A statement of all penalties collected or withheld from the railroads for delays in the transportation of mail during the last fiscal year.

5. A list of all railroads with whom mail contracts have been made during the past year in which no provision is made for penalty or damages for (a) delay in the transportation and delivery of mail matter, (b) violation of the law and rules of the department regarding the operation of wooden mail cars in front of steel cars or steel underframe cars in the same train.

6. The number of post-office cars now being constructed or under contract for construction on plans and specifications approved by the Post Office Department showing (a) the number of wooden cars, (b) wooden cars with steel underframe, (c) steel cars.

7. The increase in mail tonnage and the increase in the number of letters and parcels carried during the last fiscal year over the preceding year and the increase, if any, in the number of railway mail clerks and total pay thereof during the same period.

8. The number of resignations of railway mail clerks during each of the past five years, giving the class from which each clerk resigned.

LUMBER INDUSTRY OF THE UNITED STATES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (S. Doc. No. 818), which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Senate and House of Representatives:

In response to the resolution of the House of Representatives, dated December 13, 1906, and to the resolution of the Senate, dated January 18, 1907, I transmit herewith Part I of the report of the Commissioner of Corporations on the lumber industry of the United States.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1911.*

HAZING AT WEST POINT—VETO MESSAGE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (S. Doc. No. 819); which was read and ordered to be printed, and, with the accompanying bill, referred to the Committee on Military Affairs:

To the Senate:

I return herewith, without approval, Senate joint resolution No. 94, entitled "Joint resolution authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution." These cadets received a fair and impartial trial in accordance with law as it existed at the time of their trial, and were punished by dismissal. Their connection with the Military Academy has been entirely severed, and they are now in civil life.

The Superintendent of the Military Academy, the Chief of Staff, and the Secretary of War are of the opinion that the enactment of this joint resolution would have a very injurious effect upon the Military Academy, and would tend to seriously demoralize the discipline there. In this opinion I concur.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1911.*

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BANKHEAD. Mr. President, I was unavoidably absent from the Senate yesterday morning when the District of Columbia appropriation bill was passed. I had an agreement with the Senator from New Hampshire [Mr. GALLINGER] in charge of the bill that I might offer an amendment while the bill was pending in the Senate. It was no fault of his that I did not offer the amendment at that time, because he made an effort to get me here. I have conferred with him since, and he suggests that I move to reconsider the votes by which the bill was ordered to a third reading and passed, in order that I may offer the amendment. I make the motion.

The PRESIDENT pro tempore. The Senator from Alabama moves to reconsider the votes by which the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, was ordered to a third reading and passed.

Mr. BANKHEAD. I call the attention of the Senator from New Hampshire to the matter.

Mr. GALLINGER. Mr. President, in reference to that matter, I will say that it was understood that the Senator from Alabama was to offer an amendment to the bill, to which I did not object, being willing that the matter should go to conference. The Senator yesterday was unavoidably absent from the Chamber, I apprehend not thinking the bill would be so rapidly passed.

I have no objection that the vote by which the bill was ordered to a third reading and passed may be reconsidered for that single purpose. I should object to any further amendments being offered to the bill.

Mr. KEAN. What is the amendment?

Mr. GALLINGER. It relates to a park.

Mr. KEAN. It is subject to a point of order?

Mr. GALLINGER. It is, undoubtedly.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD] that the vote by which the District of Columbia appropriation bill was ordered to a third reading and passed be reconsidered in order that the bill may be open to amendment.

The motion was agreed to.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 14, after line 12, it is proposed to insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire for a park, by purchase or condemnation, the tract of land known as the Carpenter-Pennsylvania Avenue tract, more particularly described and taxed as parcels 206, 1; 206, 2; 207, 8; and 207, 9; containing 121 acres, more or less, at an expense not exceeding $210,000; and for that purpose the sum of $210,000, to be immediately available, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That one-half of the said sum of $210,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, beginning with the fiscal year 1912, and with interest at the rate of 3 per cent per annum upon the deferred payments: *And provided further*, That one half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. If said commissioners shall be unable to purchase said land at a price not exceeding the sum of $210,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of Volume XXX of the Statutes at Large; and for the purposes of the said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act: *Provided*, That the public park authorized and established by this act shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONSERVATION OF NAVIGABLE RIVERS.

Mr. BURTON. Mr. President, I desire to give notice that to-morrow, immediately after the morning business, I shall address the Senate on the bill (H. R. 11798) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers. Notice was given for to-day, but that has been displaced.

The PRESIDENT pro tempore. There is a special order for to-morrow.

Mr. BURTON. Yes; but I take it that the special order will not be taken up until 2 o'clock.

Mr. BRANDEGEE. There being a unanimous-consent agreement for to-morrow relative to the bill to which the Senator from Ohio refers, I do not see how he can obtain any special right as against any other Senator by giving such a notice as he has just given. That bill will be up for consideration. The unanimous consent is to vote upon the amendments and the bill to final passage on that day, and the Senator from Ohio must take his chances as any other Senator has to do when he desires to speak.

Mr. BURTON. Mr. President, as I understand, that order for unanimous consent does not take effect until 2 o'clock.

Mr. BRANDEGEE. There is no such limitation in the unanimous-consent agreement, Mr. President. It is simply that on

that day, February 15, which will be to-morrow, the Senate will vote upon the bill to its final passage. Nothing is said about 2 o'clock or any other hour.

Mr. GALLINGER. Mr. President, it would be manifestly unfair for a Senator, by notice, to preempt the time of the Senate on a unanimous-consent agreement. He might occupy the entire day, and the friends of the measure might not have any opportunity whatever to discuss it. I think the Senator from Connecticut [Mr. BRANDEGEE] is quite right in saying that the Senator from Ohio must take his chances with other Senators when that bill comes up for consideration.

Mr. BURTON. I think the Senator from New Hampshire [Mr. GALLINGER] makes the statement a little strong in saying that what I propose is unfair. I have no intention or expectation of occupying any unusual part of the day.

Mr. SCOTT. Mr. President, I ask unanimous consent for the consideration of House bill 29346, known as the Sulloway pension bill.

Mr. BAILEY. Mr. President, I gave notice that immediately after the conclusion of the routine morning business to-day I would claim the attention of the Senate.

Mr. SCOTT. I ask the Senator's pardon. I did not know that. I withdraw the request.

SENATOR FROM ILLINOIS.

The PRESIDENT pro tempore laid before the Senate the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State.

[Mr. BAILEY resumed and concluded the speech begun by him yesterday. The entire speech is printed below.]

Monday, February 13, 1911.

Mr. BAILEY. Mr. President, before addressing myself to the results of this investigation, I think it advisable to say something about the methods which the committee employed in making it. I am not moved to do this by any objection on my own part to those methods, or because I doubt in the least that they were best calculated to evolve the truth, but as several Senators, and particularly the Senator from Iowa [Mr. CUMMINS] and the Senator from New York [Mr. ROOT], have criticized the investigation as lacking in thoroughness, I feel that in justice to the committee I ought to make some reply to that criticism.

I can easily understand how a Senator who feels that the testimony elicited by the committee leaves him in doubt as to his duty might complain, and it would be for the committee to answer whether the doubt of such a Senator could have been removed by any testimony within their reach. If any Senator should describe himself as in that mental condition and he could indicate any witness who might enlighten him on any disputed point, I would, without hesitating a moment, vote to recommit this report to the committee, with instructions to procure such additional evidence. But, sir, it is utterly impossible for me to comprehend how any Senator can complain at the committee for having taken, or for having omitted to take, any testimony, and then in the next breath declare that on this record as now made up he does not hesitate to pronounce a judgment which will undo what the legislature of a great State has done, deprive Illinois, for a time at least, of a seat in the Senate, and drive one who holds the commission of a great Commonwealth from the Senate Chamber with a stigma upon his name which neither his children nor his children's children can outlive.

But, Mr. President, without intending to be offensive, I am constrained to believe that neither the criticism of the Senator from Iowa nor the criticism of the Senator from New York against the committee is entitled to our serious consideration, because their speeches show that they have not studied this record with sufficient diligence to pass an intelligent judgment upon it. I say that because in both of their speeches they have misstated the testimony on material points, and I know that neither of them would have done that to save his own seat in the Senate, and much less would either have done so to vacate the seat of another Senator. With these misstatements of the testimony before me and knowing the high character of the Senators who have made them, the only explanation possible to my mind is that they are due to a lack of familiarity with the record. Not only, Mr. President, were these Senators mistaken as to the language and the effect of certain testimony, but the Senator from New York was mistaken about the appearance of a witness whose testimony he deemed essential. The Senate has not forgotten that in enumerating the witnesses whom the committee ought to have called before it but did not, the Senator from New York included Mr. Shurtleff, the speaker of the Illinois House of Representatives, and he did not leave us in any doubt as to Mr. Shurtleff's importance as a witness, because to give emphasis to his criticism against the committee for its failure to call him, he made this statement:

> Mr. President, they would have called Mr. Shurtleff, the speaker of the house, who was the leader of the campaign on the Republican side to secure the election of Mr. LORIMER. They would have called him, because the testimony shows that day by day and night by night he was closeted with Mr. LORIMER and with Mr. Lee O'Neil Browne.

The Senate will also remember that the Senator from New York had scarcely concluded that criticism when he was interrupted by the Senator from Kentucky [Mr. PAYNTER] and the Senator from South Dakota [Mr. GAMBLE], who reminded him that this record shows that the committee did call the honorable Mr. Shurtleff and that he did testify touching all of the most important matters under investigation.

Not only did the Senator from New York complain at the committee for its dereliction in respect to Mr. Shurtleff, but he complained also that it did not call the Yarborough brothers; and here again I find, Mr. President, a circumstance which compels me to believe that the Senator from New York relied upon somebody else to examine the record for him, because a lawyer of his great ability and of his accuracy could not have overlooked the fact that this record makes its own explanation of why the Yarborough brothers were not called. Those witnesses were called on the trial of Lee O'Neil Browne, and they swore, corroborating White, that they were in White's room on the night of May 24 when Browne called there and took White to his own apartments, where he made the corrupt contract with him for White's vote.

After Sidney Yarborough had sworn to that as a fact, the defense called a number of witnesses who overwhelmingly contradicted him. One of those witnesses was a Mrs. Ella Gloss, who swore that on the night of the 24th of May—which was the night on which White swore before the committee that Yarborough was in his room and the night on which Yarborough himself had sworn before the court that he was in White's room at Springfield—Sidney Yarborough took supper in her home; that he took breakfast there the next morning; that he went to Wheaton that day, returned that night, and left Chicago on the night of the 25th day of May for the city of Springfield.

The learned attorney in that case interrogated Mrs. Gloss, as he did before the committee, about Yarborough's other visits to her home. She said that he had visited her home at other times, and when asked to specify them she could not do so. I freely say to the Senate that when she could remember this particular time and could not remember the other times, it strongly discredited her testimony with me. But finally they asked her how it happened that she could remember this particular visit and fix the day, but could not recall the other visits of Yarborough to her home; and then she satisfactorily explained it by saying that it was the day before her boy's birthday and that the little fellow had been begging her for a baseball bat and a baseball mitt, and Mr. Yarborough gave him 25 cents that morning with which to buy the baseball mit the next day. Mr. President, no man needs any further confirmation of that good woman's story, because she locates the day by a circumstance which never fails a woman's memory.

But, sir, that was not all. The defense called the husband of Mrs. Gloss, and he corroborated his wife's testimony. They also called a street-car conductor by the name of Bell, who testified that he met Gloss and Sidney Yarborough on Monday, the 24th day of May, as Gloss and Yarborough were on their way to Gloss's home. In order to discredit Bell they demanded of him to identify Yarborough in the crowded courtroom, and he did it.

Mrs. Gloss had testified that at her table Sidney Yarborough had declared that his railroad fare did not cost him anything, as he rode on the pass of Charles White, who is the principal witness in this case, and who had known Sidney Yarborough when they both lived at O'Fallon, Ill. The conductor of the Illinois Central Railroad train which left Chicago at 10 o'clock on the night of the 25th of May was called, and identified a coupon pass which he had punched and taken up on his train that night. The clerk of the assistant to the president of the Illinois Central Railroad was called and required to bring into the court the coupon passes which had been issued to and used in the name of Charles White. He brought 41 of them, and he was required to lay those coupons on a table in the open court with their faces down, so that no one could see the date, and only the signature on the back of each would be exposed. They called on Mr. Gloss, who claimed to know the handwriting of Sidney Yarborough, to pick out of these 41 coupon passes bearing the name of Charles White the one signed by Sidney Yarborough. Gloss picked a particular coupon, and when they turned its

face over it was the very one which had been used on the Illinois Central Railroad on the night of the 25th of May, thus corroborating Mr. and Mrs. Gloss, and contradicting absolutely and beyond all question the testimony of Sidney Yarborough.

But, Mr. President, there is still another circumstance which I am surprised that the Senator from New York has overlooked. When they had White on the stand and under direct examination they did not ask him who was in his room that night when Browne repaired to his apartments for the purpose of making the bribery contract with him. They had asked him that question on the trial of Browne, and he had answered that the Yarborough brothers were in his room; but he had been so completely discredited and contradicted that the attorneys for the petitioners in this case did not dare to repeat that question; and when the attorney for Senator LORIMER asked him who was in his room the attorney for the petitioner objected. Exactly how he could have expected his objection to be sustained I have not been able to understand, because it was clearly competent under the strictest rules of evidence; and over the protest of the attorney for the prosecution White answered the question, and again said that the Yarboroughs, both Otis and Sidney, were in his room. Then Gloss and Mrs. Gloss, and Bell, the street-car conductor, and the conductor of the Illinois Central Railroad, and the clerk of the assistant to the president of the Illinois Central Railroad were all called and testified before this committee what I have just related.

Mr. President, could any Senator complain at the committee for not calling a witness like that and under those circumstances? The prosecution called him in the court below, and he was so thoroughly discredited that they abandoned him. But when White was compelled to answer that question before the committee, he perfectly understood that if he made a different answer he would be contradicted by his testimony given in the court on the Browne trial, and though he knew that he would then be contradicted by other witnesses he thought that better than to be contradicted by his own testimony. He therefore swore that the Yarboroughs were in his room, and he was again contradicted, as he and Yarborough both had been on the Browne trial. If there were any need to call Sidney Yarborough, it certainly did not rest with the committee or with Senator LORIMER.

The Senator from New York also complained that this committee did not call the clerk of the Holstlaw Bank, at Iuka, Ill.: and in all fairness I must say that if I had been a member of the subcommittee and had known what I now know I would have thought it important to call the officers of that bank. But as the record was then made up I might not have deemed it important.

THE TESTIMONY.

The Senators on the committee who have preceded me have reviewed the testimony with such ability and with such clearness that I would not deem it necessary to occupy the attention of the Senate in repeating any of the things which they have said, except for the fact that it has been misstated in a way which, to say the least, is most remarkable, when we remember that Senators were speaking from a printed record. I easily understand that lawyers engaged in the trial of a case, and hearing the testimony as it falls from the lips of witnesses, when they come to discuss it before the court may differ about it; but in a case like this, where the words as they fell from the lips of the witnesses were taken down by a stenographer, transcribed, and then reduced to print, it passes my comprehension, sir, how Senators could have misstated it. Yet these speeches have been delievered here, impeaching th right of Senator LORIMER to his seat, are filled with misleading extracts from the testimony, as I shall abundantly show before I conclude.

In discussing the testimony I shall, following the order pursued by Senators on the other side, first consider the testimony of the three members of the legislature who were, according to the Senator from New York, "approached." The first witness the Senator from New York produced in support of this general and wholesale charge of bribery was a member of the legislature by the name of Groves, of whom he speaks as follows:

> Mr. Groves, a reputable and unimpeached witness, testified that shortly before the election a former member of the legislature came to his room in the hotel, approached him upon the subject of voting for Mr. LORIMER, and said to him "It might be a good thing for both of us." Groves retorted that "there is not money enough in Springfield to buy my vote for LORIMER."

Groves does testify to such a circumstance, but I want to show the Senate what else this "reputable and unimpeached witness" swore to, and then I will leave the Senator from New York to take care of his reputation. On page 416 of this record Groves testified:

> Q. State what, if any, conversation you had with Terrill?—A. Mr. Terrill told me he got a thousand dollars for voting for LORIMER.

After Groves left the stand, Terrill was called and swore that he did not vote for LORIMER at all; that he had voted for Hopkins for 18 ballots, and then left Hopkins and voted for Lawrence Y. Sherman until the last two ballots, when he again returned to Hopkins.

The next morning Groves appeared at the committee room and asked to correct his testimony, and he then said that what he had sworn or that what he intended to swear was that Terrill told him that "there was a thousand dollars or something like that in sight if he would vote for LORIMER." Groves testified a third time that Terrill had told him that he "could have earned a thousand dollars by voting for LORIMER." Groves also testified to a conversation with Representative Shaw, which I think the latter's testimony abundantly contradicts. Mr. President, if any Senator wants to vouch for a witness who swears as recklessly as that, he can have a monopoly on that proceeding.

The next witness introduced to us by the Senator from New York is Mr. Terrill, for whom he also vouches as "unimpeached and reputable."

I will show you how unimpeached and how reputable Terrill was. Terrill swears that he asked a man by the name of Griffin, who solicited him to vote for LORIMER, what there was in it, and that Griffin told him, "There is a thousand dollars anyway." Griffin swears distinctly, pointedly, and unequivocally that he never told Terrill any such thing. That is Griffin's oath against Terrill's oath. It is the oath of a man who swears that he did not offer a bribe as against the oath of a man who solicited a bribe, although it is fair to say that Terrill testified that when he asked "what there was in it," he was actuated by curiosity and not by avarice.

Mr. President, any man who will take this testimony and read what Griffin said and read who Griffin is would never believe that he was sent out to bribe anybody. But that is not all; that is not the end of this "reputable and unimpeached witness." They asked Terrill, who testified that he had gone to the support of Sherman, if it were not true that he went to Sherman as a sort of a decoy, pretending to be for him, so that having secured the good will of the Sherman men he might lead some of them back to the support of Hopkins, and he mildly admitted the charge. I will read to the Senate these questions and the answers:

> Q. You were an adherent of former Senator Hopkins, weren't you?—A. Yes, sir.
>
> Q. And you were there actively and energetically for him, weren't you?—A. I voted the first 18 times for Senator Hopkins. From that I went to Lawrence Y. Sherman, and stayed there until the last two ballots, and then went back to Senator Hopkins.
>
> Q. Well, you were all of the time an adherent of former Senator Hopkins, even when you were voting for Lawrence Sherman?—A. Yes, sir; I was.
>
> Q. You changed your voting to Sherman to try and draw somebody else out from there, from the parties they were voting for, so that you might induce them to go to Hopkins when you went; is that not a fact?—A. Yes; that is partially true; yes, sir.
>
> Q. And there never was a time when you were not a strong, active, energetic, and strenuous adherent of Senator Hopkins?—A. That is true.

Thus this "reputable and unimpeached witness" admits under oath that he was in the Sherman camp as a spy, or at least as a decoy. Mr. President, if men of that kind are to be received as reputable and unimpeached witnesses, I have nothing to say about poor White. He was a degenerate; but if a decoy and a spy is to be received as a reputable and unimpeached witness, then poor White may have some excuse for his infamous misconduct.

The third man who was "approached," according to the Senator from New York, was Mr. Meyers, a Democratic member of the house. The testimony upon which that charge is predicated is this: Mr. Meyers swore that just before the roll call on which LORIMER was elected Lee O'Neil Browne sent for him; that he went to Browne's seat, and that Browne urged him to vote for LORIMER. Meyers also swears that Browne said to him that "there are some good State jobs to give away and the ready necessary." Meyers further swears that he understood "the ready necessary" to mean that there was money for him if he would vote for LORIMER.

Mr. President, I do not believe what Meyers says, for two reasons. In the first place, it is wholly incredible that Browne would call a member of the legislature to his desk, and there in full view of everybody attempt to bribe him. The joint assembly was in open session, and if Meyers could hear the offer of a bribe so could all of those about him. That, sir, is not the way a corruptionist would operate. In the second place, I do not believe what Meyers has said, because his answer, and his only answer, was, "I can't help it; I can't go

with you." Is that the answer which an honest man would make to an attempt to bribe him? There on the floor of the Illinois Legislature, in full view of all the assembled people, is that the kind of an answer which an honest man would make to an attempt upon his honor?

George W. Alschuler, who sat one row behind Lee O'Neil Browne and three seats to the left of him, swears that he was watching Browne at that critical moment, and that Meyers did not go to his seat. If there were no testimony about it, if Browne did not deny it—and he does deny it in the most emphatic terms—if Alschuler did not say it was not true, if a page assigned to duty at Browne's desk, and who stood there through a roll call recording the vote, did not swear that Meyers did not go there, I would not believe him or any other man on earth, whose only answer to an attempt to bribe him was, "I can't go with you."

Mr. President, I now dismiss those three witnesses upon whose integrity these attempts were made and come to White, Link, Beckemeyer, and Holstlaw, who are so often described as the men who have admitted that they were bribed to vote for LORIMER; which is not true as to all of them, as I will show before I resume my seat.

WHITE.

The first witness called before the committee was Charles A. White, whose testimony I do not intend to review. By his own confession he is a perjurer and a bribe taker; and while such a man might tell the truth, it would be purely accidental if he did. The only thing I intend to do with reference to White's testimony is to show that it is flatly contradicted by reputable and unimpeached witnesses.

Recognizing that his story needed corroboration, White sought to corroborate it by locating two of his friends in his room on the night of the 24th of May when Browne went there for the purpose of corrupting him; and in order to give the story the appearance of truth, he even testified to certain comments made by Mr. Browne upon the occupancy of that small room by three men. I have already, in another connection, shown that White's story with respect to the Yarboroughs being in his room was proved to be so utterly false that even the prosecution itself, after one experience with it in on the trial of Browne, wholly abandoned it. White's testimony is not only discredited by the exposure of his falsehood with respect to the presence of the Yarboroughs in his room on the night of May 24, but it is further discredited by a conversation which he had with Homer E. Shaw before the election of LORIMER, and also by a conversation which he had with Mr. Thomas Curran after the election of Mr. LORIMER. The Senate will remember that White testified that he was induced to vote for LORIMER by a compensation which Browne promised him on the night of the 24th of May, though the exact amount was not agreed on until the next night, when White says he returned to Browne for a conference in order that a definite sum should be agreed on. Against this testimony of White stands the testimony of Homer E. Shaw, and, Mr. President, I will go out of my way to volunteer the statement that so far as I can judge by the printed page, a more intelligent and a more truthful witness did not appear before the committee. This is the same Shaw also about whom the Senator from New York made another mistake when he declared that—

Mr. Groves testifies also to a conversation before the election with Mr. Shaw, one of the men who voted for Mr. LORIMER, who was then about to vote for Mr. LORIMER, in which Mr. Groves, his suspicions excited by the attempt made upon him—

That statement is another evidence that the Senator from New York did not examine this record with that care which the importance of our decision demands. I again say that I know he would not misstate the testimony of any witness or misrepresent the vote of any member of the legislature; and yet, sir, Shaw did not vote for LORIMER, and so distinctly testified when he was on the witness stand. In order that there may be no mistake about that, let me read the very first questions he was asked and to which he replied:

Mr. AUSTRIAN. What is your full name, please?—A. Homer E. Shaw.
Q. Where do you reside?—A. Bement, Ill.
Q. What is your business, Mr. Shaw?—A. I am a banker.
Q. Will you be kind enough to speak loud and address the chairman. Were you a member of the Illinois House in the Forty-sixth General Assembly?—A. I was.
Q. Republican or Democrat?—A. Democrat.
Q. Do you remember the election of Mr. LORIMER on the 26th of May?—A. Yes, sir.
Q. Did you vote for Mr. LORIMER?—A. I did not.
Q. At any time were you approached with reference to voting for Mr. LORIMER—at any time?—A. I believe I was at one time asked if I could do so.
Q. Anything further?—A. No, sir.

Further on in his testimony Mr. Shaw was asked if he had ever engaged in any conversation with White about the senatorial election, and he answered in the affirmative, stating that the conversation in question had occurred about a week before LORIMER was elected, and that he had endeavored during that conversation to dissuade White from voting for LORIMER. In order to avoid any question about whether or not I am accurate in my statement on this particular matter, I will now read the questions and answers:

Q. Do you know Charles A. White?—A. I do.
Q. A member of the same legislature?—A. Yes, sir.
Q. Did you have a talk with him before the election of WILLIAM LORIMER for United States Senator?—A. I did.
Q. When?—A. Well, I would not attempt to fix the date, but my recollection is about a week before.
Q. What was the conversation?—A. The conversation was—the matter came up—something came up, as I remember it—now, it is quite a little while ago, and I would not like to state positively just the nature of it, but I think that White made this remark to me: That if he got a chance to vote for BILL LORIMER for Senator he was going to do it.
Q. What was the rest of it?—A. Shall I go ahead and state it all?
Q. Yes; tell what he said to you and what you said to him.—A. I said to him, "Charlie, I think you will make a great mistake if you do anything of the sort." I said, "You know you are a young man; you are new in your district, and undoubtedly stand high with the people down there or they would not have put you here, and I believe it will be your political death if you do anything of that sort," and I told him what I thought would be the condition down there in O'Fallon, where he came from, if he did do this. I told him I did not believe his best political friends would speak to him when he went home, and I remember that he made the remark that he "didn't care a damn," but that he "intended to do it if he got the chance." This, to my best recollection, was about a week before.
Q. Did you say anything to him about the locality from which he came being in southern Illinois, and a strong Democratic district?—A. I did. I mentioned the fact to him that his people were largely foreign; they were French, German, and Irish, very largely.
Q. Did you talk to Mr. White after that?—A. I did.

Shaw's testimony, as I have just recited it, conclusively disproves White's statement that he was influenced to vote for LORIMER by Browne's promise to pay him for his vote, made on the night of the 24th day of May. But, Mr. President, not only does this conversation with Shaw before LORIMER was elected establish the perjury of White, but the very day after the election he made statements to Mr. Thomas Curran which are equally as conclusive of his perjury. Mr. Curran was chairman of the committee on Labor and Industrial Affairs, and a Republican. He swears that on the day after Mr. LORIMER was elected to the Senate he met White in the corridor of the statehouse at Springfield, and that among other things White asked him if "there was anything doing in that senatorship election of LORIMER yesterday," and expressed a belief that he had been "double-crossed." In order that Senators may have before them the exact language, I will read the questions and answers:

Q. At the same time and at the same conversation did White say to you, "Was there anything doing on that senatorship election of LORIMER yesterday?"—A. Yes, sir.
Q. And did you say, "Not that I know of. I heard of nothing of the kind. You are a Democrat and voted for him, and you ought to know if there was. Why do you ask?"—A. Yes, sir; that was our conversation.
Q. Did White then say to you, "Well, I didn't know; I thought there was. I thought that Browne was double crossing us. I thought I was being double crossed."—A. Yes, sir.
Q. Did you say, "I know nothing about it at all? I have heard nothing?"—A. Yes, sir.

Here we find this man White the very day after the election inquiring of another member of the legislature, a Republican, who had also voted for LORIMER, whether "there was anything doing" and complaining that he thought he had been "double crossed." Does not this, Mr. President, assuming that Curran swore the truth, show that White perjured himself when he swore that Browne had promised to pay him a thousand dollars to vote for LORIMER? If Browne had made such a promise as that White would not have been in the corridors of the capitol asking if there "was anything doing" and complaining that he had been "double crossed." No, sir; Curran's testimony as to what occurred between him and White on the 27th day of May is utterly irreconcilable with White's testimony as to what occurred between him and Browne on the night of the 24th day of May.

But, Mr. President, there is additional testimony to disprove what White has said. Two witnesses, a Mr. Stermer, the assistant manager of the Briggs House in Chicago, and a Mr. Zentner, who is a traveling salesman, both testified to a statement which White made to them in the barroom of the Briggs House on the 19th of August, 1909. In that conversation White indicated his plan to blackmail LORIMER, and in reply to the direct question if he had anything on them, admitted that he did not, but said:

I voted for LORIMER, and I am a Democrat, and I can say I got money for voting for LORIMER. Do you suppose they can stand for it a moment? I guess they will cough up when I say the word to them.

Although, Mr. President, there is nothing in this record to impeach the character or veracity of either Stermer or Zentner, and although their occupations are useful and honorable, and

although their story, taken in connection with what we know of White and what he had said to others, is in itself entirely probable, still, sir, the Senator from Iowa [Mr. CUMMINS] has declared that he does not believe one word of their testimony and gave his reason for disbelieving it. Let me read to the Senate exactly what the Senator from Iowa said:

The next contradiction comes from Stermer and Zentner. Stermer, you will remember, was the companion of Mr. Browne and Mr. White upon these visits across the lake; visits which consumed a large part of these profits, not only from the ordinary jack pot, but from the election of Mr. LORIMER as well.

The Senator from Iowa read that testimony so hastily that he described Stermer as the man who took the trip across the lake with White and Browne, though the testimony distinctly shows that it was Zentner. That, however, is not vital, and the important part of the Senator's statement is found in what follows, when he said:

They say, and this is the only materiality of their testimony, that one day after Mr. White and Mr. Browne had come back from one of these trips, White was drunk, as usual, and that he said to them, after reciting what he was going to do, that they then immediately asked him whether he was going to turn against his friends, and then asked him whether he had anything on them, and he said, "No, I have nothing on them, but I am out for what is in it for White."

I do not believe a word of that evidence for two reasons. In the first place, the testimony shows that it was repeated word for word without variation by the two men. More than that, it was repeated word for word before the committee as it was given at one of the trials of Mr. Browne on his indictment for bribery. Every man here knows that that can not be honestly done. It has been attempted a great many times. I have seen it attempted a great many times, and I never saw it succeed.

I was following the argument of the Senator from Iowa closely when he made that declaration, and I felt impatient at myself to think that I had overlooked the circumstance which he then related. I thoroughly agreed with him in thinking that no statements of the same transaction, made by two different men, were apt to be word for word alike unless they had been reduced to writing and committed to memory. I therefore felt vexed at myself for having attached much weight to the testimony of Stermer and Zentner. Without any thought that I would find the statement of the Senator from Iowa incorrect, and purely with the expectation of having it confirmed, the very first thing I did that night, when I sat down at my table to work, was to take this volume of evidence and turn to the testimony of Stermer and Zentner. You can hardly imagine my surprise, sir, when I found that, so far from the two statements being identical, word for word, there were just such discrepancies between them as tended to give them credibility, and in order that the Senate may now see how badly mistaken the Senator from Iowa was in that most confident assertion, I will point out several instances in which the two statements differ.

Stermer's statement appears on page 533 of the printed testimony and Zentner's on page 541. In the second line of Stermer's statement he says White declared that he "was going to take a big trip in the fall and winter," while Zentner represents White as saying that he was "going to take a trip that fall." Zentner omits the adjective "big," which was used by Stermer, and also omits the words "and winter." Again, in the very next clause of the same sentence Stermer declares that White said that—

First, he was going to his home, to his home in O'Fallon, and from there he was going to New Orleans, from New Orleans to Cuba, from Cuba to New York City, where he expected to have a big time, and then he would come back home again.

As Zentner repeats White's statement, it was that—

He was going to his home, in O'Fallon, down to New Orleans, over to Cuba, up to New York, where he was going to have a good time, and then he was going home.

There are no less than 10 differences in this part of a single sentence, and similar immaterial discrepancies run through every sentence. A close examination of those statements, instead of discrediting Stermer and Zentner, will serve to strengthen and fortify their testimony, and I am sure that the Senator from Iowa, after having his attention directed to his mistake, will cheerfully withdraw his serious reflection upon those two witnesses; and in order that he may see his mistake I will here reproduce the two statements:

STERMER'S STATEMENT.

Q. Will you just repeat the conversation once more?—A. He said he was going to take a big trip in the fall and winter; that first he was going home, to his home in O'Fallon, and from there he was going to New Orleans, from New Orleans to Cuba, from Cuba to New York City, where he expected to have a big time, and then he would come back home again. One of us asked him, or said to him, rather, that he must have a lot of money to take a trip of that kind. He said that he didn't have the money, but he was going to get it, and he said he was going to get it without working for it, too. Mr. Zentner asked him how he was going to do that. Well, he says: "That LORIMER crowd and our old friend, Browne, has got to 'come across' good and strong with me when I say the word, and I am going to say it, too." Mr. Zentner asked him if he had anything on him, or them, rather. He says, "No, he hadn't." He said he got the worst of it at Springfield, but that didn't make no difference, he was a Democrat, and had voted for LORIMER, and he could say that he got money for it. He said, "Do you think they could stand for that game?" Mr. Zentner said, "My God, you wouldn't treat Browne that way, would you?" "Well," he said, "I am looking out for White, and besides," he said, "Browne wouldn't have to pay; the bunch back of him would have to do that; it wouldn't hurt Browne." That is about all that was said at that time.

ZENTNER'S STATEMENT.

Q. Now, will you tell this committee exactly that conversation, as you remember it, and as you have testified to it on the two Browne trials?—A. The entire conversation?

Q. Yes, sir.—A. We were talking about this trip that we just returned from, from Michigan. We had been over to Michigan, and the little experiences, numerous experiences that happened on this trip, we were relating them to Mr. Stermer, and Mr. Browne said, or Mr. White said, then, he was going to take a trip that fall, he was going to his home in O'Fallon, down to New Orleans, over to Cuba, and up to New York, where he was going to have a good time, and then he was going home, and one of us asked him, we said, "You must have quite a lot of money to make a trip like that, haven't you, Mr. White?" He said, "No; I haven't, but I am going to get it, and I am going to get it without working, too." I asked him then, I said, "How are you going to do that?" "Well," he said, "You know that LORIMER crowd and their old pal Browne will have to 'come across' when I say the word, and I am going to say it, too." I asked him then what he meant; I said, "What do you mean?" "Well," he said, "I got the worst of it down at Springfield. I am a Democrat and I voted for LORIMER and I can say I got money for it, can't I? Can they stand for that kind of game?" I said, "God, you wouldn't treat Browne that way?" White said, "No; I am looking out for White, and besides Browne wouldn't have to stand for it, anyway; it would be the bunch behind him." And that was about all the conversation. About 1 o'clock they closed the bar, promptly at 1, and we went out in the lobby of the hotel then and left Mr. Stermer.

Mr. President, with these statements before the Senate, I will leave White to the contempt which he has richly earned, and I will proceed to consider the testimony of Link.

LINK.

But before I call attention to that part of it which I consider pertinent to this discussion it is proper for me to remind the Senate that both Link and Beckemeyer have been used to corroborate White, and, if we accept their testimony as true, they have corroborated him with respect to the payment of $1,000 at one time and $900 at another time. It will be remembered by those who have read the testimony that when White offered his story to the Chicago Tribune he was asked if there were any members of the legislature who would corroborate it. This question makes it plain, sir, that those who were dealing with White and offering him a price to advertise his infamy to the world understood the necessity of supporting his testimony. White himself swears that while the Tribune people were negotiating with him for his story they asked him if he could be corroborated, as appears from these questions and answers:

Q. At any time; if you took it in there and left it and walked out, and then went back again, that is the time I want; the first conversation you had with him after he knew what it was.—A. I could not quote the first conversation verbatim, but he asked me if there were any of the members who would corroborate my story, and I told him I had no one's corroboration except my own story.

Q. Do you mean cooperation or corroboration?—A. Corroboration.

Q. Cooperation?—A. No, sir; corroboration.

Q. Corroboration?—A. Yes, sir.

The importance, Mr. President, of this matter is that it emphasizes the Chicago Tribune's understanding that White's story uncorroborated would impress no intelligent person, and they therefore stipulated in their contract with him that he should devote himself, so far as called upon by the Tribune people, to the work of corroborating his story. It was to meet the necessity for this corroboration that Link and Beckemeyer were finally prevailed upon to swear that they had received money in sums which corresponded to the payments which White swears were made to him.

Sir, I have my own theory of Link's testimony with reference to the $1,000 and the $900 which he said were paid to him in St. Louis on two different occasions. The testimony shows that Link was brought to the city of Chicago, and carried before the grand jury of Cook County, but did not furnish the testimony which the State's attorney desired. That testimony, according to Link's statement, was that he should affirmatively answer just two questions—the one that he had received $1,000 from Browne and the other that he had received $900 from Wilson. When before the grand jury the first time Link would not give that testimony, and they called him back the second time to the grand-jury room, and still he would not testify as the State's attorney wanted him to do, and then they indicted him for perjury. With this indictment in their hands, they drew a picture of his home on one side and of the penitentiary on the other. They told him that if he would swear as they wanted him to swear they would dismiss the indictment for perjury and let him go home a free man without any charges resting against him. But they told him that if he did

not testify as they desired, they would send him to the penitentiary, and that he would lose his farm, and even lose his wife. Standing there with the door of the penitentiary opening before him, harried and distracted by the power and the threats of the State's attorney, he finally yielded, and cried out in the anguish of his narrow soul, "If I must tell a lie, I will do it, but I do not want to do it." In that frame of mind they took the wretched man a third time before the grand jury, and he then gave the testimony which has since obliged him to corroborate White, at least as to these two payments of money.

But, sir, although Link does swear that at one time he received $1,000 from Browne and at another time he received $900 from Wilson, he also swears distinctly and repeatedly that not one dollar of either sum was promised to him or paid to him on account of his vote for LORIMER. Here are his answers as they appear on page 301 of the printed testimony:

Q. Did you ever receive any money or any other thing of value from anybody—Browne, Wilson, or anybody else—on condition, or on the promise or agreement or understanding, directly or indirectly, that you were to vote for WILLIAM LORIMER for United States Senator?—A. I certainly did not.

Senator GAMBLE. Or after he had voted for LORIMER.

Q. Did you ever receive any money from Lee O'Neil Browne, Bob Wilson, or R. E. Wilson, whatever his name is, or anybody else, or from any source whatever, or did you receive any other thing of value at any time from anybody because you had voted for WILLIAM LORIMER for United States Senator?—A. No, sir.

Q. Was there ever any consideration moving to you, or to anybody for you, or for your benefit, in any place, from any source whatever, with the understanding that you were to vote for WILLIAM LORIMER for United States Senator, or if you had voted for WILLIAM LORIMER for United States Senator, any consideration of any kind?—A. None whatever.

BECKEMEYER.

I come now to the witness, Beckemeyer, who swears most positively that he was not promised anything as an inducement to vote for LORIMER. On page 234 of the printed testimony he was asked this question:

Did Lee O'Neil Browne, at any time or at any place before Senator LORIMER was elected on the 26th day of May, 1909, ever tell you that he or anybody else would give you any money or other thing of value afterwards if you did vote for Senator LORIMER?

And he answered:

No, sir.

Again he was asked:

Was there anything in the way of money or compensation or anything of value that was held out to you or promised to you or indicated to you in any way by Browne or anybody else or from any other source to induce you in any degree to vote for WILLIAM LORIMER for United States Senator on the 26th day of May, 1909?

And the answer was:

No; there was not.

But while Beckemeyer swears that they did not promise him anything to vote for LORIMER, he also swears that afterwards Browne gave him a thousand dollars and told him it was "Lorimer money." Beckemeyer, like Link, was standing under the shadow of the penitentiary, with its open doors ready to close around him, and he was promised immunity if he would swear that he received a thousand dollars from Browne and $900 from Wilson, thus corroborating the creature White, as Link had been compelled to do. Testimony delivered under those circumstances I do not consider of any value. I am persuaded that a man who accepts a bribe could be hired to say that he had been paid when such was not the truth. A rich and powerful combination, bent upon the destruction of any public man, would find such men their willing tools and they would swear anything for a price. If a seat in the Senate is to be vacated upon the testimony of such men then no man is safe, for every man has rich and unscrupulous enemies who can hire, and, if given a hope of success, will hire such wretches to swear away his rights and character.

There was one other member of the house by the name of Luke, whose vote it is sought to impeach by testimony other than that of White, Link, and Beckemeyer. He was dead, but his wife was called as a witness, and so careful a lawyer as the Senator from Idaho [Mr. BORAH] has misstated the testimony with respect to him; for in his speech he leaves the impression that Mrs. Luke testified that when her husband returned from that meeting at St. Louis, where they say the corruption fund was distributed, he had $950 in his possession.

Let me read what the Senator from Idaho [Mr. BORAH] said:

One other witness, Mr. Luke, was also present on these occasions. Mr. Luke is dead. His wife testified that he received a telegram on one occasion; that he went away, and that when he came back he had $950 in his possession. I think that Mr. Murray ought to have been permitted to testify as to what Mr. Luke said to him; but he was not, and we are therefore confined to the proposition that Mr. Luke was present at least upon one occasion; that he returned with about the amount of money which was being paid, and that he cast his vote for the first time in harmony with those who are admitted to have received the several sums of money to which I have referred.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. Yes.

Mr. BORAH. In what respect did the Senator from Idaho misstate Mrs. Luke's statement?

Mr. BAILEY. In this respect, and I think when I have pointed it out the Senator from Idaho will ask leave to correct the RECORD. If the Senator from Idaho will turn to the testimony of Mrs. Luke he will find that, pointedly and unequivocally, she swears that when Luke returned from St. Louis he did not show her any money. She swears that he exhibited to her the $950 before he went to that meeting at St. Louis.

Mr. BORAH. The Senator inserts something into my remarks that I did not say and was very careful not to say. I did not say that Mrs. Luke said that after his return from St. Louis he had $950, and the RECORD does not bear that statement. I said that upon one occasion at least he was present, and Mrs. Luke said that he received a telegram and returned home at one time with $950. And the RECORD is in precisely that language.

Mr. BAILEY. I am willing to leave the question between us to the cold print. I regret, however, that the Senator says he was careful in framing that statement, because that looks like he desired, without actually saying so himself, to mislead the superficial reader into thinking that Mrs. Luke swore that her husband had this money in his possession after he returned from the St. Louis meeting. Mr. President, the Senator from Idaho says that I have inserted "something into his remarks and that he did not say it;" but the Senator is as badly mistaken about that as he is about Mrs. Luke's testimony. In the third sentence of the paragraph which I have quoted, the Senator from Idaho says:

His wife testified that he received a telegram on one occasion; that he went away and that when he came back he had $950 in his possession.

Now, sir, according to all the rules of construction, and indeed, according to his very words, the Senator from Idaho has said that when Luke came back from the St. Louis meeting to which he had been called by a telegram, he had $950 in his possession. The testimony of Mrs. Luke, however, is that she saw $950 in her husband's possession before he went to St. Louis in response to that telegram, and that she saw nothing in his possession when he returned from the St. Louis meeting.

When the Senator from Idaho says that Luke was present on at least one occasion and that he returned with $950 in his possession, he must mean, of course, that he returned from a St. Louis meeting with $950, because it was the meetings at St. Louis which the Senator was then discussing.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. Yes.

Mr. BORAH. The Senator from Texas forgets that there were two meetings in St. Louis.

Mr. BAILEY. No; I do not forget that.

Mr. BORAH. There was a meeting at St. Louis, and there were two payments made. At one time Browne conducted the distribution of the fund and at another time Wilson conducted the distribution of the fund.

The Senator from Idaho said that upon one occasion Mr. Luke was there, and the witnesses who testified to that are all the witnesses who were present at St. Louis; and I say that upon one occasion he was there and upon one occasion when he returned she said he had $950.

Mr. BAILEY. But, Mrs. Luke distinctly said that it was before her husband had been to St. Louis that she saw him with $950 and that she did not see him with any money after he returned from St. Louis. As Luke had received more than $2,000 for his services as a member of the Illinois Legislature the fact that he had $950 shortly after its adjournment is not a circumstance which can fairly raise against him any presumption of dishonesty.

Mr. GAMBLE. I suggest to the Senator from Texas—I do it with some timidity—that he read the testimony of Mrs. Luke. There can be no question about it.

Mr. BAILEY. I will ask the Senator, who has it in his hand, to read it to the Senate.

Mr. GAMBLE. I quoted it.

Mr. BAILEY. I know you did.

Mr. GAMBLE. It is from page 495 of the record and reads:

Did he return to Nashville, Ill., after the adjournment of the legislature, if you know?

Nashville was the home of Luke at that time.

A. Yes, sir.

Q. The legislature adjourned about the 4th or 5th of June, 1909; can you tell this committee about when he did return; how long after the adjournment of the legislature?—A. Well, I suppose right away.

Q. You believed it was some time in the month of June, 1909?—A. Yes.
Q. Thereafter do you know whether or not he received a telegram from Robert E. Wilson?—A. Yes.
Q. Did you see it?—A. No; he read it to me.
Mr. AUSTRIAN. After the receipt of this telegram, did your husband leave your home in Nashville?—A. Yes, sir.
Q. Do you know where he went?—A. He went to St. Louis.
Q. Upon his return from St. Louis, did he show you anything?—A. No.
Q. Did you see anything he brought with him?—A. No.
Q. Did he have any large amount of money?—A. No.
Q. Did he exhibit to you any amount of money?—A. No.
Q. Did you see $950 in his possession?—A. I did.
Q. When?—A. Before that time.
Q. Before he went to St. Louis?—A. Yes.
Q. Where had he been immediately before?—A. I don't know.
Q. Had he been away from home?—A. Yes, sir.
Q. Had he been to Chicago?—A. No.
Q. Had he been to St. Louis?—A. No.
Q. Where had he been?—A. I don't know.

That is substantially all in connection with that. It seems to me absolutely and directly in line with the suggestion made by the Senator from Texas.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. Certainly.

Mr. BORAH. For just a moment. I do not desire to enter into a controversy about the matter now, but I desire to put in the RECORD, precisely in line with what has just been read and in the light of the further fact, that four other witnesses testified that Luke was present at St. Louis——

Mr. BAILEY. There is no question about that. His wife so testifies.

Mr. BORAH. His wife says she did not know where he was, but he did receive a telegram, and that he had $950.

Mr. BAILEY. But she testifies that he had the $950 before, and not after, the St. Louis meeting.

Mr. BORAH. But she says she does not know where he went when he went away.

Mr. BAILEY. That is true.

Mr. BORAH. It is very true.

Mr. BAILEY. But that is not unusual. There is many a wife who does not know where her husband has gone. [Laughter.]

Mr. President, as this record is to be permanent, I want to say here that I would believe that I had myself intentionally misquoted the RECORD as readily as I would believe that the Senator from Idaho would do it. I know he would not.

Mr. BORAH. I appreciate, of course, the statement of the Senator from Texas, and if I thought in the light of the evidence which is now before the Senate, I had misquoted it, I would at this time restate it for the purpose of having the RECORD in future bear the correct interpretation of the evidence.

Mr. BAILEY. I am sure of that.

Mr. BORAH. I repeat that when you take Mrs. Luke's testimony, the testimony of the four witnesses, the fact that she said her husband received a telegram and denied having $950, the conclusion which I drew was a perfectly legitimate one. Now, I am perfectly willing to leave the matter where the Senator from Texas places it; that is, that the wife does not very often know what is happening when the husband is out of sight.

HOLSTLAW.

Mr. BAILEY. But, Mr. President, there is another witness upon whose testimony the prosecution relies with greater confidence than on that of White or Link or Beckemeyer. They have introduced Senator Holstlaw, who swears that Senator Broderick paid him $2,500 to vote for Senator LORIMER, and they insist that Holstlaw's testimony is entitled to special weight because it is corroborated by a bank deposit made at the time he received that money from Broderick. Holstlaw's testimony when analyzed would need corroboration, because his story on the face of it is a most improbable one. Let me quote it to the Senate in his own words. Here it is:

Q. Mr. Holstlaw, on May 26, 1909, whom did you vote for for United States Senator?—A. I voted for WILLIAM LORIMER.
Q. You were there in the joint session that day, then?—A. Yes, sir.
Q. Before voting for WILLIAM LORIMER on the 26th of May, 1909, was there anything said to you by anyone about paying you for voting for Mr. LORIMER?—A. On the night before the 26th, which was the 25th, Mr. Broderick and I were talking and Mr. Broderick said to me, he said, "We are going to elect Mr. LORIMER to-morrow, aren't we?" I told him, "Yes, I thought we were," and that I intended to vote for him.
Q. Proceed.—A. And he said—he says "There is $2,500 for you."
Senator BURROWS. Said what?
A. Said "There is $2,500 for you."
Mr. AUSTRIAN. Where was that conversation?—A. It was at the St. Nick Hotel, on the outside of the building.
Q. What night, the night before the vote for LORIMER was taken on the 26th?—A. Yes, sir; on the night before.
Q. What Broderick do you refer to?—A. I refer to Senator Broderick.

These are the strangest thieves that ever congregated in a civilized country, if this statement of Holstlaw is to be believed. I am more credulous, perhaps, than I ought to be, and I can be easily imposed upon by any reasonable story; but, sir, I balk when I am asked to believe that a bribe giver will offer $2,500 to a legislator who has already declared his intention of voting the bribe giver's way. I have no acquaintance with such people that would qualify me to understand or to explain their conduct, but speaking from my limited knowledge of human nature I think it very much more probable that a bribe giver would keep the money intrusted to him by his principal even after he had promised it to one of his fellow corruptionists, than it is that he would volunteer to pay it when there was no necessity for doing so. If $2,500 were left a bribe giver to be paid over to a bribe taker, the bribe giver would be more apt to keep it than he would be to pay it over; and it has never happened in the history of the world that a corrupt and dishonest man has volunteered to part with money left with him under such circumstances.

But they say that Holstlaw is corroborated by a bank transaction which has been stressed before the committee and before the Senate with great effect. They ask us to believe that Holstlaw received this money from Broderick, because they say that he deposited it that very day in a Chicago bank and that the amount of his deposit corresponds exactly with the amount which he says that Broderick paid him. But, sir, when Holstlaw was asked the name of the bank in which he deposited that money he gave the wrong name, and had to be prompted by the attorney for the Tribune. Let me read those questions and answers, for they are brief:

Q. What did you do with the money?—A. I took it and put it in the bank.
Q. What bank?—A. In the First National Bank.
Q. Do you mean the First National Bank or the State Bank of Chicago, which?—A. I believe it is the State Bank of Chicago—pardon me, I believe it was.
Q. The State Bank of Chicago?—A. Yes, sir.

Now, Mr. President, it is impossible for me to believe that a man who had received $2,500 and deposited it under circumstances which must have burned it into his brain as if with fire, could have forgotten the name of the bank in which he deposited it. Not only, sir, did he forget the name of the bank in which it was deposited, but a still more remarkable and inexplicable circumstance is that the bank whose name had escaped him was the correspondent of a bank which he owned and controlled at Iuka, Ill.; and, as if to make his testimony still more improbable and still more inexplicable, he testified at a subsequent stage of the investigation that he had never, before or since, personally made any deposit in that bank. Having personally made but one deposit there, and that of money received as the price of his honor, I can not believe that he would have forgotten the name of the bank.

The attorney for the Chicago Tribune has treated this bank deposit slip as confirming Holstlaw's testimony beyond all doubt. He not only offered it in evidence, but not content with that he had it photographed, and a photographic copy of it is printed in his original brief.

A Mr. Newton, the chief clerk of that bank, appeared before the committee, and testified that Mr. Holstlaw had personally deposited this money, and that he, Mr. Newton, as the chief clerk of the bank, had personally received it from Mr. Holstlaw. That is not exactly in accordance with the face of the deposit slip, because it does not bear the stamp of the chief clerk. It does not bear the stamp of the receiving teller, but it bears the stamp of the note teller. Still, that might happen. It is not exactly regular, but it might be entirely honest.

But, Mr. President, as my suspicion had been excited by Holstlaw's improbable account of his first interview with Broderick, and still more by his mistake as to the bank in which he deposited that money, I very naturally thought it proper to scrutinize this deposit slip as closely as possible, and on it, when read in connection with the attorney's brief, I found what I believe to be indisputable evidence that it is a forgery. In this reply brief filed by the attorney he again specifies this as a most convincing proof that Holstlaw swore the truth when he said that Broderick paid him $2,500 as bribe money, because it shows that Holstlaw on that very day deposited with a bank in Chicago that exact amount to the credit of his bank at Iuka. As if to emphasize it still more and more, he cites us to the page of his original brief on which the photographic copy can be found, and then he declares that—

The testimony is most important because Holstlaw had testified that immediately upon receiving the $2,500 in currency from John Broderick he deposited this $2,500 at the State Bank in currency, in large bills, and the photographic copy of his own deposit slip, in his own handwriting, is to be found on page 98 of our opening brief.

I will ask the Sergeant at Arms to bring me the papers in this case, particularly the paper giving a list of the witnesses to be summoned and the paper containing Holstlaw's acknowledgment of service. When I submit that last-mentioned paper to the Senate, there will not be a Senator here who will say that the same man who signed Holstlaw's name to the acknowledgment of service wrote the words Holstlaw Bank at the top of that deposit slip.

But, Mr. President, there is a stronger testimony of its forgery than merely the dissimilarity of penmanship. Here, sir, is an incontrovertible evidence: The name of Holstlaw on this deposit slip is misspelled, and who will believe that a man depositing $2,500 of bribe money would misspell his own name? Still another and a pregnant circumstance which I will lay before the Senate when the Sergeant at Arms brings me the papers is that Holstlaw's name is spelled in this deposit slip exactly as it is spelled in the list of witnesses furnished to the committee by the attorney of the Chicago Tribune. And that may explain, let me say to my friend from New York [Mr. ROOT], why the prosecution did not bring the officers of the banks with books to prove this deposit.

Mr. President, the Sergeant at Arms has now handed to me the document bearing Holstlaw's acceptance of the service, but has neglected to bring me the list of witnesses. It is enough, however, for me to say that Holstlaw's name as spelled on this deposit slip, which transposes the "l" and "s," is spelled or misspelled exactly the same way in the list of witnesses furnished by the prosecution to the committee. I will now ask the Senator who sits near me here [Mr. TILLMAN] to look at these two signatures; and he will see that there is not a letter in one like the same letter in the other.

Mr. FRAZIER——

The PRESIDING OFFICER (Mr. JOHNSTON in the chair). Does the Senator from Texas yield?

Mr. BAILEY. I do.

Mr. FRAZIER. Does the Senator mean to state to the Senate that Senator Holstlaw stated in his testimony that he signed that deposit slip?

Mr. BAILEY. I do not. He said that he personally deposited the money.

Mr. FRAZIER. Exactly. He said he had deposited the money, but he did not say that he signed the deposit slip.

Mr. BAILEY. The Senator from Tennessee must know that I have not made any such statement.

Mr. FRAZIER. The impression the Senator was making was that this must be a forgery because the signature to the deposit slip was different from the signature made by Senator Holstlaw to the subpœna. Therefore proof that the deposit slip was a forgery could only be based upon the suggestion that Mr. Holstlaw had signed the deposit slip, and Senator Holstlaw does not say that he signed the deposit slip.

Mr. BAILEY. The Senator did not do me the honor to listen carefully to what I was saying, because I took up the brief—the photographic copy of deposit slip does not appear in the record—and I took up the attorney's brief, stating that it was photographed there, and then stating that in his second or reply brief he had laid special emphasis on the deposit slip being in Holstlaw's "own handwriting."

Mr. FRAZIER. Then the Senator's argument is based upon the brief of the attorney, not on the record.

Mr. BAILEY. The record itself was that Mr. Holstlaw personally deposited it. I stated that. I stated, furthermore, that the bank clerk swore he received it from Mr. Holstlaw.

Mr. LODGE. Mr. President——

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

Mr. BAILEY. The Senator from New York has been on his feet desiring to interrupt me, and I yield first to him.

Mr. ROOT. Mr. President, I rose for the purpose of asking the Senator from Texas whether, when he read from the brief of the counsel for the Chicago Tribune, that this deposit slip was in the handwriting of Mr. Holstlaw he understood that there was any evidence anywhere in this record to that effect.

Mr. BAILEY. Nothing except what I have stated, and that is that Holstlaw swore that he personally made the deposit and the bank clerk swore that he personally received it from Holstlaw. I did not even venture to say, what I know to be a matter of practice, that in nearly all cases where business men carry a deposit to a bank they do make out their own deposit slip.

Mr. ROOT. Does not the Senator know that as a matter of practice when business men coming from their offices go into a bank to make a deposit the bank clerk will make out the deposit slip?

Mr. BAILEY. They sometimes do and sometimes they do not.

Mr. ROOT. I will ask the Senator this question. Will the Senator permit me?

Mr. BAILEY. Certainly.

Mr. ROOT. Is there one word of testimony in this record to the effect that the bank clerk did not make out the deposit slip for the $2,500 brought to the bank by Mr. Holstlaw?

Mr. BAILEY. The only testimony is that Holstlaw personally deposited it and that the bank clerk personally received it from Holstlaw. I was careful to keep within the record. I made no suggestion based on the record that Holstlaw did draw the deposit slip, but I spoke from the brief of the attorney in the case, who is fairly presumed not to have made a mistake in that respect; and whatever the argument was it was based on the statement of the attorney, without the slightest pretense that it was based on any statement in the testimony.

Mr. ROOT. The only basis, then, as I understand it, for the charge that there was a forgery of this deposit slip rests upon the assumption that the attorney of the Chicago Tribune was right in his brief and not upon any testimony in the case whatever.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY I should like to make a reply to the Senator from New York before I yield to the Senator from Iowa.

Mr. President, I repeat for the third time, and it seems to me that I need to repeat it in order to clarify it to some gentlemen, that I was careful not to intimate that there was any proof in this testimony as to who made out that slip, because I had examined it and all that was there I stated. But when I came to argue that it was a forgery I took up the brief of the counsel, and it is a perfectly proper thing for me to do in the Senate, as it would be a perfectly proper thing for me to do in the court room, because it is fair to suppose that an attorney employed specially to present the case would not assert, or even assume an important fact unless he had a good reason for doing it. And, sir, unless we accept the brief of the attorney there is no photographic copy of this deposit slip in this record.

Mr. ROOT. Mr. President, it is quite immaterial whether a photographic copy was in the record or not. There is the evidence of the officer of the bank that he received that deposit from the hands of Mr. Holstlaw on the 16th day of June with that deposit slip.

Mr. BAILEY. Mr. President, I have always found that when a point can be turned against an attorney it at once becomes wholly immaterial. I now yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I am not at all sure that the paper I hold in my hand is one that ought to be introduced into this controversy at the present time.

Mr. BAILEY. Is it a part of the record?

Mr. CUMMINS. It is not.

Mr. BAILEY. Then, Mr. President——

Mr. CUMMINS. I ask the Senator from Texas, because I know he is always desirous of doing exact justice——

Mr. BAILEY. I hope I am.

Mr. CUMMINS. Whether it is proper to suggest it in view of the charge of forgery just made. I have in my hand the original deposit slip. I have also the card which the bank at Iuka, the Holstlaw bank, presented to the State Bank of Chicago for the purpose of giving the State Bank the signatures of the officers of the Iuka bank.

I do this simply because I recognize with the Senator from Texas that the statement made in the brief of the Chicago Tribune is a mistake. It is not true that the deposit slip is in the handwriting of Senator Holstlaw, and it is true that there is a mistake in the spelling of the name in the deposit slip. The proof accompanying the deposit slip explains the mistake in regard to the name.

Now, I ask, whether it is proper to take into consideration the original deposit slip or not. If it be important, if the question of forgery becomes material, or if it is insisted upon, it is evident that this must find its way into the record in some way or other.

Mr. BAILEY. All I have to say is that if they had forged one document they would not hesitate to forge an explanation of it. I may be mistaken, but if I am, I have been misled by the lawyer who was employed to present this case, and who has presented it with great zeal and with some ability.

Mr. CUMMINS. May I say just one word more there?

Mr. BAILEY. Certainly.

Mr. CUMMINS. A moment's inspection of the paper to which I have referred on the part of the Senator from Texas will convince him that it is utterly impossible that it should have been forged.

Mr. BAILEY. Mr. President, as they are introducing matters outside of the record, I may be permitted to say that a

Senator told me that the president of that bank told him that this slip was really a copy made by a newspaper correspondent. But I did not choose to repeat that. I took it as the authorized attorney had presented it. I hardly believed that an attorney, permitted by the courtesy of this committee to appear before it and present this case, would have introduced a spurious document. He introduced it; and attached so much importance to it that he photographed it; and then, in order to emphasize and give it probative force, he stated upon his responsibility as an attorney in the case that it was in the very handwriting of Holstlaw. Now, if that is not true, I am not responsible for it. I have made an argument based on the record and the briefs, and that, sir, is perfectly fair and proper. In the opinions of the Supreme Court you will find many cases where they have commented on statements made in the briefs before them, and surely, sir, it is not unprecedented or remarkable that I should do so here.

Not only is Holstlaw discredited by his improbable story, to which I have alluded, and by what I believe to be the forgery by which they have attempted to corroborate him, but there is still another circumstance which in my mind destroys the value of his testimony. He had been indicted in Sangamon County for perjury, with respect to another and totally different transaction, and was advised by the sheriff of that county to employ a certain firm of lawyers. Those lawyers contrived to have the indictment for perjury quashed upon an agreement with the State's attorney that Holstlaw would sign a certain paper which they had prepared. In that paper, which was to procure his immunity from a just punishment for perjury, he first made this statement of his transaction with Broderick, although he had not been questioned by the grand jury about the senatorial election, and it bore absolutely no relation to the offense for which he had been indicted. That he was guilty of one crime I do not think admits of the slightest doubt, but he was relieved from the consequences of that crime by confessing that he had committed another. Not only, Mr. President, did they agree to allow Holstlaw to go unwhipped of justice for an offense of which they had the ample and documentary proof, but they also agreed to give him immunity against any prosecution for the other crime which they thus induced him to confess.

WHY DEMOCRATS VOTED FOR LORIMER.

But, Mr. President, turning from all the witnesses and documents, the Senator from New York demands of us to explain how it is that 53 Democrats in the Legislature of Illinois could have voted for Senator LORIMER unless they were bribed to do so. I might answer, and that would be sufficient for those who know him, that they were thus insuring the defeat of ex-Senator Hopkins; and almost any Democrat would consider that a satisfactory explanation. I intend no reflection upon the character or integrity of ex-Senator Hopkins, but we all remember his narrow and bitter partisanship. He could hardly bring himself to admit in the House or in the Senate that a Democrat could be an honest man and a patriot; and if he would say those bitter things here, what kind of speeches do you suppose he was in habit of making against the Democrats of Illinois on the stump? His very presence in a Democratic assembly would have almost provoked a riot, sir. [Laughter.] I have here an extract from the speech which he delivered in the House of Representatives on what was known as the force bill, and in which he denounced the Democrats of that day and of that body with such severity that one of the ablest men in it, and one of the mildest men who ever represented a district there, protested against it from his seat. Mr. President, I believe I will read to the Senate a small part of what Mr. Hopkins said on that occasion:

> The argument which have been indulged in by the gentleman from the South against this bill are the arguments which are indulged in by the hardened criminal who seeks to avoid the just punishment of the crime which he has committed.
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> Mr. CULBERSON. That is too rough.
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> Mr. HOPKINS. It may be rough, but it is true.

He denounced the whole Democratic Party, because Democrats North and South, East and West, were opposed to that infamous measure. Yet they wonder why Democrats should help to accomplish his defeat. But I do not need to rest a defense of the Illinois Democrats who voted for Senator LORIMER on the extreme partisanship of ex-Senator Hopkins. There is another and an altogether sufficient reason for the course which they pursued. They were in a hopeless minority, without the shadow of a chance to elect a Democrat, and whether it were wise or not, it certainly does not justify an imputation of dishonesty against them that they aided in defeating a Republican nominee. I do not say that I would have done what they did, because I am one of those old-fashioned partisans who finds it difficult to vote for any candidate except one nominated by my own party. I believe that the only way in which a party can be preserved is by yielding an ungrudging obedience to the will of its majority. I also believe—and I deeply regret that my belief does not appear to be shared by many others now—that parties are indispensable to the successful administration of a free government, for, unless I have misread the history of the world, the alternative of party government is personal government; and I am sure that if political parties ever disappear from the arena of American politics, a man will come to take their place. He may come first on foot and he may walk with becoming humility among the multitude, but as his power and influence grows he will don a uniform and mount a horse, and then we will have a government by the sword instead of the one which our fathers ordained.

If, sir, suspicion attaches to any members of the Illinois Legislature by reason of the bare fact that they voted for Mr. LORIMER, the Republicans rather than the Democrats who voted for him are the ones who can be more justly suspected. The Democrats were simply doing what they could to demoralize the Republican Party by defeating its nominee for an important office, and that is nothing extraordinary nor at all unusual. During the past three years I have voted many times with what we call the Republican "insurgents," and in more than one instance I have been actuated in doing so by a belief that I could thus further divide and disrupt the Republican Party. I have made no concealment of my purpose in that respect, and I venture to say that the CONGRESSIONAL RECORD will show that I made more than one declaration of that kind. But, sir, the case was wholly different with the Republicans of the Illinois Legislature. They were bolting their party's nomination, and I think that if we are inclined to indulge suspicion against anybody we would have a better right to suspect the Republicans who bolted their party than the Democrats who aided in making that bolt successful.

The Senator from New York, and he was not alone in pursuing that line of argument, has spoken as if he thought the action of those Illinois Democrats is without precedent, as well as without excuse. Sir, they have forgotten the history of Illinois, because more than once a result like this has been wrought out in the legislature of that State. All over this land to-day they are celebrating the anniversary of Lincoln's birth, and millions are paying homage to his integrity and patriotism. Even the Southern States, against which he levied a cruel war, have buried their animosity in the years which have elapsed since then, and pay respectful deference to his memory. Yet, sir, Abraham Lincoln signalized his entrance into national politics by an episode which Senators profess themselves incapable of understanding. In 1855 Lincoln was a candidate for the Senate, and was supported by the Republican members of the Illinois Legislature, if it is proper to call them Republican, as the Republican Party was just then in its formative state. But no matter about the name of the party whose candidate he was, he was supported by all of his partisans in that legislature.

The Democratic candidate against him was James Shields, a remarkable and a romantic character, but his election was made impossible by the refusal of five Democrats to vote for him. Those five Democrats, under the leadership of John M. Palmer, who afterwards became a Senator from Illinois, voted for Lyman Trumbull, and after an ineffectual effort to elect their candidate the Democrats withdrew Senator Shields and substituted Gov. Matteson as their candidate, and, fearing the election of Matteson, Lincoln advised his Republican friends to vote for Lyman Trumbull, a bolting Democrat, who received 43 of the 45 Lincoln votes in that legislature, and with them was elected a Senator. Lincoln afterwards explained in a letter to the Hon. E. B. Washburne that he could have held 15 of his votes to the end of the legislative session, but that he feared the election of Matteson, and, under his own advice, his friends abandoned him to elect a candidate who avowed allegiance to another party. The same John M. Palmer who led the bolting Democrats in the Illinois Legislature of 1855 was, more than 30 years afterwards, himself elected to this body by the votes of men who did not belong to the Democratic Party.

Who does not remember, sir, the time when the Illinois Democrats elected David Davis to the Senate, taking him from the supreme bench. In 1885, I believe it was, that sturdy Democrat, William Morrison, was our nominee and the Legislature of Illinois stood 102 to 102. The Democrats were unable to poll the full party vote for Morrison, and when it appeared that Logan's election was imminent they cast ninety-odd votes for Charles B. Farwell, a Republican, in order to defeat the Republican nominee. Having failed to stampede the Republicans, the Democrats withdrew their votes from Farwell and cast them for Judge Lambert Tree.

There was one incident of that contest in which a nonpartisan patriot can find the greatest satisfaction. The Demo-

crats, as I have said, held a membership in the joint assembly of 102. The Republicans likewise had 102, but God laid his hand on a Democratic senator and left the Republicans with a majority of one. There was, however, a loyal and brave Republican there who said that the election of a Senator ought to be settled by a full legislature, and he paired with the dead man until his successor could be elected.

I relate that with more pride and satisfaction than I relate the subsequent proceeding, because that was a piece of sharp political practice for which our friends on the other side have been famous, more or less. The district which had been represented by the dead State senator was overwhelmingly Democratic, and the Republicans pretended that they did not intend to make a nomination, and they did not. But while appearing to let the contest go by default, they organized a most remarkable campaign. They sent men into every county of the district ostensibly to sell sewing machines and other articles, but really to inform all Republicans of the plan. They printed their ballots, distributed them, and, marvelous to say, kept their secret. The word was passed around that no Republican was to make a sign of life until 3 o'clock on the afternoon of the election. Promptly at 3 o'clock they came pouring out of their homes and places of business, captured the polls, elected a Republican, and broke the deadlock by reelecting Logan to the Senate.

This, sir, was not an uncommon contest in the State of Illinois, except in its aftermath. When Abraham Lincoln helped to elect a Democrat there was no suggestion of bribery and corruption. When the Democrats of the Illinois Legislature elected David Davis to the Senate there was no effort to soil the name of that great State. When William R. Morrison, as brave and true a man as ever devoted his life to the service of any country, failed to command his full party strength in the legislature, there was no hint of bribery. But all of this is now sadly changed, and a Senator here who for 14 years has held an unquestioned commission in the other House, and whose habits will not suffer by comparison with the cleanest Senator on either side of this Chamber, is pilloried before the world as a corruptionist and a criminal. What is there in his life to warrant or justify this cruel warfare against him? He never touches liquor of any kind; he does not swear; he does not gamble; he does not indulge even in the small vice of using tobacco; he is a model husband and father; and while many of those who assail him were reveling, he has made his home when in Washington with the Young Men's Christian Association.

Those for whom he has worked, those with whom he has worked, and those who have worked for him all bear witness to his justice and his generosity. His business associates vouch for his absolute probity. And yet, sir, they ask us to destroy this man of Christian character and blameless life upon the testimony of self-confessed bribe takers and perjurors. Before they can make me believe that this man has committed a crime they must offer me something better than the testimony of men who sell their votes and then proclaim their infamy to the world for a price. Men of upright life and Christian conduct do not commit the crime of bribery.

Left fatherless when he was 10 years old, and at a time when children of his age should be at play, he went to work, and, with the aid of an older brother, supported his widowed mother and his sisters. Without complaint and without faltering, he did his duty as a son and as a brother. Struggling with poverty and obscurity, he worked his way from a bootblack's stand to a seat in the Senate of the United States; and, so help me God, I will never blast a career like that except upon the testimony of honest men. [Manifestations of applause in the galleries.] The story of WILLIAM LORIMER's struggles and achievements is an inspiration and a hope to every boy of humble birth beneath this flag, and I will not sacrifice him to please a rich and powerful newspaper whose enmity he has incurred by refusing to comply with its owner's demands.

Mr. President, while it is, of course, no part of this record, I want to read a tribute which even the prosecution in this case paid to WILLIAM LORIMER the morning after his election. This is from the Chicago Tribune of May 27, 1909. It is long, and I will not read it all, but I will read enough of it to show what manner of man he is.

> It was nothing strange for LORIMER to be elected through the aid of Democratic votes, for he has enjoyed a large Democratic following for many years. Three times he was elected to Congress in the old second district, which was Democratic, and his political sway has been strongest in Democratic territory. To such a marked degree has Democratic support figured in his political achievement that his friends point with pride to the nonpartisan character of his following, while his enemies contemptuously dub him "bipartisan Billy."
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> Through all the praise and abuse LORIMER has maintained the same placid, benign attitude, which by many is considered the secret of his success. A man who never lost his temper, who never has been heard to swear, who does not smoke or drink, who always speaks softly and kindly, LORIMER, with that patient, childlike countenance, those compassionate, drooping eyelids, has endured all and bided his time. Always observing, apparently, the doctrine of nonresistance, he has waited opportunity, rested while his enemies worked, listened while his rivals talked, and then blandly and gently led the way to the solution he himself had planned.
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> He was about 20 years old when he made his appearance as a horsecar conductor on the old Madison Street line between State Street and Western Avenue. In this employment he first showed his talent for handling men. He organized the Street Railway Employees' Benevolent Association, and became at once the big man of that little world.

Faithful to those who worked with him in an humble occupation; faithful to his business associates; faithful to his personal and political friends; faithful to his widowed mother and his fatherless sisters; faithful to his wife and children; and faithful to his God, I will not, sir, upon this evidence believe that he was faithless to his country.

THE LAW.

I come now, Mr. President, to consider the legal effect of bribery on an election, and the whole law relating to that subject is comprehended in these two short and simple propositions:

First. If the officer whose election is challenged personally participated in, or encouraged, or sanctioned the bribery, then his election is void, without reference to the extent of the bribery.

Second. If the officer whose election is challenged did not personally participate in, or encourage, or sanction the bribery, then, in order to invalidate his election, it must be shown by sufficient evidence that enough votes were bribed to affect the result.

The first proposition has not always been received as the law without question, and many eminent lawyers have insisted that no election can be invalidated by bribery, no matter by whom it was practiced, unless it was sufficient to have produced the result. Indeed, sir, so late as the Payne case, a committee of the Senate pretermitted an explicit declaration on that point because some of its Members maintained that view. But a further and a more thorough consideration has established the rule as I have stated it, and it is now universally accepted both in the Senate and in the courts of the country. I do not mean, of course, that there are not some who still protest against it, but they belong to that class of lawyers, happily very small, who think they can enhance their reputation for legal acumen by rejecting the most universally received opinions.

It was not necessary for me even to state my first proposition of law, and certainly it is not necessary for me to argue it; because both the testimony and the admissions in this record render it wholly irrelevant to this discussion. At the very threshold of the investigation those who are seeking to impeach the election of Mr. LORIMER distinctly admitted that they did not expect to connect him personally with any of the bribery which they hoped to prove to the satisfaction of the committee, and not one of that great array of witnesses testified to anything implicating the Senator from Illinois personally in any corrupt transaction. As a member of the subcommittee, the Senator from Tennessee [Mr. FRAZIER] heard all the testimony, and although he dissents from the conclusion of the committee, he fully agreed with it in that particular respect. With a fairness which has won for him the respect of all who are fortunate enough to enjoy his personal acquaintance, the Senator from Tennessee disposes of this phase of the question in these words:

> While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and denying any such knowledge or sanction of corrupt practices, if any such were being practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices, or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.
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> This being true, the question then arises, Was bribery or corrupt practices used by others in his behalf to influence votes for him; and, if so, were enough votes thus tainted with fraud and corruptly influenced when excluded to reduce his vote below the legal majority required for his election?

The Chicago Tribune, which has pursued Mr. LORIMER with unrelenting bitterness for years and instigated this proceeding against him, after searching the State of Illinois with its corps of trained attorneys and detectives for months, was utterly unable to produce any testimony connecting him personally with the corruption which they charged, and through its attorney was compelled to disclaim any purpose of attempting to do so. It is true that in the heat of this debate some Senators have contended that all these things could not have transpired without Senator LORIMER's knowledge and consent, but when they soberly review the testimony and reflect that there is not one word in it to justify such an imputation, they will hesitate

to declare a conclusion which even the zeal of a special counsel did not permit him to urge upon the committee; and I dismiss the question of Senator LORIMER'S personal participation in the alleged bribery as not at issue here.

The law, and the only law, which the facts make applicable to this case, is that which I have stated as my second proposition, and it is now so well settled both in reason and upon authority that it is not seriously controverted in any legislative body or in any court. Of course I do not forget that in the document, which he describes as a minority report, the Senator from Indiana dissents from its soundness, though he does not venture to deny that it is now the law. Indeed, he concedes it to be the law and calls on us to repeal it. Oblivious to the fact that this rule has been evolved and matured by the profoundest judges who have ever adorned the bench, and that it has been repeatedly approved by some of the wisest Senators who have ever honored this body by their service, he repudiates it without hesitation, and demands that we adopt the new and different rule which he proposes. Here are his words:

So I propose that we overthrow such unsound precedents and establish a new Senate precedent, that one act of bribery makes such an election void—makes an election foul.

In this rather bold and altogether novel position, the Senator from Indiana is supported only by the Senator from Oklahoma, who is so uncertain about the capacity of the Senate to protect its integrity under the American rule that he urges us to adopt what he mistakenly supposes to be the English rule. But while the Senators from Oklahoma and Indiana are the only ones who have ventured to openly criticize the American rule, they are not the only ones who have introduced the English rule into this discussion, though none of them have correctly stated it. The Senator from Ohio, usually so accurate, read at length from one of the English decisions and then made it plain in his comments upon it that he does not understand the difference between a "candidate's agent" under the British statute and an "agent" as we use the term in this country. The English election law expressly provides for the appointment of an agent who bears to their campaigns a relation analogous to, though not entirely the same as, the chairman of a campaign committee in this country. The "agent" under the English statute, however, is provided for, and appointed in accordance with its provisions, and represents the candidate throughout the contest. That is what the English statute and decisions mean when they refer to an "agent." Even the Senator from New York, who is justly supposed to know so much about the law of all nations, fell into the same error as the Senator from Ohio and the Senator from Oklahoma, and though his reference to the English rule was brief, he clearly asserted that the purchase of a single vote, under any circumstances or by any person, renders an election in that country void. Mr. President, if the Senators from Ohio and New York had followed this debate attentively, they would have saved themselves from that inexcusable mistake, because in the very excellent speech delivered by the honorable chairman of this committee [Mr. BURROWS] he took the trouble to specifically point out the mistake which the Senator from Oklahoma had made as to the law of Great Britain. But, sir, even if the law in that country were precisely what these Senators have supposed it to be, it has been made so by a statute, and that fact itself shows that it was not a rule of the common law to which we must turn for our guidance and our instruction.

It is not probable, sir, that the people of this country could be persuaded under any circumstances to adopt or approve a law which would vitiate a senatorial election on account of the ineffective misconduct of some irresponsible person, and certainly they would not be so foolish as to do so with an amendment now pending before us to provide for the election of Senators by direct vote of the people. If that amendment shall finally be adopted—and it will be sooner or later—the Senate of the United States, under the rule proposed by the Senator from Indiana, would be perpetually engaged in the trial of contested-election cases, for in every State of this Union some wretch can be found so base as to sell his vote and then confess his crime, if by doing so he could invalidate an election which had gone against the interest or the wishes of his confederates. Indeed, sir, desperate and unscrupulous politicians would deliberately plan to buy a few votes for the opposition so that if the election did not result in their favor they could prove the corruption, and thus defeat their opponents in that way, when they could not do so at the polls. The successful candidate might receive a majority of the honest votes running into the thousands, or the tens of thousands, and yet under this rule a few scoundrels could set aside the clearest and most unequivocal expression of the popular will. A rule which invites that, or a rule which permits that, is too absurd to require a serious consideration at this time and in this place.

Mr. President, perhaps I can save time and relieve the Senate from a tedious examination of the authorities by coming to an agreement with the Senators who have participated in this debate as to the law which must govern us in deciding this case. It is not necessary for me to interrogate the Senator from Tennessee [Mr. FRAZIER], because in the brief, but very clear, statement of his views he has laid down the law exactly as I understand it, and there is absolutely no difference between him and me in that respect. Nor can I believe that there is any difference on this proposition between me and the Senators from New York, Idaho, and Iowa; and for the purpose of dispensing with an argument in support of my view, I believe that I will venture upon the unusual course of asking those Senators in the open Senate whether or not we can agree upon the law. I will first ask the Senator from New York whether he assents to my legal proposition, that—

If the officer whose election is challenged did not personally participate in, or encourage, or sanction the bribery, then his election can not be avoided unless it is shown by sufficient evidence that enough votes were bribed to affect the result.

Does the Senator from New York assent to that proposition?

Mr. ROOT. I do not.

Mr. BAILEY. Then I will produce abundant authorities to show that it is the law. I will next ask the Senator from Idaho whether he agrees that I have stated the law correctly.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. BORAH. If I correctly understand the statement of the Senator—it is pretty difficult to follow a statement as it is made and analyze it at the same time—I do agree to that legal proposition so far as this case is concerned. But permit me, in order that I may not be found in error in the RECORD to-morrow again, to ask the Senator a question, and that is whether or not the statement that I now make is the same statement that he makes: If the officer whose election is challenged did not personally participate in or encourage or sanction the bribery, then his election can not be avoided unless it is shown by sufficient evidence that enough votes were bribed, without which bribed votes he would not have had the majority required by the statute.

Mr. BAILEY. It is in effect the same; and if there is any difference, the Senator has stated the law a little stronger on my side than I have stated it. The only difference between the Senator and myself will be as to the application of the rule. I perfectly understand that when we reach that point we will be at the parting of our ways, but on the law, I think there can be no difference.

Mr. BORAH. If the statement I have just made is the statement the Senator thinks is contained in his statement, it is the statement which I believe contains the law.

Mr. BAILEY. There is no question about that, and I will now ask the Senator from Iowa if he agrees with me on the law as I have stated it.

Mr. CUMMINS. I stated with all the clearness that I could when I was discussing this matter some days ago my view of the law. I believe it to be true that if the evidence fails to show on the part of the Senator any personal participation in or knowledge of corrupt practices with which the election may be charged, then in order to invalidate the election it must be shown that the election was accomplished by and through bribery or corruption.

Mr. BAILEY. I am gratified to know that there is no difference between me and the Senators from Iowa and Idaho on the law; and I am confident that upon a further reflection the Senator from New York will withdraw his dissent, for the rule has been long and uniformly followed here.

Mr. ROOT. I do not want the Senator from Texas to consider that I dissent from all and every part of his statement. As I listened to it, it appeared to me that it was capable of a construction which would make it broader than I think it ought to be. I will gladly examine the statement, as it will appear in the RECORD, I suppose, and see whether I wish to suggest a qualification.

Mr. BAILEY. It will not appear in the RECORD to-morrow, but I have reduced to writing what I intend to say on the law, because I thought it of supreme importance to have that correctly stated; and I take the liberty of sending it to the Senator from New York. I can not think that after he examines it carefully it will be necessary for me to consume the time of the Senate in discussing it. I perfectly understand that when we come to apply my rule differences will arise. For instance, when we come to determine how many votes are sufficient to affect the result, the Senator from Idaho, the Senator from Iowa, and the Senator from New York have already indicated

to the Senate a different opinion from that which I entertain. But that is a difference merely as to the application of the law and not as to the law itself.

Mr. ROOT. It is precisely at that point that I hesitate to give my assent to the proposition made by the Senator from Texas. I am much obliged to the Senator for sending me this ppaer, and I will examine his statement of the rule with care.

Mr. CARTER. The Senator from Texas has been speaking since 2 o'clock—for more than two hours and a half. It is now well into the evening. I observe the Senator is making unusual efforts to condense his remarks, and is making them rapidly. The points he is covering are points I am sure in which the Senate is interested, and I therefore venture to ask unanimous consent that the Senator be permitted to proceed with his remarks immediately after the close of the morning business to-morrow.

Mr. BAILEY. If that is agreeable to the Senate and does not interfere with some announcement already made by other Senators, I will act on the suggestion of the Senator from Montana. I will now yield the floor and will conclude to-morrow.

Tuesday, February 14, 1911.

Mr. BAILEY. Mr. President, when I yielded the floor yesterday afternoon I had reached the law question involved in this case, but, with the indulgence of the Senate, I want to return for a few moments to one of the episodes which occurred when I was discussing the facts.

The Senate will recall that I animadverted with some severity on what I believe to be a forgery in this case. The Senator from Iowa [Mr. CUMMINS] interposed with the suggestion that he had in his hand a paper which, though not in evidence, still seemed to contradict my theory of that deposit slip. I have this morning, with his permission, examined that paper, and I find that it is the affidavit of one Jarvis O. Newton, who was a witness in the case, and who is the chief clerk of the bank in which the Holstlaw money is claimed to have been deposited. To Newton's affidavit there is attached the original deposit slip, which was introduced in evidence before the committee. There is also attached to Newton's affidavit a card bearing the signatures of the officers of the Holstlaw Bank, indicating that it was a correspondent of the State Bank of Chicago, and authorizing those officers to draw against its account there. The only fact contained in this affidavit not contained in the testimony is the statement of Mr. Newton that he, and not Holstlaw, made out this deposit slip.

Mr. President, any man who will examine Newton's signature to this affidavit and then examine the writing of the name "Holstlaw Bank" on that deposit slip will conclude that Newton did not make it out, and this very paper, to my mind, still further confirms my theory that a forgery has been committed. The name "Holstlaw Bank," as it appears on this deposit slip, indicates that it was written by a man not skilled in penmanship and not very highly educated. The name "Jarvis O. Newton," as it is signed to this affidavit, gives evidence that he is accustomed at least to writing his own name, and the penmanship appears to me very much better than that of the man who wrote "Holstlaw Bank" at the top of the deposit slip.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY. I do.

Mr. CUMMINS. Mr. President, I understand that the affidavit, together with the card which is identified in the affidavit, can not be admitted as evidence without unanimous consent. I submit to the Senator from Texas and to the Senate whether the affidavit and the card shall be so admitted and so considered. The slip itself was introduced in evidence. It bears the identification of the committee, or the stenographer of the committee, and if the Senate does not desire to consider the affidavit and the card I shall ask that the slip itself be detached and given to the Sergeant at Arms for the consideration and examination of any Senator who may desire to examine it.

Mr. BAILEY. There is no question about that being the identical slip which is in evidence and which is photographed in the brief of counsel for the petitioners. Nor has any question been raised about the Holstlaw Bank, of Iuka, being a correspondent of the State Bank of Chicago, and that is the only fact which this card could serve to establish.

Mr. President, I shall say now what I did not say yesterday afternoon, because I hesitated to put into the records of Congress anything which could possibly be construed as a reflection on a great financial institution. But, since my theory of this deposit slip has been challenged, I think I owe it to the Senate and to the country to say that my suspicion against the genuineness of it on account of the misspelled name was intensified by the circumstance that the prosecution did not produce the books of the Chicago bank and the Iuka bank, instead of the deposit slip. Those books were the best evidence of the deposit, if it was made, and they could not well have been doctored. They could not have been easily falsified, for if an attempt had been made as an afterthought to insert this credit it would appear on the books as an interpolation; and if to avoid the appearance of an interpolation it had been entered at some subsequent period, it would then appear out of its chronological order. There were three items in the books of these two banks which could not have furnished false evidence, and yet instead of calling any of the officers of those banks to produce the books of each before that committee they brought the chief clerk of the bank there with a deposit slip, the only evidence of the transaction which could have been easily manufactured for the occasion.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY. I do.

Mr. CUMMINS. The Senator from Texas has more than once said that he believed the best way to evolve the truth of this controversy was to regard it as in a sense a lawsuit, in charge, on one side by counsel for the Tribune, on the other side by counsel for Mr. LORIMER. May I ask why the counsel for Mr. LORIMER, if there was any question about the deposit of this money, did not call for the books of the bank and did not inquire into the accounts of the bank at Iuka? It seems to me that the failure of Mr. LORIMER to make any inquiry into this matter is high evidence at least that he did not believe, nor did his counsel believe, that this slip is a forgery. I ask again, if the matter is material, why did not the committee seek the best and highest evidence and complete their investigation in that respect?

Mr. BAILEY. That is a perfectly legitimate comment on what I have said, but my answer to it is that it was the subsequent discovery which raised these grave questions. Until the reply brief of the counsel for the petitioners was printed it did not appear that it was claimed that Holstlaw had, in his own handwriting, made out this deposit slip. And I venture to say that when it was offered in evidence no member of the committee observed the misspelling of Holstlaw's name, and I am reasonably certain that it also escaped the attorneys on both sides.

I now return to a consideration of the law; and here, sir, the atmosphere clarifies. Here the earth which may have been unsteady while we discussed the testimony grows firm at once. We may have been mistaken about the veracity of some witnesses and the mendacity of others. We may have believed that the man swore falsely who swore the truth, and we may have believed that the man swore truthfully who swore a falsehood, because God has not endowed us with a faculty to determine with certainty the truth or falsity of human testimony. We can consider the motives and surroundings, and we can consider the character and temptations of witnesses, but when we have considered all of that the wisest of us may be misled, because the vilest liar will sometimes swear the truth, and the most truthful gentleman will sometimes testify honestly to a mistake. But, sir, when we reach the law the whole case changes, and we can speak of it with almost the exactness of a science.

Here I say to my friends who have spoken on the other side; here I say to my friends who have not spoken on either side; here I say to those Senators who have not yet determined in their own minds what their duty requires of them, that for the purposes of this branch of the argument, I can admit either view of the testimony. I can admit that every vote which has been challenged by any kind of testimony was bribed and must therefore be rejected, and the law still decides this case. If we eliminate the votes of Browne, Wilson, and Broderick, who have been accused of giving these bribes and though their people have answered that accusation by reelecting them to the Legislature of Illinois, we can admit that their people were mistaken and that Browne, Broderick, and Wilson were bribe givers. Let us say, besides, that White, Link, Beckemeyer, and Holstlaw were all bribed. They are the four men who are often said to have confessed that they were bribed to vote for LORIMER, but that statement is not supported by the testimony. Link swears he was not bribed and that he never received any money for voting for LORIMER. Beckemeyer swears that he never was offered or promised any money for voting for LORIMER, though he does say that when he received certain money he was told that it was his "Lorimer money," and even Holstlaw swears that he had announced his purpose to vote for LORIMER before money was ever mentioned to him. But let us say that Link and

Beckemeyer and Holstlaw and White were bribed. Let us, Mr. President, go even further than this and say that Shephard and Clark and the dead man Luke were bribed, and without stopping at that let us go on and say that De Wolf was bribed, though no man can read this testimony and believe that for an instant. That makes 11 tainted votes, and if we subtract them all from the 108 votes received by WILLIAM LORIMER, he was still duly and legally elected.

PROCEEDINGS OF THE JOINT ASSEMBLY.

In the joint assembly of the Illinois Legislature WILLIAM LORIMER received 108 votes, Albert J. Hopkins received 70 votes, and Lawrence B. Stringer received 24 votes, making a total of 202 votes cast on that ballot; and as WILLIAM LORIMER had received a majority of that number, he was declared by the proper presiding officer to have been duly chosen a Senator from the State of Illinois. There is no controversy as to the total number of votes cast, or as to the number of votes received by WILLIAM LORIMER; but the validity of his election is denied upon the ground that it was procured through the bribery of legislators, though the number of legislators so bribed has not been agreed on by any two of the Senators who have advised the Senate to declare that election void. In the early stages of the debate it was only claimed that seven of the votes cast for Mr. LORIMER were shown by the testimony to have been corrupted; and it was promptly answered that even if it were admitted that seven votes had been corrupted by Mr. LORIMER's friends without his knowledge his election would still be valid. The discussion revolved about that point for several days, and then the Senator from New York, perceiving the weakness of a contention based upon those seven votes, invented a new theory of the case, which I listened to with amazement. He followed the Senators from Idaho and Iowa in claiming that if seven votes were shown to have been corrupted the election was thus vitiated; but, not willing to trust his case to a rule which he must have known could be demonstrated to have no foundation in law or in logic, he worked himself up into such a frenzy of indignation that he finally declared that the entire 30 votes of what he denounced as "Browne's band of robbers" must be rejected; and the Senator from Ohio [Mr. BURTON], who followed him, not to be outdone by the Senator from New York in this crusade against Illinois, went to the extreme of declaring that the whole legislature of that State was so corrupt as to be incapable of conducting an honest election for a Senator. Mr. President, these claims are so extravagant that nothing but the high sources from which they come could save them from being absolutely ridiculous, and I can not feel that I am required to answer them. I shall therefore leave them aside, and address myself to the real question here, which was raised by the Senator from Idaho and the Senator from Iowa and indorsed by the Senator from New York; and that question is whether, if the seven votes of White, Browne, Beckemeyer, Link, Wilson, Holstlaw, and Broderick be rejected, there was still a legal and valid election. While I do not concede that these votes were in fact corrupt, I am perfectly willing, for the purpose of this branch of the argument, to admit that they were, and that they must therefore be rejected. Deducting those seven votes from LORIMER's 108 would leave him 101, and deducting them also from the total vote of 202 would leave 195, of which the 101 legal votes received by LORIMER would constitute a clear majority, and make his election lawful beyond any doubt.

At this point in the argument, Mr. President, I encounter my difference with the Senators from Idaho and Iowa, who contend that while it is right to subtract the seven corrupt, and therefore illegal, votes from LORIMER, it is wrong to also subtract them from the total number of votes cast. Neither the Senator from Idaho nor the Senator from Iowa nor the Senator from New York claims that those seven rejected votes can be bestowed on either of Mr. LORIMER's opponents or be divided between them according to some unascertained proportion; but while declaring that those votes shall not be counted for LORIMER, and admitting that they can not be counted for Hopkins or Stringer, they still maintain that somehow or somehow else they must be included in the total number of votes cast. Such a proceeding, sir, can find no warrant in the law, for upon no principle with which I am familiar can we reject a vote as it has been cast and still count it for any other purpose.

Under our own practice in the Senate we do not include votes which could be cast and counted, but are not cast, in estimating the total number, and we very recently overruled the Chair when he attempted to count them simply to make a quorum. If on a roll call of the Senate the affirmative of a proposition receives 35 votes and the negative receives 34, it would pass notwithstanding 10 Senators, one after another, might rise and announce their pairs, coupling the announcement with a statement that they would vote "no" if at liberty to vote, and yet, sir, upon this record showing that of the Senators present, 44 of them were opposed to the passage of the measure, it would pass, because only the 69 who voted and were entitled to vote, could be considered, and the 35 affirmative votes would be a majority of them.

At almost every session of the Senate we illustrate the proposition that no member of a legislative assembly except one who has a right to vote and who has lawfully exercised that right can be included in any computation or counted for any purpose. But while I think the practice here conforms to the principle for which I contend, this precise question has never before been presented to the Senate and has not, therefore, been decided by this body. It is true that the Senator from Iowa and the Senator from Idaho have read to the Senate extracts from the views which Senator Hoar and Senator FRYE filed in the Payne case, but they can not be ignorant of the fact that those views were not accepted by the Committee on Privileges and Elections, and they must know that the resolution which Senator Hoar offered in accordance with them was defeated on a roll call of the Senate by a vote of 44 to 17. When reading that extract from Senator Hoar's paper, the Senator from Iowa found that the Massachusetts Senator's figures would not work out the proper result, and he suggested that there was a misprint by which Senator Hoar was made to say six where he meant to say seven; but if the Senator from Iowa had read that paper to its conclusion, he would have found the same figures repeated in another paragraph of it, and we are hardly at liberty to suppose that they were a misprint. But whether the calculation of the Massachusetts Senator was right or wrong is not material here, and the only question which concerns us is whether his law was right or wrong. Senator Hoar, who drafted that paper after a long service, in which he honored both his State and his country, has passed from among us, but Senator FRYE, who joined him in it, is still a Member of the Senate, and we all hope that he will remain here for many years to aid us with his wise and patriotic counsel; but, sir, those distinguished Senators could not induce the committee to accept their views, and their resolution was rejected by a most decisive majority.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. BORAH. Upon what question does the Senator from Texas understand that it was voted down? Not upon the law?

Mr. BAILEY. There was no specific proposition voted on, but my statement was that the resolution, drawn in accordance with the report, was voted down. There was no separate vote on any single statement in it, of course.

Mr. BORAH. The question involved was whether or not they would make an investigation.

Mr. BAILEY. That is true.

Mr. BORAH. And the Senate voted that it would not proceed to investigate.

Mr. BAILEY. But if the argument of the Senator from Massachusetts had been concurred in by the Senate, I think it absolutely certain that an investigation ought to have been, and would have been, ordered.

Mr. BORAH. That being true, if the Senate had accepted the view of the Senator from Massachusetts as to the evidence. The committee were divided as to whether or not there was sufficient evidence to warrant it in proceeding to investigate.

Mr. BAILEY. Not only that, Mr. President, but there was also the question whether if there were corruption at all it was sufficient to have affected the result. The Senator from Massachusetts argued this subtraction and elimination, and according to his theory of the case there was sufficient evidence; but the Senate rejected his view.

THE CLARK CASE.

The Senator from Iowa thought he had found a distinct and authoritative approval of his contention in the Clark case, and he ventured to say that while the report in that case was never passed on by the Senate, it expressed the unanimous judgment of the Committee on Privileges and Elections. Of course, Mr. President, I know that the Senator from Iowa did not intend to mislead the Senate, but his statement, if accepted, would mislead us very widely. In the first place, every Senator understands that the argument of a report represents only the member of the committee who prepares it, and that the conclusion only can be fairly attributed to the committee. In this very case which is now before the Senate my name is signed to the report which the chairman of the committee made, and yet I did not read it before it was presented to the

Senate. The chairman of the committee tendered it to me and I very promptly told him that I did not want to read it, because I held myself responsible only for its conclusion and not for its arguments or statements. But, sir, I could understand how the Senator from Iowa might not be familiar with this practice, and he might believe that every report in all of its arguments and statements was thoroughly considered by the whole committee and approved by it. He can not, however, be excused for supposing that such was the case in the Clark report, because there was a minority report filed in that case, and printed immediately following the committee's report from which he has quoted, and in the very second paragraph of that minority report appears this distinct and emphatic declaration:

We agreed and still agree to the resolution reported by the committee through its chairman. That resolution was adopted by the committee itself. But the report is merely the writing of the chairman with the aid of one other member and never was submitted to any meeting of the committee, and therefore can not be considered as the words of the committee.

In the face of the universal practice here, I would not consider the report of the Clark case as expressing more than the views of the Senator who prepared it, and when to the general custom of the Senate is added the specific declaration made by the members of the committee, the arguments in that paper must be regarded as expressing only the individual opinion of the Hon. William E. Chandler. If we had nothing before us beyond the paper of Senator Hoar and the report of Senator Chandler, I would still maintain with the utmost confidence that the rule which they have suggested is so contrary to the reason of the law that we could not accept it.

THE AUTHORITIES.

But, fortunately, sir, we are not without high and express authority on this very question. The textbooks all agree in saying that an illegal vote must be rejected, and that proposition is so elementary that it seems almost like a reflection upon the intelligence of the Senate for me to read what a great text writer has said in support of it; but as what I am now saying may be read by those who are not so familiar with the law as Senators are presumed to be, I will occupy a moment in reading from Paine's work on elections, in which he says:

The rule is well settled that the whole vote of a precinct should not be thrown out on account of illegal votes if it be practicable to ascertain the number of the illegal votes, and the candidate for whom they were cast, in order to reject them and leave the legal votes to be counted. This is safer than the rule which arbitrarily apportions the fraud among the parties. But in a contest for a seat in the Forty-fifth Congress, the Committee on Elections said: "In purging the polls of illegal votes, the general rule is that, unless it is shown for which candidate they were cast, they are to be deducted from the whole vote of the election division, and not from the candidates having the highest number. Of course, in the application of this rule, such illegal votes would be deducted proportionately from both candidates according to the entire vote returned for each."

In another and subsequent section the author again declares that—

Where illegal votes have been cast the true rule is to purge the poll by first proving for whom they were cast, and thus ascertain the real vote; but if this can not be done, then to exclude the poll altogether.

If it be objected that the rule laid down in this textbook relates to a general election among the people, I answer that the law according to which we must decide the election of a Senator is exactly the same law according to which the courts must decide the election of the governor of a State or the sheriff of a county or the constable of a precinct. Not only, sir, do the textbooks say that an illegal vote must be rejected, but the courts have said the same thing with remarkable unanimity; nor have they left us to speculate as to what they mean by the rejection of a vote.

DECIDED BY THE COURTS.

I have here the case of Charles Bott et al. *v.* The Secretary of State, decided by the supreme court of New Jersey in June, 1898, and reported in the sixty-second volume of the New Jersey Law Reports. Without taking the time to state the facts in that case, it will be sufficient to read this extract from the opinion:

Though a qualified voter succeeds in getting his name on the poll list and a ballot in the ballot box, he is not a voter voting on the amendments unless his ballot is such as is prescribed by law and conforms to the general law regulating elections. The act contains no provision for the certificate and return of the ballots that were rejected, nor does it provide for an inquiry either before the county boards of election or before the board of State canvassers with respect to the grounds upon which votes have been rejected, nor are either of these boards empowered to embody in their official action any results other than such as are exhibited by the official statements produced before them. The ballots returned as rejected must be taken to have been properly rejected, and consequently are to be excluded from the computation of the votes cast for or against the amendments. Such ballots were simply nullities.

Within four years after the New Jersey court had delivered the opinion from which I have just quoted the foregoing extract another case involving a similar question was presented for its decision, and they reaffirmed the doctrine of Bott *v.* The Secretary of State in the following language:

Counsel for the incumbent contends that if the vote of the township be excluded still the relator can not succeed, because in such event he would not have been elected by a majority of all the ballots cast at the election. The fact is as stated, but the argument loses sight of the decision of this court and of the court of errors and appeals in the case of Bott *v.* Secretary of State. (33 Vroom, 107; S. C., 34 id., 289.)

In that case it was held that in determining whether a majority of votes had been received for an amendment to the Constitution only those electors who lawfuly voted for or against the amendment are to be considered. It is true that the opinions delivered dealt only with the language of a given clause of the Constitution, but the line of reasoning is applicable with equal force wherever the question of the computation of a majority of votes is presented. The principle announced is that ballots cast at an election are to be deemed votes only when legally capable of being counted as such, and that in determining the total vote upon which a majority is to be based the votes that may figure in the result and not the ballots that were cast in the box are to be considered.

In the case of Louis J. Hopkins *v.* The City of Duluth et al., decided by the supreme court of Minnesota in the summer of 1900 and reported in the eighty-first volume of the Minnesota Reports, I find the same question considered and the same conclusion reached. That case turned on whether the 26 votes in question should be rejected as an expression of the electors but still counted in estimating the total number of votes cast, and this is what the court said:

Of the 26 ballots thus excluded by the trial court, 5 had either the names or initials of the voters casting them written thereon, and clearly indicated such evidence of identification of the persons casting such ballots as constituted a plain and palpable fraud upon the election law. They were not counted, although expressing in each case the voter's choice in certain respects. (Pennington *v.* Hare, 60 Minn., 146; 62 N. W., 116; Truelsen *v.* Hugo, supra, p. 73.) That the identified ballots thus deposited should be excluded from the total vote is the only reasonable inference that follows from the application of the doctrine of these cases. The fraud which nullifies the choice expressed on these ballots must logically vitiate their use for any purpose. They were void. It necessarily follows that the poll list can not be regarded as absolute evidence of the aggregate vote upon which the constitutional majority is to be estimated.

Thus, Mr. President, we have the authority of the textbooks and of the courts for saying that an illegal vote must be rejected for all purposes and that it can not be considered for any purpose. That, sir, is not only the law and the logic, but it is the rule best calculated to promote political morality. It treats a dishonest vote as if the corrupt legislator who cast it were civilly dead, at least in that transaction, and it leaves the result to be determined by the votes of honest men.

But, Mr. President, when I have thoroughly fortified my position by citations from the textbooks and the opinions of high courts and when learned Senators on the other side have agreed to the law as I have laid it down, I am met by the Senator from New York [Mr. ROOT] with the suggestion that there is no law according to which we must decide this case. Instead, sir, of offering us a quotation from some law book or from the opinion of some great judge, he lays his hand upon his heart and exclaims with a dramatic gesture that it is the only source from which we are compelled to take our law. If it be true, Mr. President, that there is no law binding us to judge the election, qualifications, and returns of Senator, then, sir, it is high time that we were making one, because it can never be safe in a free republic like ours to exempt any tribunal charged with the duty of deciding any case from an obligation to decide that case according to the law of the land.

If we acknowledge no law here, what right will we have to reproach our unlettered constituents if they acknowledge no law in the States from which we come. That doctrine is an invitation and an encouragement to riot and anarchy. Law, sir, is as universal as God and nature, and it inflicts its penalties on all who disobey it. The intellectual and physical worlds have their laws and they are as inexorable as fate and swifter far than justice. If we violate the laws of health and gorge ourselves at the table or overwork ourselves in the field, we must suffer for our folly. It is law, sir, which holds these myriads of worlds in their safe relation to each other, and if the law of gravitation and attraction should be suspended for an instant the earth would perish, and amidst the wreck of matter and the crash of worlds the Senate itself would disappear.

Our English ancestors once established the kind of law which the Senator from New York pleads with us to adopt. Finding the common law so technical and so inflexible that it often defeated the ends of justice, they instituted what they called courts of chancery and appointed chancellors who were authorized to decide all cases coming before them as their consciences directed. But, sir, the decisions of the chancery courts were often arbitrary and many times more unjust than those made according to the common law, whose defects it was supposed that this court of chancery would correct. It was soon found that the consciences of the different chancellors varied, as one man said with more wisdom than wit, as widely

as their feet, and the whole system of equity jurisprudence was brought into such disrepute that a great novelist satirized it in a story which will live as long as men read the English language.

We were never so foolish as the country from which we derived our institutions, for we have always required chancellors to decide every case according to the well-established rules of equity jurisprudence, and a chancellor who would tell a suitor in his court or an attorney at his bar that he would ignore the law and decide the case according to his conscience would be impeached and driven in disgrace from the bench whose powers he had abused. No, sir, Mr. President, there are no judges in this country who can decide cases according to their conscience and against the law. When we come to make the law, we take counsel of our conscience and even of our hearts to see that it is just to the strong and rich and even merciful to the weak and poor; but when the law has once been made it is the duty of every man to religiously obey it, and as the Senate of the United States is the highest assembly in this Republic, so it stands under the highest obligation to obey the law, without subterfuge and without evasion. The law, sir, is the safety of this Nation; it is the safety of these States, and in its supremacy lies the safety of every man who has a right to call himself an American citizen.

The Senator from New York, perceiving that it would be impossible to declare Mr. LORIMER's election void, even if it were admitted that every legislator against whom any testimony has been offered was in fact influenced by bribery to vote for him, and not certain that the Senate will accept his theory that there is no law to govern us in our decision, has invented a new rule of evidence for special application to this case. Assuming that bribery has been proved against certain members of the Illinois Legislature, he proceeds to deliver the Senate a lecture upon the peculiarity of legislative corruption, and tells us that wherever any corruption at all is found, it is but a fraction of that which really exists, and that from the little which we may discover we must infer the existence of very much more. That, sir, is a startling doctrine, and I do not think the Senator from New York would venture to urge it upon any court; because it reverses the presumption that every man is honest until the contrary is shown by some competent evidence. I do not believe that it has ever before been contended in the presence of an intelligent audience that when some members of an assembly have been shown to be corrupt all of its other members fall instantly under a just suspicion.

Not only, sir, is the presumption which the Senator from New York indulges at war with every rule of enlightened jurisprudence, but it is not supported by common experience. I have generally found that where any corruption is discovered, the extent of it is always grossly exaggerated. I have seen the newspapers filled with sensational charges of corruption in both Houses of Congress, and I have seen committees appointed to investigate those charges; but, sir, with rare exceptions, it has always transpired that there was no reasonable foundation for them and that they had their origin in the idle talk of men who had magnified small circumstances until what had at first been whispered as a bare suspicion had come to be openly asserted as a definite and positive fact.

I am sure that the Senator from New York is wrong when he tells us that we must infer an extensive corruption whenever any corruption is revealed; but, sir, even if he were right, as a general proposition, I am absolutely certain that he is wrong in this particular case, for never in the history of American politics was a more determined effort made to invalidate an election and discredit a man. The parties behind this prosecution, it is true, were not after the legislators whom they charged with accepting bribes, but they were after Senator LORIMER; and they have left nothing undone to taint his election. Indeed, sir, they traded with men whom they call bribe takers, and granted immunity for both bribery and perjury to all who would aid them in their effort to impeach the election of Mr. LORIMER. Holtslaw had been called before the grand jury of Sangamon County and examined concerning a State furniture contract. He was asked if he had written a certain letter, and he swore that he had not. It happened that the State's attorney had the letter which Holtslaw denied writing in his possession at that very time, and Holtslaw was promptly indicted for perjury; but though they had the physical and incontrovertible evidence of his guilt, they agreed to release him if he would sign a statement admitting that Broderick had paid him money on account of his vote for LORIMER.

So it was with Beckemeyer and Link. They swore they had not been at St. Louis. If they had been there—and the district attorney had physical proof in the shape of the hotel registers that they were there—they had perjured themselves and the State had the evidence to insure their conviction. But what did the State's attorney do? Did he drag these culprits before the bar of public justice and vindicate the outraged law by their conviction? No, sir; he compromised with them, and turned them loose to continue their nefarious practices upon condition that they would testify to bribery in LORIMER'S election!

With the whole machinery of Illinois, aided by rich and powerful newspapers, at work on the case, do you believe there was any corruption which they did not uncover? They dragged old man De Wolf before the courts and before the committee and soiled his name with the suggestion of dishonor, when the only proof against him was that he had bought a piece of land for $4,600, of which he paid $600 in cash and secured the balance by giving a mortgage not only on the land he bought, but by also including in it the land which he previously owned. This man, an industrious and an upright farmer, could easily have saved $600 out of his more than $2,000 salary; but, sir, these hounds of hell dragged him before the public and disgraced him, or tried to do so, by charging that he had sold his vote.

They found one man who had bought some diamonds while a member of that legislature, and they exhibited him to the world as a bribe taker, and as an evidence of his guilt they introduced the extravagance which led him to buy $105 worth of diamonds. [Laughter.]

With an organized search like this, dragging men so little subject to suspicion before the public and charging them with the gravest of all crimes, who doubts that they exhausted the list? I do not.

But while the Senator from New York has gone far beyond what the law and the evidence in this case will justify, he has not gone so far as the Senator from Ohio has done. Indeed, sir, the Senator from Ohio declared that such corruption existed in that legislature as to render it doubtful if it could have held an honest election. Unless I read it, the Senators who hear me may think that I am mistaken in attributing such an extreme declaration to the Senator from Ohio; but here it is:

> The whole record is interspersed with accounts of departures from party affiliations, fake letters, jack pots, bathroom conferences, unlawful promises relating to office, hurried conferences, and frantic efforts to cover their tracks and escape from the consequences of their wrongdoing. It is connected also with the receipt of bribes and with general corruption in the legislature. Who will say, in the face of all this evidence, that any election by that legislature would be a sound and a valid one?

Thus he indicts a whole legislature, impedes its electoral machinery, and denies its right to perform one of its most important functions upon the testimony of men whose very presence he would shun as a pestilence. Mr. President, if I were actuated purely by a personal friendship for Senator LORIMER, which I am not—for while I have served with him in the other House and in this Senate, and while I never knew him to tell a lie or to do anything that the most honarable man might not do, I have never talked with him 20 minutes in my life—but, if I were actuated purely by a personal regard for him, I would prefer to see the Senate unseat him, for if the Illinois Legislature is not as corrupt as the Senator from Ohio says it is—and since the whole basis upon which his right to a seat here is denied is that it is composed of a band of thieves and robbers—it would answer such a vote of the Senate by immediately reelecting the Senator from Illinois.

Mr. President, there is nothing in this record to justify the sweeping and wholesale condemnation pronounced against the Legislature of the State of Illinois by the Senator from Ohio. True, sir, that there is proof that there was much loose talk about the use of money at Springfield; but outside of the self-confessed perjurers there is absolutely no proof whatever that money was used in the senatorial election or in any other matter. Even White, when testifying that Browne assured him that he would receive about $1,000 "from other sources," admitted that he did not, up to that time, know anything about the so-called "jack pot." He said that he had heard from men who had served in previous legislatures that there was a fund divided among members at the end of each session; but that he had not been advised of any such fund raised or to be distributed to members of that legislature; and that was only nine days before the legislature adjourned. With the knowledge of White's character, furnished by his own testimony, who can doubt that if a jack pot really existed in that legislature he would have been one of its active agents and beneficiaries? Curran swore that White sought to profit by his position as a member of a committee, and although he had been the representative of a labor organization, at the preceding session of the legislature he was so base as to attempt to stand in the way of a bill for the relief of the working women of that State. Not only that; but he complained at Mr. Doyle and others, who were representing the

labor organizations at Springfield during that session of the legislature, because they had not offered him anything for his vote or his influence, and denounced them in language which I hesitate to incorporate into the CONGRESSIONAL RECORD, as "the damnedest cheapest bunch" he had ever seen. Standing in the corridors of the capitol with outstretched hand soliciting a bribe even from the representatives of the labor organizations to whose support he owed his election, does any man believe that White was ignorant of a jack pot, if one existed, until nine days before the legislature adjourned?

Representative Shaw, to whom I have already once referred and for whose intelligence and integrity I have freely vouched, testified that there was much talk about the use of money at Springfield, but he also testified that no money was ever offered him; that he saw no money used, and that he did not know of any facts which would justify the charge that it had been used. For the information of the Senate on this point, I will read Mr. Shaw's testimony.

Mr. AUSTRIAN. Well, I withdraw the objection, provided counsel permits the witness to testify and does not testify himself; that is all.

Senator BURROWS. The objection is withdrawn. That will save time. Answer the question. Read the question.—A. Really, I do not know whether I had any talk with Mr. Groves or not. I do not remember any conversation.

Judge HANECY. If you did have any conversation with him, did you say to him or in his presence that you had been offered money or that you could get money for voting for WILLIAM LORIMER?—A. I did not.

Judge HANECY. That is all.

Senator BURROWS. Anything further?

Mr. AUSTRIAN. Yes; just a moment.

Q. Did you ever talk to Jacob Groves with reference to money being paid at Springfield or offered at Springfield for votes for United States Senator?—A. Well, the talk was kind of common down there at the time; I do not know; I might have; I would not be positive about that. They were talking, joking away frequently, sometimes.

Q. And sometimes serious talk?—A. Perhaps, serious; yes.

Q. Why did White say that his constituency were sore at him?—A. Well, I presume because they were.

Q. Why?—A. Why were they sore at him?

Q. Yes.—A. Because he voted for LORIMER.

Mr. AUSTRIAN. That is all.

Judge HANECY. You heard a great deal of jocular talk all through the regular session, from the beginning to the end, about money that could or would or might be used for different things, didn't you?—A. Yes; I heard of a great many barrels being opened, but I did not see any.

Q. You never heard and never knew anything about that, except that general jocular talk?—A. That is all I knew about it.

Q. That is all.—A. I heard of barrels being opened, but when they were opened, they were apples.

Senator FRAZIER. That talk with respect to money increased about that time, or immediately preceding the election of Senator LORIMER?—A. No; I don't believe it did.

Mr. President, it is often true at Washington as it was at Springfield, that when these "barrels" of which we hear so much are opened, they turn out to be apples instead of gold, and the corruption which suspicious minds are ready to insinuate against everybody is seldom based upon any better reason.

But the Senator from New York [Mr. ROOT] says that Mr. Donohue, whom he describes as a stanch old Democrat, testified that there was corruption; and he read this from Mr Donohue's testimony:

That was the general talk, and I could not trace it down; I could not tell now who said it, and then that kind of died away, and then after the election of Mr. LORIMER the thing started again that they were—everything was not straight down there at Springfield with reference to the election of United States Senator. And everybody, I think—I was suspicious myself about the way things went down there. Of course, I didn't have any direct evidence, only from general appearance, I could not see why so many Democrats were going over in a body to vote for a Republican. They may have had reasons, and be more liberal in their views than I am, and might have gone over. I could not see it that way. I am a Democrat, and I am a pretty strong partisan.

In passing, I want to call the Senate's attention to a rather remarkable omission which the Senator from New York made in quoting this testimony of Donohue. Immediately preceding the quotation which I have just read—and when I say immediately I do not mean that it was three or even two lines preceding it, but absolutely next to it—Donohue made this answer:

The first thing I heard down there, I heard that Mr. Hopkins was trying to buy some votes; that is what I first heard.

I regret to find that the Senator from New York is willing to use Donohue's testimony to create in the minds of Senators a belief that money was being used to elect LORIMER, and yet is at the same time willing to suppress the testimony which shows that the same loose accusations were made against Hopkins. Without intending to suggest that Donohue is other than an honest man and a truthful witness, his own testimony abundantly shows that he was one of those gentlemen who are too often ready to suspect the integrity of men without sufficient, and, indeed, without any positive, information. Mr. Donohue's testimony, which the Senator from New York did not read, so forcibly illustrates how much these charges were based upon mere suspicion and how little they were based upon any tangible proof that I think it worth my while to read several of the other answers which he made to pertinent questions. They appear on page 523 of the testimony, and are as follows:

Judge HANECY. Did you ever have such a conversation with Mr. Groves?—A. I do not remember of any such conversation. I may have had it, because, as I say, I was very much wrought up as to what was happening down there, and might have said that in reply to what Mr. Groves said. I will not say yes or no on that question; I might have said that. If I did say it, it was a remark, a mere inference of what transpired, and had reference, if I did say it, had reference to Lee O'Neil Browne's speech, because I replied to his speech, and we were bitter toward each other, that is all.

Q. If you did say that, or that in substance, or anything like it, Mr. Donohue, was there anything to sustain it except your general anger at the conditions as they existed there?—A. Well, not—I did not state only just on account of the conditions as they existed there; yes.

Q. Were any of these conditions the presence of money that you knew of, or offering of money by anybody?—A. No.

Q. Or offer of anything of value by anybody?—A. No.

Q. For a vote for WILLIAM LORIMER for United States Senator?—A. Nothing that I know of, positively, by way of money or other things of value. It was just said from the general appearance of things, an inference I used from what was done.

Q. And you said you were angry because——A. Well, we were not very friendly, Mr. Browne and I; we did not agree all through the session; do not agree as yet.

Q. You were not one of the Browne faction?—A. No; I was not, sir.

Q. You were one of the Tippet?—A. No; I was not one of the Tippet.

Q. I believe you were unattached there?—A. I was placed in neither one of them.

Senator BURROWS. Is that all?

Judge HANECY. That is all.

Senator GAMBLE. You were acting on your own responsibility?—A. Yes, sir.

Senator FRAZIER. Mr. Donohue, if you say you made that statement, which was based on facts, conditions, and circumstances surrounding, did you hear from anybody any statement or anything about anything that money had been paid for votes?—A. No; I never heard a thousand dollars mentioned up to that time, and if Mr. Groves said that I do not remember that he said it.

Q. There was talk of money having been used?—A. There was talk of money having been used generally.

Q. You could not locate it as to anybody that said he got it; you didn't know of anybody?—A. No; I didn't know of anybody that got it.

I do not believe that I err when I say that many people in this country believe that bribery is frequent in the House of Representatives as well as in the Senate; but, sir, every man here knows that such a belief is utterly unfounded, for amongst the many thousands of men who have served the Federal Government in the House and in the Senate since it was organized, the bribe takers and the bribe givers could almost be counted on the fingers of a single hand. As we know, sir, that thousands accuse Congress unjustly, may we not suppose that thousands have also unjustly accused the legislatures of these States? I do not say that corruption in the various legislatures is as rare as it is in Congress, and naturally that would not be true, because the people choose men of more exalted character and of greater ability for these higher places. But, sir, the people know the men whom they elect to their State legislatures, and they are not apt to choose a bribe taker from among their neighbors to represent them. That they do sometimes make that mistake in Illinois is as certain as that they have made it in New York.

The indictment of the Senator from New York [Mr. ROOT] and the Senator from Ohio [Mr. BURTON] is against the Commonwealth of Illinois. If her legislature is as corrupt as they charge it with being, then, sir, the legislature is not alone in that condition, and the people themselves must be corrupt; because, in the face of these charges and with the evidence of the criminal trials before them, the Democrats renominated and the people reelected Browne to the legislature. Robert E. Wilson, the man charged with distributing the corruption fund at St. Louis on the second occasion, was renominated by the Democratic Party and reelected by the people of his district; and John Broderick, the senator who was charged with bribing Holstlaw, was renominated and reelected to the State senate; Speaker Shurtleff, who was also active in LORIMER's behalf, was reelected to the legislature; and an indictment against them, sir, is an indictment against their people.

In the beginning of his speech the Senator from New York classed Shurtleff as one of the trinity of bribers and corruptionists, linking him with LORIMER and Browne; but though he continued and accentuated his invective against LORIMER and Browne he said little more about Shurtleff. The Senator from New York sits so near the Senator from Ohio [Mr. BURTON], whose close connection Shurtleff is, that I wonder if that restrained him. [Laughter.]

When the Senator from New York denounces Browne, he ought to remember Jotham Allds, who was not the leader of a minority, divided into factions of almost equal strength, as Browne was; but the leader of his party in the State senate of New York. He was charged with receiving bribes, and they proved that he was guilty by the admission of Senator Conger that he was himself a bribe giver; and both this bribe-taking Senator Allds and this bribe-giving Senator Conger were mem-

bers of the legislature which elected the Senator from New York to this body.

But, sir, I do not impeach the right of the Senator to his seat upon such a circumstance as that. I do not invoke against him the doctrine which he urges against the Senator from Illinois; and yet, sir, if we are to accept his theory that a little corruption found is but the index of a larger corruption which can not be uncovered, we might be compelled to say that the New York Legislature was as little capable of conducting an honest senatorial election as the Legislature of Illinois.

The strangest contention in all of this controversy to me has been the assertion made and repeated by the Senator from Idaho [Mr. BORAH], the Senator from Iowa [Mr. CUMMINS], and the Senator from New York [Mr. ROOT], that in demanding the total exclusion of a dishonest vote I was really giving effect to such votes.

That charge, sir, can be sustained against their position, but not against mine. Let me analyze it and see if I can not make it plain that it is their rule which permits a dishonest vote to exert some influence over an election and to defeat the will of an honest majority. I will use the very case before us as an illustration. Let us assume that the four legislators who testified that they received money were bribed, although they did not all testify that they received money for the vote which they cast for LORIMER; and let us also assume that the three men who are charged with having paid that money were likewise bribed. Let us go even one step further, and say that Clark, Luke, Shephard, and De Wolf were bribed, thus making a total of 11 votes to be rejected on the ground of bribery. With these men eliminated there is absolutely no word of testimony impeaching the integrity of any other member of the legislature, and unless we are ready to say that all men are corrupt simply because some men have been shown to be corrupt, we must assume that the Illinois legislators against whom no evidence has been introduced and against whom not even a suspicion has been suggested were upright and patriotic men. Subtracting these 11 votes from a total of 202 we have an unchallenged membership of 191 members who, by virtue of their position and of their integrity, were qualified to elect a Senator. Of this 191 members, 96 would be a majority, and after deducting every vote against which the imputation of dishonesty has been made LORIMER would still have 97 as against 94 votes for his opponents. Under those circumstances no man could deny that he is entitled to his seat in this Senate as a matter of law, and still less can they deny it as a matter of morals, because he had a clear majority of the honest men in the legislature. Now, sir, let us apply the rule proposed by the Senators from Idaho, Iowa, and New York, and what result do we reach? By including these 11 men as a part of the total vote, they prevent 97 honest men from effecting an election over 94 honest men, and this makes it plain that they are the gentlemen who are giving effect to the votes of rascals, because by including those 11 votes in the total they thus prevent an honest majority from working out its will.

Mr. President, it is easy for a man to proclaim himself an advocate of electoral integrity, and if he will make that proclamation often enough and loud enough he can induce thousands of heedless men to accept it; but the thoughtful citizens of this Republic will at last judge every rule by its result, and they can never be persuaded to approve one which gives significance and power to dishonest votes. I do not doubt the ultimate wisdom of our people and neither do I doubt that they will understand at last that the law, as I have sought to explain and defend it, is their best protection against the baleful influence of the corruptionists in our politics. No matter how honest and how patriotic the gentlemen on the other side may be—and I know them to be as honest and as patriotic as I am—it is still true, sir, that in striving to reverse the precedents of the Senate and overrule the courts of the country they are seeking to establish a doctrine that will permit a dishonest faction in a legislature to disable an honest majority from choosing a Senator to represent their State.

THE SENATE ON TRIAL.

They tell me that the Senate is on trial before the American people and that we can only acquit ourselves by convicting LORIMER. How low we have fallen in the estimation of those who believe that such an appeal can control us in a case like this! Are we at liberty to consult our political safety in deciding a case involving more than property, more than liberty, more than life itself, because it involves the character of a fellow man? An honest man values his good name above all the gold that misers have ever hoarded since creation's dawn; a proud man would go to prison in the cause of truth and justice rather than have his honor forever sullied; a brave man would die upon the battle field and be buried with the honors of war rather than to see the name his children must bear tarnished to the end of time. Other Senators may be willing to prove that they are clean by washing their hands in the blood of an innocent man, but I am not. [Applause in the galleries.] Shall we prove that we are not guilty by finding that this man is? Oh, sir, what a lesson to teach our children! I will not, by my example, lead my boy to bow in servile adulation until he kisses the very ground on which the people walk and then insult their intelligence by telling them that he has done wrong to please them.

Mr. President, I do not profess to be indifferent to the opinion of my countrymen. I value the good will of the people of Texas as much as any man who has ever enjoyed their favor, and perhaps I have a better reason for it, because they have done more for me, according to my poor merits, than they have done for others. I went among them a mere boy and a total stranger to them, without friends, without wealth, and without influential connections, but generously they took me by the hand and made me all I am and all that I ever hope to be. For that I love them with an affectionate gratitude; for that I will toil for them by day and by night; for that I will sacrifice my personal comfort, my personal interest, and my physical strength, and count it a privilege to do so; but, sir, even for that, I will not violate my oath of office and corrupt my conscience with a sense of foul injustice. They have their impressions of this case, and it may be that those impressions are at variance with the vote which I am about to cast, but they would hold me unworthy to be their Senator if they were not willing to trust me to do what a conscientious study of the testimony and the law in this case commands. If there is any Senator here whose vote is influenced in this case by the fear that he will displease his people, he has less respect for his constituents than I have for mine.

If, sir, the Senate is on trial before the American people, how will they make up their verdict? There are more than 20,000,000 voters in this Republic and not 20,000 of them have ever read a line of this testimony or examined the law of this case for a single hour. Mr. President, the Senate may be on trial, but if it is, its courage and not its integrity is being tested. Nobody but fools believe that the Senate of the United States is dishonest, and nobody except sham reformers pretend to believe it. Venality, sir, is not a sin of the American Senate, and it never will be until the American people have become a venal race. Our people, intelligent and patriotic as they are, will make mistakes in the choice of their great officers. They have made them, and they will make them again, but in the future, as in the past, the occasions on which they make them will be rare, indeed, and it will happen as seldom in the years to come as it has in the years that have passed and gone that they will bestow a senatorship upon any man who will practice on others, or on whom others can practice, the vulgar and degrading vice of bribery.

No, sir; I do not doubt the integrity of the Senate, but candor compels me to say that I do sometimes doubt its courage, and I know that this Republic is menaced more by cowardice than by corruption. I would scorn to call upon my colleagues here to vote in such a way as to shield themselves from the charge of dishonesty, because proud and sensitive men would resent that suggestion, but I do beg them to be brave enough, now and at all times, to do justice to every man and to do justice in all things. Let us by our verdict say to those who seek to drive us that we hold ourselves so high above suspicion that we dare to do what we believe is right and leave the consequences to God and to our countrymen. [Applause in the galleries.]

Mr. BEVERIDGE. Mr. President, it is apparent that the debate on this matter is drawing to a close. I should like, therefore, to ask the Senator from Michigan [Mr. BURROWS] if he is willing to agree upon a day for a vote, so that all Senators may have notice of the time on which a vote is to be taken. I suggest to the Senator Thursday of this week, before adjournment. Of course, the only purpose is that if we do fix a day all Senators may have notice, so that they may be here if they so desire.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). The Senator from Indiana asks unanimous consent that a day be fixed to vote upon the pending question.

Mr. BEVERIDGE. I am first asking the Senator from Michigan whether at this stage of the proceedings, as the debate is plainly drawing to a close, he does not think it wise to fix a date so that all Senators may have notice of it.

Mr. BURROWS. I agree with the Senator from Indiana that it is perfectly apparent that the discussion in this case is drawing to a close, and for that reason it is wholly unnecessary to fix any exact day or hour when a vote shall be taken. The approach of the end of the session will keep every Senator here, and therefore it seems to me absolutely unnecessary to

fix a time. As I have said to the Senator before, there is no question about a vote in this case, but let the Senate have the opportunity to discuss it so that we can close this case after full discussion at this time. I therefore object to any date being fixed.

Mr. BEVERIDGE. I am sure the Senator is confident there will be a vote, but in the suggestion that a day be fixed I was first following the uniform practice in such cases and for the reason that all Senators may have notice so that when that day comes all will be here.

I will say to the Senator from Michigan that I am impelled to make that suggestion, because several Senators have said to me and said to other fellow Senators that they had engagements here and there and yonder, and they want to know when the day of voting would be so that they might surely be here. For example, say the debate should conclude suddenly any day this week. A Senator spoke to me this morning and said he would be away on a certain day, but he would not if he knew that a vote was to be had on that day.

It is only fair to the Senate, of course, that all Senators shall have notice, that they may be present; and I submit that to the Senator as a consideration which is fair and wise and all but necessary. Is the Senator willing to agree to any day?

Mr. BURROWS. I only wish to say in reply that it is perfectly apparent that Senators are not going to absent themselves within two weeks of the close of the session for any considerable length of time.

Mr. BEVERIDGE. The answer to that is that they are absenting themselves for this, that, and the other engagement. A Senator, not two hours ago, told me he must be absent on Thursday unless there was going to be a vote. The Senator from Iowa was absent two days last week on a necessary engagement, which, of course, he would have deferred if a vote had been impending. Other Senators do absent themselves for a day.

Now, suppose that during that day the end of the debate should come and a vote upon a resolution based upon the report should be had. It would not be fair to Senators—it never has been; it is not the practice. Of course, I am not going to suggest any special day if the Senator says he will not agree to any, but I am willing to suggest any day, say Thursday of this week, before adjournment.

The PRESIDING OFFICER. The debate is proceeding by unanimous consent.

Mr. BEVERIDGE. Of course.

The PRESIDING OFFICER. The matter is not open to debate. Does the Senator from Michigan object to fixing a day?

Mr. KEAN. I understand Thursday is the day the Senator from Indiana [Mr. BEVERIDGE] is going to speak.

Mr. BEVERIDGE. I am. But I say before adjournment. I would not fix Friday, because it might run, by a recess, from Friday into Saturday, which is given up to eulogies. I suggest Monday.

Mr. BURROWS. It seems to me that there is no necessity of prolonging this controversy. I object to any day being fixed now, with the assurance that I have made over and over again that a vote will be taken on this matter. I would not want to fix any day now, which might cut out the Senator from Indiana.

Mr. BEVERIDGE. The Senator does not need to let that stand in the way.

Mr. BURROWS. I am fearful it might interfere in some way with the Senator's remarks.

Mr. BEVERIDGE. I do not question the Senator's assurance of a vote. My only reason for asking that the usual and, I believe, the uniform, practice of fixing a day be pursued is that all Senators may have notice, because Senators have spoken to me and have spoken to other Senators, because I know they want to be present.

Mr. BURROWS. Let us have the regular order.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. ROOT. Mr. President, the Senator from Texas formulated two rules which he conceived to be applicable to the pending election case, and he asked me to examine the rules and state whether or not I agreed. I have drafted a substitute for the second rule which the Senator proposed, somewhat changing the terms, and also an additional proposition which seemed to be necessary to complete it. If there be no objection, I will send to the desk and ask the clerk to read them, so that they may go into the RECORD without my making any speech on them.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

If the officer whose election is challenged did not personally participate in or encourage or sanction the bribery, then his election can not be avoided, unless it appears that the result has been materially affected by the bribery shown.

Mr. ROOT. Now, read the other proposition.

The Secretary read as follows:

If on the whole testimony the Senate be of the opinion that but for the influence of the corrupt methods or practices employed the candidate would not have been elected, the election should be declared void.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 26, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 19, 20, 21, 22, 24, 25, 27, 28, 29, 30, 31, 33, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 50, 51, and 52, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: Strike out the word "at" following said amendment, and insert in lieu thereof the word "of"; and transpose the words "in the Yellowstone National Park" so that they will follow the word "chapel" preceding said amendment, thus changing the portion of the proviso which relates to the proposed Fort Yellowstone Chapel so that it will read as follows:

"*Provided further*, That $25,000 of the sum herein appropriated may be used for the construction and completion of a chapel in the Yellowstone National Park on or near the military reservation of Fort Yellowstone."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment, insert the words "and fifty thousand nine hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment, insert the following: "On and after the passage of this act, every line officer on the active list below the grade of colonel who has lost in lineal rank through the system of regimental promotion in force prior to October 1, 1890, may, in the discretion of the President, and subject to examination for promotion as prescribed by law, be advanced to higher grades in his arm up to and including the grade of colonel, in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm or corps since the date of his entry into the arm or corps to which he permanently belongs: *Provided*, That officers advanced to higher grades under the provisions of this act shall be additional officers in those grades: *Provided further*, That nothing in this act shall operate to interfere with or retard the promotion to which any officer would be entitled under existing law: *And provided further*, That the officers advanced to higher grades under this act shall be junior to the officers who now rank them under existing law, when these officers have reached the same grade"; and the Senate agree to the same.

On the amendments of the Senate numbered 18, 23, and 49 the committee of conference has been unable to agree.

F. E. WARREN,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

The report was agreed to.

Mr. WARREN. I move that the Senate further insist upon the amendments still in disagreement, that the House be asked for a further conference, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO conferees on the part of the Senate.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate joint resolution 134.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BEVERIDGE. Mr. President, I ask unanimous consent that when the vote is taken on the pending question as well as upon the resolution to which it is an amendment it shall be by yeas and nays.

The PRESIDENT pro tempore. The Chair did not quite understand the Senator.

Mr. BEVERIDGE. The pending question is the amendment offered to the joint resolution by the junior Senator from Utah [Mr. SUTHERLAND].

Mr. SMOOT. I should like to ask the Senator from Indiana what his reason is for such a request.

Mr. BEVERIDGE. Because I want to have the yeas and nays.

Mr. SMOOT. It has never been done before.

Mr. BEVERIDGE. Oh, the Senator will pardon me. I do not need to refresh his memory, for he must remember when such a request was made upon the currency bill, and he participated in it.

Mr. SMOOT. I was going to say that there is no doubt on any question involved the Senate will give the Senator the yeas and nays when the question arises.

Mr. BEVERIDGE. I merely make the request. The Senator can object if he wants to do so.

Mr. SMOOT. I do not object.

The PRESIDENT pro tempore. The yeas and nays have already been ordered on the amendment offered by the Senator from Utah.

Mr. SUTHERLAND. I was trying to call the attention of the Chair to that fact.

Mr. BEVERIDGE. Very well; that is still better.

The PRESIDENT pro tempore. The pending question is on the amendment proposed by the Senator from Utah [Mr. SUTHERLAND], on which the yeas and nays have been ordered.

Mr. BROWN. Mr. President, I desire to discuss the pending joint resolution, with the indulgence of the Senate, on its merits. The discussion up to this time has been pursued and has proceeded upon the theory that when Congress passes the joint resolution by the necessary two-thirds majority we have amended the Constitution. That appears to have been the assumption during the entire discussion, while, of course, upon reflection every Senator knows that when Congress passes the joint resolution the Constitution is not amended; we have simply referred to the legislatures of the States the question whether they will make it a part of the Constitution.

On that theory, Mr. President, I want to call the attention of Senators to the fact that we are occupying a very remarkable position as Senators when we refuse to allow the joint resolution to go to the State legislatures for their action. In other words, we assume to say that the people of this Republic shall not have an opportunity even to vote on the question whether they desire to amend their Constitution in this respect or not.

It is a significant fact that in all the history of this question before the public and before Congress it has never been presented in the House of Representatives and a negative vote given. The House of Representatives has always been willing to allow the people of the States to pass on the question whether they would amend their Constitution or not. Legislatures of States and conventions of political parties have spoken to the same effect. But when the question comes to the Senate, wherein is involved the procedure of the election of ourselves, the record is that the Senate alone has stood in the way of allowing the people to vote on the question.

Mr. HEYBURN. Will the Senator permit me a moment?

Mr. BROWN. I do not think we have the right——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BROWN. In just a moment. I do not think we have the right, as a matter of right, although we have the power and prerogative to do it, to stand forever in the way of an opportunity of the people to decide whether they will take this step and whether they will amend their Constitution.

I now yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I only wanted to inquire of the Senator if I might be mistaken. I do not understand that the joint resolution provides for the submission of this question to the people at all. It provides for the submission of this question to that baneful political organization known as a legislature that is to be held not fit to elect a Senator.

That is all I wanted to call attention to.

Mr. BROWN. The Senator is one of those who holds that these legislatures are all right and can not make any mistake. Yet he refuses to allow this amendment to go to these good legislatures.

Mr. HEYBURN. The legislatures now elect the Senators, so that there is no amendment needed to accomplish that purpose.

Mr. BROWN. But can not the legislatures, who are so trustworthy, be trusted with the function and power of passing on this amendment? Why is it necessary for the Senator from Idaho and his colleagues to deny to the legislatures the opportunity to amend the Constitution?

Mr. HEYBURN. Just let me answer that and then I will not disturb the Senator further. It seems to me from the attitude of some who speak here that the oath of office is, "I promise and swear that I will uphold and amend the Constitution of the United States," instead of defending it.

Mr. BROWN. That is where the Senator from Idaho exaggerates his own importance. He could not amend the Constitution if he wanted to do it; neither could the United States Senate amend it if it had 92 Senators from Idaho agreeing with him on that proposition. That is the point I am trying to emphasize, that all this resolution does is to refer to the legislatures an opportunity to vote on this amendment—to reject it or to put it in the Constitution.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. BROWN. With pleasure.

Mr. NELSON. Does the Senator mean to say that all the joint resolution does is to submit the question to a vote of the people? Is that all that is embraced in the resolution?

Mr. BROWN. No; I say the resolution refers to the legislatures of the States the question of amending the Constitution.

Mr. NELSON. But what is attached to it?

Mr. BROWN. There is attached to the amendment, in the first place, the privilege of allowing the people, if the amendment is carried, to elect their Senators, instead of the legislatures. Beyond that there is another provision, which I will discuss later, if the Senator will permit me.

The proposition I am discussing now is whether or not we can justify ourselves in refusing to give the legislatures of the States the privilege of voting into the Constitution or keeping out of the Constitution the things that are in this resolution.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. BROWN. With pleasure.

Mr. CARTER. Does the Senator not think that the people have a right to pass on that single question without having it complicated with some other question?

Mr. BROWN. The Senator from Montana is anticipating my remarks. I have a very strong conviction and notion that the two provisions combined in the resolution ought to be separated.

Mr. CARTER. I think the Senator is right.

Mr. BROWN. But I take that position, if it please the Senator from Montana, without regard to the merits of either proposition, my contention being that the people of this country have a right to vote on a single amendment at a time unencumbered by any influences or any considerations that may attach to it by reason of a sort of postscript or an additional amendment.

Now, Mr. President, I desire, if Senators will indulge me, to call their attention to one or two things that have been said in this debate so far. I read now from an address delivered by the learned and distinguished Senator from Massachusetts [Mr. LODGE] recently upon this question. The Senator from Massachusetts said:

> The movement against slavery, which culminated in Lincoln's emancipation proclamation, never really became formidable until it had been taken up by men who carried on their fight for human liberty under the Constitution and in accordance with the laws. It was then demonstrated that under the Constitution it was possible to deal with this vast problem which went to the very root of our social and economic structure, which in its development endangered our national life, and which finally passed away in the smoke of battle through the war powers of the Constitution.
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> The Constitution has shown itself capable of adaptation to the new demands, as it has adapted itself to those of the past, and I have hoped and believed that the new policies and the necessary reforms which the people desire could all be brought about, as they have hitherto been accomplished, under the Constitution. I see no reason as yet to suppose that this belief is not well founded.

Mr. President, these words are quoted from the address of the senior Senator from Massachusetts recently delivered in the

Senate. The distinguished Senator was presenting an argument against the proposal to amend the Constitution so that the people, instead of the legislatures, might elect by direct vote United States Senators. You will observe the proposition laid down is that a Constitution so wise and so strong as to carry the country safely through the crisis of the Civil War and abolish slavery needs no amendment, and therefore this proposal to amend it should be defeated.

I may be mistaken, but it seems to me the distinguished Senator was unhappy, to say the least, in the selection of a text upon which to build his argument and base his conclusions. I agree with him entirely that the old Constitution was wise and strong enough to hold the States together and prevent disunion. But the men who stood for the Constitution and the Union during that struggle all realized that good and strong as the Constitution was, still it could be and ought to be improved by amendment. Indeed, before the war was over, when Lincoln was President, on the 1st day of February, 1865, the Thirty-eighth Congress proposed the thirteenth amendment, abolishing slavery. It was ratified by the States. Who will say to-day that the old Constitution was not wisely improved by the adoption of this amendment? Afterwards, on the 16th day of June, 1866, the Thirty-ninth Congress proposed another amendment conferring citizenship on all persons born or naturalized in the United States and guaranteeing to every person equal protection of the laws. Does anyone here contend that the fourteenth amendment was a mistake and should be repealed? Afterwards, on the 27th day of February, 1869, the Fortieth Congress proposed the fifteenth amendment, to protect the right of suffrage to all citizens of the United States. Why were these amendments proposed, and why were they adopted by the people? History gives the reason. The war problems had brought the American people face to face with certain weak spots in the Constitution. They undertook to make the Constitution plain and strong at points where it was obscure and weak. It was no reflection on the wisdom and patriotism of the fathers of 1787 for the fathers of 1865 to bring the document of the early days up to the needs and requirements of later days.

The great men in the Philadelphia convention were wise beyond compare with those who at the time condemned their work, and it is no discredit to them, in the light of the experience they then had, if they gave us a Constitution silent on the great vital questions settled by these three war amendments.

In other words, Mr. President, it simply shows that the American people have been at all times on the watch for an opportunity to amend and improve the Constitution as the needs of the Nation might require. And nobody can read the history of this country without conceding that the American people have been in a struggle from the day the Government began to make a good government better. It has been a struggle for improvement all the while. Their struggle has not stopped with making a fight for better laws or with a fight to elect better officers; they have gone to the foundation of the Government and undertaken to make it better all the while. Indeed, it is a struggle now of the people, without complaint against the organic law of the Government, to make that law still better conserve the interests of all the people whose government this is. It were idle, from my point of view, for the *Senator from Massachusetts* to contend that our Constitution was so good that we ought to let it alone, when the history of our people has been an effort, and a successful one, to improve it all the time.

No, Mr. President, I can not allow those who oppose the pending amendment to rest on the proposition that the old Constitution must not be amended because its framers were so wise and so distinguished that their work was perfect—beyond improvement. Those pioneer architects in government building themselves did not so regard the Constitution, because in the instrument itself they provided certain and definite ways in which the people might amend and improve it. Indeed, the people of those days were quick to act under this provision of the Constitution allowing them to amend it. The very first Congress to convene under this Constitution proposed 12 amendments thereto, 10 of which were ratified and two were rejected. Within a few months after the adoption of the Constitution the people had amended it 10 times and improved it in 10 particulars. The Third Congress proposed the eleventh amendment, and the States adopted it as an additional improvement. The Eighth Congress proposed the twelfth amendment and it likewise was ratified. From the very day the original Constitution was wisely made up to the present hour the people who own this Government, which rests on this Constitution, have been at work making the foundation stronger and better.

It is idle and vain and a waste of time to undertake to stem this impulse of the American people to make a strong foundation stronger and a good government better. If this proposal to amend the Constitution will not improve that instrument it should be defeated, but its defeat should rest on that ground and not on the ground that no improvement is possible, for improvement is always possible. I undertake to say no law, however good and wise, has passed this or any other Congress that could not be made a better law. And when we accept the doctrine that perfection in Government affairs has been reached by us or by those before us there will be no need for any government at all.

Mr. President, the American people have stood the supreme test of self-government. They have demonstrated their capacity to bear the burdens and responsibilities of citizens. They have met and solved every new problem with unflinching courage and devotion. From the beginning no difficulty has been so great or grave as to deter or discourage them. What a history our people have, so full of hope and effort, faith and sacrifice. Not a year since 1787 but that tells the story of some progress along some line, some advance along another line, some improvement everywhere. Not a day when the face of the Nation has not been toward the front, with the people contending and disagreeing at times, but always struggling for things that are better and ideals that are higher. To-day, as ever, they are awake to the dangers that beset all Governments and all institutions made by man, and, as ever, they are on guard to protect and preserve their own Government and their own institutions. They are thoughtful and deliberate and conservative in the highest degree.

Mr. President, we have heard a great deal here in the discussion of this resolution about the necessity of a check to keep the people from excitement. I wish some one in this Chamber would tell me when the American people ever gave any evidence of becoming unduly excited. The reason many of these improvements have not come in legislation and in the Constitution before this is because it is difficult to get them excited. They are deliberate. The history of 130 years shows that they are in full self-possession and self-control all the time. There is not a State in the Union to which you can point where you can lay a law to the excitement or frenzy or passion of the people of that State.

We do not serve the people well or with the respect due them, in my judgment, if we deny them this opportunity to amend their Constitution, if they want it amended. They do not ask us to amend it.

All we are asked to do by the passing of this resolution is to allow them an opportunity to amend it or not, as they may determine. On what ground do we stand when we say this opportunity shall be denied? Are we wiser than they; are they less devoted to representative government than we; has it come to pass that 92 men temporarily clothed with the powers and prerogatives of United States Senators are justified in substituting their judgment for the judgment of 92,000,000 people on a proposition that has been discussed by them for nearly a century? And yet that is what we do when we defeat this resolution. I beg you to let the resolution pass; let them discuss it; let them decide it. The responsibility will be theirs; let them bear it. I have no fear for the result. If they adopt this amendment the States will continue to enjoy equal representation in the Senate; we will still have intact our republican form of Government. No function of the Senate will be abridged. Its honor and good name will be, as now, in our hands. The only change to occur will be that instead of the Senator owing his election to a few men in the legislature he will owe it to all the people of his State. What possible wrong can result from such a change which involves alone the accountability of a public officer to the public he is elected to serve?

Eighty-five years ago in the House of Representatives a joint resolution was introduced by a Member from the State of New York proposing to amend the Constitution as to the mode or method of electing Senators. This resolution, like the one now pending here, proposed to amend section 3 of Article I of the Constitution. It proposed to take from the legislatures of the several States the power to choose Senators and to confer that power on the people of the States. In 1835 a Member from Indiana introduced a similar resolution. In 1851 Andrew Johnson, afterwards President, was the author of a joint resolution introduced in the House of Representatives that year. Both resolutions received consideration and attention. Indeed, from 1826, the year of the first resolution, up to this date the question has been discussed and considered by the American people with continuous and unfailing interest. It can safely and accurately be said that no single public issue or question has commanded so much attention and debate during all that time as the popular

election of Senators. It has been the subject of discussion or resolution at some time in the legislative halls of every State in the Union; it has been the subject of discussion or resolution by political parties in State and national conventions for generations; it has been the text for orators on the platform and in the lecture field for half a century; its discussion has filled the columns of our great newspapers and the pages of our great magazines for years. It comes to us to-day, after almost a century of consideration, supported at this time by the best thought and the best conscience of the country.

The right of the people to elect by direct vote their Senators rests on the same principle on which the right to elect governors and other officers is based. If our national experience has demonstrated anything it is that our people are deliberate and conservative in all important matters. In all our history no example can be cited of undue or hasty or ill-considered action on the part of the Nation. The strong and steady course of the Republic during all these years was not due in any degree to the present method of choosing Senators. It was due to the strong and steady heads and hearts of a great people, intelligent and earnest far beyond the conception of those who distrust them. Who here questions his own capacity and desire to do well and faithfully the work of a citizen? Who here questions the capacity and desire of his fellow citizens at home to bear faithfully and well the burdens and responsibilities of citizenship? Then on what ground can we deny to them the right to choose by direct vote your colleagues or your own successors to this Chamber? If the capacity and desire of the people to perform their civic duties be admitted, no valid reason exists for delegating to a legislature the right to do for the people what they are able to do for themselves.

The distinguished Senator from New York [Mr. DEPEW] the other day, in most engaging manner and form, advised against this proposal to amend the Constitution. I apprehend if any sound argument could be made to sustain his position the learned and eloquent Senator from New York would have made it. If he failed to give any valid or persuasive reason, it was because no such reason can be given. His argument on that question, you will recall, rested mainly on one proposition. It was his contention that the Clays and the Calhouns and the Websters and other great Senators were products of the present system of electing Senators. The Senator from New York was mistaken. They were the products of the times in which they lived and of the civilization they advanced. Their service to the Nation was due and inevitable, without regard to the mode of their election. Would anyone say that Gladstone was the product of a monarchical form of government because his great brain and heart were at work in England? Would anyone say had he been an American citizen that the world would have lost the light of his character, his genius, his statesmanship, and his example? No one would suggest that, and yet it was seriously argued by the Senator from New York that we should not change our Constitution in regard to the election of Senators because the Constitution as it now stands gave us those illustrious Senators he so eloquently named. He forgot, for the time being at least, that these same Senators—nearly all of them, as I recall their named—had begun their public service in the House of Representatives, to which body they had been elected by the people in the first place. This shows that the people were the first to call them, and again sustains the contention that the people can be trusted to choose their own public servants. It is not necessary for them to sublet the contract. They are competent to perform that work themselves.

The Senator from New York was not satisfied with stating his opposition to the popular election of Senators. He went further, and declaimed at great length against the growing sentiment in this country toward popular government, and on this topic he was facetious as well as interesting. The Senator from Massachusetts did the same thing, but he was not facetious; he was severely sarcastic. The Senator from New York became severe, however, in his observations against the direct primary. Mr. President, the direct primary for elective officers is the first step in the establishment and the most necessary step in the preservation of real representative government. It is the first step, because it gives the people a direct voice in the selection of candidates. It is by long odds the most important step in a government whose policies are determinable by the electors at the polls, for it must be conceded that on the wisdom and care exercised by the electors in selecting candidates rests absolutely the opportunity to fill the offices on election day with men who represent the principles and reflect the opinions of the electorate.

If the rank and file of the different political parties in the country are denied the right to select by direct vote their candidates, the right of suffrage on election day becomes of very little value to them, because if the candidates are selected by somebody else than by the rank and file of the political parties the great body of the people on election day have no opportunity to express a choice between candidates of their own choosing. If it be conceded, as it must be, that the people not only have the right, but can be trusted to exercise it, to elect by direct vote public officers, it follows that the right to nominate candidates by direct vote for whom they may vote on election day can not justly be denied them.

Representative government to live must represent the people who live under it and support it. To deny them full and direct participation in any of the steps which affect and involve the public policies of that government is to deny them their rights as citizens. For example, the Presidents of the United States for generations have been nominated in the first place for that office by some political party. Those conventions are representative bodies that act for the members of the party in whose name they assemble. They are chosen to do a particular work—to make platforms and name candidates; as members of their national convention they act in a purely representative capacity. No one here will deny the right or authority of the convention which selects those delegates of instructing the delegates as to candidates. With this plan now in force and accepted throughout the country, what valid reason exists for refusing the electors an opportunity to select these representative delegates by direct vote and at the same time to instruct them as to candidates by direct vote? Before a President is elected he must have been chosen for the nomination by the representatives of his party in delegate convention. Why should not the party itself when it selects the delegates be permitted to instruct them, so that the delegates would know exactly how to discharge their trust and perform their duties in a representative capacity in accordance with the views of those whom they represent?

Not by way of prophecy, but as a matter of opinion, I venture to say the time is not more than six years distant when every delegate to every national convention will be chosen by the direct vote of those who send them, and they will be instructed to carry out the will of those for whom they are to act.

Again, it has been the frequent custom in States without primary election laws, as well as in States with them, to nominate candidates for the legislature, and in the nominating conventions pass resolutions instructing the nominee when elected to vote for some man for Senator. Indeed, the right to vote directly and the right to instruct the representatives and public officers are rights which have been exercised in some form or another in every State in the Union for more than 50 years. The movement now for the direct primary for all elective officers and for delegates representing political parties in national conventions is but the development and application of a principle which has been acknowledged and accepted and approved since the days of Lincoln.

Representative government involves the principle that the electorate has the right to be represented and not misrepresented, and on that principle is based the argument for direct legislation, for it must be assumed that if the representatives truly represent those who elect them there will be no need for the employment of the agency known as the initiative and referendum. It is only when the representatives misrepresent the electorate that the electorate will ever have occasion to initiate legislation or to veto legislation.

Mr. President, the American people can not be joked or smiled or by scholarly scoffers driven from their determination to have a direct voice in public affairs. Representative government is dear to them. They would preserve and perpetuate it. They would oppose as a public enemy any attempt to impair or imperil its institutions. They would save them all. How natural and logical, then, is their desire to become closer and more directly identified with their servants and representatives, whether in the National Congress or in State legislatures, and to have a more direct voice in the laws of the land that is theirs. The movement toward popular government will not destroy representative government; it will save it.

It is a matter of great personal regret to me that the committee was unable to report back unamended to the Senate the joint resolution referred to it. The resolution, as reported by the committee, as I tried to show the Senate the other day, contains two distinct and separate propositions. The first one provides for the popular election of Senators by amending section 3 of Article I of the Constitution. The second one repeals section 4 of Article I of the Constitution so far as it relates to Senators. I ask leave to insert here without reading a copy of the pending resolution and the sections referred to.

The PRESIDENT pro tempore. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

Joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualification requisite for electors of the most numerous branch of the State legislatures.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

* * * * * * *

The provisions of the Constitution proposed to be amended by this resolution read as follows:

"SEC. 3, ART. I. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislatures thereof, for six years; and each Senator shall have one vote.

"SEC. 4, ART. I. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators."

Mr. BROWN. Mr. President, I do not care to discuss the wisdom or policy of repealing section 4. The point I insist upon is that it has no place in the resolution providing for the popular election of Senators. The two propositions should be submitted to the Senate separately and referred to the States separately, so that each could stand on its own merits before us when we vote and before the States when they are called upon to ratify or reject whatever resolution we pass. If the election of Senators by direct vote is to be referred to the people, they should have the right to vote on that proposition by itself, alone and unencumbered by any other issue. If it be desired that section 4 be repealed and all supervisory power of Congress over the manner and time of holding senatorial elections be abrogated, that question should be submitted so that the people will have a right to vote on it by itself, alone and unencumbered by any other issue. It is not fair for us to send to the people a proposed amendment which embraces two distinct and separate proposals, because it denies to the people an opportunity to support the one they may favor without supporting at the same time the other which they may not favor; nor do they have the opportunity of rejecting the one they disfavor without at the same time rejecting the one they may favor. It is obvious, entirely aside from the merits of the two propositions, that they should, in all reason and fairness, be separated and referred separately to the States. The popular election of Senators has been advocated time and again by the Democratic Party in national conventions and by the Republican Party in a majority of the States in State conventions and legislatures. When did any party in any convention ever favor the second proposition contained in this joint resolution—the one to repeal section 4 so far as it relates to Senators? My judgment is that it is our duty at this time to propose an amendment for the direct election of Senators. This is the one question before the people now. No other amendment has been asked or demanded.

But if other amendments are to be submitted, why not submit one to change the term of Senators and put that in this resolution so that the people who want popular election of Senators would be compelled to vote for a term of service satisfactory to us, which we will name in this resolution? Many reasons have been given why the term of Senators should be lengthened and a few why it should be shortened. No man here, unless it be my handsome and gentle friend from California [Mr. FLINT] or my gentle and handsome friend from Washington [Mr. PILES] is satisfied that a six-year term is long enough.

It was, if I recall correctly, Alexander Hamilton, in the Constitutional Convention at Philadelphia, who suggested that United States Senators should be elected for life. A few years ago such a proposition seemed to me wholly unsound and unwise, but I confess here lately I take more kindly to it. His suggestion was rejected because that would make the term too long.

I think it was a Member from South Carolina in that convention who suggested that Senators should be elected to serve during good behavior. I will always hold this proposition to be wholly unwise. It might make the term too short.

But seriously, whatever be the merits of changing the term, no one here would suggest that the issue of popular election of Senators should be clouded or encumbered by proposing such a change in this resolution. So I say it is to be sincerely hoped that the committee and the friends of the two propositions now contained in the resolution will allow them to be separated so that neither may be dependent on the other and each may stand on its own merits before the Senate and before the States.

Mr. BOURNE. Mr. President, recent discussions by some of the opponents of the pending resolution providing for direct election of United States Senators have enriched literature, furnished well-rounded periods and beautiful diction, resurrected the Athenians and Romans and carried us back thousands of years, but have absolutely failed to prove that selfish interest rather than general welfare is the better motive power of government or that the individual legislator is wiser, more unselfish, better developed, or more competent to legislate or select public servants than is the composite citizen.

In view of the present inclination to drift in the shadows of many centuries ago, I crave the patience of the Senate to give a brief history of the evolution of popular government, and promise only to carry my hearers back to a period less than five centuries and bring them rapidly through the chronology of its evolution to the present date.

The art of printing was discovered in 1456 and gave to the day of general intellectual development its dawn. Cromwell (1599–1658) taught kings true sovereignty—the sovereignty of the people. John Locke (1632–1704), the son of a captain in Cromwell's army and a graduate of Oxford, among other things printed for the world his theory of popular sovereignty, which theory no doubt was cradled in the uprising of the English people under Cromwell. Hume (1711–1776) in England and Jean Jacques Rousseau (1712–1778) in Paris and Geneva, contemporaneously revamped, echoed, and reechoed Locke's theory of popular sovereignty, and Kant (1724–1804) in Germany gave it voice. Thomas Paine (1737–1809) in England and America and Thomas Jefferson (1743–1826) in America became the chanticleers of liberty and popular sovereignty on this continent. The chronology of popular sovereignty in modern times is thus traced through successive and contemporaneous writers from Locke to Jefferson, the teachings of each of whom for democracy it is impossible not to believe exerted an influence upon the final formation of our Government, while it is equally evident that the compatriots of Paine and Jefferson brought to bear their knowledge of the failure of ancient republics, and particularly that of Greece, as furnishing arguments against the universal franchise, the direct responsibility of and to an electorate, and in favor of some form of beneficent despotism.

It is generally conceded, however, by present-day political writers that of these named in the chronology, Jean Jacques Rousseau, in his "Social Contract," exercised the most profound influence of any of them upon the world's history. The one central idea in his political philosophy was popular sovereignty. Around that gyrated the logical deduction that where there is no equality there can be no liberty, and where there is no liberty there can be no general prosperity. His attempt to construct upon these postulates a working plan for a democratic government on a large scale does not signify the unsoundness of the fundamental truths that lie at the bottom of his thesis. In his day, and, indeed, until recent times, any attempt to establish a democratic form of government on a large scale was not feasible because of the lack of extensive and rapid intercommunication among the individual units of a numerous commonwealth occupying a large area and actuated by different and ofttimes conflicting interests.

Born a free citizen of Geneva, Rousseau picked up under adverse circumstances a knowledge of the ancient political writers, Plato, Aristotle, Socrates, and others, and was also no doubt familiar with the writings of Locke, whose theories of popular government, as modified by his own conceptions, he purveyed to his generation in France and Switzerland.

SOCIAL CONDITIONS IN AMERICA IN 1776.

The conditions in the American Colonies, by the unfoldment of human progress, in 1776 were barely propitious enough to warrant the fates in launching the first great Republic that gives promise of realizing the aspirations of true democracy. The field was fallow for revolution, having been plowed by the Puritans, the Quakers, and the Huguenots, but barely fertile enough for the planting of a republic, much less for that of

democracy, which could be only a Utopian dream until made feasible by the development of a high order of general intelligence and the creation of time and space annihilators for the individual units of society to effect rapid interchange of thought and action. These last-named conditions are now abundantly in evidence in this country and need but the awakening of general intelligence as the final auxiliary factor in the transmogrification of an irresponsible representative system into a system directly responsible to a completely enfranchised, intelligent, sovereign electorate.

The adverse and favorable conditions for the establishment of any sort of a popular government in the Colonies were about equally balanced at the close of the American Revolution. The lack of sufficiently rapid intercommunication and close and frequent contact of the individual units of each colony with those of other colonies was perhaps the most serious of the adverse conditions. Diversity of religious sectarianism was another, national prejudices a third, conflict of trade and commercial interests still another, and many others. The favorable conditions were a common language, a common source of fundamental principles of law, a certain sense of brotherhood, born of a companionship in arms, and, after a three years' trial of a loose confederacy, a final sense that in an effective union alone there was national safety and that, metaphorically, they must still band together or hang separately in a world of piratical nations.

So, under these conditions the Constitutional Convention of 1787 met for the purpose of "forming a more perfect union" of States to be given authority in a central federal government with powers defined and limited by a written constitution.

OPPOSING VIEWS IN CONSTITUTIONAL CONVENTION.

To this convention went adherents of two great Americans of approximately equal learning but whose temperaments were the antitheses of each other, whose observations were from exactly opposite viewpoints, whose estimates of human nature were at entire variance, whose views with regard to the construction of society and the relations of people to the Government were antagonistic. These men were Thomas Jefferson, of Virginia, and Alexander Hamilton, of New York, and the latter was himself a member of the convention. Jefferson was a disciple of Locke and Rousseau, and his adherents in the convention stood for the incorporation of the broadest possible democratic principles in the new Constitution, while Hamilton, essentially an aristocrat and monarchist, without faith, or any kind of confidence in the average intelligence, patriotism, or stability of mankind, stood for every possible device that went to exclude and remove from the people any direct contact with, or immediate or remote responsibility for the Government. It was confederationist arrayed against nationalist. It was the Jeffersonian idea to retain all the power possible in the sovereignty of the States and to leave the people in the respective States to their own devices in administering public affairs.

It was the Hamiltonian idea to leave with the States as little power as possible, and with the people none at all. These two strenuous schools had each its following, the Jeffersonians chiefly among the masses who had fought the war and read Thomas Paine's pamphlets, and the Hamiltonians largely among the conservative, property-owning, and commercial classes who had been Tories or who had straddled the fence during the progress of the Revolution. The less strenuous members of the convention gave us the compromise Constitution, in the final adoption of which the Hamiltonian idea predominated, and is best expressed in the declaration that the Constitution is an instrument of "admirable checks and balances," which placed it in the hands of the judicial branch of the Government to exercise an absolute veto upon every act of the other two coordinate branches; and, while in the theory only a power of negation, is, in fact and may be in practice, one of far-reaching legislative initiation and crystallization.

CONSTITUTIONAL METHOD OF ELECTING PRESIDENTS CHANGED BY USAGE.

It was provided in the Constitution—since amended by usage—that the Chief Executive should be elected by State electors appointed by the States in such manner as the legislatures thereof might determine, a provision calculated to remove Presidents as far from the people as possible, again filtering power through as many intermediates as could be devised between the people and the Government, the source of and the expression of power.

After dividing the legislative branch between two houses of Congress and the Executive, giving to the latter a qualified negation over the exercise of legislative power by the Congress, it was the purpose to further restrict the powers of the people and get the Government still further removed from direct responsibility to them, by first limiting the tenure of the popularly elected or lower branch of Congress to two years, and to check any undue or radical action on its part by subjecting such action to the approval, amendment, or rejection of an upper House, a body of Senators whose respective tenures of office were fixed for six years and who were to be elected by State legislatures, so as to take their acts and this branch of Congress out of the range of direct responsibility to the electorate. By the Constitution the Senators are declared United States officers, representing, in theory, the whole Republic, though elected to office by particular, individual States, two to each State. As a political creation, therefore, the United States Senate is unique in the whole history of government. The great powers that the Constitution confers upon the Senate, the method of its creation, the six-year tenure of the individual officer, and the never-dying character of the institution as a body, are all strictly Hamiltonian in their natures, and were conferred with the premeditated design of reducing and minimizing to the last degree the influence, immediate or remote, of the electorate over the lawmaking power of the Government, and in so far as possible to nullify and render as naught every vestige of popular sovereignty.

In providing for the creation of this branch of the National Legislature and fixing its status was found by the convention to be one of the chief difficulties in agreeing upon the charter of our Union, because it involved the autonomy and relative share of the States as such in the conduct of the Federal Government.

This was of little concern to Hamilton, however, so long as the powers conferred on the Senate were in inverse ratio to the Senate's responsibility to the people. Roger Sherman, a delegate from Connecticut, who proposed the plan finally adopted, and who seems to have been chief spokesman for the Hamilton contingent, on May 31, 1787, advocated the election of the lower House of Congress by the State legislatures, and is reported by Madison as opposing the election by the people, insisting that it ought to be by the State legislatures. "The people," he said, "immediately, should have as little to do as may be about the Government." And this was the actuating motive of the Nationalists when in the following July the convention finally, after long and serious debates, adopted the present Hamiltonian method of electing United States Senators.

CONSTITUTION AS FRAMED WAS AGAINST POPULAR SOVEREIGNTY.

When the Constitution was finished by the convention and signed, every grant of power it contained, every bar it put up between the people and the Government, every check and balance it imposed on the electorate and on the States was Hamiltonian, and, as far as possible, was constructive of an irresponsible machine. It was aggressive against State sovereignty, against popular sovereignty, and against the spirit of democracy among the electorate of the States. Jefferson and his school were, in truth, on the defensive, and the battle resulted in a victory for what exactly at that time was needed—and all that the conditions then warranted—a union of States under a centralized government. Conditions were not then ripe for Rousseauism, in the application of popular sovereignty, on a national scale. But witness the 15 amendments to the Constitution and observe this curious fact: Every single one of them, in its last analysis, is a recognition of the sovereign rights and powers of the people as against both the sovereignty of the State, as such, and that of the Federal Government. They are the people's bill of rights.

CONDITIONS HAVE CHANGED.

In the last 120 years conditions have greatly changed. Electricity and steam, the telegraph, telephone, railroad, and steamboat have established media of instantaneous intercommunication of ideas and rapid cooperation of action of the individual units of society.

Centralization of government, business, and the individual units of society is the inevitable result incident to the evolution of civilization. With this centralization comes increased power, and to insure the proper use of same it must be correlated with increased responsibility and accountability, which should go together.

RESPONSIBILITY AND ACCOUNTABILITY MUST GO TOGETHER.

To insure good service, responsibility and accountability must go together. Whatever an individual is responsible for he should to the same degree be accountable for. Under delegated government he is accountable to the political boss, who in most cases is but the agent of the largest campaign contributor, at best a shifting accountability, because of the relative fluctuations of contributions and contributors. Under popular government like the Oregon system the accountability is always to the composite citizen—individual unknown—always permanent, never changing, the necessitated result being that the public servant must serve the composite citizen who represents general wel-

fare or be recalled, where the recall exists, or fail of reelection where an efficient direct primary exists.

The greater the centralization of power the wider should be the distribution of accountability. Where the accountability is to the individual, the payment will be personal, meaning necessarily special privilege or serving a selfish interest. Where the accountability in government is to the composite citizen—that is to say, the electorate, or, in corporate business, to all the stockholders—the inevitable result is necessitated service for the general welfare of all, or the earliest possible elimination of the servant, whether public or corporate.

ACCOUNTABILITY SECURED THROUGH DIRECT PRIMARY.

I repeat that the securing of proper accountability of government and corporate officials is one of our greatest national problems. The solution is simple. In government, direct accountability of all public servants to party and general electorates. This can only be secured by the people selecting all their public servants through direct primaries and minimizing the misuse of money through comprehensive corrupt practices acts, with the ultimate absolute elimination of all political machines, conventions, and caucuses. In business, rigid responsibility of the commercial force to the police force of society. In corporation management, primary responsibility to government, equal obedience to laws, and equal accountability to stockholders, giving the Government and the stockholders the fullest publicity of its operations, including absolute honesty and simplicity of its accounts, thus protecting the rights of the people and insuring to all the stockholders proportional enjoyment in the fruits of successful management, resulting in far greater stability for values and an infinitely greater market for its securities.

"OREGON SYSTEM" BEST TO DATE.

Oregon has evolved and demonstrated the best-known solution of the governmental problem to date. It incorporates:

The Australian ballot, which assures the honesty of elections.

The registration law, which guards the integrity of the privilege of American citizenship—participation in government.

The direct primary, which absolutely insures popular selection of all candidates and establishes the responsibility of the public servant to the electorate and not to any political boss or special interest.

The initiative and referendum, which is the keystone of the arch of popular government, for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate because it encourages study of principles and policies of government and affords the originator of new ideas in government an opportunity to secure popular judgment upon his measures if 8 per cent of the voters of his State deem the same worthy of submission to popular vote. The referendum prevents misuse of power temporarily centralized in the legislature.

COMMUNITY ACTION NEVER AGAINST GENERAL WELFARE.

I unhesitatingly assert that under the initiative the people not only will not, but can not enact legislation against general welfare. Self-interest is the dominant force of humanity. Probably in a majority of cases self-interest descends into selfish interest. No two people ever have been or probably ever will be exactly alike, consequently because of the difference of the personal equation of the individual units of society and the resultant difference in the self or selfish interest dominating each individual unit where they act collectively, as they do under the initiative, an immense number of different forces are liberated, each struggling for supremacy and thus engendering friction, so that before any community action can be established this attrition must wear away the selfish interests, and general welfare, according to the majority view of the community, absolutely control the community action.

The initiative and recall must stand or fall together. If right in my assertion that the people under the initiative can not legislate against general welfare, neither will they by the same process of deduction ever recall a public servant who serves general welfare. If they are qualified to select their judges, they must be equally qualified to recall them. Judges, like all other public servants, are elected because of anticipated good service and would be recalled only for demonstrated bad service.

The corrupt practices act is necessary as a complement to the initiative and referendum and the direct primary, for without the corrupt practices act these other features of popular government could be abused. The publicity pamphlet provided for by the corrupt practices act affords all candidates for nomination or election equal means of presenting before the voter their views upon public questions and protects the honest candidate against the misuse of money in political campaigns. Under the operation of this law popular verdicts will be based upon ideas, not money; argument, not abuse; principles, not boss and machine dictation.

DIRECT NOMINATION OF PRESIDENTS DESTROYS POWER OF FEDERAL MACHINE.

The presidential preference bill destroys the power of the Federal machine—prevents a President renominating himself, except by demonstration of good service—absolutely destroys the possibility of any President naming his successor, and relieves Presidents of any obligations to political bosses, campaign contributors, national committeemen, or national delegates, thus transferring the obligation from any known individual to the composite citizen, where it belongs.

Under the machine and political boss system the confidence of sincere partisans is often betrayed by recreant leaders in political contests and by public servants who recognize the irresponsible source of power to which they are responsible. If the enforcement of the Oregon laws will right these wrongs, then they were conceived in wisdom and born in justice to the people, in justice to the public servant, and in justice to the partisan.

Plainly stated, the aim and purpose of these laws is to destroy the irresponsible machine and to put all elective offices in direct touch with the people as the real source of authority—in short, to give direct and full force to the ballot of every individual elector and to eliminate dominance of corporate and corrupt influences in the administration of public affairs. The Oregon laws mark the course that must be pursued before the wrongful use of corporate power can be dethroned, the people restored to power, and lasting reform secured. They insure absolute government by the people.

Electors who believe in the validity and importance of their sovereign citizenship, in their own intelligence, and in their own capacity to think and act for themselves politically, should study these Oregon laws, and in their respective States and communities should work for the adoption of similar laws, should question all candidates for legislative offices as to their attitude upon these measures, support only such candidates as pledge themselves to work diligently for the adoption of similar laws, and defeat candidates declining to make public declarations.

ELECTION OF SENATORS CONTROLLED BY CAMPAIGN CONTRIBUTORS.

It is generally believed that for decades members of legislatures not nominated under efficient direct primaries and corrupt-practices acts have owed their nomination and election to the political boss representing and supposedly protecting the interests of the largest corporation or individual campaign contributor. Thus is established such an actual or effective control as to make impossible the election of any candidate to the United States Senate who may be unsatisfactory to the largest campaign contributor.

No man can be elected United States Senator by an uninstructed legislature without knowing the individual members to whom he is primarily obligated for his election, and, what is still worse, in many instances, knowing the political boss, campaign contributor, or special interest dominating a sufficient number of legislative members to prevent his election unless by an agreement, express or implied, to favor and protect with national legislation the dominant interest.

Where a Senator is selected by the composite citizen, either of his party or the general electorate, obligation to any individual is destroyed and in place thereof substituted the obligation to the composite citizen, which can only be paid by rendering the best possible service for the general welfare. From every possible viewpoint, this substitution of necessitated service to general welfare instead of obligation to the indivdual members of the legislature is most desirable. It insures better service to the Nation and the State, greater independence of action, removal of temptation and possible scandal from the members of the legislative assembly, and directly benefits all personal liberty and property rights incident to good government.

The opponents of the direct election of Senators and other features of popular government have utterly failed to point out anything in American history that justifies even the suggestion that the people acting in the composite might act unwisely.

OREGON'S EXPERIENCE WITH DIRECT LEGISLATION.

Mr. President, I ask to have printed in the RECORD a leaflet showing the results of direct legislation in Oregon. It expresses the concensus of opinion of many of the leading citizens of that State, including the governor, attorney general, majority of the members of the supreme court, Senators, Congressman-elect, and others.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The matter referred to is as follows:

Results in Oregon of direct legislation.

INTRODUCTORY.

So many letters are received by public men in Oregon from citizens of other States, asking for opinions as to the operation of the initiative and referendum in this State, that the undersigned have prepared the following statement to circulate as a general reply. It is intended to be a brief statement of the opinion of the signers of the results accomplished, not as an argument for or against any of the results, and it is especially to be understood that the signers of this letter were by no means united in supporting all, or perhaps any, of the measures adopted or rejected by the people. The adoption of the system of direct legislation in Oregon was not in any sense a class or partisan movement, and the vocation of the signers is given after their names to indicate that the continued support of the system comes from all classes within the State.

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Hon. William M. Ladd, head of one of the oldest and greatest private banking houses on the Pacific coast, shortly after the recent election declared, "I would rather trust the people to vote on the 32, or any other number of important measures, than any legislature," and he was at one time a member of the Legislature of Oregon. That the voters of Oregon agree with Mr. Ladd is proven by nearly 36,000 majority given against the bill to call a constitutional convention, which was generally understood to be a scheme to make a new constitution either abolishing or greatly restricting the initiative and referendum.

EFFICIENCY THE TEST OF LAWMAKING SYSTEM.

The speedy, peaceful, and definite settlement of questions of public policy is the final test of the efficiency of any system of lawmaking. We suggest comparison of the results obtained in the past eight years under the Oregon system of direct legislation by the people, combined with representative lawmaking by the legislature, with the results for the same period in other States under an exclusively representative system of lawmaking by the legislature. Also, we have no doubt that the action of the Oregon Legislature during that period has been, at least, equal in quality to that of any other legislature of the United States.

TWENTY-SIX IMPORTANT QUESTIONS SETTLED.

The following 26 important questions of public policy appear to have been definitely settled by direct vote of the people of Oregon on 64 proposed laws and constitutional amendments in the last four general elections:

1. That they will not tolerate a return to anything like the convention method of making nominations, but will retain their direct-primary system until something better is offered.
2. That they will enforce election by the legislature of that candidate for United States Senator in Congress who receives the highest number of the people's votes.
3. Complete prohibition of railroad passes for all persons except employees of the railroads.
4. Abolition of the power of city councils to give away public franchises.
5. Abolition of the temptation and opportunity to buy or sell votes in the legislature.
6. That the people of every city or town shall have power to make and amend their city charters on all local matters at their own pleasure, absolutely free from special acts by the legislature.
7. That they will retain the initiative and referendum in lawmaking.
8. That they will have power to recall any elected public officer, from constable to governor, including judges of the courts.
9. That they approve the principle of election of members of the legislature by proportional representation, though they have not yet agreed on the method.
10. That they will provide liberally by taxes for support of higher education in the State University.
11. That they will maintain one efficient normal school. At the same election they voted to abolish two others created by the legislature some years ago.
12. That corporations having little or no tangible property should pay a gross income and license tax.
13. That the expenditures of any candidate for public office shall be limited to practically one-fourth of one year's salary of the office he seeks, and the State will provide the greater part of the expense for publicity of the merits of candidates and of political parties.
14. That edible fish, especially salmon, shall be conserved in the navigable rivers of the State.
15. That measures of chiefly local interest will be rejected if submitted to the voters of the whole State.
16. Abolition of the convention system of electing delegates to national conventions, establishing direct election of such delegates by the voters of the great parties, and permitting expression by the voters of their choice for their party candidates for President and Vice President.
17. That three-fourths of a jury shall be able to render a verdict in all civil cases, and court procedure shall be so simplified as to discourage appeals to the supreme court for delay and new trials because of technical errors, if substantial justice has been obtained in the lower court.
18. That they do not approve State-wide prohibition of the manufacture and sale of liquor.
19. That they have established and will maintain local option on the liquor question.
20. That they require a reasonable measure of employers' liability for workmen's accidents.
21. They have granted the people of each county power to exempt from all taxation any class or classes of property, subject to any general laws approved by the people of the State.
22. That no citizen shall be tried in a circuit court for crime unless accused by a grand jury.
23. That general elections shall be held in November, when most other States vote, instead of in June.
24. That the public credit shall not be used to aid, build, or operate private or Government railroads.
25. That counties may issue bonds to build permanent highways.
26. That private schemes for looting the public treasury can not be worked by the initiative method.

NUMBER OF MEASURES APPROVED AND REJECTED.

In obtaining these results at the four general elections since 1902 the people approved 25 measures proposed by initiative petition, 3 measures enacted by the legislature against which referendum petitions were filed, and three measures passed and submitted to the people by the legislature; at the same elections the people rejected 23 measures proposed by initiative petitions, three measures enacted by the legislature against which referendum petitions were filed, and seven measures passed and submitted to the people by the legislature. At the November election this year the people approved nine measures and rejected 23. In the past four elections they have approved two and rejected four measures dealing with local option and the liquor question, and have rejected woman suffrage three times, all proposed by initiative petition. No special State election has been held to vote on measures. Such an election can be ordered only by the legislative assembly.

NUMBER OF ORGANIZATIONS.

The 64 measures voted on have been supported or opposed by 71 different organizations of citizens. On some measures there was no organized effort for or against, and these were commonly rejected. No measure has been proposed attacking property rights, either of individuals or corporations.

OFFICIAL PAMPHLET OF MEASURES AND ARGUMENTS.

At the elections of 1908 and 1910 the secretary of state was required to print and mail to every registered voter a pamphlet giving the full text of every measure to be voted on, with arguments submitted and paid for by those supporting and opposing the several measures. There were 128 pages in the pamphlet of 1908 and 208 pages in that of 1910.

STATE COST OF INITIATIVE AND REFERENDUM SYSTEM.

The total cost to the State for postage, printing, binding, and distribution of the pamphlet of 32 measures and arguments to every registered voter in the State in 1910 was less than 20 cents for each registered voter. The total cost to the State for the initiative and referendum in the past four elections on 64 measures was $47,610.61.

COST TO CITIZENS' ORGANIZATIONS.

The cost to the 71 private organizations for conducting their educational campaigns for and against the measures, spent almost wholly for postage, printing, and preparation of measures, is estimated at $125,000

NUMBER AND PERCENTAGE OF ELECTORS VOTING ON MEASURES.

The smallest vote cast in the 8 years was 70,726, on a local measure in 1908, being 63 per cent of the highest vote cast for any officer. The largest vote was 106,215, on State-wide prohibition in 1910, being 90 per cent of the vote cast for governor, which was the highest number of votes cast.

INTELLIGENT VOTING.

The vote on measures has been generally intelligent, and the system is of great educational value. The official pamphlet of measures and arguments is carefully studied by a great many of the voters. The returns indicate that most of the electors do not vote on measures that they think they do not understand, though many in that case vote "No." Many of the undersigned, who have been members of the legislature, believe that the percentage of voters who carefully read every one of the 32 measures submitted at the recent election is fully as high as the percentage of members of the legislature who read every one of the 500 to 800 bills they are called up to vote for or against in the legislature. In what are called the slum districts and precincts the vote on measures is commonly a comparatively small percentage of the vote for officers. No measure containing a "joker" has yet been approved by the people.

EDUCATIONAL EFFECTS.

The people are giving more and more attention to the measures submitted. Both the teachers and pupils in the public schools are taking an ever-increasing interest in public questions, and in studying the science of government.

POLITICAL MACHINES AND BOSSES.

Control of the government by party bosses and political machines is completely abolished. The power of undesirable political party organizations and the influence of partisan feeling with the voters grows less with each succeeding campaign.

MATERIAL DEVELOPMENT OF THE STATE.

Population and wealth have flowed into Oregon during the past five years faster than ever before.

Careful observers agree that the material development of the State has been much greater during the past 5 years than in the preceding 20 years. The following is taken from issues of the Portland papers after this letter was written, but before it was printed:

"1910 SHOWS GREAT DEVELOPMENT IN PORTLAND.

"Portland's greatest development was reached in 1910, as indicated by the following:

"Bank clearings are $517,171,867.97 against $391,028,890.61 in 1909.
"Real estate transfers are $100,096,060 against $26,485,927 in 1909.
"Building permits are $20,604,957 against $13,481,380 in 1909.
"Post-office receipts are $924,597.61 against $778,853.73 in 1909.

"In railroad construction work and betterments the total expenditure of the various roads in the State reached $34,977,600, classified as follows:

"Harriman system, $14,977,600; proposed for 1911, $12,500,000.
"Hill system, $14,000,000; proposed for 1911, $14,000,000.
"Portland Railway, Light & Power Co., $5,000,000; proposed for 1911, $5,000,000.
"Mount Hood Railway & Power Co., $1,000,000; proposed for 1911, $1,000,000.
"Pacific Power & Light Co., $1,000,000; proposed for 1911, $1,500,000.
"Portland Gas & Coke Co., $350,000; proposed for 1911, $500,000."

Respectfully submitted.

L. R. Alderman, State Superintendent of Public Instruction (elect), Salem; Jonathan Bourne, Jr., United States Senator, Senate Chamber, Washington, D. C.; P. L. Campbell, President University of Oregon, Eugene; A. M. Crawford, Attorney General, Salem; Geo. E. Chamberlain, United States Senator, Senate Chamber, Washington, D. C.; C. H. Chapman, Ex-President University of Oregon, Portland; H. H. Corey, Chief Clerk and Acting Secretary of State in the absence of Mr. Benson, Salem; Will Daly, President Oregon State Federation of Labor, Portland; Henry Hahn, President Wadhams & Co., Wholesale Grocers, Portland; C. S. Jackson, Manager Journal Publishing Co., Portland; Thos. B. Kay, State Treasurer (elect), Salem; W. J. Kerr, President Oregon Agricultural College, Corvallis; Will R. King, Justice of the Supreme Court, Salem; A. W. Lafferty, Representative in Congress (elect), Portland; Thos. A. McBride, Justice of the Supreme Court, Salem; Henry E. McGinn, Judge of the Circuit Court (elect), Portland; E. S. J. McAllister, Attorney at Law, Portland; F. A. Moore, Justice of the Supreme

Court, Salem; W. P. Olds, President Olds, Wortman & King Department Store, Portland; Geo. M. Orton, Manager Multnomah Printing Co., Portland; B. Lee Paget, Secretary Portland Trust Co., Portland; H. J. Parkison, Managing Editor Portland Labor Press, Portland; Lute Pease, Editor Pacific Monthly, Portland; W. T. Slater, Justice of the Supreme Court, Salem; Ben Selling, Wholesale and Retail Clothing and Men's Furnishings (President State Senate), Portland; Dana Sleeth, Editor Daily News, Portland; C. E. Spence, Master Oregon State Grange, Carus; H. W. Stone, General Secretary Young Men's Christian Association, Portland; W. S. U'Ren, Attorney at Law, Oregon City; Oswald West, Governor (elect), Salem; C. E. S. Wood, Attorney at Law, Portland.

Mr. BORAH. If no one desires to speak at this time, I give notice that on Thursday when this matter comes before the Senate I will ask the Senate to remain in session until it is disposed of.

Mr. HEYBURN. I presume the Senator from Idaho intends to say that he will ask the Senate to remain in session until some other order of business having a right of way shall have been reached.

Mr. BORAH. I am always under great obligation to my colleague, but in this instance "the Senator from Idaho" meant precisely what he said.

I stated that when the matter came up in the regular order at 2 o'clock on Thursday I would ask the Senate to remain in session until it was disposed of. Of course it is in the hands of the Senate to determine whether or not it will do so. My object and purpose were to give notice to those who desire to be here, that they might know what was the purpose of those in charge of the measure.

Mr. President, in order to avoid that, if I can, I am going to ask at this time unanimous consent that upon Friday this matter be taken up, and the amendments and the original joint resolution be debated and disposed of, or any amendment that may be offered, before adjournment upon that day. I ask unanimous consent to that effect.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that on Friday next the pending joint resolution may be taken up, and that its consideration proceed, and that a final vote be taken on the amendments and any amendments that then may be offered and the measure itself before adjournment. Is there objection?

Mr. HEYBURN. I object.

Mr. BORAH. Mr. President, I renew the statement which I made with reference to taking up the matter on Thursday and asking the Senate to remain in session until it is disposed of.

Mr. KEAN. The Senator from Indiana is going to speak on Thursday.

Mr. BORAH. The Senator from Indiana and the Senator from Idaho have an understanding.

Mr. President, I now ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and the order is made.

ESTABLISHMENT OF CHILDREN'S BUREAU.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with calendar No. 1045.

Mr. FLINT. Before the calendar is taken up I ask the Senator from Utah to permit me to call up the bill (S. 423) to establish in the Department of the Interior a bureau to be known as the children's bureau. It has been on the calendar for some time, and I think there is no objection to it. There is a great demand for its passage.

Mr. SMOOT. That bill is under Rule IX.

Mr. FLINT. It is under Rule IX, but I think there will be no objection to its passage. I should like to have it considered.

Mr. SMOOT. I will not object if it leads to no debate. If it leads to debate, I shall ask that the calendar under Rule VIII be proceeded with.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent for the present consideration of Senate bill 423, which will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT pro tempore. The bill has been reported from the Committee on Education and Labor with amendments.

Mr. KEAN. Let me ask the Senator from California a question. I understand the bureau is merely to investigate and find facts.

Mr. FLINT. Yes, sir.

Mr. CULBERSON. Let the report be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. FLINT, March 18, 1910, as follows:

The Committee on Education and Labor, to whom was referred the bill (S. 423) to establish in the Department of the Interior a bureau to be known as the "Children's bureau," having duly considered the same, report it back with certain amendments, and recommend that as amended the bill do pass.

This bill is for the purpose of establishing a bureau in the Department of Commerce and Labor (as amended), under the direction of a chief, to be appointed by the President, with the advice and consent of the Senate, the said bureau to investigate and report upon all matters pertaining to the welfare of children and child life. It is especially charged with investigating the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, and to report upon legislation affecting children in the several States and Territories, and such other facts as have a bearing upon the health and character of children.

The bill has been indorsed by several national organizations concerned in the welfare of children, such as the National Child Labor Committee, the National Federation of Woman's Clubs, and was recently unanimously indorsed by the conference of dependent children which assembled in this city a few weeks ago, with a membership of some 200 persons prominent for their interest in the welfare of children. The work of the bureau, of course, is to be simply that of inquiry and report. After a thorough investigation of its relation to other bureaus and departments of the Government, it has been found that the proposed bureau will in no sense duplicate work that is now being done, though it would be greatly aided by cooperation with such bureaus as the Census Bureau, the Bureau of Education, and the Bureau of Labor. As to the specific question whether the Census Bureau could do the work contemplated by the proposed children's bureau, Director North, of the Census Bureau, at a hearing on this bill, said:

"The Census Office is a purely statistical office. Its function is to collect the cold-blooded facts and analyze and interpret them, and leave to the public at large the duty of drawing the ethical or moral or industrial conclusions which those facts convey. I feel very strongly that if any legislation is enacted which in any way modifies the function of the Census Office in that regard it will be highly detrimental to the work of the office. Such statistics as the bureau finds it necessary to collect the Census Office would collect for it. We do now collect statistics for a number of the bureaus of the Government, and collect them in the way that they want them collected. That is the general position of the Census Office on that proposition, and I believe it is a position which is scientifically correct; that it is a position which it is necessary for the office to maintain if it is not to lose its standing as a purely statistical bureau. We do not want to divert our energies into studies of physical degeneracy, of orphanage, of juvenile delinquency and juvenile courts, and all that class of questions, which are not statistical questions."

Commissioner Neill, of the Bureau of Labor, stated on the same proposition:

"I do not feel at all, Mr. Chairman, that any of this work is a duplication of the work we are doing, and it would be handled in a different way. There are only two or three things that we would touch at all, and then we would handle them in a way entirely different. I do not believe you could get the same quality of ability to do this work under the Bureau of Labor as you could if it was under an independent bureau. I think that is a point that should be considered in the concentration of Government work; that is something that should be kept in view. The concentration, in my judgment, is certain to lead to a less high-grade quality of work.

"Question. You believe, then, the most practical thing and the most advisable thing is to establish a bureau?

"Mr. NEILL. Unquestionably. * * * I do not believe, if the Government is going to spend money at all in this particular line, that it will be economical or that we shall get the best results if it attempts to simply make use to a limited extent of existing organizations, no one of which, so far as I know, is equipped or could equip itself, without somewhat departing from its proper line of work, to study these things as thoroughly and as fundamentally as they ought to be studied."

Commissioner Brown, of the Bureau of Education, upon the same question, said:

"From the point of those of us who are engaged in educational work these purposes are of the utmost importance, and it seems to us that if we are to make proper provision for the future industrial efficiency of this country, or its efficiency along all social lines, it will be necessary that such investigations as those that are contemplated in this bill should be undertaken with the utmost care. There is, then, on the part of those who are connected with the Bureau of Education and those with whom the Bureau of Education has most to do a very strong sense of the importance of this measure. It certainly looks to the conservation of the character of our people in ways in which I am convinced we shall have to look to it with the utmost care within these coming years.

"Referring now more particularly to this bill, I should say that for such work as the Bureau of Education has to do it is important that such work as is here defined should be done somewhere. We can not deal properly with the large questions of the education of children without a more detailed and accurate knowledge than we now possess as to the actual conditions surrounding the child life of the country, such conditions as are referred to in this bill.

"I think the best way to accomplish this end is by the passage of such a bill as this and the establishment of a separate bureau."

With this testimony the question of any possible duplication of work now being done is answered. The only remaining question is as to the importance of the work contemplated by this proposed bureau of children. We have had before the committee a number of distinterested advocates of the bill. They have all represented to us that it is absolutely impossible, under existing agencies, to secure reliable information upon subjects relating to children, and especially to the unfortunate children of the country. The action of the several States in providing for these children could be guided without waste of energy and money, and the efforts of the various philanthropic agencies of the country, which are spending millions for the welfare of the children, could be guided so as to avoid useless expenditures of money, and to profit by the experience of others who are working along the same line of endeavor.

The illustration of the benefit of this work comes to us most aptly from the splendid result achieved for the people at large by the Agricultural Department and the various bureaus operated by that

department, such as the Bureau of Animal Industry, the Bureau of Plant Industry, the Bureau of Chemistry, the Bureau of Soils, the Bureau of Entomology, and the like. The information secured by capable experts on all these topics and freely published to the people have been the cause of the saving of millions of money and much useless effort, and have been the means of building up vast industries to the growth of our national wealth.

The committee believes that such facts as may be scientifically ascertained and may be published in popular form concerning the child life of the Nation will be of inestimable advantage. Of course no legislation is contemplated beyond what may be suggested by the work of this bureau within the jurisdiction of the Federal Government. But the separate States and communities which have to deal with the problems of dependency, delinquency, infant mortality, occupational diseases, and the employment of children will be able to learn from the work of this bureau what can not now be learned anywhere else in any scientific or authoritative form.

There does not now exist in any of the States such a bureau as the one contemplated, although some of the facts desired are collected by a few of the States, either through bureaus of education, or of labor, or of health. There are other States without even such agencies for publishing information. Some States are without vital statistics of any kind, and these States would be stimulated to investigations of their own by the aid of the proposed bureau of children.

We believe it would be entirely within the province of the National Government to secure scientific and reliable information along these lines concerning the general welfare of the children of the Nation.

Other nations have already advanced beyond our own in researches of this kind. Germany, for example, has a very complete and thorough system of research and publicity concerning all the facts relating to child life. The British Parliament has just passed what is known as the "Children's act," properly styled the "Children's charter," with the double function of investigation and administration. The different sections of this act relate to infant life protection, prevention of cruelty to children, reformatory and industrial schools, juvenile offenders, and the health, safety, and welfare of the children in general. Of course the distinction between our form of government and that of the British Empire is clearly recognized by the committee, and the only function of the Federal Government with which we are here concerned is that of the investigation and report of facts relating to child life.

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The first amendment was, in section 1, page 1, line 3, after the word "of," to strike out "the Interior" and insert "Commerce and Labor," so as to make the section read:

That there shall be established in the Department of Commerce and Labor a bureau to be known as the children's bureau.

The amendment was agreed to.

The next amendment was, in section 2, page 1, line 9, before the word "thousand," to strike out "five" and insert "four;" on page 2, line 4, after the word "desertion," to strike out "and illegitimacy;" in line 5, after the word "children," to strike out "of the working classes;" and in line 9, after the word "bureau," to strike out "shall" and insert "may," so as to make the section read:

SEC. 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of $4,000. The said bureau shall investigate and report upon all matters pertaining to the welfare of children and child life, and shall especially investigate the questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency and juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories, and such other facts as have bearing upon the health, efficiency, character, and training of children. The chief of said bureau may from time to time publish the results of these investigations.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 13, after the word "of," to strike out "the Interior" and insert "Commerce and Labor"; in line 14, after the word "of," to strike out "three thousand" and insert "two thousand four hundred"; in line 17, after the word "dollars," to strike out "a chief clerk, who shall receive an annual compensation of $2,000"; in line 19, after the word "dollars," to strike out "four" and insert "two"; in line 20, before the word "clerks," to strike out "four" and insert "two"; in the same line, after the word "three," to strike out "two clerks" and insert "one clerk"; in line 21, after the word "two," to strike out "six clerks" and insert "one clerk"; in line 22, before the word "at," to strike out "five clerks" and insert "one clerk"; in the same line, after the word "dollars," to strike out "each; two copyists"; in line 23, before the word "at," to insert "one copyist"; in the same line, after the word "dollars," to strike out "each; one messenger, at $720; two"; in line 24, before the word "special," to insert "one"; in the same line, after the word "special," to strike out "agents" and insert "agent"; in line 25, after the word "dollars," to strike out "each"; in the same line, after the word "and," to strike out "two" and insert "one"; on page 3, line 1, after the word "special," to strike out "agents" and insert "agent"; and in the same line, after the word "dollars," to strike out "each," so as to make the section read:

SEC. 3. That there shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Commerce and Labor, who shall receive an annual compensation of $2,400; 1 private secretary to the chief of the bureau, who shall receive an annual compensation of $1,500; 1 statistical expert, at $2,000; 2 clerks of class 4; 2 clerks of class 3; 1 clerk of class 2; 1 clerk of class 1; 1 clerk, at $1,000; 1 copyist, at $900; 1 special agent, at $1,400; and 1 special agent, at $1,200.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 3, after the word "of," to strike out "the Interior" and insert "Commerce and Labor," so as to make the section read:

SEC. 4. That the Secretary of Commerce and Labor is hereby directed to furnish sufficient quarters for the work of this bureau at an annual rental not to exceed $2,000.

The amendment was agreed to.

Mr. HEYBURN. In section 2, on page 2, line 3, after the word "rate," I move to strike out the words "physical degeneracy."

Mr. FLINT. I have no objection to that amendment.

Mr. HEYBURN. I further move to strike out, in the same line, the words "juvenile delinquency." I think that will be agreed to by the chairman of the committee, if the chairman may agree to it.

Mr. FLINT. It is agreed to by me.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 2, line 3, before the word "orphanage," strike out the words "physical degeneracy" and the comma, and, in line 3, after the word "orphanage," strike out the words "juvenile delinquency."

The amendments were agreed to.

Mr. HEYBURN. In pursuance of that sentiment, in the same section, line 8, page 2, I move to strike out the words "efficiency, character." They go to the same class of delinquency.

Mr. FLINT. Let that amendment be agreed to.

The SECRETARY. On page 2, line 8, after the word "health," strike out the words "efficiency, character."

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau."

THE CALENDAR.

Mr. KEAN. Now, let the calendar be proceeded with.

Mr. SMOOT. I renew my request.

The PRESIDENT pro tempore. The Senator from Utah asks that the Senate proceed to the consideration of the calendar under Rule VIII, commencing at Order of Business No. 1045. Is there objection? The Chair hears none, and Order of Business No. 1045 will be proceeded with.

The SECRETARY. Order of Business No. 1045, a bill (H. R. 31353) for the relief of F. W. Mueller.

The PRESIDENT pro tempore. The bill will be read.

Mr. BORAH. Under what order are we proceeding?

The PRESIDENT pro tempore. Under Rule VIII.

Mr. BORAH. Beginning with what number?

The PRESIDENT pro tempore. Beginning with No. 1045.

Mr. BORAH. Did we pass over the other numbers?

Mr. SMOOT. I suggested that we begin at No. 1045, because, in the consideration of the calendar on Saturday, we had reached that number. Therefore I thought it was proper to commence there.

Mr. BORAH. I do not desire to interfere with the orderly procedure which has been mapped out, but there are some measures prior to that which some of us are very anxious to have passed, and I feel that we ought to have the regular order and commence at the beginning.

Mr. SMOOT. Whenever we have called the calendar in the regular order we have started with it at the beginning. The bills that are toward the end of the calendar, under Rule VIII, have never yet been considered, and up to No. 1045 they were all considered on Saturday. It is only a continuation of the consideration of the calendar under Rule VIII.

Mr. BORAH. They were not all considered on Saturday; some were passed over.

Mr. SMOOT. They were either considered or objected to, and no doubt those that were objected to then would be objected to to-day. I hope the Senator from Idaho will not interfere now with the completion of the consideration of the calendar under Rule VIII. If there is any time left we can go back and commence at the beginning again.

Mr. WARREN. In the meantime, Mr. President, I should like to submit the report of a conference committee, if in order.

The PRESIDENT pro tempore. The report will be received.

SUFFERERS FROM FAMINE IN CHINA.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32473) for the relief of the sufferers from famine in China, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

F. E. WARREN,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.
J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

F. W. MUELLER.

The PRESIDENT pro tempore. The calendar will be proceeded with at the point reached when last under consideration, if there be no objection.

The bill (H. R. 31353) for the relief of F. W. Mueller was considered as in Committee of the Whole. It authorizes the Commissioner of the General Land Office to reconvey, by proper deed of conveyance, all title which F. W. Mueller had vested in the United States Government to the following-described lands: The north half of the northeast quarter of section 8, the southeast quarter of the southeast quarter of section 5, and the southwest quarter of the southwest quarter of section 4, township 8 north, range 24 west, San Bernardino meridian, in California, containing 160 acres. But he shall make satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title, together with deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

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

EDISON ELECTRIC CO.

The bill (S. 5583) to amend an act entitled "An act granting the Edison Electric Co. a permit to occupy certain lands for electric-power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California," by extending the time to complete and put in operation the power plants specified in subdivisions (g), (h), and (i) of section 1 of said act, was considered as in Committee of the Whole. It proposes to extend the act of Congress approved May 1, 1906, for a period of five years from the 1st day of May, 1910.

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

RIGHTS OF WAY FOR SAN FRANCISCO.

The bill (S. 9819) granting to the city and county of San Francisco, Cal., rights of way in and through certain public lands of the United States in California was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in section 3, page 3, line 18, after the word "been," to strike out "perfected" and insert "filed or made," so as to make the section read:

SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made by any person or corporation until the city and country of San Francisco shall have filed correct and proper relinquishments of all such entries and claims or acquired title from such person or corporation by due process of law and caused evidence of such fact to be filed with the Secretary of the Interior.

The amendment was agreed to.

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

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

LAKE CHAMPLAIN MEMORIAL.

The bill (H. R. 31600) to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain was considered as in Committee of the Whole.

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

NEW RIVER DAM, VIRGINIA.

The bill (H. R. 31931) authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River was considered as in Committee of the Whole.

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

INDIAN ALLOTMENTS.

The bill (S. 10530) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, was announced as next in order.

Mr. JONES. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

BUREAU OF LIGHTHOUSES.

The bill (S. 9892) providing for the disposition of moneys recovered on account of injury or damage to lighthouse property was considered as in Committee of the Whole. It provides that hereafter all moneys recovered on account of injury or damage to lighthouse property shall be covered into the Treasury to the credit of the proper appropriations for repair and maintenance of works under the control of the Bureau of Lighthouses for the fiscal year in which said deposits are made.

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

ROCK RIVER DAM, ILLINOIS.

The bill (H. R. 31926) permitting the building of a dam across Rock River near Byron, Ill., was considered as in Committee of the Whole.

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

TITLE TO NEW MADRID LOCATION, MISSOURI.

The bill (H. R. 27069) to relinquish the title of the United States in New Madrid location and survey No. 2880 was considered as in Committee of the Whole.

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

THOMAS MARCUS MOLLOY AND JOSEPH HENRY CROZIER.

The bill (S. 10224) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was considered as in Committee of the Whole. It proposes to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, by placing their names in the order in which they are set forth herein on the official register of the service next after the name of First Lieut. William Henry Munter; but nothing in this act shall be construed to increase the number of officers allowed by law in the Revenue-Cutter Service, nor shall the officers whose rank is restored in part by this act be entitled to any back pay or emoluments on account thereof.

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

CHEQUAMEGON POINT, WIS., RIGHT OF WAY.

The bill (H. R. 31166) to authorize the Secretary of Commerce and Labor to exchange a certain right of way, was considered as in Committee of the Whole. It authorizes the exchange of a certain right of way, now vested in the United States, extending from the keeper's dwelling to the United States light station at Chequamegon Point, Wis., for a similar right of way on a more direct line between the same points, and to execute the necessary conveyance therefor; such exchange to be effected without expense to the United States.

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

SAVANNAH RIVER DAM.

The bill (H. R. 31925) authorizing the building of a dam across the Savannah River at Cherokee Shoals was considered as in Committee of the Whole.

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

NORTH POINT LIGHT STATION, WIS.

The bill (S. 9891) relating to the expenditure of an appropriation for the raising of the North Point Light Station, Wis., was considered as in Committee of the Whole. It provides that $10,000, appropriated by the sundry civil appropriation act approved March 4, 1909, for raising North Point Light Station, Wis., shall be made available for removing the light station to a site 3,000 feet northeast of its present location, the new site

to be secured for the United States from the city of Milwaukee, Wis., by an exchange of a portion of the present lighthouse site.

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

PURCHASE OF LANDS FOR LIGHTHOUSE PURPOSES.

The bill (H. R. 31066) to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes was considered as in Committee of the Whole. It authorizes the Secretary of Commerce and Labor to purchase, for lighthouse purposes, certain lands adjoining the present site of the Big Bay Point Light Station, Mich., and containing 28 acres, more or less; and to expend therefor, from the appropriation heretofore made by Congress, for "Repairs and incidental expenses of lighthouses, 1911," not to exceed $1,425, and to take and record the necessary and proper title papers for said lands.

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

MARY WIND FRENCH.

The bill (H. R. 21965) for the relief of Mary Wind French was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue patent to Mary French (née Wind) for the E. ½ SW. ¼ SE. ¼ sec. 13 and the N. ½ NW. ¼ NE. ¼ sec. 25, T. 27 N., R. 24 E., of the Indian meridian, containing 40 acres, and she is empowered and authorized to sell, convey, and alienate the land without restriction.

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

POST OFFICE APPROPRIATION BILL.

The bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, was announced as next in order.

Mr. PENROSE. Owing to the lateness of the hour, I ask that that bill go over; but I hope at a very early date to call it up for the consideration of the Senate.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill goes over.

CERTIFIED CHECKS FOR DUTIES ON IMPORTS, ETC.

The bill (H. R. 30570) to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes, was announced as next in order.

Mr. HEYBURN. I ask that that bill go over, Mr. President.

Mr. SMOOT. The bill is a very important one, and I hope the Senator from Idaho will withdraw his objection to it. I should like very much to have the bill considered this afternoon, and I think it will not take long to do so.

Mr. HEYBURN. Mr. President, I have left some data, to which I had intended to refer in discussing this bill, at my committee room, not expecting that it would be reached to-day. I think the bill had better go over.

Mr. LODGE. What is the nature of the bill?

Mr. SMOOT. It is a bill reported from the Committee on Finance authorizing the receipt of certified checks drawn on national banks for duties on imports and internal taxes. The objection which the Senator from Idaho made the other day, of course, does not apply to the bill, because of the fact that to-day internal revenue is payable in any kind of money, as are also customs dues, which are paid in all kinds of money except national bank notes.

Mr. HEYBURN. That is because of an act which was passed within the last few years.

Mr. SMOOT. The act is——

Mr. HEYBURN. I think I owe it to the Senator to make a statement briefly as to why I asked that the bill go over. It is as far-reaching as any measure which has been brought into the Senate in connection with the finances of the United States—as is the finance bill itself.

Mr. SMOOT. No.

Mr. HEYBURN. Yes. It proposes a complete change. Now, the Senator smiles. That manner of receiving my objection is not calculated to facilitate the passage of this bill. My objection is a valid one, and it is based upon an intelligent consideration of this matter. I object to the consideration of the bill.

Mr. SMOOT. I do not wish to say anything in answer to what the Senator from Idaho has just stated. I did not smile at his objection to the consideration of the bill or his interpretation of the bill, nor do I wish the Senator to look at it in that way.

Mr. HEYBURN. Mr. President, the Senator made the statement that what remarks I had made in this matter had no application whatever to the measure. That is rather a complimentary remark, I suppose, in the estimation of the Senator. There is an air of proprietorship and dictatorship and leadership about the Senator in regard to these matters that I do not understand. If we are to start out upon another era here when men connected with the Finance Committee are to be considered the leaders of men who are not connected with it, I want to discover it at the earliest possible day.

Mr. SMOOT. Mr. President, there is no such intention, and nothing has been said that the Senator from Idaho could even construe as an intention of that sort. The bill has been considered——

Mr. HEYBURN. I have objected to the consideration of the bill, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. SMOOT. Mr. President, if it were not for the fact that there are other bills on the calendar that ought to be considered to-night, I should simply move that the Senate take up the bill, notwithstanding the objection, but I will not do so.

Mr. HEYBURN. Mr. President, the Senate would vote the motion down.

Mr. SMOOT. I would rather say what the Senate would do after its action, but I will not press the matter.

The PRESIDING OFFICER. The bill goes over. The Secretary will state the next bill on the calendar.

COMPENSATION OF STOREKEEPERS, GAUGERS, ETC.

The bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Finance with an amendment, at the top of page 2, to strike out:

And thereafter storekeepers, gaugers, and storekeeper-gaugers who are assigned to distilleries whose registered capacity is 20 bushels or less shall receive not to exceed $3 per day for their services.

And in lieu thereof to insert:

Hereafter storekeepers, gaugers, and storekeeper-gaugers who are assigned to distilleries with a registered capacity of 20 bushels or less, or who are assigned to other places where the compensation is less than $3 a day, shall receive $3 a day for services.

So as to make the bill read:

Be it enacted, etc., That the provisions of the legislative, executive, and judicial appropriations act for the fiscal year ending June 30, 1886 (23 Stat., p. 404), approved March 3, 1885, which limits to $2 per day the compensation of storekeepers, gaugers, and storekeeper-gaugers assigned to distilleries whose registered capacity is 20 bushels or less, be, and the same is hereby, amended so as to read as follows:

"Hereafter storekeepers, gaugers, and storekeeper-gaugers who are assigned to distilleries with a registered capacity of 20 bushels or less, or who are assigned to other places where the compensation is less than $3 a day, shall receive $3 a day for services."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RELATIVES OF WILLIAM MITCHELL, DECEASED.

The bill (H. R. 8699) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, or benefits upon the relatives of deceased soldiers William Mitchell shall hereafter be held and considered to have been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War, from the 25th day of August, 1863, up to his death, which occurred the 18th day of September, 1863: *Provided*, That no pay, bounty, or other emoluments shall become due or be payable by virtue of this act.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the relief of the relatives of William Mitchell, deceased."

CONVEYANCE OF TITLE TO CERTAIN LOTS IN THE DISTRICT OF COLUMBIA.

The bill (S. 9822) directing the Secretary of War to convey the outstanding legal title of the United States to sub-

lots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was considered as in Committee of the Whole. It directs the Secretary of War to grant to the present occupants of sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, quitclaim deeds of the legal title of the United States to those subdivisions, it having appeared that the United States has no interest therein or claim thereto other than a record title resulting from a failure to comply with the requirements of the act of the Maryland Legislature of December 19, 1791, relative to the recording of deeds in the original city of Washington; but the occupants of the lots shall establish to the satisfaction of the Secretary of War their titles, respectively, to the premises, saving only the outstanding legal title of the United States.

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

INCREASE OF CIVIL AND MEXICAN WAR PENSIONS.

The bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, was announced as next in order.

Mr. LODGE. Is that, Mr. President, what is known as the Sulloway bill, carrying $55,000,000?

The PRESIDING OFFICER. The Chair so understands.

Mr. LODGE. I ask that it go over.

Mr. SCOTT. I move that the bill be taken up.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Senate proceed to the consideration of the bill.

Mr. OVERMAN. Mr. President, I make the point that there is no quorum present.

Mr. BORAH. Mr. President, does the Senator from West Virginia understand that the effect of the motion would be to displace the unfinished business now before the Senate?

Mr. SCOTT. No; I do not want to displace it at all. I do not intend to do that.

Mr. BAILEY. A parliamentary inquiry, Mr. President. I simply want the question which the Senator from Idaho [Mr. BORAH] propounded to the Senator from West Virginia to appear in the RECORD, for I was afraid the Reporter did not catch it. That parliamentary inquiry is whether the motion of the Senator from West Virginia [Mr. SCOTT] would not, if adopted, displace the present regular order, which is the joint resolution providing a constitutional amendment in regard to the election of Senators.

The PRESIDING OFFICER. The present occupant of the chair understands that by unanimous consent the unfinished business was temporarily laid aside for the day, and the motion would not, therefore, displace the unfinished business.

Mr. LODGE. There was no addition of the words "for the day." The usual motion was made that the unfinished business be laid aside temporarily. I should like to discuss that point of order, for, in my judgment, the moment the motion is agreed to it displaces the unfinished business.

Mr. SCOTT. Mr. President, that question was discussed only a day to two ago, and it was decided that such a motion, under similar circumstances, did not displace the unfinished business. I understand the objection of the Senator from Massachusetts [Mr. LODGE] is for the purpose of trying to keep this bill from being taken up. Mr. President, hundreds and thousands of these old soldiers are dying every year; one of them is dying while we are standing here on our feet; and yet there are Senators here trying to oppose taking up this measure and stating that it adds over $50,000,000 to the pension roll. It calls for nothing of the kind. The amount of increase under the bill has been cut down to $30,000,000, and probably less, as the Senator from Massachusetts will see if he reads the report on the bill.

Mr. LODGE. The department estimates it at over $55,000,000.

Mr. SCOTT. I insist upon my motion, Mr. President.

Mr. OVERMAN. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his question of order.

Mr. OVERMAN. The Senator from North Carolina suggested the want of a quorum.

The PRESIDING OFFICER. The Chair did not hear the Senator. The Secretary will call the roll.

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

Bacon	Brown	Cullom	Guggenheim
Bailey	Burnham	Cummins	Heyburn
Bankhead	Burton	Curtis	Johnston
Borah	Carter	Fletcher	Jones
Bourne	Chamberlain	Flint	Kean
Bradley	Clark, Wyo.	Foster	Lodge
Brandegee	Crane	Gamble	Martin
Bristow	Crawford	Gronna	Nelson
Oliver	Perkins	Smith, S. C.	Warren
Overman	Rayner	Smoot	Watson
Page	Richardson	Sutherland	Wetmore
Paynter	Root	Swanson	Young
Penrose	Scott	Thornton	
Percy	Smith, Md.	Warner	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. SCOTT. Mr. President, I now ask for a vote on my motion.

Mr. LODGE. Mr. President, I make the point of order that if the motion of the Senator from West Virginia prevails, it sets aside the unfinished business. The unfinished business is laid temporarily aside by unanimous consent. That applies to each bill as it is taken up, but the moment a motion to take up another bill is injected and adopted it removes the unfinished business and substitutes that bill in its place. Of course, it is entirely within the power of the Senate to set aside the unfinished business, but I think we ought to know what we are doing before we enter upon that procedure.

Mr. SCOTT. Mr. President, I had no intention whatever by my motion of setting aside the unfinished business, and I so stated when I made the motion. I am perfectly willing that the Senator from Idaho should make any motion that he sees proper that will keep his joint resolution as the unfinished business before the Senate, but I do not want any parliamentary tactics to prevent a straight vote on this pension bill. I want it distinctly understood that this bill is for the relief of those who offered their lives for this country that we might be here to-day in legislative session. They are growing old—I have a list of them here and some of them are 108 years of age. We have passed in the last half hour a dozen or fifteen bills carrying as much money, perhaps, as would pay the increase in pensions called for by this bill.

Mr. BAILEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state his parliamentary inquiry.

Mr. BAILEY. I imagine I can illustrate the legislative status by simply calling for the regular order. If I did, the Chair would be compelled to lay before the Senate the joint resolution in charge of the Senator from Idaho [Mr. BORAH], and if that joint resolution were before the Senate, then, obviously, the adoption of the motion to proceed to the consideration of the bill in charge of the Senator from West Virginia [Mr. SCOTT] would displace it.

Mr. CURTIS. Mr. President, I do not understand the rule to be as stated by the Senator from Texas [Mr. BAILEY] on the question of considering bills under Rule VIII. If the regular order is temporarily set aside and the Senate proceeds to the consideration of another bill, it does not change the status of the bill set aside.

The PRESIDING OFFICER. The Chair understands that the Senate is proceeding by unanimous consent under Rule VIII.

Mr. SCOTT. No; I have moved to take up the bill which calls for a vote.

Mr. LODGE. Precisely. That changes the whole status.

The PRESIDING OFFICER. The Senate, by unanimous consent, is considering bills on the calendar under Rule VIII.

Mr. CURTIS. I desire to call attention to this rule:

> And the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration.

How? Just the same as though no objection had been made, and it does not displace or take the place of the unfinished business. So I hope the Senate will vote to consider the Sulloway pension bill.

Mr. BAILEY. That only means that when the Senate is considering the calendar, and a bill on the calendar is reached, an objection would put it over under Rule IX. But notwithstanding that objection, the Senate could proceed to the consideration of the bill. However, as I say, a call for the regular order at this stage of the proceedings would inevitably bring before the Senate the joint resolution in charge of the Senator from Idaho.

Mr. CURTIS. That is true, I think.

Mr. LODGE. Undoubtedly.

Mr. CURTIS. I did not understand the Senator to make that proposition.

Mr. LODGE. That is the precise point. This is not like the morning hour, before 2 o'clock, when the rule the Senator reads is perfectly correct, and as to which his statement is perfectly correct. This is when the regular order is not the calendar. The regular order now is the unfinished business, and everything we are doing is done by unanimous consent. Each bill is up by unanimous consent, and a single demand for the regular order carries us back to it.

Mr. SCOTT. That is very true. The bill was reached in the regular order. It was objected to by the Senator from Massachusetts. Then I moved to take up the bill, and I certainly am entitled to a vote on that.

Mr. BORAH. Mr. President——

Mr. OVERMAN. I call for the regular order.

Mr. BAILEY. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. SCOTT. What is the regular order when I ask for a vote? Before the Chair decides the question I will say that I understand it has been circulated in this Chamber that if this bill is passed it will be vetoed by the President. If there is any Senator here who has authority to speak for the President and make that assertion, I want him to say so.

This bill will haunt the Senators who are trying to defeat it; mind what I tell you.

The PRESIDING OFFICER. The regular order is the joint resolution providing for the election of Senators by direct vote.

Mr. SCOTT. What is the regular order?

Mr. LODGE. The Chair has just announced what it is.

The PRESIDING OFFICER. The question is on the joint resolution.

Mr. BORAH. I want to say——

Mr. CULLOM. If the Senator from Idaho will allow me, there is very great necessity for an executive session this afternoon, and I move that the Senate proceed to the consideration of executive business.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

Mr. CURTIS. I have a right to be heard.

Mr. LODGE. That is not a debatable motion.

Mr. CURTIS. I was on my feet before the motion was made.

The PRESIDING OFFICER. The Chair recognized the Senator from Illinois.

Mr. CURTIS. And declined to recognize the Senator from Kansas.

The PRESIDING OFFICER. It was impossible for the Chair to recognize two Senators at once.

Mr. SHIVELY. Had the Senator from Kansas yielded the floor?

Mr. BAILEY. He was taken off by the demand for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 15, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 14, 1911.

COLLECTORS OF CUSTOMS.

Cornelius W. Pendleton, of California, to be collector of customs for the district of Los Angeles, in the State of California. (Reappointment.)

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia. (Reappointment.)

SURVEYOR OF CUSTOMS.

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts. (Reappointment.)

REGISTERS OF LAND OFFICE.

William W. Wood, of Nebraska, to be register of the land office at Alliance, Nebr., his term expiring February 21, 1911. (Reappointment.)

William Farre, of Oregon, to be register of the land office at Burns, Oreg., his term expiring March 2, 1911. (Reappointment.)

John C. Denny, of Everett, Wash., to be register of the land office at Seattle, Wash., vice J. Henry Smith, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 11, 1911.

George Emerson Brewer, of New York.
Eugene Wilson Caldwell, of New York.
Edward Kellogg Dunham, of New York.
Max Einhorn, of New York.
Ellsworth Eliot, jr., of New York.
Charles Albert Elsberg, of New York.
John Frederick Erdmann, of New York.
Eugene Fuller, of New York.
Arpad Geyza Charles Gerster, of New York.
Robert Hurtin Halsey, of New York.
Forbes Hawkes, of New York.
Frank Hartley, of New York.
Graeme Monroe Hammond, of New York.
Walter Belknap James, of New York.
Smith Ely Jelliffe, of New York.
Aspinwall Judd, of New York.
Frederic Kammerer, of New York.
Edward Loughborough Keyes, of New York.
Arnold Knapp, of New York.
Howard Lilienthal, of New York.
Robert Livingstone Loughran, of New York.
James Francis McKernon, of New York.
Willy Meyer, of New York.
Samuel James Meltzer, of New York.
John Joseph Moorhead, of New York.
Edward Wadsworth Peterson, of New York.
Godfrey Roger Pisek, of New York.
Eugene Hillhouse Pool, of New York.
William Mecklenburg Polk, of New York.
Sigmund Pollitzer, of New York.
John Broadfoot Rae, of New York.
Thomas Edward Satterthwaite, of New York.
Frederic Ewald Sondern, of New York.
James Percival Tuttle, of New York.
Frederick Theodore van Beuren, jr., of New York.
George Gray Ward, jr., of New York.
John Elmer Weeks, of New York.
Julius Hayden Woodward, of New York.

POSTMASTERS.

ALABAMA.

Sallie W. Collier to be postmaster at Brundidge, Ala. Office became presidential October 1, 1910.

Florence H. Spears to be postmaster at Pell City, Ala., in place of Florence E. Spears, deceased.

ALASKA.

Daniel Webster to be postmaster at Treadwell, Alaska. Office became presidential April 1, 1910.

ARIZONA.

John Oscar Mullen to be postmaster at Tempe, Ariz., in place of John Oscar Mullen. Incumbent's commission expired January 31, 1911.

George O. Nolan to be postmaster at Ray, Ariz. Office became presidential January 1, 1911.

ARKANSAS.

Ruby Jones to be postmaster at Dermott, Ark., in place of Winniefred Hunsucker, deceased.

CALIFORNIA.

William P. Taylor to be postmaster at San Rafael, Cal., in place of Stanley Morehead. Incumbent's commission expired December 19, 1910.

COLORADO.

B. P. Quaintance to be postmaster at Golden, Colo., in place of Robert T. Bunney. Incumbent's commission expired May 10, 1910.

Clayton Whiteman to be postmaster at Hayden, Colo. Office became presidential January 1, 1911.

CONNECTICUT.

William B. Bristol to be postmaster at Stratford, Conn., in place of William B. Bristol. Incumbent's commission expires February 28, 1911.

Charles H. Dimmick to be postmaster at Willimantic, Conn., in place of Charles H. Dimmick. Incumbent's commission expires February 20, 1911.

Thomas Walker to be postmaster at Plantsville, Conn., in place of Thomas Walker. Incumbent's commission expires February 18, 1911.

ILLINOIS.

Silas H. Aldridge to be postmaster at Plymouth, Ill., in place of Silas H. Aldridge. Incumbent's commission expired December 18, 1910.

John C. Beever to be postmaster at Coulterville, Ill., in place of John C. Beever. Incumbent's commission expires February 28, 1911.

John W. Black to be postmaster at Brookport, Ill. Office became presidential January 1, 1911.

John W. Church to be postmaster at Marissa, Ill., in place of John W. Church. Incumbent's commission expired February 28, 1907.

Thomas M. Crossman to be postmaster at Edwardsville, Ill., in place of Thomas M. Crossman. Incumbent's commission expired January 9, 1911.

Victor H. Dumbeck to be postmaster at Silvis, Ill. Office became presidential January 1, 1911.

Frank Fry to be postmaster at Depue, Ill. Office became presidential January 1, 1911.

Charles Scofield to be postmaster at Marengo, Ill., in place of Charles Scofield. Incumbent's commission expired January 28, 1911.

William W. Taylor to be postmaster at Divernon, Ill. Office became presidential October 1, 1909.

INDIANA.

Norman T. Jackman to be postmaster at Waterloo, Ind., in place of Martin A. Miser. Incumbent's commission expires February 18, 1911.

Cary J. McAnally to be postmaster at Hymera, Ind. Office became presidential January 1, 1911.

Fred B. Snyder to be postmaster at Brook, Ind., in place of Morris A. Jones. Incumbent's commission expired February 7, 1911.

Eli T. Steckel to be postmaster at Atlanta, Ind., in place of William A. Phillips, removed.

Laron E. Street to be postmaster at Brookston, Ind., in place of Laron E. Street. Incumbent's commission expired January 8, 1911.

M. Burt Thurman to be postmaster at New Albany, Ind., in place of Robert W. Morris. Incumbent's commission expired January 10, 1911.

IOWA.

Charles H. Hoyt to be postmaster at Fayette, Iowa, in place of Charles H. Hoyt. Incumbent's commission expires March 2, 1911.

KANSAS.

Lincoln Ballou to be postmaster at Tonganoxie, Kans., in place of Lincoln Ballou. Incumbent's commission expires March 2, 1911.

H. I. Dolson to be postmaster at McCune, Kans., in place of John M. Garvey. Incumbent's commission expired February 19, 1910.

Newman Waring to be postmaster at Ottawa, Kans., in place of Newman Waring. Incumbent's commission expires February 28, 1911.

KENTUCKY.

Washington A. Huggins to be postmaster at Cave City, Ky. Office became presidential January 1, 1911.

LOUISIANA.

M. G. Neuhauser to be postmaster at Slidell, La., in place of Louisa F. Gause. Incumbent's commission expired December 11, 1910.

MARYLAND.

John B. Beard to be postmaster at Williamsport, Md., in place of John Buchanan, deceased.

William C. Birely to be postmaster at Frederick, Md., in place of Adolphus H. Harrington. Incumbent's commission expired January 10, 1911.

Ulysses Hanna to be postmaster at Frostburg, Md., in place of Ulysses Hanna. Incumbent's commission expires February 28, 1911.

John A. Horner to be postmaster at Emmitsburg, Md., in place of Emma E. Zimmerman, resigned.

William Pearre to be postmaster at Cumberland, Md., in place of William Pearre. Incumbent's commission expires February 28, 1911.

Morris L. Smith to be postmaster at Woodsboro, Md., in place of Morris L. Smith. Incumbent's commission expired January 10, 1911.

MASSACHUSETTS.

James F. Shea to be postmaster at Indian Orchard, Mass., in place of James F. Shea. Incumbent's commission expires February 20, 1911.

MICHIGAN.

Charles H. Bostick to be postmaster at Manton, Mich., in place of Charles H. Bostick. Incumbent's commission expires February 28, 1911.

Fred A. Hutty to be postmaster at Grand Haven, Mich., in place of Fred A. Hutty. Incumbent's commission expired March 21, 1910.

Charles E. Kirby to be postmaster at Monroe, Mich., in place of Charles E. Kirby. Incumbent's commission expired February 13, 1911.

Wesley T. Smith to be postmaster at Honor, Mich. Office became presidential January 1, 1911.

MINNESOTA.

Frank Hagberg to be postmaster at Winthrop, Minn., in place of Frank Hagberg. Incumbent's commission expires February 28, 1911.

John Lohn to be postmaster at Fosston, Minn., in place of John Lohn. Incumbent's commission expired January 10, 1911.

W. J. Stock to be postmaster at Coleraine, Minn., in place of Ellis J. Anderson, removed.

Edward Wilson to be postmaster at Kasson, Minn., in place of Benjamin A. Shaver, resigned.

MISSISSIPPI.

Thaddeus C. Barrier to be postmaster at Philadelphia, Miss., in place of Thaddeus C. Barrier. Incumbent's commission expired January 29, 1911.

John B. Collier to be postmaster at Leland, Miss., in place of John B. Collier. Incumbent's commission expired January 29, 1911.

Virginia B. Duckworth to be postmaster at Prentiss, Miss. Office became presidential January 1, 1911.

Mattie O. Golden to be postmaster at Hollandale, Miss. Office became presidential January 1, 1911.

MISSOURI.

A. H. Dieterich to be postmaster at Wyaconda, Mo. Office became presidential January 1, 1911.

Henry Grass to be postmaster at Hermann, Mo., in place of Henry Grass. Incumbent's commission expired April 13, 1910.

Joseph Lake Sharp to be postmaster at Wellsville, Mo., in place of Thomas Sharp. Incumbent's commission expired January 30, 1911.

MONTANA.

William E. Baggs to be postmaster at Stevensville, Mont., in place of William E. Baggs. Incumbent's commission expired February 7, 1911.

Lottie S. Kimmel to be postmaster at Armstead, Mont. Office became presidential January 1, 1911.

NEBRASKA.

William H. Hopkins to be postmaster at Meadow Grove, Nebr. Office became presidential January 1, 1911.

Carelius K. Olson to be postmaster at Newman Grove, Nebr., in place of Carelius K. Olson. Incumbent's commission expires March 1, 1911.

Isaac S. Tyndale to be postmaster at Central City, Nebr., in place of Isaac S. Tyndale. Incumbent's commission expires March 2, 1911.

NEW JERSEY.

Emma Cafferty to be postmaster at Allentown, N. J., in place of Charles Cafferty, deceased.

A. H. Doughty to be postmaster at Haddonfield, N. J., in place of A. H. Doughty. Incumbent's commission expired February 2, 1911.

John H. Nevill to be postmaster at Chrome, N. J., in place of Louis Sabow, removed.

Truman T. Pierson to be postmaster at Metuchen, N. J., in place of Truman T. Pierson. Incumbent's commission expires February 20, 1911.

NEW MEXICO.

John Becker to be postmaster at Belen, N. Mex. Office became presidential January 1, 1911.

NEW YORK.

John L. Chatfield to be postmaster at Painted Post, N. Y., in place of Frank C. Wilcox, resigned.

John R. Costello to be postmaster at Chittenango, N. Y., in place of John R. Costello. Incumbent's commission expired February 12, 1911.

L. Grant Goodnough to be postmaster at Cornwall on the Hudson, N. Y., in place of L. Grant Goodnough. Incumbent's commission expires February 20, 1911.

Charles Scott to be postmaster at Fort Plain, N. Y., in place of Abram Devendorf. Incumbent's commission expires March 2, 1911.

J. Wesley Van Tassell to be postmaster at Hopewell Junction, N. Y., in place of J. Wesley Van Tassell. Incumbent's commission expired January 16, 1911.

NORTH CAROLINA.

Vann J. McArthur to be postmaster at Clinton, N. C., in place of Vann J. McArthur. Incumbent's commission expired December 19, 1910.

NORTH DAKOTA.

Charles E. Best to be postmaster at Enderlin, N. Dak., in place of Charles E. Best. Incumbent's commission expired February 4, 1911.

George C. Chambers to be postmaster at Churchs Ferry, N. Dak., in place of George C. Chambers. Incumbent's commission expired January 31, 1911.

James L. Green to be postmaster at Sheldon, N. Dak., in place of Michael B. De la Bere, deceased.

Charles G. Klenzing to be postmaster at Wyndmere, N. Dak. Office became presidential October 1, 1910.

Charles Marcellus to be postmaster at Forman, N. Dak. Office became presidential January 1, 1911.

Percy F. Meharry to be postmaster at Starkweather, N. Dak., in place of Percy F. Meharry. Incumbent's commission expires February 28, 1911.

Robert C. Miles to be postmaster at Ashley, N. Dak., in place of Thomas S. Johnstone, resigned.

Walter P. Osborne to be postmaster at Hunter, N. Dak., in place of Willis H. Rogers. Incumbent's commission expired January 31, 1911.

Walter A. Shear to be postmaster at Sentinel Butte, N. Dak. Office became presidential January 1, 1911.

William H. Stevens to be postmaster at Wimbledon, N. Dak., in place of William H. Stevens. Incumbent's commission expired December 11, 1910.

OHIO.

Allison B. Cline to be postmaster at Frankfort, Ohio. Office became presidential January 1, 1911.

Uriah J. Favorite to be postmaster at Tippecanoe City, Ohio, in place of Uriah J. Favorite. Incumbent's commission expired January 29, 1911.

OKLAHOMA.

Harry Jennings to be postmaster at Claremore, Okla., in place of Harry Jennings. Incumbent's commission expired January 20, 1909.

Joseph V. Martin to be postmaster at Lone Wolf, Okla., in place of Joseph V. Martin. Incumbent's commission expired January 31, 1911.

Calvin S. Ward to be postmaster at Roosevelt, Okla. Office became presidential January 1, 1910.

PENNSYLVANIA.

Abel H. Byers to be postmaster at Hamburg, Pa., in place of Abel H. Byers. Incumbent's commission expired February 11, 1911.

Jesse B. Conner to be postmaster at Overbrook, Pa., in place of Solomon S. Ketcham. Incumbent's commission expired March 1, 1910.

Samuel V. Dreher to be postmaster at Stroudsburg, Pa., in place of John T. Palmer. Incumbent's commission expired February 13, 1911.

J. W. Grimes to be postmaster at Claysville, Pa., in place of Samuel H. Jackson. Incumbent's commission expired January 22, 1911.

Augustus M. High to be postmaster at Reading, Pa., in place of Augustus M. High. Incumbent's commission expires February 25, 1911.

Elizabeth Hill to be postmaster at Everson, Pa. Office became presidential January 1, 1911.

William W. Latta to be postmaster at California, Pa., in place of Norman K. Wiley. Incumbent's commission expired April 6, 1910.

Edwin R. Miller to be postmaster at Republic, Pa. Office became presidential January 1, 1911.

William J. Minnich to be postmaster at Bedford, Pa., in place of John Lutz. Incumbent's commission expired March 2, 1907.

Joseph W. Pascoe to be postmaster at Easton, Pa., in place of Orrin Serfass. Incumbent's commission expires February 25, 1911.

Thomas Morgan Reese to be postmaster at Canonsburg, Pa., in place of J. L. Galbraith. Incumbent's commission expired December 11, 1910.

James P. Shillito to be postmaster at Burgettstown, Pa., in place of Edwin G. McGregor. Incumbent's commission expired April 12, 1910.

W. F. Sparks to be postmaster at Glassport, Pa., in place of Rosella M. Russell. Incumbent's commission expired January 22, 1911.

SOUTH DAKOTA.

Fred de K. Griffin to be postmaster at Selby, S. Dak., in place of Fred de K. Griffin. Incumbent's commission expires February 18, 1911.

TENNESSEE.

Samuel L. Parker to be postmaster at Sparta, Tenn., in place of Samuel L. Parker. Incumbent's commission expired January 19, 1911.

Noah J. Tallent to be postmaster at Dayton, Tenn., in place of Noah J. Tallent. Incumbent's commission expired December 10, 1910.

TEXAS.

Hugo J. Letzerich to be postmaster at Harlingen, Tex. Office became presidential January 1, 1911.

David H. Mitchell to be postmaster at Ovalo, Tex. Office became presidential January 1, 1911.

Arthur N. Richardson to be postmaster at Electra, Tex. Office became presidential January 1, 1911.

Wilber H. Webber to be postmaster at Lampasas, Tex., in place of Wilber H. Webber. Incumbent's commission expired January 28, 1911.

WASHINGTON.

Fred W. Miller to be postmaster at Oakesdale, Wash., in place of Fred W. Miller. Incumbent's commission expired June 11, 1910.

Emery Troxel to be postmaster at Connell, Wash., in place of Emery Troxel. Incumbent's commission expired May 7, 1910.

Luther S. Montgomery to be postmaster at Montgomery, W. Va., in place of Charles Edwards. Incumbent's commission expired January 12, 1911.

WISCONSIN.

Alexander Archie to be postmaster at Waterloo, Wis., in place of Alexander Archie. Incumbent's commission expired January 31, 1911.

A. B. Chandler to be postmaster at Beaver Dam, Wis., in place of Thomas Hughes. Incumbent's commission expires February 28, 1911.

Mildred Smith to be postmaster at Withee, Wis. Office became presidential January 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1911.

SURVEYORS OF CUSTOMS.

Lincoln Mitchell to be surveyor of customs for the port of Cincinnati, Ohio.

Luther C. Warner to be surveyor of customs for the port of Albany, N. Y.

ASSISTANT SURGEON PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Robert A. Herring to be passed assistant surgeon in the Public Health and Marine-Hospital Service.

REGISTERS OF LAND OFFICE.

William F. Haynes to be register of the land office at Waterville, Wash.

John W. Price to be register of the land office at Douglas, Wyo.

RECEIVERS OF PUBLIC MONEYS.

Alfred C. Steinman to be receiver of public moneys at North Yakima, Wash.

Lucius B. Nash to be receiver of public moneys at Spokane, Wash.

John Edward Shore to be receiver of public moneys at Waterville, Wash.

Samuel Slaymaker to be receiver of public moneys at Douglas, Wyo.

POSTMASTERS.

CALIFORNIA.

George D. Cunningham, Riverside.
Felix L. Grauss, Calistoga.
Eri Huggins, Fort Bragg.
Orlando J. Lincoln, Santa Cruz.
William A. Price, Redwood City.
Josephine Priest, Fowler.
Paul Schafer, Oakland.
Linn L. Shaw, Santa Ana.
John W. Short, Fresno.
William L. Williams, Madera.

COLORADO.

B. P. Quaintance, Golden.

IOWA.

Oscar McCrary, Keosauqua.

KANSAS.

C. M. Heaton, Lincoln.
Thomas L. Hogue, Olathe.

NEBRASKA.

William Cook, Hebron.
Edward G. Hall, David City.
Lew E. Shelley, Fairbury.
Clarence E. Stine, Superior.

NORTH DAKOTA.

H. F. Irwin, Tioga.

OKLAHOMA.

Noah S. Costelou, Heavener.
Carlos C. Curtis, Cordell.
A. M. Myers, Lexington.

OREGON.

Reber G. Allen, Silverton.
Robert C. Mays, Elgin.
John M. Parry, Moro.
Andreas L. Sproul, Ontario.
James S. Van Winkle, Albany.

PENNSYLVANIA.

Ada U, Ashcom, Ligonier.
William A. Boyd, Sandy Lake.
William W. Wren, Boyertown.

RHODE ISLAND.

James T. Caswell, Narragansett Pier.
George E. Gardner, Wickford.

SOUTH CAROLINA.

Charles H. Hicks, Laurens.

WASHINGTON.

Charles McKinnon, Black Diamond.
Daniel C. Pearson, Stanwood.
Fremont A. Tarr, Montesano.
Frank R. Wright, South Bend.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 14, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Rev. E. E. Marshall, pastor of North Capitol Methodist Episcopal Church, Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

RECONSIDERATION OF TWO SENATE BILLS.

Mr. MANN. Mr. Speaker, yesterday the House passed two Senate bills under a misapprehension. A bill similar to one of them had already been passed by the House and sent to the Senate. The bills referred to are Senate bills 10410 and 10757. I move to reconsider the vote by which the bills were passed.

The SPEAKER. The gentleman from Illinois asks unanimous consent to reconsider the vote by which the two bills in question were passed. The Clerk will read the titles of the bills.

The Clerk read as follows:

A bill (S. 10410) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

A bill (S. 10757) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904.

Mr. MANN. I ask unanimous consent, Mr. Speaker, that all action on the bills be canceled and that the bills be returned to the Speaker's desk.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the action taken on these bills as shown by the Journal be abrogated. Is there objection?

There was no objection.

RECIPROCITY WITH CANADA.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that if House bill 32216 is undisposed of on this legislative day, the House may proceed with its consideration to-morrow. I make that request with the acquiescence of gentlemen who are opposed to the bill as well as some who are in favor of it.

Mr. MACON. Mr. Speaker, I object to that kind of an arrangement myself.

The SPEAKER. Objection is made. The Chair is not sure that it can be dispensed with except by a two-thirds vote.

Mr. McCALL. Mr. Speaker, I made a request last night for unanimous consent that all Members have leave to print on the pending bill, H. R. 32216, for five legislative days.

Mr. BARTLETT of Georgia. From what time, may I ask the gentleman?

Mr. McCALL. From the time the bill shall have been acted upon by the House; say five legislative days.

Mr. MANN. Was not that agreed to last night?

Mr. McCALL. No; it was objected to.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] asks unanimous consent that all Members may have leave to print on the pending bill, H. R. 32216, for five legislative days from the time the bill shall have been acted upon by the House.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Massachusetts that he make it a little longer than five days, because the bill may not pass for a day or two.

Mr. McCALL. Then, Mr. Speaker, I suggest seven legislative days instead of five.

Mr. OLCOTT. Why not say "to the end of the session?"

Mr. McCALL. I am willing to make it 10 days, unless there is objection.

The SPEAKER. Ten days is now suggested by the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. I would modify my request and make it 10 days.

The SPEAKER. Is there objection to the request to extend the time for 10 legislative days after the bill is disposed of by the House, during which all Members of the House may print?

Mr. BOEHNE. Mr. Speaker, I reserve the right to object. I presume leave to print would be applicable only to Members asking leave to print and who would confine themselves to the discussion of the bill under consideration.

The SPEAKER. No; it would apply to all.

Mr. McCALL. Every Member of the House on the pending bill.

Mr. BOEHNE. But to confine themselves to the pending bill?

Mr. McCALL. Yes; to the pending bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts will state it.

Mr. GARDNER of Massachusetts. Mr. Speaker, would it be in order at this time to move that on to-morrow we could not proceed with calendar Wednesday? And if that motion were carried by a two-thirds vote, should we be enabled to go on with this bill to-morrow?

Mr. MANN. Why, certainly.

Mr. GARDNER of Massachusetts. The question is whether we can do it at this time.

Mr. MANN. Oh, no.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

4. On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against.

The SPEAKER. In answer to the parliamentary inquiry, it seems to the Chair that sufficient unto the day is the evil or good thereof; and when to-morrow comes the House, under that rule, can take such action as it may see proper to take; but it occurs to the Chair that a stream can not be crossed until you come to it.

Mr. GARDNER of Massachusetts. There was so much disturbance that I could not hear the words of the Chair.

The SPEAKER. In the opinion of the Chair it is not in order to-day, by unanimous agreement or by motion, to dispense with calendar Wednesday, which would be to-morrow.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the time for general debate may be equally divided between the advocates and the opponents of the bill, and that the gentleman from Massachusetts [Mr. McCALL] control one half the time and I control the other.

The SPEAKER. Is there objection to the request?

There was no objection.

Mr. McCALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the State of the Union for further consideration of the bill indicated.

Mr. DWIGHT. Mr. Speaker, I make the point that there is no quorum present.