No. 355; True American Council, No. 196; Lumber City Council, No. 831; Haverford Council, No. 592; Allen Council, No. 753; Audenreid Council, No. 775; Llewellyn Council, No. 222, Order of Independent Americans, and Washington Camps Nos. 630 and 483, Patriotic Order Sons of America, urging the enactment of an illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petitions of Edward Robins and others, of Lenawee County; J. P. Swayze and 17 others, of Oakland County; William Fulton and 30 others, of Calhoun County; H. A. Parry and 48 others, of Isabella County; Edwin Soneral and 30 others, of Mason County; A. Grawn and 26 others, of Kent County; F. L. Dunning and 12 others, of Menominee County; Edward and 17 others, J. D. Sherbrook and 12 others, of Mackinaw County; Charles A. May and 40 others, of Allegan County; D. B. Averill and 37 others, of Wexford County; S. N. Richardson and 26 others, of Kalamazoo County; William Rupright and 56 others, of Missaukee County; Alvin Bever and 32 others, of Ionia County; and George W. Carr and 32 others, of Huron County, all in the State of Michigan, for parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of Bloomington Trades and Labor Assembly, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Bloomington Trades and Labor Assembly, for repealing oleomargarine tax; to the Committee on Agriculture.

Also, petition of Bloomington Trades and Labor Assembly, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SULZER: Petition of Tacoma Commercial Club, for an appropriation of $50,000 for roads in Rainier National Park; to the Committee on the Public Lands.

Also, petition of John McGarity, of New York City, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Ohio: Petition of citizens of twelfth Ohio congressional district, against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *February 24, 1911.*

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

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BURROWS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. BEVERIDGE. I do not intend to object, but I wish to call attention at this time to an omission. I do not know that it would appear in the Journal anyway, but yesterday I gave notice, as the RECORD shows, that I would conclude my remarks this morning immediately after the morning business. I perceive that the notice is not on the calendar, and before the reading of the Journal is dispensed with, I merely call attention to it.

The VICE PRESIDENT. The Chair will take the responsibility for its not appearing on the calendar. Is there objection to dispensing with the further reading of the Journal? The Chair hears none. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 608. An act for the relief of Charles T. Gallagher and Samuel H. Proctor;

S. 7640. An act for the relief of James M. Sweat;

S. 7804. An act for the relief of David Jay Jennings;

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

S. 10818. 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.

The message also announced that the House had agreed to the amendments of the Senate to the following bill and resolution:

H. R. 20603. An act for the relief of Henry Halteman; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House of Representatives to the bill (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries.

The message further announced that the House had passed the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, with an amendment, asks a conference with the Senate on the disagreeing votes of the two Houses on the bill and amendment, and had appointed Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 5432) to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes; and

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution directing the Speaker of the House and the President of the Senate to erase their signatures to the bill (H. R. 25081) for the relief of Helen S. Hogan, etc., in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River, from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The message also requested the Senate to return to the House the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

ENROLLED BILLS SIGNED.

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

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 18542. An act for the relief of Thomas C. Clark;

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 31538. An act 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 above the city of Mobile, Ala.;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by; and

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War transmitting, in response to a resolution of the 21st instant, a list of names of soldiers of Companies B, C, and D of the Twenty-fifth Infantry recommended as eligible for reenlistment by the court of inquiry rela-

tive to the affray at Brownsville, Tex., who have applied for reenlistment or who have reenlisted under the provisions of the act of Congress of March 3, 1909, etc. (S. Doc. No. 833), which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

SURVEY OF ABSECON INLET, N. J.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War stating, in response to a resolution of the 17th instant relative to the cost for the improvement of Absecon Inlet, N. J., that the reports on the preliminary examination and survey of that inlet made in pursuance of a provision in the river and harbor act of June 25, 1910, were transmitted by the Secretary of War to the Speaker of the House of Representatives under date of February 20, 1911 (S. Doc. No. 832), which was referred to the Committee on Commerce and ordered to be printed.

CREDENTIALS.

Mr. BRIGGS presented the credentials of JAMES E. MARTINE, chosen by the Legislature of the State of New Jersey a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

Mr. PILES presented the credentials of MILES POINDEXTER, chosen by the Legislature of the State of Washington a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the General Court of the Commonwealth of Massachusetts, which were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolutions relative to reciprocal interchange of commodities between the United States and Canada.

Resolved, That the General Court of the Commonwealth of Massachusetts, believing that a reciprocal interchange of commodities between the United States and Canada, based on equitable and fair terms, would prove beneficial to the ultimate consumer and to the various manufacturing, farming, commercial, and other interests of each of the two countries, hereby cordially approves any efforts made to bring about such results.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both Houses of Congress, and to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted February 15, 1911.
In senate, adopted, in concurrence, February 16, 1911.
A true copy.
Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

House joint memorial No. 1.

A joint resolution relating to the preservation of big game in the State of Wyoming, and memorializing the Congress of the United States to make an adequate appropriation to aid the State of Wyoming in providing winter food for and otherwise protecting the big game which range in the National Park and in the Jackson Hole region of this State alternately.

Be it resolved by the house of representatives (the senate concurring):

Whereas the principal remnant of the big game of the United States, comprised of moose, elk, and deer, range alternately during the winters in the National Park and game reserve and the Jackson Hole section of the State of Wyoming, south of the National Park; and

Whereas during the winters they suffer greatly and perish from famine in large numbers, which could be in a great measure prevented by adequate and systematic provision for feeding and protecting them during storms and blizzards; and

Whereas the State of Wyoming has been and is making appropriations of large sums of money and using every available means within its power to preserve said big game; and

Whereas the sufficient and thoroughly adequate protection of said big game is too expensive and burdensome to be borne alone by the State of Wyoming: Therefore be it

Resolved by the Legislature of the State of Wyoming, That the Government of the United States be, and is hereby, requested to cooperate with the State of Wyoming in feeding, protecting, and otherwise preserving the big game which winters in great numbers within the confines of the State of Wyoming; and the Congress of the United States is hereby memorialized and requested to make an adequate appropriation of money, to be used in aiding and cooperating with the State of Wyoming in the laudable and desirable effort to feed, protect, and preserve from extinction the principal remnant of the big game of the United States, which range during the winters principally within the territory of the State of Wyoming; be it further

Resolved, That engrossed copies of this memorial and request be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Secretary of the Interior, asking their aid in bringing the object of this memorial and request before Congress, and in securing from same an adequate appropriation of public moneys for the noble, humane, and national purpose herein set forth; and be it further

Resolved, That engrossed copies of this memorial and request be sent to the Senators from Wyoming in the Congress of the United States, viz, Hons. CLARENCE D. CLARK and FRANCIS E. WARREN, and our Representative in said Congress, Hon. FRANK W. MONDELL, asking them to use their best efforts to secure favorable action upon the request embodied herein.

Approved February 17, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

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

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with house joint memorial No. 1, and is a full, true, and correct copy of the same and of the whole thereof.

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

Done at Cheyenne, the capital, this 21st day of February, A. D. 1911.
[SEAL.]

FRANK L. HOUX, *Secretary of State,*
By C. B. MACGLASHAN, *Deputy.*

The VICE PRESIDENT presented telegrams, in the nature of memorials, from the Illinois State Farmers' Institute and from 150 employees of the Waterbury Felt Co., of Skaneateles Falls, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the southwest division of the Associated Advertising Clubs of America, remonstrating against the proposed increase in the rate of postage on certain classes of second-class mail matter, which was ordered to lie on the table.

Mr. GALLINGER. I present sundry telegrams, in the nature of memorials, from granges in my State relative to the proposed Canadian reciprocal agreement. I ask that the telegrams may be noted in the RECORD and referred to the Committee on Finance.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be noted in the RECORD, as follows:

Telegram of Byron P. Dearborn, master of Merrimac County Pomona Grange, Patrons of Husbandry, of North Boscawen, N. H.;

Telegram of C. W. Phillips, Pomona deputy, New Hampshire State Grange, Patrons of Husbandry, of East Candia, N. H.;

Telegram of Hollis T. Wiggin, of Meredity, N. H.;

Telegram of Curtis B. Childs, ex-commander New Hampshire State Grange, Patrons of Husbandry, of Henniker, N. H.;

Telegram of W. O. Field, deputy, New Hampshire State Grange, Patrons of Husbandry, of Concord, N. H.;

Telegram of Frank P. Cheney, deputy, New Hampshire State Grange, Patrons of Husbandry, of Littleton, N. H.;

Telegram of Ernest W. Bickford, of Rochester, N. H.;

Telegram of Orrin G. Wentworth, deputy, New Hampshire State Grange, Patrons of Husbandry, of Lancaster, N. H.;

Telegram of A. O. Harrington, deputy, New Hampshire State Grange, Patrons of Husbandry, of Petersboro, N. H.;

Telegram of Edgar J. Ham, of Rochester, N. H.;

Telegram of Colebrook Grange, No. 223, Patrons of Husbandry, of Colebrook, N. H.;

Telegram of Charles McDaniel, of Enfield, N. H.;

Telegram of S. H. Flanders, of East Andover, N. H.;

Telegram of Frank M. Bailey, of Claremont, N. H.;

Telegram of Oliver C. Dimond, of Concord, N. H.;

Telegram of Wantastiquet Grange, Patrons of Husbandry, of Hinsdale, N. H.;

Telegram of C. H. Dutton, of Hancock, N. H.;

Telegram of D. M. Hadley, of Dunbarton, N. H.;

Telegram of William C. Hill, Master, Friendship Grange, Patrons of Husbandry, Northfield, N. H.;

Telegram of Alfred W. Clough, of Portsmouth, N. H.;

Telegram of George A. Leavitt, Master of Local Grange No. 295, Patrons of Husbandry, of Laconia, N. H.;

Telegram of U. L. George, of Georges Mills, N. H.; and

Telegram of Charles A. Brown, Master of Suncook Valley Pomona Grange, Patrons of Husbandry, of Pembroke, N. H.

Mr. GALLINGER presented a memorial of Local Grange, Patrons of Husbandry, of Surry, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. McCUMBER presented a memorial of sundry citizens of North Dakota, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the joint memorial was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

House joint memorial No. 1.

A joint resolution relating to the preservation of big game in the State of Wyoming, and memorializing the Congress of the United States to make an adequate appropriation to aid the State of Wyoming in providing winter food for and otherwise protecting the big game which range in the national park and in the Jackson Hole region of this State alternately.

Be it resolved by the house of representatives (the senate concurring):

Whereas the principal remnant of the big game of the United States, comprised of moose, elk, and deer, range alternately during the winters in the national park and game reserve and the Jacksons Hole section of the State of Wyoming, south of the national park; and

Whereas during the winters they suffer greatly and perish from famine in large numbers, which could be in a great measure prevented by adequate and systematic provision for feeding and protecting them during storms and blizzards; and

Whereas the State of Wyoming has been and is making appropriations of large sums of money and using every available means within its power to preserve said big game; and

Whereas the sufficient and thoroughly adequate protection of said big game is too expensive and burdensome to be borne alone by the State of Wyoming: Therefore be it

Resolved by the Legislature of the State of Wyoming, That the Government of the United States be, and is hereby, requested to cooperate with the State of Wyoming in feeding, protecting, and otherwise preserving the big game which winters in great numbers within the confines of the State of Wyoming; and the Congress of the United States is hereby memorialized and requested to make an adequate appropriation of money to be used in aiding and cooperating with the State of Wyoming in the laudable and desirable effort to feed, protect, and preserve from extinction the principal remnant of the big game of the United States, which range during the winters principally within the territory of the State of Wyoming; be it further

Resolved, That engrossed copies of this memorial and request be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Secretary of the Interior, asking their aid in bringing the object of this memorial and request before Congress and in securing from same an adequate appropriation of public moneys for the noble, humane, and national purpose herein set forth; and be it further

Resolved, That engrossed copies of this memorial and request be sent to the Senators from Wyoming in the Congress of the United States, viz, Hons. CLARENCE D. CLARK and FRANCIS E. WARREN, and our Representative in said Congress, Hon. FRANK W. MONDELL, asking them to use their best efforts to secure favorable action upon the request embodied herein.

Approved February 17, 1911.

—

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss.*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with house joint memorial No. 1, and is a full, true, and correct copy of the same and of the whole thereof.

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

Done at Cheyenne, the capital, this 21st day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. CLARK of Wyoming. I present resolutions adopted by the Carbon County Wool Growers' Association of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolutions adopted by Carbon County Wool Growers' Association against the passage of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada.

Whereas a treaty has been negotiated by the Departments of State of these United States and of the Dominion of Canada for the purpose of promoting reciprocal trade relations between the two countries, and a bill has been introduced and passed in the House of Representatives of the United States confirming such treaty; and

Whereas by the terms of the proposed treaty the import duty on live stock, consisting of sheep, cattle, horses, and mules, imported into the United States from Canada will be entirely removed, and the import duty on agricultural products imported into the United States from Canada will also be removed, while the duty on manufactured products of the United States exported to Canada will not be removed by the Canadian Government; and

Whereas the duties upon meats, the dressed products of live stock, imported from Canada into the United States, will not be removed; and

Whereas there had heretofore been created by the Congress of the United States a tariff commission to investigate the various articles imported into the United States for the specific purpose of ascertaining the amount of duty that should be placed upon such importations by the Government of these United States in order to equitably protect the United States producers of such articles, and in accordance with the principles of protection for American industries; and

Whereas such tariff commission or board has not as yet reported to the Congress of the United States upon any of the articles referred to and covered by the proposed treaty, and to be admitted without duty into the United States by the terms of such treaty, so that the Congress of the United States and the people thereof are unable at this time to know whether or not such lowering or removal of duties will be detrimental to the producers in the United States; and

Whereas the removal of the duty from live stock to be imported into the United States and the retention of the duty upon meat products is detrimental to the farmers of the entire country and to the stock growers of Wyoming, while being favorable to the packing industries of the United States; and

Whereas the adoption of the bill ratifying and confirming said proposed treaty would mean the giving up of the Republican doctrine of protection and the adoption of the Democratic theory of free trade, and would prove to be the opening wedge for the adoption of such free-trade theory; and

Whereas the Republican doctrine of reciprocity has always called for the admission to this country of the products of other countries not competing with those produced here, and the admission, free of duty, by such foreign Government of our manufactured and other products of which we have a surplus, causing an equal and equitable exchange of products of the two countries, with a resulting promotion of the balance of trade in favor of this country: Now therefore be it

Resolved, That the members of the Carbon County Wool Growers' Association are absolutely opposed to the passage of the House bill ratifying and confirming the proposed reciprocity treaty between the United States of America and Dominion of Canada, upon the grounds that the same, if adopted, would be adverse to the interests of the American farmer and the western stock grower; would constitute a reversal of the Republican doctrine of protection in favor of the Democratic theory of free trade; would be an overthrow of the Republican doctrine of due investigation by the Tariff Board before revision of duties upon any article imported into the United States; would be the adoption of a principle that has heretofore been tried by this country through a reciprocity treaty with Canada in the year 1855, and found to be detrimental to the interests of the American producers; and be it further

Resolved, That we do hereby petition our Representatives in Congress, Hon. FRANCIS E. WARREN, Hon. C. D. CLARK, and Hon. FRANK W. MONDELL, to use every effort in their power to prevent the adoption and confirming of this reciprocity treaty in its present form.

[SEAL.] CARBON COUNTY WOOL GROWERS' ASSOCIATION,
By JOHN A. DONNEL, *President.*

Attest:

W. W. DALEY, *Secretary.*

Dated at Rawlins, Wyo., this 21st day of February, A. D. 1911.

Mr. BURNHAM presented sundry telegrams in the nature of memorials from S. H. Flanders, of East Andover; D. M. Hadley, of Dunbarton; Charles McDaniel, of Enfield; Edgar J. Ham, of Rochester; Frank M. Bailey, of Claremont; Oliver C. Dimond, of Concord; C. H. Dutton, of Hancock; Alfred W. Clough, of Portsmouth; U. L. George, of Georges Mills; C. W. Phillips, deputy Pomona (N. H.) State Grange, of East Candia; George A. Leavitt, master of Grange No. 295, of Laconia; Charles A. Brown, master Suncook Valley Pomona Grange, of Pembroke; William C. Hill, master Friendship Grange, No. 110, of Northfield; Wantastiquet Grange, of Hinsdale; and of Colebrook Grange, No. 223, of Colebrook, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. OLIVER presented a petition of the temperance committee of the General Assembly of the Presbyterian Church in the United States of America, praying for the enactment of legislation to regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

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

House joint memorial No. 6.

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 under the present rules formulated by the national forestry officials governing and controlling the use of the national forests with reference to removing therefrom dead timber, it is very inconvenient and hard for the settlers who desire to use this dead timber to obtain the same, because the procedure necessary to go through is very lengthy, undesirable, and costly to users thereof; and

Whereas said dry timber, by lying in the national forests, exposes the growing timber to the danger of fire and thereby is a menace to the national forest and should be removed: Now therefore be it

Resolved, That the Congress of the United States is hereby requested to abolish all rules of the Forest Service governing the removal of dead timber by the settlers, so as to make it as convenient as possible to remove the same from the national forest for use by the settlers, and thereby favor not only the settlers, but promote the welfare and protection of the national forest of the United States.

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

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

This memorial passed the senate on the 15th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 6 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. 6, by Hall and Pincock, relating to the abolishing all rules of the Forest Service governing the removal of dead timber by the settlers (passed the house Feb. 6, 1911; passed the

senate Feb. 15, 1911), which was filed in this office the 17th 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 17th 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. BURROWS presented memorials of Local Granges of Bloomingdale, Bowne Center, Bradley, Union, Mesherville, Harbor Beach, Eaton Rapids, Olivet, Reading, Jonesville, Manchester, Pittsford, Macon, Central Lake, Sand Lake, Grand Traverse, Decatur, St. Joseph, Bad Axe, Millington, Gilead, Berlin, Benzenia, Custer, Deckerville, Gaines, Washington, Morenci, Wayne, Berrien Center, Adrian, Ionia, Clio, Laingsburg, Union City, Marlette, Jonesville, Saginaw, Constantine, Reed City, Goodrich, Charlotte, Sherman, Andersonville, Hope, Shepherd, Plymouth, Bear Lake, Leroy, Peck, Big Rapids, Tustin, Allegan, Lansing, Elk Rapids, and Coopersville, all of the Patrons of Husbandry; of the Hadley and Elba Farmers' Club, the Ionia County Farmers' Institute Society, the Farmers' Club of Ortonville, the Long Lake Farmers' Club, the Shiawassee Farmers' Institute, the Farmers' Club of Livingston County, and of sundry citizens of Clinton County, French County, Cassopolis, Genesee County, Rush Township, and Washtenaw County, all in the State of Michigan, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. HEYBURN. I present two memorials of the Legislature of Idaho, No. 8 and No. 14, to take the usual course. I would suggest that where resolutions of State legislatures have been presented in duplicate, which I suspect may have been done, that they be printed only once in the RECORD.

The VICE PRESIDENT. That will follow. The memorials were presented yesterday by the Senator's colleague and printed in the RECORD and properly referred. The duplicates will also be referred to the Committee on Public Lands.

Mr. BRIGGS presented petitions of Washington Camp No. 97, of Bridgeton; Washington Camp No. 147, of Passaic, Patriotic Order Sons of America; of Local Union No. 1785, United Brotherhood of Carpenters and Joiners of America, of Fort Lee; and of sundry citizens of New Jersey, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented the petition of Albert E. Holmes, of Newark, N. J., and the petition of Walter E. Terry, of Newark, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Cape May Grange, Hamilton Grange, Kingwood Grange, Hopewell Grange, Thoroughfare Grange, Vincentown Grange, Allentown Grange, Burlington Grange, Titusville Grange, Salem Grange, Patrons of Husbandry; and Henry Maguire, of Kearny; William Conover, of Manalapan; Robert Dilatushy, of Robbinsville; R. E. Haines, of Trenton; Theodore Brown, of Swedesboro; W. L. Carmen, of Yardville, and sundry citizens of Hamilton Square, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 62, American Federation of Musicians, of Trenton, N. J., praying for the enactment of legislation prohibiting enlisted men from entering the field of competition with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented a petition of Branch No. 7, Glass Bottle Blowers' Association, of Millville, Conn., praying for the adoption of an amendment to the present pure-food law relative to the manufacture of hand-blown bottles, which was referred to the Committee on Manufactures.

Mr. BULKELEY presented a memorial of Local Grange No. 107, Patrons of Husbandry, of Litchfield, Conn., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented petitions of Hollenbeck Grange, No. 125, of Canaan; of Chester Grange, No. 158, of Chester; of Mattabasett Grange, No. 42, of Middletown, and of Plainville Grange, of Plainville, Patrons of Husbandry, all in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. JONES. I present two telegrams, one for the reciprocity agreement and one against it, which I ask to have read.

There being no objection, the telegrams were read and referred to the Committee on Finance, as follows:

SEATTLE, WASH., *February 20, 1911.*

Hon. WESLEY L. JONES,
United States Senator, Washington, D. C.:

After thoroughly considering reciprocity measure pending in Senate trustees of Seattle Chamber of Commerce, in special meeting to-day, adopted by unanimous vote following: We join lumber, banking, and other interests of Northwest in protesting against passage of Canadian reciprocity bill for provisions affecting lumber, coal, fruit, wheat, and other raw materials. Passage of bill in present condition would be serious blow to development of this part of country. If measure is likely to pass against protests people of Pacific Northwest, we demand insertion of adequate provision for removal of duty on logs and for discriminating duties on transportation in foreign vessels to extent of at least meeting reduced cost of transportation by such vessels over American vessels. While lumber and coal can be transported between American ports only in American bottoms, tonnage of world is open to Canadian shippers.

SEATTLE CHAMBER OF COMMERCE.

SEATTLE, WASH., *February 22–23, 1911.*

To Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The undersigned earnestly urge you to support the reciprocity agreement and to oppose any amendment thereof that will endanger its adoption. We heartily approve of the wise and patriotic action of the President in negotiating this agreement, believing with him that only good to the peoples of both countries will follow its adoption. We maintain that the Pacific Northwest has not a single interest that will suffer from the agreement. From our investigation and observation we believe that the action of the Seattle Chamber of Commerce on this matter is not representative of the sentiments of the citizens of the city of Seattle or the State of Washington, nor do we believe that such action even represents the sentiments of a majority of the members of that body.

The Standard Appraisal Co., J. F. Cronin, president; Old Oregon Lumber Co., per H. Q. Muffley, president; Elder Lumber Co., by A. H. Frink, vice president; Ebey Logging Co., by C. H. Cobb, president; Snohomish Logging Co., by C. H. Cobb, president; International Timber Co., by N. C. Healy, manager; Pacific Coast Condensed Milk Co., per E. A. Stuart, president; Seattle Cedar Lumber Manufacturing Co., by W. H. McEwan, secretary; Hofius Steel & Equipment Co., by W. D. Hofius; Merrill & Ring Lumber Co., by R. D. Merrill; Howell-Brent Lumber Co., William M. Howell, secretary; W. N. Proctor, for Ideal Mill Co.; Milwaukee Shingle Co.; Beacon Mill Co.; Marysville & Arlington Ry. Co., by James H. Smith, assistant treasurer; W. I. Ewart; Bert Farrar; Pacific Tow Boat Co., by F. M. Dugan, president; Ballard Lumber Co., by Charles W. Stimson.

Mr. PILES presented memorials of Sunnyside Grange, No. 129, of Castlerock, and Chambers Prairie Grange, No. 141, of Olympia, Patrons of Husbandry; and of sundry citizens of Centralia, all in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SMITH of Michigan. I present a telegram and ask that it may be read for the information of the Senate.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

LANSING, MICH., *February 13, 1911.*

Hon. WILLIAM ALDEN SMITH,
United States Senator, Washington, D. C.:

The popular and independent magazines and periodicals are the people's free and fearless instruments of discussion and information. In importance of their work they are only second to the public schools. You are respectfully requested to vote against the bill increasing second-class postage, which is aimed at these publications.

CHASE S. OSBORN, *Governor.*

Mr. SMITH of Michigan presented the following telegrams, which were referred to the Committee on Finance and read, as follows:

ST. LOUIS, MICH., *February 18, 1911.*

WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

Eighty thousand Lady Maccabees from various parts of the United States ask you to vote against Senate bill 31539 as unjustly discriminating against every fraternal publication.

FRANCES E. BURNS, *Great Commander.*

TRAVERSE CITY, MICH., *February 18, 1911.*

Senator WILLIAM ALDEN SMITH,
Senate Chamber, Washington, D. C.:

Whereas the magazines of our land are among the greatest forces for enlightenment of our people and for correction of evils and righting of wrongs—

Resolved by the Traverse City Board of Trade, That we urge our Members of Congress to work and vote for the defeat of any provision raising postal rates on periodicals and magazines as proposed in the Post Office appropriation bill now before Congress.

BOARD OF TRADE,
H. MONTAGUE, *Secretary.*

Mr. GRONNA. I present a telegram in the nature of a memorial transmitting resolutions adopted by the Legislative Assembly of the State of North Dakota, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

BISMARCK, N. DAK., *February 23, 1911.*

Hon. A. J. GRONNA,
United States Senator, Washington, D. C.:

I have the honor to submit for your consideration the following concurrent resolution which the house and senate of the twelfth session of the Legislative Assembly of the State of North Dakota have passed, a concurrent resolution, introduced by a committee of three members of the house of representatives and two members of the senate of the Twelfth Legislative Assembly of the State of North Dakota:

"Whereas the reciprocity agreement now pending before the National Congress is of the most vital importance to the welfare of the people of the State of North Dakota; and

"Whereas the Hon. James J. Hill, president of the board of directors of the Great Northern Railway Co., made a certain speech in the city of Chicago on the 15th day of February, 1911, in which the speaker is quoted in the press as saying: 'The farmers of the Northwest are two to one in favor of said reciprocity agreement;' and

"Whereas the said speech has been widely circulated throughout the United States; and

"Whereas said speech does not express the sentiment of the farmers of the Northwest; and

"Whereas if Mr. Hill made said statement, as alleged, it is not in accordance with the facts and sentiment of North Dakota farmers and other interests in said State; and

"Whereas the Twelfth Legislative Assembly of the State of North Dakota is fully convinced that if said reciprocity agreement is entered into and becomes a law or a treaty between the United States and Canada, that it will be a great detriment to the agricultural interests as well as other interests of the State of North Dakota, and will have a disastrous effect upon the farm products and farm values of the State of North Dakota: Now therefore be it

"Resolved by the senate of the State of North Dakota (and the house of representatives concurring), That the Senators and Members of the House of Representatives representing the State of North Dakota in the National Congress be, and they are hereby, requested by the Twelfth Legislative Assembly of the State of North Dakota to use all honorable means within their power to prevent the passage of said reciprocity treaty and its enactment into law;

"Resolved further, That copies of this resolution, duly signed by representative officers of both houses in the Twelfth Legislative Assembly of the State of North Dakota, be sent to the President of the United States and to each of said Senators and Representatives in the National Congress, that they may have the sentiment of the North Dakota people, properly expressed by the legislative body of this State, before them for their consideration; it is

"Further resolved, That the secretary of state is hereby authorized to transmit the foregoing resolution by telegram to William H. Taft, President of the United States, and to the Senators and Representatives in Congress from the State of North Dakota."

Respectfully, yours,

P. D. NORTON, *Secretary of State.*

Mr. LODGE. I present resolutions adopted by the General Court of the Commonwealth of Massachusetts, which I ask may be read and referred to the Committee on Finance.

There being no objection, the resolutions were read and referred to the Committee on Finance, as follows:

Resolved, That the General Court of the Commonwealth of Massachusetts, believing that a reciprocal interchange of commodities between the United States and Canada, based on equitable and fair terms, would prove beneficial to the ultimate consumer and to the various manufacturing, farming, commercial, and other interests of each of the two countries, hereby cordially approves any efforts made to bring about such results.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both Houses of Congress, and to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted February 15, 1911.

In senate, adopted in concurrence February 16, 1911.

A true copy.

Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. SCOTT. Mr. President, I send the following telegram to the desk and ask Mr. Rose to read it in his very best voice, and I should like all Senators to hear it.

The VICE PRESIDENT. If there be no objection, the Assistant Secretary will read the telegram in his very best voice.

The telegram was read and referred to the Committee on Pensions, as follows:

TOPEKA, KANS., *February 23, 1911.*

Hon. NATHAN B. SCOTT,
United States Senate, Washington, D. C.:

Ecclesiasticus, chapter 26–28: "There be two things that grieve my heart. A man of war that suffereth poverty." First Esdras, 4–26: "And he commanded to give to all that kept the city pensions and wages."

M. P. MILLER.

Mr. CULLOM presented a memorial of sundry citizens of Aurora, Ill., remonstrating against 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 Local Union No. 742, United Brotherhood of Carpenters and Joiners of America, of Decatur, Ill., and a petition of Twin City Local Union, American Federation of Labor, of Champaign, Ill., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Benton Post, No. 341, Department of Illinois, Grand Army of the Republic, of Benton, Ill., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. SMITH of South Carolina presented the memorials of William F. Claussen, of Florence; of C. M. Davis & Son, J. H. Rigby, A. Levi, and W. T. Lesesne, of Manning, all in the State of South Carolina, remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which were ordered to lie on the table.

He also presented the petition of J. H. Claffy, president of the Orangeburg County Farmers' Union, of Orangeburg, S. C., praying for the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which was ordered to lie on the table.

Mr. WETMORE presented petitions of Washington Camp No. 1, Patriotic Order Sons of America, and of Eagle Council, No. 8, Junior Order United American Mechanics, of Providence, R. I., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WATSON presented the memorial of H. F. Burnside and sundry other citizens of Point Pleasant, W. Va., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. DICK presented a petition of sundry citizens of West Salem, Ohio, 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 sundry veterans of New Concord, Ohio, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. SHIVELY presented a memorial of sundry citizens of River Park, Ind., remonstrating against the alleged persecution and imprisonment of Fred D. Warren, managing editor of the Appeal to Reason, a paper published at Girard, Kans., which was ordered to lie on the table.

He also presented memorials of Rev. T. J. Bassett, of West Lafayette, the Adscripts Club, of Indianapolis, and of the Agricultural Epitomist, of Spencer, Ind.; of the Christian Herald, of New York City, N. Y.; and of L. C. Reulley, C. E. Clippinger, Edward Ray, and F. F. Lewis, members of the Fletcher Place Preachers' Association, of Indianapolis, Ind., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a telegram in the nature of a petition signed by M. Schwartz, president, and E. D. Robinson, secretary, of the Retail Merchants' Association, of Attica, Ind., praying that an increase be made in the rates of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of South Bend, Ind., and a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BURKETT presented a petition of the Association of Postmasters of Nebraska, praying for the enactment of legislation proposing to place all postmasters under the civil service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Association of Postmasters of Nebraska, praying that an increase be made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. GUGGENHEIM presented a petition of stockholders of the United Wireless Telegraph Co., residents of Pueblo, Colo., praying for the enactment of legislation providing for an investigation of the present status of the wireless telegraph system in the United States, which was referred to the Committee on Commerce.

Mr. DEPEW presented petitions of the Republican Club of New York City, of the Stationers' Association of New York, the Buffalo Credit Men's Association, the American Manufacturers' Export Association, the Hardwood Lumber Exchange of Buffalo, the North Tonawanda Board of Trade, and sundry citizens of Buffalo, New Rochelle, and New York City, 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 Finance.

He also presented petitions of Iron Molders' Union No. 30, of Syracuse; Manlius Council, No. 56, Junior Order United American Mechanics, of Manlius; and Local Union No. 12103, Spring Bed Makers' Protective Union, of Brooklyn, 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 memorials of Ramapo Grange, No. 1013, Patrons of Husbandry, of Tallmans; of Denmark Grange, No. 535; Camden Grange, No. 354; Stockholm Depot Grange, No. 538; Gouverneur Grange, No. 303; Westville Grange, No. 1047; Orange County Pomona Grange; Ischua Grange, No. 953; Morrisville Grange, No. 1149; Pierstown Grange, No. 793; Lombard Grange, No. 714; Rose Valley Grange; Henrietta Grange, No. 817; Searsville Grange, No. 1006; Granger Grange, No. 1116; Machias Grange, No. 994; North Hector Grange, No. 318; Kingsbury Grange, No. 1085; and sundry citizens of Buffalo, Berlin, and Batavia, all in the State of New York, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 113, Brotherhood of Painters, Decorators, and Paperhangers, of Auburn, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Photo-Engravers' Union No. 1, of New York City, and of sundry citizens of Woodhaven, Brooklyn, and New York City; of the Central Trades and Labor Assembly of Syracuse; the Woman's Christian Temperance Union of Schenectady; of Typographical Union No. 4, of Albany; of the New York State Legislative Board, Brotherhood of Locomotive Engineers; and of Gerhard Lang Council, No. 293, Catholic Benevolent Legion, of Buffalo, all in the State of New York, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented memorials of the Treaty Stone Club and the Innisfail Club, of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of the South Bronx Property Owners' Association and the Heights Taxpayers' Association, of the Borough of the Bronx, New York City, N. Y., praying for the extension of the pneumatic mail-tube service to all stations in the Borough of the Bronx, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Union No. 74, Syracuse Musicians' Protective Association, and of Local Union No. 528, Musicians' Protective Union, of Cortland, in the State of New York, praying for the enactment of legislation to prohibit competition between enlisted and civilian musicians, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Central Trades and Labor Assembly of Syracuse, N. Y., remonstrating against any change being made in the present laws relative to the printing of United States securities and bonds, etc., which were ordered to lie on the table.

He also presented a petition of U. S. Grant Post, No. 327, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., praying for the enactment of legislation mustering Frederick Dent Grant into the service of the Army of the United States as of date April 29, 1863, and mustering him out as of date July 4, 1863, with the rank of captain, in order that he may join the Grand Army of the Republic, which was referred to the Committee on Military Affairs.

Mr. PAGE presented memorials of Randolph Grange, of Randolph; Barnard Grange, of East Barnard, and of Lakeside Grange, of St. Albans Bay, all of the Patrons of Husbandry, in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of South Londonderry and Windham, in the State of Vermont, praying for the enactment of legislation providing for the proper observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

BUSINESS OF THE SESSION.

Mr. HALE. I rise, Mr. President, to a question of the consideration of the order of the business of the Senate.

The committees have been at work upon necessary measures up to this morning, and in some cases will be so occupied tomorrow, and I think it is proper to bring before the minds of Senators the condition that will meet us next week.

The pension appropriation bill has not been considered by the Senate, the Post Office appropriation bill has not been considered by the Senate, nor have the agricultural, the naval, the Military Academy, the diplomatic and consular, the fortifications, the great sundry civil, and the general deficiency appropriation bills. The time in which all of these bills can be considered by the Senate and passed—and some of them involve not only important matters, but important controversies—will be but the six days of the coming week. I say six days, but that includes Saturday up until 12 o'clock on the 4th of March. There are besides other important and pressing matters for consideration.

I think Senators should be setting their houses in order for what we shall be compelled to submit ourselves to next week—prolonged sessions of this body to a very late period in the evening, or with a daily recess at 6 o'clock until 8 o'clock, and night sessions. I take this occasion to say these things, so that Senators in making their arrangements about other duties and other employments may not be surprised if, after and including Monday, we shall be obliged to have these continued or night sessions and to meet probably at 11 o'clock. It will be very burdensome, very onerous, and very exhausting work; it will call upon the physical energies of every Member of the body and involve the necessity of pretty nearly constant attendance in order that a quorum may be here to do business.

I have thought it proper to state these things now in order that Senators may be prepared for what will be, as a matter of sheer necessity, imposed upon them during the flying days and nights of next week.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. Mr. President, I present a privileged matter—the conference report on the District of Columbia appropriation bill. I understand that it is privileged to present this report, but that the report has no privilege so far as its consideration is concerned; and yet, in view of what the Senator from Maine has just said in the presence of the Senate as to the public business, in which we all concur, I ask unanimous consent for the present consideration of the report.

The VICE-PRESIDENT. Without objection, the Senate will proceed to the consideration of the conference report submitted by the Senator from New Hampshire. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 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, 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 11, 20, 30, 31, 37, 38, 39, 46, 50, 59, 65, 69, 75, 78, 79, 80, 83, 84, 85, 86, 101, 104, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 123, 129, 134, 137, 140, 142, 143, 147, 150, 152, 159, 164, 165, 171, 172, 175, 176, 181, 187, 188, 190, 191, 196, 199, 200, 202, 203, 204, 205, 209, 213, 220, 222, 230, 231, 232, 235, 238, 239, and 240.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 47, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 74, 76, 77, 82, 87, 88, 91, 92, 96, 97, 98, 99, 100, 103, 108, 119, 120, 122, 124, 125, 126, 127, 128, 130, 131, 135, 138, 139, 141, 144, 146, 153, 154, 158, 162, 166, 167, 168, 169, 170, 173, 174, 177, 180, 182, 183, 184, 189, 193, 194, 197, 206, 210, 212, 214, 215, 216, 217, 221, 223, 224, 225, 226, 227, 228, 229, 233, 234, 241, 242, 243, 244, 245, 246, 247, 248, and 249, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$117,086"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "The provisions of the act approved March 15, 1898, as amended by the act approved July 7, 1898, regulating leave of absence to employees of the Federal Government, are hereby made applicable to the regular annual employees of the Government of the District of Columbia, except the police and fire departments, and public-school officers, teachers, and employees"; and the Senate 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: In lieu of the sum proposed insert "$179,810"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "two cataloguers, at $540 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$40,940"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of apparatus for office of the inspector of asphalts and cements, $500: *Provided*, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to use such portion of public space lying south of Water Street and east of Fourteenth Street SW. as may, in their judgment, be necessary for the site of a municipal asphalt plant and the storage yards and other necessary accessories therefor, and all leases heretofore made by the Commissioners of the District of Columbia, covering all or any part of the aforementioned site, are hereby terminated and canceled from and after such date as the said commissioners may determine by due notice in writing served on the respective lessees. And they are further authorized in their discretion to establish, construct, or purchase, maintain, and operate, on the site above described, a municipal asphalt plant with the necessary accessory structures, machinery, materials, personal services, horses, harness, and wagons, or other means of transportation; all or any part of the above work to be executed by day labor or contract, as in the judgment of the commissioners may be deemed most advantageous to the District, and the cost of the same and of any necessary incidental or contingent expenses in connection with any of the acts hereinbefore authorized shall be paid for and equitably charged, as said commissioners may determine, to the appropriations for repairs to streets, avenues, and alleys, and for paving, made under this act: *Provided further*, That the personal services herein authorized shall not be included within the limitation of section 2 of this act: *Provided further*, That the total of expenditure for the construction of the plant proper shall not exceed $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$123,650"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 89 and 90, and agree to the same with amendments as follows: Transpose said amendments and insert the same on page 33 of the bill, after line 26, amended as follows: In line 8 of amendment numbered 89 strike out the word "seventy-five" and insert in lieu thereof the words "one hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$260,000", and on page 35 of the bill, in line 24, after the word "specifications", insert the following:

"*Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissoners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose, and of this appropriation the sum of $40,000 is hereby made immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Interior Park: For the condemnation of land in the interior of square 534, within the limiting lines shown on approved plans in the office of the Engineer Commissioner of the District of Columbia, and for the development of the land so acquired as an interior park: *Provided*, That the said land shall be condemned by a proceeding in rem in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia within six months after the date of the passage of this act: *And provided further*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be condemned, plus the cost and expense of said proceeding, not less than one-third thereof shall be assessed by the jury as benefits, $78,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,495"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$940,009.50"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$536,170"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$128,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to make an investigation as to the necessity of installing a high-pressure fire service system in the business section of the city of Washington, and to report the results of such investigation to Congress at its next regular session"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter any inspector of dairies and dairy farms may act as inspector of live stock when directed by the health officer"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 68 of the bill, in line 6, strike out the word "ten" and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of a pound and stable, to be immediately available, $10,000: *Provided*, That the Commissioners of the District of Columbia are authorized to build said pound and stable on public space owned or controlled by said District adjacent to James Creek Canal"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with

an amendment as follows: In lieu of the sum proposed insert "$11,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Deputy financial clerk, $1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,380"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$27,015"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$34,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment, as follows: On page 84 of the bill, in line 16, strike out the words "four hundred and eighty" and insert in lieu thereof the words "six hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stableman, $300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,480"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,930"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In line 22 of said amendment, after the word "workhouse," insert the following: "or in the Washington Asylum and Jail"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$48,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 237, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

J. H. GALLINGER,
CHARLES CURTIS,
B. R. TILLMAN,
Managers on the part of the Senate.
WASHINGTON GARDNER,
E. L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

The report was agreed to.

REPORTS OF COMMITTEES.

Mr. DICK, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (H. R. 21163) for the relief of Frank Chroneberry (Rept. No. 1235); and

A bill (H. R. 22550) for the relief of Isaac Thompson (Rept. No. 1236).

He also, from the same committee, to which was referred the bill (H. R. 20136) for the relief of Elmer P. Kerr, reported it without amendment and submitted a report (No. 1237) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8730) for the relief of William Mullally, reported it without amendment and submitted a report (No. 1238) thereon.

Mr. DICK. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 3245) to remove the charge of desertion from the military record of Thomas H. Thorp, to ask that the bill be indefinitely postponed, as the subject matter is covered in the bill just reported by me.

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. BURNHAM, from the Committee on Claims, to which was referred the bill (S. 5037) for the relief of G. A. Embry, reported it without amendment and submitted a report (No. 1239) thereon.

Mr. DU PONT, from the Committee on Pensions, to which was referred the bill (S. 9201) granting an increase of pension to Annie G. Hawkins, reported it with amendments and submitted a report (No. 1240) thereon.

Mr. LODGE. From the Committee on Foreign Relations I report an amendment relative to the Chinese Boxer indemnity moneys, intended to be proposed to the sundry civil appropriation bill, which I ask may be printed and referred to the Committee on Appropriations. I submit with the amendment a memorandum, which need not be printed but which I ask may be referred to the committee.

The VICE PRESIDENT. The amendment will be printed and, with the memorandum, referred to the Committee on Appropriations.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the amendment submitted by himself on the 17th instant, relative to the payment of approved claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, etc., intended to be proposed to the general deficiency appropriation bill, reported it with amendments and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. FRYE, from the Committee on Commerce, reported an amendment relative to the burial of officers and men of the Revenue-Cutter Service dying in the service of the United States after having been honorably discharged from the service, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

SUBPORT OF ENTRY AT BIRMINGHAM, ALA.

Mr. FRYE. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 29708) to constitute Birmingham, in the State of Alabama, a subport of entry. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that Birmingham, Ala., shall be constituted a subport of entry in the customs collection district of Mobile, and extends to it the privileges of section 7 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

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

MISSISSIPPI RIVER BRIDGE, MINNESOTA.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 32341) to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

RED RIVER BRIDGE, LOUISIANA.

Mr. MARTIN. From the Committee on Commerce I report back favorably with an amendment the bill (S. 10849) to authorize the city of Shreveport to construct a bridge across Red River, and I submit a report (No. 1234) thereon.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana?

Mr. BROWN. Mr. President, I do not desire to object to this bill, but I give notice that I will object to the consideration of any other bill during the morning hour.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Commerce was, in section 1, line 6, after the words "Red River," to insert the words "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the city of Shreveport, a corporation organized under the laws of the State of Louisiana, be, and is hereby, authorized to construct, maintain, and operate a traffic bridge and approaches thereto across the Red River, at a point suitable to the interests of navigation, at Shreveport, in the State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of a bridge over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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.

G. A. EMBREY.

Mr. BURNHAM. From the Committee on Claims I report back favorably the bill (S. 5037) for the relief of G. A. Embrey, and I submit a report (No. 1239) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. BROWN. I insist upon the regular order.

The VICE PRESIDENT. The regular order is demanded. The bill will be placed on the calendar.

COMPILATION OF TREATIES.

Mr. SMOOT. On the 17th instant the Senator from Washington [Mr. JONES] presented to the Senate a compilation of the reciprocity treaties between the United States and foreign countries, and it was referred to the Committee on Printing for action. I report back the compilation and move that it be printed as a public document (S. Doc. No. 831).

The motion was agreed to.

BILLS INTRODUCED.

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

By Mr. SMOOT:

A bill (S. 10884) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

By Mr. GALLINGER:

A bill (S. 10885) to provide for the payment of the debt of the District of Columbia, and to provide for permanent improvements, and for other purposes; to the Committee on the District of Columbia.

By Mr. WETMORE:

A bill (S. 10886) granting an increase of pension to Lillis E. Wood (with accompanying papers); to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 10887) for the relief of the heirs of Frazine (or Josephine) Delharte; and

A bill (S. 10888) for the relief of the heirs of Thomas Johnston, deceased (with accompanying paper); to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLINT submitted an amendment proposing to appropriate $5,000 to purchase for military and camp site purposes the Rancho del Encinal, in San Luis Obispo County, Cal., 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. FLETCHER submitted an amendment proposing to appropriate $1,222,000 for certain improvements at the navy yard, Pensacola, Fla., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $3,000 for the salary of the foreman of printing, Government Printing Office, 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.

He also submitted an amendment proposing to appropriate $5,000 for the establishment of range lights at Eagle Point, Delaware River, 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.

He also submitted an amendment proposing to extend the limit of cost of the immigration station at Philadelphia, Pa., 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. BULKELEY submitted an amendment proposing to appropriate $25,000 to pay the claims of the 14 members of Companies B, C, and D, Twenty-fifth United States Infantry, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TILLMAN submitted an amendment proposing to pay all compositors employed in the Government Printing Office 55 cents per hour for time actually employed, 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. SMOOT submitted an amendment proposing to appropriate $1,000 to pay the reasonable expenses of the hospital and surgical treatment of Alice V. Houghton, incurred by reason of the injury suffered by her at the Bureau of the Census on January 31, 1911, 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. MARTIN submitted an amendment proposing to appropriate $75,000 for the erection of a suitable memorial and mortuary chapel adjacent to the Arlington National Cemetery, within the limits of Fort Myer Military Reservation, 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.

He also submitted an amendment proposing to appropriate $80,000 for the purchase of land and widening of the channel at the Norfolk Navy Yard, Va., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $5,000 for the maintenance of a wagon road in Mount Rainier National 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.

He also submitted an amendment proposing to appropriate $100,000 for establishing a light and fog-signal station on Cape St. Elias, Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for continuing the construction of the United States Penitentiary at McNeil Island, Wash., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the protection and improvement of the Mount Rainier National Park from $3,000 to $8,400, 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. SMITH of Michigan submitted an amendment relative to the transmission through the mails of publications of fraternal societies, etc., intended to be proposed by him to the post-office appropriation bill, which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment proposing to appropriate $2,000 for the relief of the widow, child, or children of Charles F. Atwood, of Boston, Mass., and also $840 to be paid Ziba H. Nickerson, of Lynn, Mass., in full compensation for their death in the performance of their regular duties, as employees of the Treasury Department, on July 16, 1908, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $1,400 for chief of shipping department, Government Printing

Office, 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. OWEN submitted an amendment proposing to appropriate $6,000 for the salary of the Surgeon General of the Public Health and Marine-Hospital Service, 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.

He also submitted an amendment proposing to appropriate $4,586.50 to pay the claims of the Eastern Cherokee Councilors, 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. SMITH of Maryland submitted an amendment proposing to appropriate $125,000 for the establishment of range lights at Fort McHenry, Md., 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.

RECIPROCITY WITH CANADA.

On motion of Mr. NELSON, it was

Ordered, That 25,000 copies of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, be printed for the use of the Senate.

THE PANAMA CANAL.

Mr. FLINT submitted the following resolution (S. Res. 367), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals, or any subcommittee thereof, be authorized to visit the Panama Canal and investigate the work and progress thereof during the recess of the Senate, and to employ such clerical assistance as may be deemed necessary, and that the expense of such investigation shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or subcommittee.

USE OF HAND-ROLLER PRESSES.

Mr. SMOOT. I present a number of newspaper clippings taken from the New York Sun, the Independent, and the Boston Transcript relative to the cost of running hand-roller presses in the Bureau of Engraving and Printing. I ask that the clippings lie on the table and be printed in the RECORD.

The VICE PRESIDENT. The Senator from Utah asks that certain newspaper clippings be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New York Sun, Wednesday, Nov. 23, 1910.]

UNION COSTS UNITED STATES $778,000 A YEAR—PLATE PRINTERS KEEP POWER PRESSES OUT OF THE ENGRAVING BUREAU—HAND PRESSES STILL USED, ALTHOUGH MEN AT POWER PRESSES EARN $9 A DAY AND OTHERS MAKE ONLY $6.

WASHINGTON, *November 22.*

Unionism exacts an annual tribute of $778,000 from one bureau alone of the United States Government. Each year this large sum is contributed from the Federal Treasury to the union plate printers employed in the Bureau of Engraving and Printing.

This $778,000 represents the amount that would be saved annually by the Federal Government if power presses were introduced into the bureau in place of the old hand-roller presses now used in turning out bonds, notes, and checks. An act of Congress passed in 1898 at the instance of union labor has prevented the introduction of this economy.

Not only has this act cost the Federal Government many hundreds of thousands of dollars each year in excess wages, but it has necessitated the throwing of power presses, for which the Government itself had paid more than $15,000, into the junk heap. The immediate introduction of power machinery to do the work now performed on hand presses would reduce the force of printers in the bureau by 450 and the printers' assistants by 350.

The Plate Printers' Union for 20 years has successfully blocked efforts to have the Government notes, bonds, and checks printed by the steam or power process. For 10 years prior to 1908 this union had sufficient power in Congress to prevent the printing of internal-revenue stamps by power presses, and the introduction of this reform in the interest of economy was finally accomplished only through resort to a joker in the sundry civil bill passed in 1907. The bill had been signed by the President before the union realized that one of its provisions authorized the printing of internal-revenue stamps by power presses.

The union is supposed to be more strongly intrenched in Congress now than it ever has been. It maintains a legislative agent and an assessment of $3 a month is levied on members for the raising of a fund to protect their interests. The union is credited now with having a fund of this character amounting to about $40,000. The plate printers in the Bureau of Engraving and Printing constitute a local branch of a national organization which belongs to the American Federation of Labor, and they have had the support of the federation in their fight against the introduction of modern machinery into the bureau.

The local plate printers have been adroit in the methods they have adopted to intrench themselves in Congress. They have sent speakers out to aid Members of the House of Representatives in Congress, and on several occasions have presented to influential Members of both the House and the Senate beautifully engrossed resolutions certifying that said Member or Senator was a friend of union labor.

Such resolutions have been presented to Speaker CANNON, Representative JAMES A. TAWNEY, chairman of the House Appropriations Committee, and Representative WALTER I. SMITH, of the same committee. James A. Hemenway, of Indiana, when he was in the United States Senate received a similar set of resolutions and used them in his campaign to be returned to the Senate. It is understood that Members of Congress availed themselves of such resolutions to promote their candidacy in the recent elections.

The legislative record alone tells the story of how union labor has for years fought against the introduction of economic reforms in the Bureau of Engraving and Printing. In view of the present administration's desire for economy and the talk of Congress itself along this line, the record is exceedingly interesting. As regards Congress it is illuminating.

As far back as 1886 Congress authorized the installation of new and improved plate-printing presses in the Bureau of Engraving and Printing. The sundry civil act of that year contains the following clause:

"*Provided*, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses."

The same provision was incorporated in the sundry civil bill passed in 1887.

With the appearance of this legislation on the statute books, organized labor began an active campaign which resulted in the incorporation of this clause in the sundry civil act of 1888:

"*Provided*, That there shall not be an increase of the number of steam plate-printing machines in the Bureau of Engraving and Printing."

This was the first check the unions obtained against the use of steam presses in the bureau. They were, however, by no means satisfied and continued an active campaign for the repeal of the laws permitting the introduction of the power presses. Another year's effort brought about a further yielding on the part of Congress, and in the sundry civil act of 1889, after appropriating $466,000 for the payment of royalty on the steam plate-printing machines already installed in the bureau, there appeared this clause:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of larger denomination than those that may be canceled or retired: *Provided further*, That no part of this appropriation shall be used for the repair or reconstruction of steam-plate printing presses: *Provided further*, That there shall not be an increase of steam-plate printing machines in the Engraving and Printing Bureau."

The director of the bureau, under the authority conferred upon him by the acts of 1886 and 1887, had installed 25 power presses in the bureau. The above provision in the sundry civil act of 1889 practically restricted the use of the machines to the printing of internal-revenue stamps.

In 1898 there was a revival of the talk about turning out the Government notes and bonds by power-press methods. The plate printers again brought their influence to bear upon Congress, with the result that the sundry civil act of 1898 contained this clause:

"*Provided further*, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses."

This provision effectively blocked and continues to block any effort to economize in the turning out of this class of Government printing. Seven power presses which had been bought by the Director for use in printing notes, bonds, and checks, at a cost of about $15,000, were sold as junk for about $350.

Not content with the above prohibition, the plate printers directed their attack on the statutory authorization which allowed the director of the bureau to print internal-revenue stamps by the power method. The director had been turning out stamps from the power presses from 1889 until the following provision in the sundry civil act, approved March 3, 1899, legislated the presses out of the bureau:

"*Provided further*, That the faces of all tobacco stamps for use on packages of 2 pounds and upward, and all beer, whisky, cigars, snuff, oleomargarine, and special liquor tax stamps shall hereafter be printed from engraved plates upon hand-roller plate-printing presses."

With the incorporation of this provision in the sundry civil act of 1899 the union victory for the retention of the hand-press method was complete.

Revenue stamps, as well as notes, bonds, and checks, were by statute now to be printed exclusively by the hand method. That condition of affairs continued unbroken until 1907, when a joker was slipped into the sundry civil bill. This joker was placed in the bill by the House Committee on Appropriations, and did not become known to the union printers or to anyone outside of a few members of the committee until after the bill had received the President's signature. The joker was entirely blind as to its purpose and read as follows:

"And the second provision under this head in the sundry civil appropriation act approved March 3, 1899, is hereby repealed."

The proviso repealed was the one which declared that the faces of all internal-revenue stamps should be printed on the hand-roller presses. The bill containing this joker was signed by President Roosevelt on March 4, 1907.

The repeal of this provision permitted the introduction of power presses for the printing of internal-revenue stamps and a contract was immediately made by the director of the bureau for 20 of these presses. The bureau is now operating 25 of the presses in turning out internal-revenue stamps, all of this work being done by that method.

This has, of course, resulted in a big saving to the Government, and at the same time has worked no hardship on the plate printers, who for so many years combated the reform. The plate printer at the power press makes more money than did the plate printer who turned out internal-revenue stamps under the old method. The increased demand for the stamps and the gradual introduction of the machines have taken care of the men without having thrown any out of employment.

Of course there are not as many men employed now in turning out internal-revenue stamps from the electric machines as would have been employed if the old hand-press method had been retained, but all those who were on the pay roll of the bureau when the change was made have been cared for. It is the fact that the introduction of the machines has reduced the possibilities for the employment for plate printers that the union objects to.

It is likely that in the coming session of Congress an effort will be made to extend the steam-press method in the printing of notes, checks, and bonds, and thus end the unnecessary drain of $700,000 a year on the Federal Treasury.

The point that the plate printers have raised against the introduction of the power presses for printing United States notes, checks, and bonds is that this method will turn out an inferior product, lacking the beautiful, artistic features of notes printed by the hand process. They have added that the power-press notes and bonds also will be more easily counterfeited. This is the stock argument that the unions have advanced in Congress whenever the subject has come up there. It was the argument that they raised against the introduction of steam presses for the printing of internal-revenue stamps. The steam presses are to-day, however, turning out internal-revenue stamps perfectly satisfactory to the Government and equal in every way, it is said, to those that were formerly printed by hand.

As far back as 1889 this subject of the relative merits of the hand and power press methods was thoroughly investigated by Congress. In 1889 the Bureau of Engraving and Printing started to print the backs of some silver certificates and of United States notes on steam presses.

The attack by the union on this method led to an investigation, and the Senate Committee on Finance, after listening to testimony which filled a good-sized volume, brought in a report sustaining the steam process. The committee cited the opinion of C. S. Fairchild, then Secretary of the Treasury, that the notes and greenbacks printed by power presses were satisfactory. They also quoted James W. Hyatt, then Treasurer of the United States, who said:

"The character of the printing on both the backs and faces of all the notes and certificates received from the Bureau of Engraving was perfectly satisfactory to this office and, so far as I am informed, to the banking community and the general public. No difference in quality is observable between the backs said to be printed by hand and those said to be printed by steam. All of them appear to be of excellent quality, the color being good, and the printing sharp and distinct."

Treasurer Hyatt added that he had been unable to discover anything in the engraving and printing of these notes which makes it easy to counterfeit them.

The committee also quoted several bankers in support of the greenbacks that had been turned out partly by the steam process. One of the bankers quoted was George F. Baker, president of the First National Bank of New York, who said:

"The silver certificates of the series of 1886 seemed to me an improvement over all other issues of notes since the original legal-tender greenbacks, and I see nothing in them to facilitate counterfeiting more than in other series."

Since then there have been conflicting views expressed by Congress, but Government experts now declare that the successful experience in turning out internal-revenue stamps on power machinery could be duplicated in the printing of notes, bonds, and checks if the change were authorized by Congress. In viewing specimens the Government experts will not undertake to say now which is the product of the power and which comes from the hand presses. All of Canada's paper money is printed by the steam process by the American Bank Note Co.

As was done in the case of the introduction of power presses for the printing of internal-revenue stamps, the change in regard to notes, bonds, and checks could be brought about, it is said, without working any hardship on the union men now employed in the bureau. The Government's business at the Bureau of Engraving and Printing is increasing at the rate of 15 per cent a year, and by gradually introducing the steam presses it is estimated that it would be only a comparatively short time when the present drain would be checked without any printers being thrown out of work. If only the backs of United States currency and national-bank currency were printed on power presses to begin with it would result in a saving of $396,000 a year.

It is estimated that it would cost $420,000 to install power presses sufficient to print United States notes, bonds, and checks. This amount is only a little more than half of what the United States now contributes yearly to the members of the union in excess wages.

The plate printers employed in the Bureau of Engraving and Printing make good money. They are paid by the sheets turned out. The internal-revenue stamp printers at power machines average $9 a day. They work 8 hours a day, have 30 days' leave a year with pay, all national holidays, and half Saturdays in July, August, and September.

The man on the hand press, on the other hand, averages only about $6 a day.

But the strong union objection to the introduction of power presses for the printing of notes, bonds, and checks is the same that was advanced against the introduction of internal-revenue power presses—that the possibilities for the employment of union plate printers will be curtailed. To maintain this field uncurtailed the Federal Government apparently is expected to sacrifice $778,000 a year.

[From The Independent, Nov. 24, 1910.]

THE TREASURY'S TRIBUTE OF A MILLION A YEAR TO ORGANIZED LABOR.

If the United States Government were as free as a private establishment to institute reforms in its various departments, to hire and discharge at will, to introduce labor-saving machinery, to adopt improved methods, and, in a word, to avail itself of the economies which private business concerns adopt with such readiness, millions of dollars a year could be saved over the present cost of administration. Not only, however, is the Government not a private employer, with its main concern a balance sheet showing profit or loss, but Government service is hedged in with traditions and practices limiting to an almost incredible extent the initiative of the higher officials who are responsible for the operations of the departments.

The civil-service laws have thrown over most Government employees the wide blanket of protection against loss of position through any cause but death or illness. Political influence, often ingeniously maintained intact whatever changes may take place in White House or *Congress, stands* ready to resist innovations which threaten beneficiaries with loss of position or demotion. The theory that the Government is morally bound to keep on its pay roll clerks whom age has incapacitated, instead of filling their places with younger and more capable persons, is practically recognized by the Government itself, as probably it is approved by public opinion. The absence of a civil service retirement system, due partly to the belief of many employees that some time the Government will adopt a "straight" (noncontributory) civil-pension system, tends to continue conditions of inefficiency and sloth which would not be tolerated a week in any well-managed private establishment. Organized labor, too, while keeping and kept on good terms with Uncle Sam by means of diplomatic concessions, is ever suspicious of plans aiming to improve existing methods in mechanical establishments like the navy yards, the Government Printing Office, and the Bureau of Engraving and Printing, and is alert to oppose them.

Despite all these handicaps to progress, the administrative departments of the Government are doing their work better, more economically and more rapidly every day. It is not credible that an administration should make its draft upon the best legal and business talent of the country practically once in four years without securing managers and superintendents—for such Cabinet officers are—of up-to-date mind and practice. Long ago, perhaps with the abolition of the spoils system, the ancient practice was reversed, and social duties became secondary to work—continuous, grueling, brain-racking, body-destroying work. From Cabinet officer to chief clerk, no man in responsible position with the United States Government has an easy position. Every step forward is beset with perplexities and hampered by discouraging traditions. Progress is made only by main force, and often with a complete sacrifice of personal popularity; often only after a fight of which the public knows little or nothing, yet which makes the victor wonder whether or not the game was worth the candle.

This possibly illuminating and perhaps needless introduction is suggested by the perplexity in which the United States Treasury Department finds itself in the midst of the most successful attempt to improve antiquated methods that has been made in that institution for many decades. Secretary Franklin MacVeagh, one of the two business men of the Taft Cabinet, and the corps of able young men with which he has surrounded himself, already have worked wonders in simplifying, systematizing, and making less expensive the complicated processes of the Treasury. An estimated saving of almost $1,900,000 per annum is expected from improved business methods already authorized. The proposition to change the designs and reduce the size of United States and national bank notes would save the Government an estimated $900,000 a year more, and greatly increase the mechanical efficiency of the Bureau of Engraving and Printing. But the plans in this direction, making possible a third estimated saving of $900,000 a year, threaten to stop there, through the silent but none the less effective operation of the traditions referred to in the opening of this article. The facts are a matter of public record, but the public, outside the labor unions, knows nothing of the actual conditions underlying this peculiar situation, and these of themselves make a story which is a little short of sensational.

Ever since the institution of the Government the paper currency of the United States has been printed upon hand presses, except for a few months about 14 years ago. This process was necessary in the early days, before the invention of power presses that would do the work equally well, but in modern printing plants, outside the Government service, these have long been discarded for work of identical character and the rapid power press used.

Not only does the Government continue the use of a process whose retention costs $900,000 a year more than need be paid, but Congress has more or less deliberately, if unwillingly and under duress, lent itself to the scheme to perpetuate the antiquated practice. Not only has every effort to introduce improved devices been resisted by labor organizations within and without the Government employ, but the issue has been taken into politics.

The legal authority by which the use of the old hand presses is continued is of an exceedingly indirect, if not ambiguous, character. It originated, in fact, in an obscure proviso tucked away in a sundry civil bill of more than 20 years ago, and exists now in a brief proviso of the law making sundry civil appropriations, dated July 1, 1898, as follows:

"Provided further, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses."

As long ago as 1886 the Government first attempted to bring the Bureau of Engraving and Printing up to date by the use of power presses. The sundry civil act of that year was the first to permit the installation of new and improved plate-printing presses, which it did in the following language applicable to the appropriation for the use of the bureau:

"Provided, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses."

Some presses were bought and installed, and the same provision was repeated in the sundry civil act for the fiscal year ending June 30, 1888, but by that time organized labor had begun an active campaign against the proposed economy, not unlike that which the old hand shoemakers, before they had begun to take the larger view, waged against the introduction of machinery in shoe factories. A frightened and complaisant Congress came to the rescue, and the sundry civil bill of October 2, 1888—this was preceding the presidential election—nullified the permissive legislation as far as it could by providing that "there shall not be an increase of the number of steam plate-printing machines in the Bureau of Engraving and Printing."

This prohibition, of course, effectually checked the efforts of Uncle Sam to have his paper money printed quicker and more economically; but organized labor, not content, then started a movement to repeal the law of 1887–88 permitting the introduction of power presses and to restrict the use of the machines already in operation. The sundry civil act for the fiscal year of 1889–90 limited the payment of royalty on the presses to 1 cent per thousand impressions and also directed that no part of the appropriation should be expended for printing United States notes of larger denominations than those that might be canceled or retired. The law again prohibited the purchase of more machines, and contained, in addition, a fatal clause refusing money for the repair or reconstruction of the power presses already installed.

Under the authority originally granted and despite the opposition described, the director had succeeded in buying and operating 25 power presses. As the labor organizations closed in on him with law after law, he finally discontinued the use of the machines for printing money and operated them in the printing of internal revenue stamps. The unions finally legislated the power presses out of the bureau altogether by a law approved March 3, 1889, providing that the faces of all tobacco stamps for use upon packages of 2 pounds and upward, and all beer, whisky, cigar, snuff, oleomargarine, and special liquor tax stamps should thereafter be printed from engraved plates "upon hand roller plate printing presses."

Meantime, changes have occurred in Congress and men have come in who either stand on their own feet at home or believe in giving the Government a square deal, or both, for the sundry civil act of March 4, 1907, contained a "joker" which outwitted the enemies of the power presses and allowed at least a limited opportunity for their use. This joker was placed in the bill before it left the committee room of the House and was not noticed nor was its purpose suspected until the bill had been signed by the President. The joker read as follows:

"And the second proviso under this head in the sundry civil appropriation act, approved March 3, 1889, is hereby repealed."

This was the proviso whereby organized labor had succeeded in prohibiting the use of power presses for printing internal-revenue stamps. The director immediately bought 20 power presses, and 25 are now operated in that work. But the prohibition of the act of July 1, 1898, still stands, and it would be illegal for the Government to print notes, bonds, or checks upon anything but hand-roller presses, notwithstanding that more than $900,000 a year could be saved if power presses were used. In the face of approaching elections Congress always has been timid, and this year has not been one to encourage congressional audacity, except upon certain "popular" issues supposedly closer to the people in the districts at home.

Another tidy item is that of checks and drafts, of which the Government printed about 10,000,000 last year for its own use, all from engraved plates and by the hand-roller process. This work could be done equally well by power presses from a rubber "offset," at an estimated saving of $37,000 a year. By the old process the cost of checks, per thousand, bound, is $8.29. By the improved process it would be $2.93. Warrants now cost $9.94 a thousand and could be printed equally well for $2.34 a thousand. The hand printers turn out 800 sheets a day, and 45,000 a day could be printed by the offset process.

At the close of the first session of the Sixty-first Congress, in an unwonted burst of courage, the Senate Committee on Appropriations decided to repeal the appropriation against the power printing of notes,

checks, and bonds. Another "joker," repealing the provision of June 4, 1897, was inserted in an obscure corner of the sundry civil bill. At the last moment, however, the committee weakened, for reasons which may be guessed, and the provision was stricken out.

Under such circumstances as these the Government has been powerless to institute the great economies involved in a change of methods at the Bureau of Engraving and Printing, amounting to between $1,500,000 and $2,000,000 a year. The plate printers are strongly organized and have a large fund of their own, with which they maintain an alert lobby, and in a contest with the Government they would expect the backing of the American Federation of Labor. They would appear to show as little foresight as the old hand shoemakers exhibited when they first opposed the introduction of machinery. In that case the growth of the business was such as not only to command the services of all trained men, at increased wages, but of thousands more.

Exactly the same condition is presented in the Bureau of Engraving and Printing, where the work accumulates so rapidly that additions to the force are being made all the time. Indeed, the business of the bureau increases at the rate of 20 per cent a year. It is estimated that in five years, at the utmost, under normal conditions, should the new processes be instituted, all the present employees would be working again. As a matter of fact, the period of possible idleness for some would not be more than two or three years, for the bureau is taking on more and more new work every year. It has just been compelled to decline to accept a lot of engraved work in connection with the institution of the new postal savings bank system because of lack of facilities.

The American Bank Note Co. has introduced the power presses and is printing large quantities of bonds for counties, municipalities, and corporations, and bonds, paper money, etc., for foreign governments. Spain, China, Japan, Mexico, and Argentina successfully use the power press for their paper currency. Bureau officials say they will defy an expert to detect the difference between a hand-printed and a power-printed note.

The Treasury Department, in trying to bring about the improvements and economies noted, would not be neglectful of the personal interests of employees. Power press plate printers are paid higher wages than hand press workers, consequently the change presents some immediate advantages. Again, it is estimated that between 15 and 20 per cent of the hand press operators suffer from rupture and other consequences of physical strain from pulling the heavy levers used in their work. The Treasury Department, under Secretary MacVeagh, has systematically adopted the policy of reinstatement in cases of discharge necessitated by the adoption of improved methods. Of 200 persons dropped by law July 1, 1910, in various branches of the department, all but about a dozen had been provided for in other bureaus and offices within two months. For the fiscal year ending June 30, 1910, there were 636 resignations, 351 removals, and 73 deaths in the Treasury Department. Of the persons resigning or dropped, 287 were reinstated; 605 new appointments were made. During the present fiscal year the number of reinstatements has been much larger. In the case of the plate printers reinstatement would be the policy pursued exclusively, of course. The personal inconvenience to be caused by the change would be only temporary at most, while the gain to the Government and the reorganized service would be permanent.

It would seem that here is presented an ideal opportunity for the labor organizations, instead of opposing progress and the Government, to cooperate with the progressive administrators of the Treasury Department to the lasting benefit of the wageworkers and of the service which employs them.

WASHINGTON, D. C.

[From the Boston Transcript, Thursday, Feb. 16, 1911.]

LABOR'S ODD ATTITUDE—BETTER CONDITIONS FOR WORKERS OPPOSED—PROPOSED CHANGE FROM HAND TO POWER WORK IN BUREAU OF ENGRAVING AND PRINTING STRONGLY RESISTED BY GOMPERS AND HIS FOLLOWERS—NEW PLAN MEANS MORE PAY, EASIER WORK, AND BETTER CONDITIONS, AND NO ONE WOULD LOSE HIS POSITION—LESS DANGER OF COUNTERFEIT NOTES—TREASURY DEPARTMENT INCLINED TO PRESS THE PLAN, WHICH SECRETARY MACVEAGH EXPLAINS IN DETAIL.

WASHINGTON, *February 15.*

Better pay, easier work, and less menace to health are being resisted by the hand plate printers of the Bureau of Engraving and Printing, with the support of the American Federation of Labor, and with all the energy at the command of the labor unions. This might appear to be a one-sided statement of the proposition were it not that it is strictly in accordance with the facts, as they are understood by all the officials of the Treasury Department having to do with the printing of notes. Senators and Representatives are being urged by mail to refuse their vote in behalf of the Smoot bill, which would permit the installation of power presses in the bureau, and the plate printers, or some of them, are conducting a campaign among the business men of Washington, which precipitated a small war at the meeting of the chamber of commerce last night.

After months of study and the most careful attention to every detail involved in the proposed change, the Treasury Department decided that if the old law could be repealed and power presses substituted for hand presses for the printing of paper currency, from $750,000 to $1,000,000 could be saved every year in the appropriation for the Bureau of Engraving and Printing. Joseph E. Ralph, director of the bureau, has been consulted during every stage of the department's investigation, and, although he is and always has been a union-labor man and a practical mechanic, he is as enthusiastically in favor of the change as Assistant Secretary Andrew himself, who is chiefly responsible for the proposition.

EMPLOYEES WILL BE RETAINED.

Just why President Gompers and other labor leaders should oppose the changes proposed by the Government in the Bureau of Engraving and Printing is one of the mysteries of the labor movement. Power plate printers are paid $9 a day, while hand-press printers receive only $6. It is much easier to run a power printing machine than to jerk a hand press. The power work also eliminates the danger of rupture to the operator, an extremely important consideration when it is known that from 15 to 20 per cent of the hand-press operators have sustained severe bodily injuries through the strains incident to their work.

Not only will the power plate printers have easier work and better pay, but the Government has practically guaranteed that none of the operators now employed shall lose their positions. The Smoot bill, now before the Senate, provides that only 20 per cent of the work shall be affected each year, until the change from hand to power presses has been made complete. With deaths, removals, and transfers continually occurring, along with the natural increase of business, it is estimated that within four years the complete substitution could be made and not a person be thrown out of employment. The Government, however, has gone this estimate one better and allowed five years for the substitution, thus positively guaranteeing, it would seem, ample provision for the continued employment of all operators now in the service.

GOMPERS LEADS ATTACKS.

President Gompers, of the American Federation of Labor, has attacked the proposed change in his characteristic style and called upon organized labor throughout the country to exert its influence upon Congress to prevent any change in the law. In a circular sent to organized labor January 31, 1911, Mr. Gompers takes it upon himself to argue against the proposed change solely upon the ground that as it is the duty of the Government to protect the interests of the people against fraud and to throw around paper money every safeguard against the "unlawful issuing" of counterfeit money, the existing law should not be changed. He declares that the purpose of the present law is to maintain the highest standard of excellence in the printing of paper currency. Without exactly making the charge, the Gompers circular implies that the power presses will turn out inferior work and that it may more easily be counterfeited than handwork. The circular makes no mention of the actual and undisputed benefits to the operative, which would come to him through the substitution of power presses.

The Government very quickly challenged Mr. Gompers upon the question of excellence. By direction of the department, Director Ralph requested that the plate printers turn out for him a few sample notes on one of the power presses which already are in use in the bureau for printing internal-revenue stamps. The plate printers flatly refused. Thereupon a peremptory order for the printing of some 40 sample notes was sent to the bureau and the work was done. A few days later Senator SMOOT gave a hearing on the bill, the notes printed by the power press were submitted along with others printed on the hand presses and the labor leaders of the bureau, under whose supervision the work was done, declined to attempt the task of telling the two issues apart. As to counterfeiting, the danger in counterfeiting is in the plates rather than the printing. As a matter of fact, impressions from the power presses would average more uniform than from the hand presses. Some of the opponents of the change have tried to prove their points by comparing American with Canadian notes, but this test is manifestly unfair.

EMPLOYEES NOT QUITE FAIR.

The Treasury Department would feel less earnest over its desire to economize and otherwise improve the administration of the Bureau of Engraving and Printing if it could feel that it was being fairly met by the employees. Secretary MacVeagh entertained a dozen representatives of the Plate Printers' Union at his residence in Sixteenth Street not long ago and patiently went over the whole subject with them, but apparently to no purpose. Senator SMOOT and Director Ralph requested permission to address the Plate Printers' Union upon their proposition not long ago, but the request was refused notwithstanding that the director invariably gives a hearing to any of his printers who feels himself aggrieved.

The matter was taken into the Washington Chamber of Commerce and the committee prepared a noncommittal resolution covering the whole question. This was decided upon yesterday morning. During the day the committee apparently had been approached by representatives of the labor unions, and as they are all local business men, they evidently had been a little frightened, for at the evening session only two members of the committee, which had been unanimous in the morning, stood by the resolution, which was designed to avoid interference of the chamber in an affair which was purely one between the Government and its employees. A resolution condemning the change was substituted, and, as a consequence, Capt. James F. Oyster, president of the chamber and one of the ablest of Washingtonians, left the chair and scored the committee. They were "weak-kneed," he said, through fear of the effect upon their business; and of the member whose defection had brought about the change in sentiment, Capt. Oyster stated that he had allowed his private interests to interfere with his duty as a servant of the chamber.

The contest is being actively waged, and in view of its belief that it proposes nothing detrimental to organized labor as such or to the interests of the employees, the Treasury Department is disposed to push the issue to the limit. The department officials feel that they have taken into consideration the interests of the operators equally with those of the Government, and that they had been much more considerate than any private concern would be when even a smaller economy than that contemplated in this matter was involved. It is needless to say that the Senators and Representatives who have been asked to block the clause in the Smoot bill authorizing the use of power presses have been given no information by organized labor as to the real merits of the proposition.

The employees are by no means a unit in antagonizing the department. Many of them take the same view of the cases as does Director Ralph, but they dare not openly take a stand against the union leaders.

MACVEAGH'S POSITION STATED.

Following is the letter sent to the Washington Chamber of Commerce by Secretary MacVeagh and read last evening:

JAMES F. OYSTER, Esq.,
President Chamber of Commerce, Washington, D. C.

MY DEAR SIR: It has been brought to my attention that the chamber of commerce has been asked to express an opinion upon the introduction of power presses in the Bureau of Engraving and Printing, and I should like to express through you the attitude of this department toward legislation which is pending to make this reform possible.

I should very much hesitate to advocate the change if it were likely to work hardship to the employees of the bureau or to deprive them of positions which they have long held. But the proposed change provides that the substitution of power presses for hand shall be made in such installments that in any one year no more than one-fifth of the work shall be affected. As a matter of fact, on account of the increasing work of the bureau, and the frequent vacancies which occur through promotion and transfer, the change could be made within four years, and the extra year has been suggested in order to make this certain beyond peradventure. If we add to this fact a comparison of the wages which hand printers receive now with the wages which they will receive if power presses are introduced, it appears that the employees will receive a substantial increase in remuneration through the introduction of the proposed system. At the same time the work will be less arduous and less harmful physically. The claim that the bureau employees would suffer in consequence of the change is, in my opinion, exactly the reverse of the truth.

I want also to add that if I were not convinced that the technical standard of engraving and printing would not be lowered by the introduction of these presses, the plan would not have my indorsement. The recent experiment made in the bureau, of printing notes by power upon presses that were quite unprepared for the work, indicated that even the most expert employees of the bureau could not distinguish the money thus printed by power from other similar sheets printed by hand. The impression, if it exists in anyone's mind, that printing by power would make our paper money and bonds of lower technical standard and more easily counterfeited, has demonstrably no foundation in fact.

I should esteem it a favor if you would be good enough to communicate this information to the gentlemen of the chamber of commerce at their meeting.

Respectfully, yours, FRANKLIN MACVEAGH, *Secretary.*

DIRECTOR RALPH THREATENED.

Following is a copy of a letter received recently by Director Ralph:

"WASHINGTON, D. C., *February 8, 1911.*

"Mr. RALPH: The big, swelled-headed bluffer. Your days are numbered; so take warning; the whole bureau has a disgust for you. A man who would do injustice to his fellow men and female employees for self-interest is not as good as a dog; and you better look out you don't get your block knocked off some dark night, for you have some bitter enemies; it is also knowing that you are crooked, and you may land behind the bars before we are done with you.

"Respectfully,"

[Skull and cross-bones.]

Senator SMOOT also is in receipt of threatening correspondence of the same character.

TREATY WITH RUSSIA.

Mr. CULBERSON submitted the following resolution (S. Res. 368), which was read, ordered to be printed, and referred to the Committee on Foreign Relations:

Resolved, That it is the sense of the Senate that the treaty of 1832 between the United States and Russia should be abrogated because of the discrimination by Russia between American citizens in the administration of the treaty.

HOUSE BILLS REFERRED.

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes, was read twice by its title and referred to the Committee on Finance.

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

GRANT OF LANDS TO SEATTLE, WASH.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5432) to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply; which were, on page 1, line 3, to strike out all after "in," down to and including "east," in line 4; on page 1, lines 11 and 12, to strike out "heretofor" and insert "heretofore;" and on page 2, to strike out all of line 1 down to and including line 13, page 3, and insert:

SEC. 2. That upon the deposit, within one year of the passage of this act, by the city of Seattle, in the State of Washington, with the Secretary of the Interior, of a sum estimated by him as sufficient to pay the cost of the survey herein provided for, the said Secretary shall cause to be executed a survey, defining the limits of the drainage basin of Cedar River within the area withdrawn by section 1 of this act and pay for the same out of the appropriation for public-land surveys, and a sum sufficient to pay the cost of such survey shall be paid into the Treasury of the United States, to the credit of the appropriation for public-land surveys, out of the sum so deposited by the city of Seattle, and the remainder of the sum so deposited, if any, shall be repaid to such city, and upon the completion of such survey and its approval by the Secretary of the Interior the lands withdrawn by section 1 of this act not within the drainage basin of Cedar River shall be restored to their present status.

SEC. 3. That upon the deposit with the Secretary of the Interior within one year of the passage of this act by the city of Seattle, State of Washington, of a sum estimated by the Secretary of the Interior to be sufficient to cover the cost of the examination and appraisal herein provided for, the Secretary of the Interior and the Secretary of Agriculture shall each designate one qualified appraiser, and the two appraisers thus designated shall designate a third appraiser, who shall be a resident of King County, Wash., not a Federal officer or employee, who shall be familiar with the stumpage value of timber in the locality to be appraised, and the board of appraisers thus constituted shall proceed to an examination and appraisal of the present commercial stumpage value of the timber on the public lands within the drainage basin of Cedar River in the area withdrawn by section 1 of this act, the cost of such examination and appraisal to be paid out of the appropriation for public-land surveys. Upon the completion of such examination and appraisal and its approval by the Secretary of the Interior and the Secretary of Agriculture a sum sufficient to pay the cost thereof shall be paid into the Treasury of the United States, to the credit of the appropriation for public-land surveys, out of the sum deposited therefor by the city of Seattle, and the remainder of such sum, if any, shall be repaid to said city.

SEC. 4. That within one year after the approval of the survey and appraisal provided for in this act, the Secretary of the Interior is authorized to patent to the city of Seattle all of the public lands within the drainage basin of Cedar River in the area withdrawn under section 1 of this act, upon the payment by the said city of Seattle of the sum estimated by the board of appraisers provided for in section 2 of this act as being the present commercial stumpage value of the timber on the public lands within such area: *Provided,* That if the sum of such estimate shall be less than the sum of $1.25 per acre for all of the lands to be patented the city of Seattle shall pay the sum of $1.25 per acre for said lands: *And provided further,* That there is hereby reserved to the United States all mineral deposits in said lands and the right to dispose thereof and to use such lands for such purpose.

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, I ask that the judiciary title bill which has just been received from the House of Representatives be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 7031) to codify and revise the laws relating to the judiciary, and the action of the House requesting a conference with the Senate on the disagreeing votes of the two Houses on the bill and amendment.

Mr. HEYBURN. I move that the Senate disagree to the amendment of the House of Representatives, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. HEYBURN, Mr. SUTHERLAND, and Mr. CLARKE of Arkansas conferees on the part of the Senate.

HELEN S. HOGAN.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives (H. Con. Res. 62), which was read, considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, directed to erase their signatures to the bill (H. R. 25081) for the relief of Helen S. Hogan, and that the said bill be reenrolled with the words "Act of February 26" changed to "Act of February 25."

REGENT OF THE SMITHSONIAN INSTITUTION.

The VICE PRESIDENT laid before the Senate the following resolution of the House of Representatives, which was read:

Resolved, That the Clerk be directed to request the Senate to return to the House of Representatives "Joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress."

Mr. BACON. I did not catch the purport of the resolution. What is it?

Mr. LODGE. There was a mistake made, I will say to the Senator from Georgia. The proposed regent was put down as a citizen of Virginia. The law requires that he shall be a citizen of the District.

Mr. BACON. A citizen of the District.

Mr. LODGE. Under the law, as the Senator knows, there have to be two members of the board from the city of Washington.

Mr. BACON. I am myself responsible for the mistake. I am glad it is to be corrected.

Mr. LODGE. They would like to have it returned to the House, and they will correct it there and send it back to us.

The VICE PRESIDENT. Without objection, the request of the House of Representatives will be complied with.

EMPLOYER'S LIABILITY AND WORKMAN'S COMPENSATION.

The VICE PRESIDENT. The Chair appoints the Senator from Utah [Mr. SUTHERLAND] and the Senator from Oregon [Mr. CHAMBERLAIN] members of the commission on the part of the Senate, appointed for the purpose of making a thorough investigation of the subject of employer's liability and workman's compensation, as provided for in joint resolution of the House of Representatives, entitled "Joint resolution for appointment of commission to investigate the matter of employer's liability and workman's compensation," approved June 25, 1910, in the place of the Senator from Missouri [Mr. WARNER], excused, and the late Senator from Colorado, Mr. Hughes.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Is there other morning business? If not, morning business is closed. The Senator from Indiana [Mr. BEVERIDGE].

Mr. SCOTT. Will the Senator from Indiana yield to me for just a moment?

Mr. BEVERIDGE. I will yield to the Senator.

The VICE PRESIDENT. The Senator from Indiana yields.

Mr. SCOTT. I want to say that at the very earliest moment next week, and on every day thereafter from Monday on, I shall try to get up the so-called Sulloway pension bill. While we have been edified by the discussion we have had in the past week and the galleries have been highly entertained, a great number of old soldiers have died within that time. I have a letter this morning from the postmaster in a little village saying that since

we brought the bill over four soldiers getting mail at his office have died.

Mr. President, while we are talking here these old soldiers are dropping off rapidly; and I do hope that it will be the pleasure of the Senate will allow me to round out my 12 years, which will terminate next week, by passing this bill for my old comrades.

Mr. BAILEY. Fifty-five million dollars is a little too much to pay for that.

Mr. SCOTT. It was not too much when these men were needed to defend this country and make it possible for the Senator from Texas to be here to-day——

Mr. BAILEY. O Mr. President——

Mr. SCOTT (continuing). Representing a part of the entire United States. I do hope that the plea of poverty will not prevail, when we see the money that is being wasted on the Panama Canal. Let us not begrudge these old veterans thirty millions. It is thirty millions. There is no use of putting it higher. Thirty millions is high enough.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. SCOTT. Yes.

Mr. BAILEY. The Senator from West Virginia forgets, when he charges the country with illiberality toward these old soldiers, that we are already paying $153,000,000 the next fiscal year. During the last fiscal year we appropriated $161,000,000. That is a sum larger than any government in the history of the world ever paid for pensions in a single year, and that, too, 44 years after the war closed.

Now, to add this thirty millions, as the Senator says—and more than fifty millions, as the department estimates—would make a pension bill above $200,000,000. I should love to see the Senator from West Virginia round out his career in the Senate gracefully, and though I personally like him, I am glad to see his career terminate, since a Democrat succeeds him. I should be willing to pay him almost any compliment except one that would put such a tax on the Public Treasury; and he is not apt to pass this bill.

Mr. GALLINGER and others. Let us have the regular order.

Mr. BEVERIDGE. I was very glad to yield to the Senator from West Virginia. I am in entire sympathy with him, but I can not further yield.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Senator from Indiana has the floor.

Mr. GALLINGER. Will the Senator yield to me?

Mr. BEVERIDGE. I am very glad to yield to the Senator from New Hampshire.

Mr. GALLINGER. From the Committee on Naval Affairs——

The VICE PRESIDENT. The Chair can not recognize the Senator from New Hampshire for that purpose.

Mr. BEVERIDGE. That is true.

Mr. GALLINGER. It is to make a report. The Senator from Indiana has not commenced his speech. I thought he could yield.

The VICE PRESIDENT. The Senator from Indiana had been recognized, and the Chair can not permit him to yield for that purpose.

Mr. BURROWS. Will the Senator from Indiana yield to me for a moment?

Mr. BEVERIDGE. I should very much like to conclude my remarks. I was delayed yesterday.

Mr. BURROWS. It will take but a moment.

The VICE PRESIDENT. The Senator from Indiana declines to yield. The Chair——

Mr. BURROWS. Mr. President——

The VICE PRESIDENT. The Senator from Michigan will wait until the Senator who has the floor yields.

Mr. BEVERIDGE. I should prefer to conclude my remarks.

The VICE PRESIDENT. The Senator from Indiana declines to yield.

Mr. BURROWS. Mr. President——

The VICE PRESIDENT. The Chair must beg the Senator from Michigan not to attempt to proceed when the Senator from Indiana has refused to yield.

Mr. BEVERIDGE. Mr. President——

Mr. BURROWS. A question of order.

The VICE PRESIDENT. The Senator from Michigan is not in order in attempting to proceed when the Senator from Indiana refuses to yield.

Mr. BURROWS. A question of order.

The VICE PRESIDENT. The Chair misunderstood the Senator from Michigan. The Senator will state it.

Mr. BURROWS. Can we not have laid before the Senate the resolution to which the Senator is to address himself?

Mr. BEVERIDGE. I did that the other day.

The VICE PRESIDENT. It must be done each day.

Mr. BURROWS. I ask that the resolution be laid before the Senate.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the following resolution.

Mr. BEVERIDGE. If anybody has any doubt about what I am going to address the Senate on, I will make it entirely clear.

Let us see what the parliamentary situation is. This matter has been before the Senate now for a good while, and this is the first time that anybody has asked that anything be specifically laid before the Senate. The report of the committee was on the table before the resolution was offered. Most of the speeches were made on it.

Mr. President, I think I shall proceed.

Mr. BURROWS. I ask that the resolution be laid before the Senate.

The VICE PRESIDENT. Is there objection?

Mr. BEVERIDGE. I object. I had it laid before the Senate the other day, and I shall call it up at the proper time.

The VICE PRESIDENT. The Chair will state what is the request of the Senator from Michigan, because the Senator from Indiana yielded to him for that purpose. The request is that the Chair lay before the Senate a resolution, which the Secretary will state by title.

The SECRETARY. Senate resolution 315, offered by Mr. BEVERIDGE.

The VICE PRESIDENT. Is there objection?

Mr. BEVERIDGE. I object until I conclude my remarks.

The VICE PRESIDENT. Objection is made.

Mr. BEVERIDGE. On yesterday, to take just one moment——

Mr. HEYBURN. I rise to a point of order.

The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. HEYBURN. No question is pending before the Senate to which any Member may speak.

Mr. BEVERIDGE. This is getting——

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Indiana has the floor.

Mr. LODGE. On the point of order, if I may——

The VICE PRESIDENT. The Chair will hear the Senator from Massachusetts on the point of order.

Mr. LODGE. As I understand, this matter has been lying on the table——

Mr. BEVERIDGE. Certainly.

Mr. LODGE. Subject to call.

Mr. BEVERIDGE. Certainly.

Mr. LODGE. Is it not——

The VICE PRESIDENT. The Chair so understands. The resolution has not been referred to any committee.

Mr. BEVERIDGE. Certainly not.

The VICE PRESIDENT. It is now upon the table.

Mr. BEVERIDGE. If I may proceed, I will call the attention of the Senate to the fact that this is the first time that any such disposition——

The VICE PRESIDENT. The Senator from Idaho has raised a point of order, which will be disposed of. The Chair thinks the Senator from Indiana can proceed, he having the floor.

Mr. HEYBURN. My impression was that before proceeding a motion to take the matter from the table for consideration must be the basis of procedure.

Mr. BEVERIDGE. The Senator's impression is incorrect.

The VICE PRESIDENT. The Chair thinks not. The Chair thinks a Senator can proceed to talk in the air or of the air without anything before the Senate, if he has the floor.

Mr. BEVERIDGE. The Senator——

Mr. HEYBURN. I think I will insist on finishing the statement on the point of order. The Senator's patience will probably endure.

Mr. President, I do not intend, of course, to make a proposition that has not, in my judgment, some basis under the rules.

The VICE PRESIDENT. Certainly not.

Mr. HEYBURN. I have not heretofore understood that a matter on the table could be made the subject of discussion until it was taken up for that purpose. That seems to me so obviously a parliamentary rule that it caused me to make the point of order.

Mr. GALLINGER. It ought to.

The VICE PRESIDENT. The Chair thinks it would be the ordinary proceeding, but it has been objected to.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. The Senator from Indiana has the floor.

[Mr. BEVERIDGE resumed and concluded the speech begun by him on Tuesday last and continued on yesterday. The entire speech is printed below.]

Tuesday, February 21, 1911.

Mr. BEVERIDGE. Mr. President, what is the exact question which we are called upon to decide? As the time for a vote draws near it is vital that this question shall be clearly before the mind of every Senator. I say this because during a debate more prolongued, if not more heated, than any similar debate in the history of the Senate, it is possible that this question may have been obscured. I make no complaint of that. Perhaps it is but natural that this should be so. Spirited controversy often generates heat rather than light. It often tends to the fervor of advocacy rather than to the calmness of judgment.

But, Mr. President, we are judges, not advocates. The attempt to affect our feelings by thunderous denunciation or pathetic appeal will pass almost as soon as the echoes of the voices that produced it. But our judgment remains; the record remains; the law remains; our decision endures not only as to this case, but as to all future cases.

As judges then, Mr. President, let us rise above the obscuring clouds of excuse and confusion and fix our eyes clearly upon the issue we must decide.

I. THE ISSUE.

THE ISSUE NOT THE PERSONAL FORTUNES OF SITTING MEMBER.

What is that issue, Mr. President? Is it the personal fortunes, feelings, or career of the sitting Member? No, Mr. President. If it were only that sympathy would work its spell unaided. If the personal fortunes, feelings, or career of the sitting Member were the only issue mere kindliness would cause us to look with forgiveness, and, if possible, with favor, upon anything that affected his personal concerns provided it did not involve and was not produced by corruption or bribery.

For, Mr. President, deep in the hearts of all of us is the spirit of good will toward one another, unless crime or intentional wrong-doing prevents. Sometimes we think we forget it for a moment, but it always is there. Sometimes the conflict of debate, opinion, and purpose makes us deceive ourselves into feeling that we have for one another a dislike or even an animosity. But those feelings are not permanent.

Let but the hand of misfortune or sickness touch one of our number, and depths of sympathy in our hearts which we little suspected are broken up and there wells forth from our souls streams of compassion and anxious regard toward our stricken colleague. Let death call one of our number, and his gracious qualities stand forth before our vision unmarred by any unkind thought.

So, Mr. President, if ony the personal ambitions of the sitting Member were involved, unconnected with corrupt practices in their behalf, there is not a Senator here who would wish them ill, much less do anything to hinder them. Certainly, under such conditions, I would not, Mr. President. I do not subscribe to the philosophy of the great French cynic, Rochefoucauld, that every human being rejoices when he hears something against even his dearest friend. I rejoice in the success and progress of every man who has earned it honestly.

So, Mr. President, if in this Chamber there was a single man who so far as the personal concerns of the sitting Member are involved would wish them ill or try to do them ill, provided sheer public honesty were not involved, these appeals to our sympathy based on personal habits, place of abode, or home relationship might be pertinent.

But this, Mr. President, is no such case. Here is no such issue. This is not a criminal court. This is the Senate of the United States sitting as the most exalted tribunal known to human history or to mankind to-day to determine the gravest issue that possibly can arise under free institutions.

THE VALIDITY OF THIS ELECTION THE ONLY ISSUE.

What is that issue, Mr. President? It is the validity of an election held under a government whose very existence depends upon the purity of its elections. It is the integrity of the election, not of the Member. In the Payne case it was truly declared:

> The integrity of the election not of the Member is the question under this clause of the Constitution.

That is the issue. What election, Mr. President? An election to the Senate of the United States. What does that mean? What is the Senate of the United States? What powers, duties, and dignities devolve upon a Member of this body? The most varied and far-reaching with which any officer under any free government is clothed in any country in the world to-day or in history. As I shall show in a moment, Mr. President, a Senator of the United States exercises wider influence, more divergent powers than any public functionary on earth except only the ruler of an unlimited monarchy.

We pass on every law. We are legislators, and legislators, too, who of all the parliamentary bodies in this world, still have free and unshackled speech. More than that, we ratify every convention with foreign nations. The influence of every vote cast here on every treaty runs out over all the waters of the world into every cabinet of every land. That is not all. We partake of the executive functions. Only by the advice and consent of Members of this body are appointments to office made under the laws and Constitution of the United States.

Nor is this all. We also are members of a court, Mr. President, the highest court known to man. We alone can try the impeachment of the judges of the Nation. This is the only tribunal that can unseat a President; for if the House deems his conduct worthy of impeachment, the Senate of the United States determines the fate of the Chief Magistrate of the Republic.

But all are familiar with the powers of a Senator of the United States. I enumerate them only that we may understand the magnitude of the election, the validity of which is the only issue before us. Legislator, part executive, high diplomat, arbiter sitting on the bench in the trial of the Nation's judges, and of the President of the Republic himself, the fathers placed in the hands of a United States Senator more power than in any other official of this Government, or of any government on earth except the arbitrary power wielded by an autocrat.

AMERICAN INSTITUTIONS—AMERICAN CHARACTER ON TRIAL.

Therefore, Mr. President, the fathers expected that the election to a place in this body would be defended jealously, determinedly, fiercely by the people and by the Senate itself. Every consideration that should guard the purity of the appointment of a judge, the election of a Member of the House, the selection of a diplomat who deals with other nations for us, the choice of a President of the United States, all combine to circle this Chamber round with a wall of sacred fire through which no impure influence should penetrate.

So, Mr. President, the sitting Member is not on trial here. It has been said that the Senate is on trial. I do not think so. But *American institutions are on trial.* In the validity of an election sleeps the question which searches out the heart of our institutions and which as we answer it well may mark a period in the ongoing or decline of the Nation. Indeed, Mr. President, in the end *the character of the American people is on trial,* as I shall demonstrate.

Now, Mr. President, if we then have the issue itself before us, with all those things that might cloud and confuse it dismissed; and if the magnitude of that issue is clear to us, in what spirit should we approach it?

It will be helpful, Mr. President, to examine the experience of other countries. Patrick Henry said: "I have but one lamp by which my feet are guided, and that is the lamp of experience." This is not a trial of a petty criminal in a police court, soon to be forgotten and of little consequence. No, this business has to do with the destiny of a people. In so fateful a matter should we willfully close our eyes and seal our ears to the struggles that other peoples have had with this dragon of corruption?

It is said that most human affairs are "locked up from mortal eye in shady leaves of destiny." But we have no excuse for such easy ignorance. This secret is not "locked up from mortal eye," for we have flaming lessons from the history of the past and from the experience of the world in our own times.

So, Mr. President, that I may lay clearly before the Senate and country the spirit with which we should approach this grave matter, I shall cite the experience of two nations on this particular thing, one contemporaneous and one ancient. I select these from the multitude of examples because they afford so perfect a contrast to one another and such plain instruction to us and to our Republic of whose honor we are guardians and of whose life we are defenders.

II. THE LAW.

BRIBERY TREASON AT COMMON LAW.

I refer, of course, Mr. President, first to England, the mother country. By the English common law bribery was treated as treason, especially in the case of judges. Lord Chief Justice Thorpe was beheaded for accepting bribes. The Earl of Middlesex was fined £50,000, a quarter of a million dollars, amounting in value, as money is now counted, to more than a million dollars, deposed from office, disgraced.

Of course all of us recall the terrible fate of perhaps the greatest intellect since Aristotle (excepting possibly Shakespeare), Bacon, that mighty mind in law and philosophy, that

"Secretary to Nature" as Walton called him, Lord Bacon, who for accepting bribes while a justice of the courts of England, was fined £40,000, imprisoned, removed from office, incapacitated from holding any place of trust or profit under the Crown.

That was the way the common law of England, which is the basis of our law, looked on the crime of bribery. And in elections, as Coke said in his Institutes, it was regarded as an offense so heinous that "*one act of bribery poisons the whole fountain.*"

It is worth while, Mr. President, before we come to the consideration of the testimony in this case to consider the growth of the law of bribery in England, how the English Parliament and English judges regarded and administered the law applicable to it, so that we may have the light that that gives us in determining the gravity of the offense, the amount and nature of testimony required, and especially the law of agency.

THE "PRACTICAL POLITICS" OF GEORGE III.

Bribery in England began to be scandalously noticeable under the Stuarts, and it grew until its highest reign of corruption was under George III, from whom our forefathers successfully rebelled. According to the defenders of this election, George Washington and his "ragged Continentals" never should have rebelled. For was not George III the exemplar and, by his deeds, the apologist for this election? That monarch was a superb, "practical politician." He would be greatly admired by a class of American politicians if he were living to-day and active in American politics.

Indeed, George III would be the ablest of "party managers" if he were in American public life at the present time. George III used offices to influence votes in Parliament; he distributed cash in order to secure the election of members of Parliament; he resorted to every device of political manipulation so much admired in the United States in our own times; he was highly skilled in the technique of "influence," thoroughly practiced in the arts of "practical politics."

This gave rise, Mr. President, to the "orders of Parliament" upon the subject of bribery; and, to hurry over this historical review, the present Corrupt Practices Act of the United Kingdom grew out of that. From the statute of 1854 as amended in 1866 and still further in 1884, and as it exists in its Draconian severity and perfection at the present day, the Corrupt Practices Act of the United Kingdom is the result of that shameless corruption which reached its putrid climax under George III.

A SINGLE ACT OF BRIBERY INVALIDATES ELECTION.

Now, Mr. President, to show that I am not wrong in my statement of the common law as to bribery in elections, I read from Shepherd on the Law of Elections, as follows:

> Bribery by a candidate, *though in one instance only, and though a majority of unbribed votes remain in his favor,* will avoid the particular election and disqualify him from being reelected to fill such vacancy.

Cushing, who is the American authority on this subject, says as to the common law of bribery, which I want to make clear before I take up the statute:

> In England, before the enactment of any of the statutes on the subject, bribery was not only a high misdemeanor at common law, punishable by indictment or information, but when practiced at elections of members of Parliament was also a breach of parliamentary privilege and punishable accordingly; *and it is an offense of so heinous a character, and so utterly subversive of the freedom of election, that when proved to have been practiced, though in one instance only and though a majority of unbribed voters remain, the election will be absolutely void.*
>
> This severity is justified on the ground that, in a country where bribery is so common as to form the subject of investigation in a large proportion of election cases, *it is absolutely essential to the preservation of the freedom of elections.*

And Cushing goes on as to the effect of that law in this country:

> Whether the same effect would be held to follow in this country may admit of some question, or perhaps depend upon the degree of guilt attached in the several States to the offense of bribery. This offense, though much less common here than in England, is nevertheless considered as so subversive of the freedom of election and so disgraceful to the parties concerned that it is made an express ground of disqualification in the constitutions of several of the States. In all such States, therefore, whatever may be the case in others, there can be no doubt that an election tainted with bribery ought to be held void, without reference to the number of votes thereby affected.

It was declared, Mr. President, in the famous Litchfield case, Mr. Justice Willes giving the opinion, as follows:

> With respect to bribery, the law is perfectly clear. *Bribery at common law, equally as by act of Parliament, avoided any election at which it occurred.* If there were general bribery, *no matter from what fund or by what person, and although the sitting member and his agents had nothing to do with it,* it would defeat an election, on the ground that it was not a proceeding pure and free, as an election ought to be, but that it was corrupted and vitiated by an influence which, coming from no matter what quarter, had defeated it and shown it to be abortive * * *.
>
> If it were shown that the *agent* of the member bribed even without the authority, and contrary to the express orders, of the member, his seat was forfeited—not by way of punishment to the member, but in order to avoid the danger that would exist if *persons subordinate to the candidate* during an election were led away, by their desire to benefit their superior, into illegal acts the precise extent of which it was difficult to prove, BUT A SINGLE ONE OF WHICH, if proved, it was the policy of the law to hold, would have the effect of avoiding the proceeding.

I observe here, Mr. President, that the agent to whom Mr. Justice Willes refers and to whom other English decisions refer, that I shall read in a moment, is not only the "election agent" provided by the statute, as we have been informed by the Senator from Michigan [Mr. BURROWS], whose all-embracing erudition is the envy and wonder of us all; but, as I shall demonstrate in a moment, "the agent" referred to in those decisions also contemplates *anyone* who has a color for acting in behalf of the candidate. All of us will be amazed to learn that the Senator from Michigan [Mr. BURROWS] could have made such a mistake, by any posibility. For we all know that he is peculiarly accurate in law and history.

Such, Mr. President, was the common law with reference to bribery in elections—the common law which is the foundation of our own jurisprudence—and it was from this common law on bribery that the present Corrupt Practices Act of the United Kingdom grew.

Mr. President, what did the present Corrupt Practices Act do? It fixed the penalties, which the common law did not; it made definitions precise. By gradual amendment it was extended to cover the smallest details of elections—"treating," payment of car fare, the using of influence, the promise of office, as well as the payment of money.

ENGLISH DECISIONS ON BRIBERY IN ELECTIONS.

How have the English judges continuously interpreted that statute? What has been the spirit with which Great Britain has met this peril of bribery? I am reading these decisions not in the hope of inducing the Senate at the present moment to apply the English rule and the sound rule to this case; I thoroughly understand that the Senate will not do that at this particular time. It will after a while—but not just now. However, when I get to the testimony I shall show that this case needs no sterner rule than the complacent and unsound rule pronounced by the Committee on Privileges and Elections in two or three Senate bribery cases.

I repeat, I do not expect the Senate just at this time to adopt the true and sound rule that *one act of bribery in behalf of a successful senatorial candidate makes invalid his election to a seat in this body.* That is the only justifiable rule, a rule absolutely necessary to the purity of senatorial elections and to the integrity of the Senate. That rule will be adopted by the Senate before many years have passed. But the Senate is not yet in a frame of mind to take this correct position. But perhaps public opinion will supply another frame of mind before long.

So I cite these decisions to show the policy of a great people in dealing with this public cancer, which has ended the life of more than one great nation and which the English people have succeeded in excising from their vitals. These decisions show us the spirit with which the English people approach this grave question. And what we need in determining this and all such cases in the right spirit.

These decisions, as Senators will observe, are especially applicable to one essential part of this case—that of agency—though their greatest significance is in showing how a great people imperiled by this menace has dealt with it. The question that is going finally to come before us is whether we shall deal with bribery and corruption with the conscience and courage with which England mastered it or whether we shall deal with it with the same reckless indifference with which another great Republic dealt with the same offense.

Shall we free ourselves from this body of death and survive, as England has done, or chain ourselves still more firmly to it and let it drag us to our national grave as the Roman Republic did?

In the Blackburn case (O'M. & H., p. 198) Mr. Justice Willes said in stating the case:

> It was proved that on the 12th of October—that is, about a month before the election—a circular was issued by an association in the town called the Conservative Association, addressed to "every manager, overlooker, and tradesman, and any other person having influence," in the town of Blackburn, requesting them to "secure in the municipal elections, as well as the parliamentary, the success" of the respondents; and it went on to say, "we venture to urge upon you most strongly the necessity of vigorous personal effort to secure the return" * * * of the respondents. This circular was afterwards adopted by the respondents, and the association which had issued it was adopted by them in place of a committee for the management of the election.

Mr. Justice Willes, in his judgment, said:

> This circular must be taken as being the act of the respondents just as much as if each of them had written a letter to this effect to every "manager, overlooker, and tradesman, and any other person having influence," in the town. It is a power of attorney to the extent to which it goes to every individual in any of those classes to do that which the circular requests him to do. It must be looked to, I think,

as the foundation of authority and agency, such as existed in the election.

It appears to me that its effect was to *make an agent of every person having authority down to the last grade;* that of overlookers over the hands, and to request, and therefore authorize, each such to influence the hands who were under him for the purpose of inducing them to vote for the candidates upon whose behalf this document was issued, and *any overlooker, and consequently anybody* in that or any higher grade, who bona fide took up the Tory side and who acted upon the circular and did canvass for the respondents became their agent, and his acts did bind them.

And it is enacted and settled as the law by the corrupt-practices prevention act of 1854, section 36, which, to my mind, does no more than lay down in very distinct terms *that which has been always the understood law of Parliament, or, rather, the common law of the land,* with respect to the election of members of Parliament; that is to say, *that no matter how well the member may have conducted himself in the election, no mattter how clear his character may be from any imputation of corrupt practices in the matter,* yet if an authorized agent of his, *a person who has been set in motion by him to conduct the election, or canvass voters on his behalf, is in the course of his agency guilty of corrupt practices, an election obtained under such circumstances can not be maintained.*

As it has been expressed from early time, *no person can win and wear a prize upon whose behalf the contest has not been legitimately and fairly carried on,* or, as it was expressed upon the occasion to which I refer, *non coronabitur qui non legitime certaverit,* which is only so much in Latin showing the antiquity of the principle which I have already expressed in English. * * *

The *amount of injury* done by the agent, if the injury has been done of the character which I have described, *is immaterial.* If an agent bribe *one voter* with 2s. 6d., and that voter votes for the candidate, *election void.* If an agent bribe one voter with 2s. 6d., and the voter taking the 2s. 6d. with purpose, express or implied, of voting accordingly, should break his promise and vote for the other side, election still void.

Although the result of the bribe was nothing as to the poll, the result was in point of law that an illegality of so gross a character and *so difficult to trace* would have been committed that no election would be safe, no community would be sure but that elections were gained by the exercise of corrupt practices, unless for the sake of all the election in which an agent has been guilty of such a malpractice were *held void* as against the principal of that agent.

It is not by way of punishment to the principal that the election is held void; it is not because the majority has been swayed or even affected by the malpractice that the election is held void, but it is because malpractices designated as corrupt by the common law and by the legislature in the corrupt-practices act are so odious *and so dangerous* that it is thought better to *hold void* an election where either such practices HAVE GENERALLY PREVAILED, WHETHER TRACEABLE TO A MEMBER OR HIS AGENTS OR NOT, *or where a single instance* of such corrupt practice has been distinctly traced to the member or *to an agent of the member.*

I next read from the opinion in the Norwich case (2 O'M. & H., p. 39), so called. In this case, which was decided in 1874, Mr. Justice Keating delivered the opinion, and he deals with the "hardship" which this interpretation, this Draconian interpretation, of the law of England by which she has guarded the purity of her elections and therefore her life works upon the candidate. He says:

It seems hard at first sight that a single act of bribery should avoid an election; but when an act of bribery is committed the *whole election of the party bribing is tainted. It is no longer an election; it is utterly void.* On this point I would refer to the learned judgment of my brother Willes in the Blackburn case. This result may be undoubtedly a cruel consequence of the law of agency as applicable to elections; it is, however, a law that arises from the necessity of the case, and is well put by the learned Scotch judge, Lord Barcaple, in the Greenock case.

* * * * * * *

If it were proved that a candidate or his agent hired men *to attend the nomination, and to hold up their hands upon the occasion,* my impression decidedly is that it would be illegal *and would avoid the election.*

In the Shrewsbury case (2 O'M. & H., p. 36) Baron Channell, in his judgment, said as to avoiding an election on account of a single and insignificant act of bribery:

If an act of bribery is clearly made out and agency is clearly proved, I am disposed to agree with the dictum of my brother Willes, * * * and to think that a judge is not at liberty to weigh the *importance* of that act, or *to take into consideration the effect it may have had upon the election,* but he is bound to apply the express provisions of the act of Parliament, without going into the question of the *comparative significance* of the act of bribery which has been proved to have been committed.

In the Greenock case (2 O'M. & H., p. 247) Lord Barcaple, in his judgment, said as to the principle to be applied in dealing with questions of agency in election inquiries:

I think there are three principles applicable to three kinds of matters. There is first of all the strictest of all principles, that which is applicable to a criminal charge, and there you are responsible for nothing but your own individual guilt. That is a thing consistent with ordinary common sense. There is then the principle that is applicable to actions of a civil kind raised against a party on the ground of a wrong done, and in which it is proved that the wrong was done by the defender's agent—that is to say, a person employed by the defender while he was doing the thing he was employed to do; but there comes in the principle that he was employed to do the particular work and that he was not employed to do the wrong.

Then there is the third class of cases with which we are at present engaged, where, in these election petitions, it being proved that a candidate is having his election *carried on by a committee or certain canvassers, those canvassers do something which, if the candidate is responsible for it, will invalidate the election.*

And it is held that he is responsible for it in the sense of making the validity of the election depend upon it. I do not see how these petitions would be of the least use otherwise, because I suppose that there are very few candidates, indeed, who undertake the practice of corruption by their own hand. I presume there are equally few candidates, or very nearly so, who ever say to their agents that they are to proceed corruptly in the matter.

In the Aylesbury case (Saeger, p. 79) Mr. Justice Field said:

Any person whom a candidate puts in his place to do a portion of the task that he has to do, namely, *to procure his election as a member of Parliament,* is a person for whose acts he would be liable.

I now read from the celebrated and recent Great Yarmouth case (Saeger, p. 81), decided in 1906. The facts were that a man who had interested himself in the election obtained the use of a vehicle and took voters to the polls and in some cases gave them money.

The candidate, on hearing of the petition, *repudiated this person;* and it was said that he was not on the list of "workers" and had not, therefore, received express instructions, as other "workers" had, not to do anything illegal.

Mr. Justice Channell, in determining this case, used the following language:

There are principles, and the substance of the principle is that if a man is employed at an election *to get you votes;* or, if without being employed, *he is authorized to get you votes;* or if, although neither employed nor authorized, *he does to your knowledge get you votes,* and you accept it and adopt it, then, in either of these cases, he becomes a person *for whose acts you are responsible* in this sense: That if *his acts had been of an illegal character you can not retain the benefit which those illegal acts have helped to procure for you*—helped to procure for you, I say, because *it is not necessary, of course, that the bribery should extend to the full amount of the cases necessary to put you in a majority.*

No case in this country will be found to deny these decisions on the law of agency in elections. I repeat that this most recent interpretation of the English statute and of an election under it shows how unexpectedly erroneous our profoundly learned friend from Michigan [Mr. BURROWS] was when he said that the term "agent" under English law applied only to the "election agent" "appointed in writing." Whoever looked up the law for the Senator from Michigan [Mr. BURROWS] should have been more thorough.

The argument against the English rule that it was pretty hard on the candidate was instantly answered by all of the judges that the office did not exist for the candidate; the office belongs to the people. The office is not created to satisfy the ambitions of the candidate; the office is created as an instrument of the people who made it.

MOMENTOUS RESULTS OF THE ENGLISH LAW.

Mr. President, what have been the results of this drastic treatment of bribery and corruption by English law and English courts? First of all, from a greater debauchery of elections than the world knew since the time of the fall of the Roman Republic, England has developed into a period of remarkable purity of elections. And that has had large public consequences.

Does anybody doubt that, but for an unbribed House of Commons the last budget would have been passed with all the powers of wealth and privilege fighting the imposition of a land tax upon great estates which are idle and have been since the time of William the Conqueror and pay no part of the burdens of the British people's government? With all those forces fighting that budget, do you suppose, Mr. President, a House of Commons ever would have passed it filled with bribe-bought members?

It is not a question, you see, of settling some man's personal fate. It is a question of caring for the welfare of the people. Does anybody doubt that Gladstone never would have advanced one inch with his great lands reforms in Ireland if he had been confronted by such a corrupt Parliament as George the Third and Lord North purchased to serve their foul purposes? Does anybody doubt that manhood suffrage in the United Kingdom never would have been adopted but for this stringent method of handling the election cases that guards the purity of Parliament?

Senators say, at our luncheon table, how unfortunate it will be for this Senator or that. Had we not better ask, How unfortunate for millions of people it will be if we look lightly on a crime against free institutions so heinous that it involves the perpetuity of our government.

Mr. President, we talk about the justice of our Revolution. Our Declaration of Independence is our Magna Charta we declare. Yet what caused our Revolution? It was the unjust and oppressive acts of the British Parliament, was it not? What Parliament? The purchased Parliament whose election George the Third of England secured by the bribery of the British electorate.

Does anybody believe that, if the purity of elections to the British Parliament that exists to-day had existed at the time of our Revolution, a single one of those unjust acts would have been enacted, which caused our fathers successfully to raise the standard of revolt?

I know Senators will say, What is the use of going back to the Revolution? What do we care about the land laws of Ireland? What matter to us is manhood suffrage in the United Kingdom? What concern is it of ours that the great principles of justice have been put in the recent budget?

WHAT PURE ELECTIONS MEANS TO US.

This is the concern it is to us—that by reason of the purity of the British Parliament, secured by England's laws and their drastic application, an end has been put to those practices which caused us to sever ourselves from the mother country. It means this to us, that the same cause that produced a malign result there will produce the same result here—and that the remedies that cleansed English elections will purify American elections.

It means this to us, that the same great forces which always have, do now, and always will, in a country where free elections occur, manifest themselves through bribery will prevent the passage of those measures upon which the welfare of struggling millions depend. That is what it means to us.

I intend, Mr. President, with all my power to set forth to the Senate, and in so far as I may to the country, the mighty question which we are to determine. It is not merely the seating or unseating of a Senator at all. No, we are dealing with an offense which runs through history and which, according to the way in which various people have dealt with it in the past, have strengthened them or killed them.

Contrast the England of to-day, Mr. President, with Rome. Every student in the world has noted the startling similarities in many developments rapidly ripening in the American Republic with those that occurred in Rome when that Republic began its decline—love of luxury, scandalously vast wealth ill-gotten, corrupt efforts for office and power, the use of these in behalf of "the interests" of that day. Chief of these, Mr. President, was the subject of bribery.

BRIBERY AND THE REPUBLIC OF ROME.

In Rome bribery was the first definite symptom of a fatal disease. Patriotic statesmen clearly saw that it would end the liberties of the Roman people, and the people themselves instinctively felt that they must throttle this evil if they were to continue to exist as a free people. As early as 180 years before Christ, the Lex Cornelia punished bribery of voters with exile.

But severe as this penalty was the abuses continued and increased, and the last century of the Republic began with bribery, the most dangerous foe which the Roman Republic faced. The Acilia Calurnia added heavy fines for bribery, whether successful or not, and forever deprived the citizen attempting it from holding any office.

The reason these two penalties were expected to stop this form of corruption was that money and the holding of office had become the twin gods before whose foul shrine of selfishness every ambitious Roman worshiped. To be rich and to hold office were the two great purposes of every ambitious Roman. "How much money have you?" and "What high office do you hold?" were the questions the answers to which fixed the status of the Roman citizen as to success or failure.

But in spite of the shrewd estimate of Roman character on which the Acilia Calurnia was founded, the capitalists or "financiers" as Ferrero calls them and the politicians of that day trampled it beneath their sordid and reckless feet, and were able to prevent its execution because of the growing indifference of the Roman people themselves to the fate of their institutions and their descendants. "Sufficient unto the day are the benefits thereof" had become the unspoken rule which guided the great body of that once mighty people.

In that immortal period which produced Cicero and Cæsar, Crassus and Cato, there was a slight recrudescence of that ancient virtue, whose best expression was "To be a Roman citizen is nobler than to be a king."

But, after all, it was a feeble flame of righteousness—a very feeble flame considering Crassus, the master financier of his day and subsequent Roman history. Yet it resulted in the Lex Tulia of Cicero's consulate, B. C. 64, which extended the Acilia Calurnia to any candidate who should hire followers or entertain the people with shows or refreshments. Every student knows the reason for this. Wealthy and ambitious men, who wanted their tools in important offices or who wanted to be in office themselves, gave the people lavish public entertainment.

The Roman citizen now had been debauched so far that he was ready to cast his suffrage for anybody who would do him any favor or even entertain or divert him. Bribery in all its forms, gross and subtle, had utterly corrupted Roman character. The powers of pollution understood this well and laughed at the Lex Tulia and all other corrupt practices acts because they knew they could disregard them.

Is there no parallel between this absence of Roman civic virtue and the low ideal which is urged upon us in this case more than 2,000 years later? Consider the contrast between Roman history, law, and administration, and English history, law, and administration. For in almost every respect English and Roman history furnish the student the best materials for comparison and contrast, not only in the duration and extent of their power, but also in the character, or, as Emerson calls it, "the bottom" of the character of the two peoples.

AMERICAN CHARACTER ON TRIAL.

So, Mr. President, instead of taking up this great problem as England has taken it up and saved herself, the Roman judges, the Roman senate, and finally the Roman people let it go by. "Never mind, the Republic will endure," said they. "Don't bore me with talk about the Republic" was a common sentiment of the people of Rome. "No matter if the law is violated, let us stand up for the man in office if he has the cash," was the final expression of the debased Roman electorate.

No wonder Rome fell. And be sure we shall perish, too, if we pass this evil by as a thing for a sneering cynicism or a diseased sentimentality.

And so fundamentally the great question is, How shall we Americans approach this evil in our own land? Our institutions are on trial and, deeper than that, the character of the American people is on trial. If it is not so, then history has no meaning.

I know, and it is not a good sign, that we are so busy that we are impatient of the lessons of other peoples. We can be impatient a little bit too much. We can be too hurried. The time must never arrive in this Republic—and if it does the doom of the Nation already has been sounded—when the purity of our elections is not to us a greater concern than the success of a politician or mawkish sympathy for the imperiled ambitions of a candidate or the success of the wrongful plans of great interests.

Mr. President, if England is so strict to-day as to the election of 1 member out of nearly 700 of the British Parliament, how should we approach a case which involves the validity of the election to a seat in the Senate of the United States, where there are only 92 Members? If England is so stern as to the purity of the election of 1 member out of nearly 700 that make up the British Parliament holding office only until Parliament is dissolved and sent back to his constituents, what do you say should be the spirit in which we should approach the election to a seat in this body, which not only has but 92 Members but whose term of office is for six long years—Members who vote on all bills, yes, and who pass upon all treaties, approve or negative all appointments, try the judges of the Nation, and even the Chief Magistrate of the Republic himself?

THIS IS NOT A PRIVATE LAWSUIT.

What madness is upon us, Mr. President, that we consider this as a private controversy in a court with a private party complainant and a private party defendant; a mere private lawsuit affecting no one but the private parties to it; a private lawsuit where appeals are made, such as lawyers make to juries in police courts?

For this is how this great issue, freighted with the destiny of the Republic, has been treated. And yet, instead of being a private lawsuit, it is the weightiest public matter that possibly can arise under and affecting "this government of the people, by the people, for the people."

Mr. President, in referring to the English laws and these historical illustrations, one purpose has been to bring us down to a consideration of our own law as applied to this vital and fateful question which, as the guardians of the purity of elections to the United States Senate, we must decide. By what power, Mr. President, do we deal with this matter?

[At this point Mr. BEVERIDGE yielded for the presentation of the unfinished business.]

Mr. BEVERIDGE. When we find the source of the power by which we are acting we will observe the immediate pertinence of the history I have been reciting. We derive this power from that clause in our Constitution which makes us the judges of the returns, qualifications, and election of Members. Where did that come from?

Mr. Norwood—and anybody who has read the debate of Senator Norwood, a southern Senator, can not but have the profoundest respect for him as a student and a great lawyer, measuring up to the height of Thurman of Ohio and Morton of Indiana—Mr.

Norwood, in his minority report, in the Powell Clayton case, said:

The provision in the Constitution is a transcript of the parliamentary law of the English House of Commons, as it existed when, and long before, the Constitution was adopted.

We took it from the law of the British Parliament, and therefore how it was understood by the mother people throws a flood of light on how we should understand it now.

Now, Mr. President, beginning with the Caldwell case, continuing through the Payne case, down through the Clark case to the case before us now, the committee have stated, sometimes definitely and sometimes loosely, that it is not sufficient that one vote be bribed unless the sitting member knew about it, and had something to do with it; but that enough votes must be bribed to destroy an honest majority.

RESULTS OF SENATE COMMITTEE BRIBERY RULE.

For the purposes of this particular case I do not propose to controvert that position, because this case can be decided—and when I come to the evidence I will show you that there is no escape from deciding it—against the validity of this election, even under those unsound committee pronouncements. But I want to put myself on record as to my view of this erroneous committee rule and some of the consequences if we make it the law of the Senate in such cases.

Suppose, for example, that a Senator had a majority of 50 in a State legislature. Suppose 49 of them were bribed by his friends and he knew nothing about it. Under these committee pronouncements his election would be valid; his seat would be free of stain. To my mind, that is monstrous. Yet it is what these so-called "precedents" declare.

And mark this, the defenders of the election before us are not content even with these "precedents" as given by the committee heretofore. No, Mr. President, the defenders of this election now insist that not only must enough votes be corrupted to destroy the majority cast for the person who profits by them, *but that these votes must also be deducted from all votes present and cast in the general assembly.* To this climax of extravagance do Senators resort to uphold this foul election.

I repeat, to such extremes are the defenders of this election driven in order to maintain it. I say extremes because *never before was such a plea advanced in even this body in an election case.* Also, it is in direct violation of the express words of the statute. Also, there is another thing I may have to call attention to as to this new and novel theory by which the defenders of this election now are attempting to justify it.

WHY WERE THE VOTES BOUGHT?

Of course, the question at once arises, "Why were votes bought if those who bought them did not think they were needed? Was money uselessly expended? Was the peril of the penitentiary needlessly incurred?" The fact that the vote is bought shows that the person who purchased it thought that the vote was needed. Men do not commit a crime for nothing.

Take another supposition. Suppose only one vote was bought and that the vote of a powerful leader. None of his followers were bought, let us suppose; but he was, and it was proved that he was bought. Those who were accustomed to follow his lead, to look up to him, to take his counsel, voted as he voted. Yet under these committee "precedents" that election thus procured would absolutely be safe. Is that right? Is it even wise?

Let me make it still clearer: Suppose the great body of those who honestly followed this leader and who voted as he voted were to find out that that leader had been bribed, would they have followed him? It is revolting to reason to say that they would have followed him; and yet the position heretofore and now taken by the committee is that the election would be absolutely valid if this one voter were purchased, although his influence over others caused the whole majority that the successful candidate got.

If that is true, Mr. President, the validity of an election depends on being found out, and I guess that is the case anyhow. What say we "in this awfully stupendous manner, at which Reason stands aghast and Faith herself is half confounded"?

Well, whatever we say now, be sure that finally we must say that the true theory and the sound theory is that *a single act of bribery in behalf of a successful candidate to a seat in the United States Senate destroys the legality of that senatorial election.*

That is the English rule concerning the popular election of a member of Parliament, consisting of nearly 700 members—an election beyond all estimate inferior in dignity and importance to an election to a seat in the United States Senate. That is the English rule as to such a popular election, where the voting is secret, and therefore infinitely harder on the candidate than an election to a seat in the United States Senate, where the voting is viva voce.

Yet it has been by this rule that England has purged herself of corrupt practices in her elections and secured a pure and a free Parliament. By such a rule we Americans can cure ourselves of corrupt practices in senatorial elections and insure a Senate above suspicion of evil influences.

Such a rule—the bribery of one member of a legislature in behalf of a successful candidate in a senatorial election destroys the validity of that election—would end the nauseating talk that, although large numbers of legislators were bought by overenthusiastic friends to vote for a United States Senator, yet he is blameless and his election valid.

Such a rule would put an end to such purchases by such overenthusiastic friends, practicing corruption without their favorite's knowledge, if such a case ever did or could exist. For the "enthusiastic friend" would hesitate a long time to part with his money and run the risk of the penitentiary for his adored candidate if he knew that his crime would avail nothing in behalf of that adored candidate.

Such a rule would absolutely prevent malign financial interests from making merchandise of the votes of the members of legislatures in a senatorial election in order to put a friend of those interests in the United States Senate.

For, as all of us have observed, while "special interests" are willing to spend any amount of money and take any risk that will accomplish their ends, they are not willing to spend a cent or to take any risk when it will not do them any good.

THE TRUE STANDARD OF PURITY FOR THE SENATE.

The Senate of the United States ought to raise a new standard of purity for elections to its membership; and on that standard should be emblazoned Coke's immortal axiom:

One act of bribery poisons the whole fountain.

This would be a new standard for us, but, as I have shown, it would be but an application to elections to this body of the ancient common law of our ancestors. It only would be putting in practice here for our salvation that which England has practiced for decades for her salvation.

I want, personally, to go on record now that this is a rule to which finally and soon the United States Senate must come. It is not necessary to a decision of this case, for this election is invalid even under the complacent and accommodating precedents announced by the Committee on Privileges and Elections heretofore. But it is necessary to make it the law of the Senate. Be sure of this, Senators, that sooner or later you must make it the law of the Senate. And I think that time is rapidly approaching.

But, Mr. President, let us say that for the purposes of this case we must show that enough votes were purchased, or improperly influenced, so that it destroyed an honest majority.

Well, Mr. President, there has been a good deal of discussion upon how we are going to compute that. I shall take that up when I get through with the testimony, I hope to the satisfaction of everybody who honors me with his attention. We have heard lots of mathematics in this controversy—curious, weird mathematics.

When I was in college I studied far past logarithms; but since then I have not heard as much mathematics as I have heard here—novel, ingenious, not to say bizarre computations, equations, what not. I have thought that if the shade of Sir Isaac Newton could revisit the glimpses of the moon, it would come clad, not in ghostly habiliments of white, but in garments of jealous green, because a superior mathematical mind to his had appeared upon the earth. [Laughter.]

HOW BRIBERY PROVED.

But even as to the effect on this election of these so-called committee "precedents" and of other matters that I shall lay before the Senate, there is no doubt, unless you destroy the statements that the committee have made themselves; there is no doubt unless you absolutely destroy the statute under which this election was held.

Now, Mr. President, it is my purpose in a moment to go into the testimony, but before I do that I want to call the attention of the Senate to the degree of proof required in bribery, and to the nature of the testimony necessary in cases of corrupt practices.

There has been much talk about the law. We have had apostrophes to the law. Very well! Let us have some law on this vital point. What proof is necessary to establish bribery? Let us first take merely the authorities of the committee of the Senate.

Consider the statement of the minority of the committee in the Payne case. From this statement nobody dissented. Everybody conceded that it was the law; and I hope if anybody does not agree to this he will rise now, or before the vote is taken, and show wherein it is a wrong statement of

the law as applied to bribery. Here is what Senator Hoar and Senator FRYE said, and, I repeat, as to this *there was no dissent;* and I will ask any person whether he dissents now:

How can a question of bribery ever be raised, or ever be investigated, if the arguments against this investigation prevail? *You do not suppose that the men who bribe, or the men who are bribed, will volunteer to furnish evidence against themselves? You do not expect that impartial and unimpeachable witnesses will be present at the transaction?*

Does any Senator think that is not the law?

Let me read from the Encyclopedia of Evidence, which I suppose is about as authoritative a textbook as there is:

Evidence in bribery cases *is necessarily meager and limited* because such transactions are usually entered into *secretly with no one present except the parties to them.* Circumstantial evidence is therefore *admissible and sometimes sufficient.*

All the circumstances of the proceeding alleged to have been influenced by bribery are admissible as links in the chain of circumstantial evidence.

But the evidence in the case before us is not meager—it is bountiful. The evidence here is not circumstantial only; it is positive and direct also. Never was a case of bribery where the evidence was so abundant and conclusive.

And consider the following in light of the subcommittee's remarkable rulings in the present case on the offers to prove the confessions of Link, Beckemeyer, and other evidence which the subcommittee ruled out. I continue to read from the Encyclopedia of Evidence:

Extrajudicial confessions alone, uncorroborated by other evidence as to the main facts, are inadequate to establish a corpus delicti. But where a confession is substantiated by proof of circumstances which, although they may have an innocent construction, are nevertheless calculated to suggest the commission of the crime, for the explanation of which the confession furnished the key, it should be allowed to go to the jury.

THE NEW YORK BRIBERY CASE.

Mr. President, perhaps as fair a statement of the law of bribery and the evidence necessary to establish it as ever was made was delivered in one of the New York bribery cases, People *v.* Kerr, which, I think, had to do—the Senators from New York can inform us—with the passing of an ordinance or something of immense value there in New York. Anyhow aldermen were bribed.

It should be remembered that the charge to the jury by Mr. Justice Daniels, which I now shall read was in a criminal case in a criminal court. It was not a statement of the law or of a rule that should govern "The greatest legislative body in the world," as it has been called, in determining the validity of an election to it.

Yet you shall see how broad Mr. Daniels puts the law. Laws! Stand by the law! Yes; but who was it who said, "Thou shalt not make a scarecrow of the law?" Since law has been appealed to I shall not presume to state it, but I let the great jurists of this and other countries state it on every branch of this case.

The indictment seems to have been found some time since, and, as it has been presented by the grand jury, it charges this defendant with the crime of bribery under the statutes of this State. The statutes upon this subject have undergone changes at different intervals until they have reached their present comprehensive condition. There seems to have been a feeling actuating legislative action that this was, to a certain extent, at least, *a growing evil in the community*—

Is it possible that a judge on the bench in a criminal court instructing a jury would go into such unstatesmanlike utterances as that, or as it has been termed here of much more conservative statements, loose statements of law? This justice is not making a stump speech mind you. He is stating the law of bribery, and to a jury in a criminal trial. Men were on trial in this case for their liberty—

a growing evil in the community in the State.

How shocking, Mr. President, to hear a judge talk so! We have easier rules in the United States Senate, it appears. But let us stick to the charge of Justice Daniels. He continues:

and that it is necessary, *for the purpose of checking and properly restraining it,* to impose the restraints of punishment, under legislation concerning whose intent and comprehension there could be no substantial doubt. *In pursuance of this conviction the laws have been changed.*

The learned justice goes on:

If bribery is to affect the official conduct of individuals occupying positions of authority, you will see at once, upon your own reflection, that, as far as it extends, the *fair administration of the laws will be subverted—they must be subverted*—in consequence of the exercise of influences of this character, and when the offenses are brought to the attention of courts and juries, *and are to be disregarded,* or are to be allowed to pass without punishment, *then direct encouragement will be afforded to the increase and spread of this offense until its pernicious influence may endanger the very existence of the institutions of the State.*

Is it possible that any American court so pronounced? If so, what is to become of "conservatism?" But, to quote still further:

It is not, of course, gentlemen, intended by this suggestion that you shall take it for granted that an offense has been made out by the evidence in this case, but it is to enjoin upon your minds that degree of care, caution, *and solicitude* which is necessary for the purpose of examining, and coming to a rational and true conclusion, concerning the charge made in this indictment. The case is to be made out by proof, the same as all other cases. *It is not necessary that it should be by direct and positive evidence of witnesses*—

As is the case in the business we have got to decide—

but it is sufficient in the judgment of the law *that the species of evidence may combine with circumstances of such force and weight, when they are united and considered together,* as to leave no rational doubt whatever in the mind as to the truth of the charge contained in the indictment. The administration of the criminal law is essentially dependent, in a large degree, necessarily, on *the existence and force of circumstances for the purpose of making out criminal charges.* This results from the fact that *crimes ordinarily seek concealment.*

I shall ask Senators to remember this when we come to examine this testimony. It seems to be the view of some that bribery is committed in the open. It seems to astound some that bribers do not shout it from the house tops or speak it in the streets of Askelon. It seems to be the view of some that scoundrels would not be guilty of bribery—oh, no—and that when they are caught and confess they are not to be believed because they were scoundrels enough to accept a bribe.

What is the alternative? That nobody will be bribed in this country except saints and the righteous. Are we to believe nobody when circumstances and their own confessions chain them unless they have superb characters and perfect habits?

BRIBERY A SNAKE IN THE LEAVES.

That was not the opinion of Justice Daniels. He thought, as the textbooks I have read stated, that bribery was one of the most difficult of crimes to prove. It is like a snake running under the leaves. So it has been the policy of the law, in considering the testimony concerning bribery, to recognize the fact of its elusive character, of its secrecy, of its concealment, and that circumstances are excellent proof, and confessions, when corroborated, absolute proof.

In a moment I shall demonstrate that not only the direct confessions in this case but every corroborating circumstance is present which the authorities say are enough, and more than enough, to prove bribery. How do Senators expect bribery to be proved, anyhow? We are asked not to believe the confessions made, because they are made by bad men. Of course they are bad men or they would not have taken bribes. We are asked not to believe corroborating circumstances because that is circumstantial evidence. How then are you going to prove it?

And this, too, is urged, not in a criminal case—not before you, Mr. President, as the judge of a criminal court. Oh, no; but this actually is urged in this most powerful of all bodies under the sun when we are guarding the purity of elections, for which our fathers fought and died, and upon which the perpetuity of our institutions depends.

Now, what else did Mr. Justice Daniels say:

They are not committed, ordinarily, openly, and before the public, or before the public eye, but occasions are sought for the *commission of crime when safety or security from observation, or from prosecution and punishment,* to a certain degree, may be within the hope and the expectation of the culprit.

If there is anyone who disagrees with this statement of law as made by Mr. Justice Daniels in charging the jury on bribery in the New York bribery case, or with the statement of the law from the Encyclopedia of Evidence, or from the statement of the law in the Payne case which was not dissented from, I would be glad if we could settle that matter now.

If no Senator now dissents, I shall take it for granted that this is a true statement of the law, and, if necessary, I should have given many other authorities, but I do not want to burden either the Senate or the RECORD.

Yet, Mr. President, I repeat there is more proof here of every kind described as being sufficient by the textbook writers and decisions than ever happens in a case tried before a court.

Now, Mr. President, how shall we look at this matter? We have been told—I am sorry the Senator from Texas [Mr. BAILEY] is not here——

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. PAYNTER. The Senator from Texas is now detained from the Chamber.

Mr. BEVERIDGE. That is all right. I am merely going to quote from him, and I approve what he says in this one particular.

Mr. PAYNTER. I merely want to state, if the Senator will permit me, that the Senator from Texas is absent from the Chamber by reason of the hearings before the Finance Committee, which is considering the reciprocity agreement.

Mr. BEVERIDGE. That is all right.

THE RIGID RULE—BUT RIGHT.

I am going to quote from the Senator from Texas, and I quote it with earnest approval. It is a correct statement of the law. The Senator from Texas said, December 18, 1905:

I do not concede—

I do not want to read too much, but if I have left out any, I hope some one will call my attention to it—

I do not concede to any court the right to decide who is entitled to a seat in this body.

Why, of course not. The validity of a seat in this body is beyond the power of any earthly influence except ourselves. No court can reach it. The legislature which conducts the election can not withdraw it. We alone have the power.

The Constitution commits that to us in the first instance and in the last instance. We are to judge of their election and qualifications when they come, and under our power of expulsion we are to judge how long they may remain.

That refers, of course, to cases proper for expulsion. The Senator from Texas continues as follows:

The rule is different here from that which prevails in the courts. There, as a safeguard for the liberty of the citizen, he must have his guilt established beyond a reasonable doubt; here the rule ought to be that he must free himself from all appearance of wrongdoing beyond reasonable doubt.

So, Mr. President, we are enlightened not only by the authorities read, but by the admirable opinion——

Mr. OVERMAN. From what speech was the Senator reading?

Mr. BEVERIDGE. I was reading from the speech of the Senator from Texas.

Mr. OVERMAN. I understand, but in what case?

Mr. BEVERIDGE. I think he was discussing at that time the case of Mr. Burton. I see that reference is made to the then Senator from Kansas, Mr. Burton, by the Senator from Maine [Mr. HALE] just before the Senator from Texas spoke.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. I did not clearly hear the quotation which the Senator from Indiana read from the speech of the Senator from Texas.

Mr. BEVERIDGE. I will read it again.

Mr. SUTHERLAND. The Senator can answer me, perhaps. Did the Senator from Texas say in effect that when a Senator was accused of wrongdoing——

Mr. BEVERIDGE. I will not interpret what he said. I will read it to the Senator, and will let the Senator interpret it.

Mr. SUTHERLAND. I would be glad if the Senator would read it.

Mr. BEVERIDGE. Did the Senator hear my authorities on bribery and the difficulty of its proof—the sufficiency of proof?

Mr. SUTHERLAND. No. I should simply like to hear that again.

Mr. BEVERIDGE. I am sorry the Senator did not hear the authorities, the textbooks upon that subject, and the decisions of the courts. The Senator from Texas said:

The rule is different here from that which prevails in the courts. There, as a safeguard for the liberty of the citizens, he must have his guilt established beyond a reasonable doubt; here the rule ought to be that he must free himself from all appearance of wrongdoing beyond reasonable doubt.

Is that clear?

Mr. SUTHERLAND. Yes.

Mr. BAILEY. Will the Senator from Indiana permit me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. BAILEY. I was absent from the Chamber engaged with the Finance Committee, of which I am a member, in a hearing on the reciprocity bill when the Senator from Indiana read an extract from a brief and extemporaneous speech which I made in the Senate once and which I have no disposition to modify. But I want it to appear in connection with the Senator's remarks that what I said did not relate to an election of a Senator, but it related purely to the conduct of a Senator while a Member of the Senate and for which he had been indicted. On that state of facts, of course, I think I stated the law and the propriety.

But that is not the question here. Upon this record there is no question of Senator LORIMER's personal conduct.

THE RULE MUCH STRONGER IN CASE BEFORE US.

Mr. BEVERIDGE. Not of his personal misconduct while a member of the Senate that would involve an expulsion, which would require two-thirds vote. The case before us is a more serious thing—the validity of the title which the sitting Member holds and which the evidence shows is befouled by bribery. I think the Senator from Texas stated the rule correctly there—not only as it applies——

Mr. BAILEY. As is the habit of the Senator from Texas.

Mr. BEVERIDGE. Not only as it applies to that case, but as it applies to all cases. He made a distinction, from the statement as I read it, between the rule as it exists before courts and the rule that applies to cases here.

Mr. BAILEY. But the Senator——

Mr. BEVERIDGE. And I think the Senator can well go further and apply the rule to this case; at least I shall.

Mr. BAILEY. The Senator overlooks the fact that the question there was whether the indicted Senator should remain in the Senate until the courts had disposed of the indictment against him, or the Senate should take it up and dispose of it there. I insisted that it was incumbent upon the Senate to dispose of it at once, and in doing so I very properly, I think, stated that the rule that should govern the Senate in deciding upon the expulsion of a Member was different from the rule which ought to govern the court in his conviction; that in the criminal courts the rule of proof beyond a reasonable doubt prevailed and ought to prevail, but that the same rule does not obtain in the Senate.

Mr. BEVERIDGE. True; but it was a question of expulsion there.

Mr. BAILEY. The question was purely one of expulsion there. That is not involved here. This is a question——

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

Mr. BAILEY. Certainly.

Mr. BEVERIDGE. In view of the statement that he just made, differentiating the rule as it is before the courts in a criminal case and a question so personal as to justify expulsion here, would not he say that it applied with even greater force where the case was not one that called for expulsion, but went to the validity of an election? If an election is vitiated by corruption, that is a more serious matter than most things that justify expulsion.

Mr. BAILEY. Undoubtedly. If the Senator from Illinois were charged with having participated in the bribery through which it is alleged that his election was procured, I would invoke the same rule against him. But the cases are totally different. In the other case there was no doubt about his having personally done what was charged against him, if it were done at all. In this case there is no pretense from the beginning to the end of this record that Mr. LORIMER personally participated in or encouraged or sanctioned any of the misconduct which is alleged, and therefore the rule has no application. What a Senator does he ought to account for under the strictest rule; but he ought not to be held to the same strict account for what others have done.

Mr. BEVERIDGE. I am unfortunate in not making my question clear. It is this: The Senator says that his statement referred to a case which would justify an expulsion——

Mr. BAILEY. For the misconduct of the Member.

Mr. BEVERIDGE. Yes; for the misconduct of the Member.

Mr. BAILEY. If there is any misconduct——

Mr. BEVERIDGE. Pardon me until I state my question.

Mr. BAILEY. Alleged against Senator LORIMER here——

Mr. BEVERIDGE. Let me state my question.

Mr. BAILEY. Then the rule can be invoked——

Mr. BEVERIDGE. Let me state my question. The Senator will let me do that.

Mr. BAILEY. Certainly.

Mr. BEVERIDGE. Take the misconduct of a Senator—the Senator himself used the word "expulsion"—which would justify expulsion. Now, if what the Senator said as to the difference of the rule in a criminal court and the rule applying here in the personal misconduct of a Member which would justify expulsion is correct, my question is, Would it not apply with double force where it was not a question of misconduct merely, but a question which went to the validity of an election?

Mr. BAILEY. Not at all.

Mr. BEVERIDGE. Why? Where is the distinction?

Mr. BAILEY. The distinction is as plain as the day.

Mr. BEVERIDGE. I understand the difference between the two cases cited——

Mr. BAILEY. In the one case the charge was against the personal conduct of the Senator.

Mr. BEVERIDGE. I understand that, but——

Mr. BAILEY. And I say here and I say everywhere that every Senator ought to be able to show that he has not been guilty of conduct which would justify his expulsion, conduct which had resulted in his indictment by the grand jury——

Mr. BEVERIDGE. And which would therefore justify his expulsion.

Mr. BAILEY. It might or might not.

Mr. BEVERIDGE. It might or might not. That is true.

Mr. BAILEY. The grand jury heard but one side. The grand jury has indicted thousands of people who could not be convicted and who ought not to have been convicted, and consequently the indictment alone did not imply a state of facts which would justify the expulsion of the Senator. And when the Senator is arraigned at the bar of the court he is entitled to the protection of that rule which requires the proof of his guilt to be made beyond a reasonable doubt.

But that rule could not be invoked here, and if the Senator will take the trouble to read the rather long address which I delivered to the Senate several days ago, covering a part of two days, he will not find an intimation in all that speech that the Senator from Illinois must be proved to have participated beyond a reasonable doubt, not even that the case itself must be established beyond a reasonable doubt.

I go so far, Mr. President, as to say that if the preponderance of evidence was against the right of a Member to his seat the Senate would be justified in acting upon that preponderance. With the Senator's permission I will state the case as it occurred, and upon which I made this statement.

Mr. BEVERIDGE. I am perfectly willing, but I think we all remember that case.

Mr. BAILEY. The committees were announced, and the Senator in question was not assigned to any committee. I rose to a question affecting the privileges of the Senate, and even if I did not state it that way that is exactly what was involved. I declared that it was not competent for the Senate to organize itself and appoint its committees and ignore any man who sat here as a Senator from any State. The answer was made that the Senator in question was under an indictment. I replied that that was all the more reason, for the sake of the Senator's constituents, for the sake of the country, and for the sake of the Senate itself, that the matter should be disposed of and the Senator relieved from this discrimination or the Senate relieved from his presence. It was in that connection that I declared the rule under which the Senate proceeds is a different rule from that under which the court proceeds.

I beg pardon of the Senator for having interrupted the continuity of his thought. As I said, I was engaged about the business of the Senate elsewhere, but I wanted this to appear in its proper place. I apologize to the Senator for interrupting him.

Mr. BEVERIDGE. That is all right. Mr. President, as the Senators who were here will remember, I read this statement from the Senator from Texas after I had read the law as given in the most creditable textbooks and also as stated by Justice Daniels in the famous Kerr case in New York as to what constitutes bribery and the sufficiency of the testimony thereof.

Mr. President, the Senator makes the distinction between a case justifying expulsion and a case involving the validity of an election. The result of both is the same. In either case it affects the seat, but in the first case it is purely personal; in the second case it may be impersonal, because it goes to the validity of the election.

Therefore, I will read again the statement from the Senator, but will leave it to the Senate whether, if he stated the rule accurately, in a case of personal misconduct justifying an expulsion, the same statement does not apply with infinitely more force where we are trying the validity of an election.

> The rule is different here from that which prevails in the courts. There, as a safeguard for the liberty of the citizen, he must have his guilt established beyond a reasonable doubt; *here the rule ought to be that he must free himself from all appearance of wrongdoing beyond reasonable doubt.*

III. THE EVIDENCE.

BRIBERY CONFESSED.

Mr. President, I now come to the evidence. Waiving aside, for the purposes of this case, the decisions I have read from the English courts, dismissing from our minds all that those great authorities, both in courts of England and in Parliament itself afford us, except only the light they give to us as to how we should approach this matter, the spirit in which we should administer it, let us apply the evidence to committee precedents or committee utterances heretofore.

That evidence shows, as the Senator from Tennessee, a member of the subcommittee that took the testimony, declares, that at least seven of these votes were corrupt. As to four of them the *committee's report itself* says:

> *Four members* of the general assembly which elected Mr. LORIMER *testified to receiving money as a consideration for their votes.* The members who thus *confessed* their own infamy were Charles A. White, Michael Link, H. J. C. Beckemeyer, and Daniel W. Holstlaw.

I will not call attention to the divergencies between the committee's report and the speeches of the members of the committee when they came to speak upon the question—not now at least. The committee's report itself says that *at least four members confess to being bribed.*

But, Mr. President, let us examine the evidence, not taking advantage of this admission of the committee. To my mind the evidence is as clear on reading the cold record as it was to the Senator from Tennessee, a member of the subcommittee who heard the witnesses, who himself examined some of them with his customary skill and directness.

I have not been able to understand how any Senator possibly could conclude that no bribery had been proved here. I do not quarrel with anybody who does so conclude; but I simply can not understand it. I do understand the influence of ingenious argument and pathetic appeal and the effects of a mellow voice, expressing touching sentiments. But I remember what is said in the Merchant of Venice:

> The world is still deceived with ornament.
> In law, what plea so tainted and corrupt
> But, being seasoned with a gracious voice,
> Obscures the show of evil?

So let us, as judges, reluctant to discharge a disagreeable duty and yet bound to do it for all that, examine this testimony.

I shall begin, Mr. President, with the Illinois Senate. The bribe taker to whom I shall refer is Senator Holstlaw. Holstlaw swears that his fellow senator, Broderick, the Chicago saloon keeper, told him when he asked him how he was going to vote, that there was $2,500 in it for him if he voted for the sitting Member. Again I repeat that, if I misstate any of this testimony or forget any of it, I trust some Senator will correct me at the time.

Holstlaw testified:

> He said to me, "LORIMER is going to be elected to-morrow," and he said, "There is $2,500 for you if you want to vote that way." Now, that is what I have said here.

Later on I shall read the statement that he signed, which was prepared for him by his own lawyers, recommended to him by the sheriff, which he declares he signed because it was true and because he owed a duty to make it.

Mr. President, in this statement, which I think I might as well, perhaps, read now—the statement is about two transactions, one in reference to the election bribery and the other in reference to the furniture deal:

> Q. Who talked to you on that subject, and what was said?
> A. Senator Broderick, of Chicago. He said to me: "Mr. LORIMER is going to be elected to-morrow"—that is as well as I remember the date, and he said, *"There is $2,500 for you if you want to vote that way,"* and the next morning I voted for him.
> Q. Did you tell Mr. Broderick that you would vote for Mr. LORIMER?
>
> "I RECEIVED $2,500."
>
> A. I do not know whether I did or not, but I *think I did.*

He afterwards said that he did this before—

> Q. Did you afterwards receive any money from Mr. Broderick, and if you did, when and where was that?—A. *I received $2,500 in his office at one time,* and I do not know whether I received the other at the same time or not, but I rather think it was at another time *I received about $700;* I think it was about that.
> Q. What was the $2,500 for?—A. *It was for voting for* LORIMER.
> Q. And what was the $700 for?—A. Well, he never said, and I did not ask him. He said there was *that much coming to me and handed it to me;* that is all that was said about it.
> Q. Do you know of any other matter connected with legislative bribery during the last session of the legislature that you now recall?—A. I do not.
> This statement is made voluntarily, *because I feel it is right to make it and I do not feel that I can live an honest life without making a full disclosure of the truth respecting these matters to the public authority.*

He testifies, Mr. President, that nothing was said to him about testifying as to his voting for the sitting Member as an inducement to sign this statement; but he does say that the indictment against him would be quashed if he (Holstlaw) "*told the truth;*" that he signed the statement because it was the truth. He further says nothing induced him to sign this paper which was not true; that the paper was true.

So much for that, Mr. President. Then on the 16th of June—and here is a very queer circumstance if all this is a vast "conspiracy" against the sitting Member—Holstlaw goes to Chicago. He says he goes there in answer to a letter which he received from Broderick calling him there. He comes in at the Illinois Central Station. He goes one mile and a half from that station over the bridge to Broderick's saloon, which is on the West Side. He had never been at Broderick's saloon before; he did not frequent saloons. There, he testifies, Broderick gave him $2,500 in currency.

If Holstlaw's testimony is not true, poor Broderick is deserving of our sympathy more than any man any of us ever heard of. If Holstlaw's testimony is not true, Broderick is the victim of a tangle of circumstances which nothing but a devilish and malign fate ever could surround a man with.

What did Holstlaw do after he got this $2,500? Well, Mr. President, he was a banker, and so immediately he went to the bank and deposited this $2,500 to the account of his home bank. His home was a little town in southern Illinois, over 250 miles from Chicago. Has anybody denied that he deposited that money? Not until the other day.

THE $2,500 BRIBE IMMEDIATELY DEPOSITED IN BANK.

Does the Senator from Kentucky [Mr. PAYNTER] believe that Mr. Holstlaw did not deposit that $2,500? If he did deposit it, where did he get it? He said he got it from Broderick. Certainly he would not make the trip of more than 250 miles from his home town carrying currency amounting to $2,500 in his pocket in order to deposit it in a bank in Chicago, when he could as well have made the deposit by exchange.

So not only, Mr. President, do we have the confession of Holstlaw under oath to having received a bribe, but we trace the exact amount of the first installment of the bribe money into the place he deposited it. The law of evidence in bribery requires no higher proof than that—the confession of having received the corrupt money and the exact amount of the corrupt *money personally deposited to the account of his bank* the same day he got it.

It has been said that there is no proof of this. What proof of it is there? First, Holstlaw himself swears he deposited it; second, Newton, the chief clerk of the bank, swears he personally received it from Holstlaw. But that is not all. The bank's deposit slip itself was produced, the one which has here been denounced as a forgery. To that element of the case I shall come in a moment.

It was stated, Mr. President, that the so-called "prosecution" should have called for the books of the bank. Well, why did not the committee itself call for the books of the bank? Why did not the attorney for the sitting Member call for the books of the bank?

Because they believed this deposit had been made. Holstlaw had testified that it had been made; the chief clerk of the bank, who had no motive for committing perjury, testified that it had been made; the deposit slip showed that it had been made; and of course the subcommittee believed that it had been made and so did the attorney for the sitting Member. Otherwise the books of the bank would have been called for; and they were not called for only because the subcommittee and the sitting Member's own attorney believed that the $2,500 deposit had been made and we know it was made.

"FORGERY" OF DEPOSIT SLIP.

Does not every Senator here know that that deposit had been made? Well, if it was made, then why was it necessary for the Senator from Texas the other day to call the bank's deposit slip a "forgery?" Evidently, Mr. President, the tracing of this $2,500 in Holstlaw's hands on the day he said he had received it and on the day it is admitted he was at Broderick's saloon, where he said he got it—the tracing of that to the bank where he said he deposited it—was believed by those who are upholding this election to be a fatal weakness to their defense.

Otherwise, certainly the charge of forgery of the bank's deposit slip would not have been made. The deposit slip was denounced as a forgery upon the ground that the reply brief of counsel for the Chicago Tribune had said that it was signed in Holstlaw's name.

Because a lawyer made a mistake in a brief is that sufficient ground to charge that a deposit slip issued by a reputable and creditable bank is a "forgery?" Unthinkable, and yet it was done. Why? The charge of "forgery" would not have been made if it was not thought necessary to deny the deposit of this $2,500.

What was the motive of the "forgery" of this deposit slip, Mr. President, if any existed? And who committed this alleged "forgery?" A man without a motive, the chief clerk of the bank, swears that he himself received the money; the man who deposited it swears that he deposited it there. What good, then, would the "forgery" do? Desperate must be the case that requires an attack like that.

It was stated by the Senator from Texas—though he has not reproduced it in his printed remarks in the RECORD, and I think it is to the credit of the Senator that he struck that out—that Gov. Deneen was a stockholder in the bank. This, mind you, in connection with the charge of "forgery." What has that to do with it?

Is the fact that Gov. Deneen held stock in that bank ground for charging the "forgery" of the bank's deposit slip? If not, why mention him in that connection? Yet I read in the Chicago public print which defends the sitting Senator that that statement was made; and, of course, we know it was made, because we all heard it.

So I suppose there will be no more question about the "forgery" of the deposit slip. There was no motive for forgery. Nobody has shown who committed forgery. On the contrary, the Senator from Iowa [Mr. CUMMINS] produced an affidavit of the chief clerk of the bank, who swore he received the money himself and that *he had made out the deposit slip.* So we know who made out the deposit slip.

THE BOOKS OF THE BANK.

But, Mr. President, it has been said that the books of the bank should have been produced. Since one affidavit has been put in I thought it was advisable to get another affidavit upon that point. It is the affidavit of this same Jarvis O. Newton, who received this deposit. He says, under oath:

That he now is and for many years continuously last past has been, and on June 16, 1909, was the chief clerk of the State Bank of Chicago; that he is the same Jarvis O. Newton who has heretofore made an affidavit, to which affidavit was attached a certain deposit slip dated June 16, 1909, showing a deposit of $2,500 of "Holstlaw Bank, of Iuka, Ill.;" that upon the face of said deposit slip appears by rubber stamp the words and figures, "Note, June 16, 1909, teller;" that said stamp simply indicates that the note teller acted as a receiving teller of said $2,500; that it was said note teller, acting as such receiving teller, who caused said sum to be placed to the credit of the Holstlaw Bank upon the ledger account of said Holstlaw Bank in the State Bank of Chicago after this *affiant had received said sum of $2,500 from D. W. Holstlaw on said June 16, 1909,* AND HAD MADE OUT THE DEPOSIT SLIP IN QUESTION, and had delivered said sum of $2,500, together with said deposit slip, to said note teller acting as such receiving teller as aforesaid; that said—

Now, here is the question about the books—

That said $2,500 deposit was placed to the credit of said Holstlaw Bank, of Iuka, Ill., *on the books of the State Bank of Chicago on June 16, 1909, as a regular deposit, and appears upon the ledger account of said Holstlaw Bank in said State Bank of Chicago as an item of deposit made on June 16, 1909; that said entry was regularly made in due course of business of said bank. Further affiant saith not.*

So, Mr. President, that matter is cleared up. Holstlaw swears that he got the money and deposited it in the bank; Newton, the chief clerk of the bank, swears that he himself received it from Holstlaw in bills of large denomination; the bank's deposit slip, which has been challenged here as a "forgery," is clearly genuine; and, finally, the affidavit of an officer of the bank that *the entry regularly appears on the books of the bank.* Of course, the subcommittee did not ask for the books. The subcommittee believed Holstlaw deposited that money there. I will ask the Senator from Kentucky [Mr. PAYNTER] if he did not believe he did.

Mr. PAYNTER. I will say, Mr. President, in response to the Senator's question, which seems to be directed at me, that, assuming Holstlaw did deposit that money, there is absolutely no evidence that he got it from John Broderick. If the Senator should call at my office to-day and go down town an hour afterwards and deposit money, it would be no evidence of the fact that he got it from me.

Mr. BEVERIDGE. No; that is not the question I am asking. What I asked the Senator was, whether the subcommittee did not believe that the deposit was made by Holstlaw on that day?

Mr. PAYNTER. The Senator has asked me what seven men believed.

Mr. BEVERIDGE. Well, what the Senator believes, and if it is disagreeable to the Senator, I will withdraw the question.

Mr. PAYNTER. I do not recall that I have heard in private conversation a single member of the committee express an opinion upon that particular matter.

Mr. BEVERIDGE. If it is not agreeable to the Senator, I will withdraw the question.

Mr. PAYNTER. I discussed the question entirely from the point of view that if Holstlaw did deposit the money there, it was no evidence that he got it from John Broderick.

Mr. BEVERIDGE. That I will try to take up; but the fact is that of course the subcommittee believed that money had been deposited there, believed the deposit slip was genuine, believed the testimony of the chief clerk, believed the testimony of Holstlaw that he made the deposit; or else the subcommittee, composed of eminent lawyers, would of course have asked for the books of the bank. And so did the attorney for the sitting Member also believe that that deposit was made, or otherwise he would have asked the committee to compel the bank to produce the books and papers.

WHERE BUT FROM BRODERICK DID HOLSTLAW GET THE $2,500?

Where did Holstlaw get that money if he did not get it from Broderick? Did he come more than 250 miles in summer, over the hot prairies of Illinois, carrying $2,500 in bills of large denomination in his pocket in order to deposit it in a Chicago bank? Most extraordinary state of intellect that would do that. If he wanted to deposit that money from his home, why did not he do as all banks do in the conduct of their business, do it in the ordinary course of exchange? Where did he get it? He tells where he got it.

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. BEVERIDGE. Yes.

Mr. PAYNTER. I do not want to interrupt the Senator, but he is asking me a question.

According to this record he got $1,500 from some furniture company as a bribe.

Mr. BEVERIDGE. When?

Mr. PAYNTER. Some time during the session of the legislature, as appears from this record. He swore he committed perjury in reference to that matter. There is no controversy upon that question.

Now, if he was so thrifty as all that in the great city of Chicago, with perhaps many enterprises upon his hands, because he confessed he was as corrupt as a man could be, I would not undertake to say from whom he might have got $2,500 and deposited it there. But I do say that a man who confesses that he had been guilty of bribery in connection with another transaction, who confesses that he made this statement to involve LORIMER in this matter to get rid of that——

Mr. BEVERIDGE. Oh, he does not make that statement.

Mr. PAYNTER. Is not worthy of belief; and independent of any other testimony, I would not convict anybody upon his testimony.

Mr. BEVERIDGE. The Senator must not get away from the issue.

Mr. PAYNTER. I am not.

Mr. BEVERIDGE. In the first place the Senator says that a man who would confess to having been guilty of perjury or bribery in one case, he would not believe if he confessed to the same thing in another case. I do not want to misstate his statement.

Mr. PAYNTER. Oh, no.

Mr. BEVERIDGE. What was your second statement?

Mr. PAYNTER. I say that if a man would accept a bribe and then commit perjury in order to get rid of the charge against him——

Mr. BEVERIDGE. The Senator says that Holstlaw made this statement, and he says he made it in order to get rid of the indictment.

Now, then, we will read what Holstlaw did say, and then we will come back to the engaging question whether he got the money. I think I will satisfy the Senator where he got the money.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do.

Mr. FRAZIER. As I recall it, the only evidence in this record that Mr. Holstlaw was bribed with respect to the furniture transaction is the testimony of Mr. Holstlaw himself.

Mr. BEVERIDGE. Yes.

Mr. FRAZIER. If the Senator from Kentucky [Mr. PAYNTER] states that he was bribed with respect to the furniture transaction, he believes him with respect to that, of course, and it is in the same evidence that he says he was bribed with respect to this matter.

Mr. BEVERIDGE. Certainly.

Mr. FRAZIER. Yet the Senator from Kentucky refuses to believe him with respect to that.

Mr. PAYNTER. It is always very important when a gentleman makes a statement to tell all the facts in order that they may be correctly judged.

Holstlaw was indicted—there is a record of that fact—for this bribery. He admits that he testified on the 29th, I think it was, of a certain month, and on the same day was indicted for perjury committed at that time, and on the next day, I think it was—I am speaking now without having the record before me.

Mr. BEVERIDGE. We will read the record.

Mr. PAYNTER. The next day he entered into this contract by which he was to make this charge against LORIMER, and in consideration of that, as I am justified in inferring from the statement in the record, the indictment against him was dismissed.

Mr. BEVERIDGE. Where does the Senator find anything in this record that he made a contract against the sitting Member?

Mr. PAYNTER. He did this——

Mr. BEVERIDGE. I will read the testimony.

Mr. PAYNTER. In speaking of the attorney. It was the attorney suggested by the sheriff of that county. He had not employed him, as I recollect it, to defend him at all. The man stood indicted for perjury in connection with this furniture transaction. The day after this statement was made the indictment against him for perjury was dismissed. When you take those circumstances altogether is it possible for the Senator from Indiana to infer that the indictment for perjury was not dismissed by reason of the fact that he made this statement? Is there any other conclusion?

ALLEGED "CONSPIRACY" AGAINST SITTING MEMBER.

Mr. BEVERIDGE. I do not have to infer. I have the testimony itself, which I will read in a moment. But before I do read it I want to ask my friend, the Senator from Kentucky, this question: Does he think that this "conspiracy" which is alleged to have gotten up this case, also included a firm of attorneys down at Springfield, the sheriff of Sangamon County, the State's attorney of Sangamon County as well as the State's attorneys and officers of justice of Cook County, Ill.? Did it include everybody? Was everybody at work to forward this "conspiracy," including the officers of justice of at least three counties in Illinois—sheriffs and all?

Mr. PAYNTER. I shall be very glad to answer the Senator's question.

Mr. BEVERIDGE. I will be very glad to have it.

Mr. PAYNTER. To repeat myself to some extent, this man was indicted for a transaction entirely distinct and separate from this senatorial election. You concede that, do you not?

Mr. BEVERIDGE. I concede what the record shows; nothing more.

Mr. PAYNTER. It is a fact.

Mr. BEVERIDGE. I do not know whether it is a fact or not.

Mr. PAYNTER. Let me finish. In order to get rid of the indictment for that transaction, he made this statement.

Mr. BEVERIDGE. Stop right there——

Mr. PAYNTER. Following that, did he not make that statement?

Mr. BEVERIDGE. Stop right there. See what he did say.

Mr. PAYNTER. Answer my question.

Mr. BEVERIDGE. No; I will read the record and let the record answer the Senator. If I make any mistake I want the Senator to point it out.

Mr. PAYNTER. If the Senator will permit me, I will answer his question.

Mr. BEVERIDGE. Will you let me read right here what is in the record? Let us see what the record itself discloses.

Mr. PAYNTER. The interruption makes it necessary to repeat my statement in order to get before the Senate the exact facts.

Here was a man indicted for perjury committed in connection with a furniture transaction. He was indicted the day he testified in regard to it. Then after he signed this statement—the day following the signing of the statement—that indictment against him for a transaction in which he confessed he was guilty of perjury was dismissed. For what purpose? That he would make this statement incriminating, or attempting to incriminate, LORIMER or his friends. There is but one conclusion to be drawn from it, and that is that he was indicted in Springfield for that offense, a distinct offense, and the State's attorney there preferred to prosecute this case against Mr. LORIMER rather than to prosecute the charge of perjury against this man for which he stood indicted.

Mr. BEVERIDGE. Then, it is the Senator's theory——

Mr. PAYNTER. The Senator can draw his own conclusion. It is perfectly manifest that the State's attorney preferred to obtain evidence against him upon the charge against LORIMER rather than convict Holstlaw on the charge where he had the proof positive against him.

Mr. BEVERIDGE. First, the question is not what was the motive of the State's attorney of Sangamon County. The question is, What was the truth? The question is, Did Holstlaw state the truth when he said that he got this money from Broderick, when he recounted the conversation with Broderick, when he said he deposited it in the bank, which is corroborated by the chief clerk of the bank, by the deposit slip and by the bank's books? That is the question. As one of the attorneys, I think for the sitting Member, said, "We are not investigating the State attorney's office of Cook County."

While I do not want to take time or encumber the RECORD, I have here just at this moment, and I will read, what Holstlaw said about this paper:

HOLSTLAW'S FIRST CONFESSION.

Q. Who drew that paper, Mr. Holstlaw, the paper shown you yesterday?—A. It was Mr. Fitzgerald, Lawyer Fitzgerald, and his partner.
Q. Mr. Gillespie?—A. Yes, sir.
Q. They are partners, Gillespie and Fitzgerald?—A. Yes, sir.

He is under cross-examination now by the attorney for the sitting Member.

Q. They practice law in Springfield, Ill.?—A. Yes, sir.
Q. One of them was attorney for the insurance commission for the State of Illinois, wasn't he?

Then there is an objection.

A. That I don't know.

There are so many objections in here it is hard to follow it.

Judge HANECY. How did these gentlemen come to you to draw that paper?—A. They were recommended to me by the sheriff.

Is the sheriff in the "conspiracy?" Were these attorneys, who were sworn to honorably deal with their clients, in the "conspiracy?" Was the State's attorney of Sangamon County in the "conspiracy," which also embraced the State attorney's office of Chicago? It looks as though the officers of justice were in a pretty wide conspiracy—nobody innocent it appears but the sitting Member. And he—well, he is an "inspiration" to American youth, the Senator from Texas assures us.

A. They were recommended to me by the sheriff.
Q. By the sheriff?—A. By the sheriff.
Q. Of your county?—A. Yes, sir; Sangamon County.
Q. That was the sheriff that had brought you from your home to the grand jury?—A. Yes, sir.

Then there are a lot of objections.

Judge HANCEY. Who drew that paper, Mr. Holstlaw?—A. Mr. Fitzgerald and Mr. Gillespie.
Q. And when it was prepared, was it presented to you?—A. Yes, sir.
Q. By whom?—A. By these gentlemen.
Q. Where?—A. In their office.

* * * * * * *

Judge HANECY. In Springfield?—A. Yes, sir; in Springfield.
Q. On what day?—A. I think it was the 29th of May.
Q. And what was the conversation in relation to it before you signed it?—A. Well, I read it over and——
Q. And——A. And then signed it. That was my statement.
Q. Yes, and then did they have you sworn to it?—A. No, sir; I think not.
Q. You did not swear to it at the time?—A. I think not.
Q. Did anybody say to you or explain to you why you were required or requested to sign that statement?—A. No; they did not.

I hope I am not skipping anything. The record, as Senators will notice, is full of interruptions and so-called argument of counsel. But I go down as near as I can. It is a very poor record.

Q. Was there any conversation of that kind had before you signed that paper?—A. I think there was.
Senator BURROWS. What is that?
The WITNESS. I think there was something said about my having voted for LORIMER.
Judge HANECY. Was there anything said to you as to what would happen to you or the indictment that had been procured against you for perjury, if you signed that paper or if you did not sign it? Did they tell you what would happen to you if you did not sign it?
Senator BURROWS. That question is plain. Read it, Mr. Reporter.
(Question read.)
A. *No; I don't think they told me what would happen to me if I did not sign it; I don't think they did.*
Q. What did they tell you, if anything, as to what would be done if you did not sign it?—A. Well, I don't remember that they said anything about that.
Q. Did they say the indictment for perjury against you would be quashed if you signed it?—A. They said this—they said *if I testified to the truth* that the indictment would be quashed.
Q. The truth on what?—A. On—well, on the Lorimer vote and also the furniture.
Q. The furniture vote?—A. Yes, sir.

And then it goes on, I think irrelevant as to this, until we come down to a lot of objections again and so-called arguments.

Q. Why did you sign the paper, the writing shown to you yesterday, Mr. Holstlaw?—A. Why did I sign it?
Q. Yes.—A. Because it was a statement that I had made *and it was a true one.*
Judge HANECY. The language was formulated by some one else, by those lawyers, and not by you?—A. Yes, sir.
Q. Were the questions put to you that are embodied in that statement and did you make the answers therein embodied?—A. Well, I read it over and then I signed it.
Q. *And it was true, was it?*—A. *Yes, sir.*
Q. Did you make it for the purpose of relieving your conscience?—A. Well, I don't believe I did, particularly, but *I did it because it was true and I felt that it was my duty to make a statement to the grand jury.*

Now, then, Senator PAYNTER asked a few questions:

Q. Upon what day did you appear before the grand jury at Springfield?—A. Upon the 28th day of May.
Q. Upon what day was the indictment returned against you for perjury for your testimony before the grand jury?—A. The same day.
Q. The same day?—A. Yes, sir.
Q. Upon what day was this paper signed?—A. The 29th.
Q. Upon what day was the indictment dismissed?—A. The same day, the 29th.
Q. Before or after the paper was signed?—A. Well, I think it was after.

* * * * * * * *

Senator GAMBLE. How far is your home from here, Mr. Holstlaw?
The WITNESS. *It is about 250 miles.*

I think that is perhaps enough.

The Senator from Kentucky was going to ask me a question.

Mr. PAYNTER. The Senator is arguing the question of conspiracy by the State's attorney and others at Springfield. I do not think in my remarks I made a charge that it was a conspiracy.

Mr. BEVERIDGE. Well, others have charged that this whole business is a "vile conspiracy" against the sitting Member. If so, that "conspiracy" included reputable lawyers, State's attorneys, sheriffs, judges on the bench—everybody, nearly, it would appear.

Mr. PAYNTER. In addition to what I have already said, I desire to call the Senator's attention to the question that I asked. The Senator, of course, takes the position that it was perfectly legitimate.

Mr. BEVERIDGE. What?

Mr. PAYNTER. For the State's attorney to dismiss an indictment against this witness for perjury growing out of an entirely distinct and separate transaction in order to induce him to make a statement that would tend to incriminate a friend of Mr. LORIMER's. I presume the Senator justifies that course of conduct on the part of the State's attorney.

Mr. BEVERIDGE. I am not concerned in it. The only thing I am concerned in is what was the truth of those transactions, and I am concerned in the instance the Senator names only so far as it would affect the truthfulness of the transaction. I am not either praising or criticizing the conduct of those public officers.

Mr. PAYNTER. But the Senator——

Mr. BEVERIDGE. Now, I can turn that on the Senator and ask him whether he thinks the State's attorney of Sangamon County, as well as the State's attorney and other officers of justice elsewhere, all worked together to produce this result. The question that interests me is whether these confessions are true; and that is the only question that should interest any Senator.

Mr. PAYNTER. I am very glad the Senator has asked me the question. If the State's attorney had paid Mr. Holstlaw money to make this statement, everybody would concede it was corrupt.

Now, if the same State's attorney will dismiss an indictment for perjury against a party in order to obtain testimony against LORIMER, can you tell me the difference in character between a transaction like that and the giving of money for the testimony, so far as a corrupt act goes?

Mr. BEVERIDGE. The Senator now is trying the State's attorney of Sangamon County.

Mr. PAYNTER. No.

Mr. BEVERIDGE. The other day they tried the official conduct of the State's attorney of Cook County. What we are trying here is the truth about——

Mr. PAYNTER. But the Senator——

Mr. BEVERIDGE. About the official conduct of these members of the legislature.

Mr. PAYNTER. The Senator turned to me——

THE QUESTION IS NOT THE STERNNESS OF THE OFFICERS OF JUSTICE IN ILLINOIS BUT OF BRIBERY IN THIS ELECTION.

Mr. BEVERIDGE. The Senator will remember that even the attorney for the sitting Member, before the subcommittee, when some person was proposing to produce the deputy district attorney or assistant district attorney, said: "We are not investigating the district attorney." That is true. That is not the question. The question is *whether this bribery was committed or not.*

Mr. PAYNTER. I did not interrupt the Senator, but he addressed himself to me and asked me a question.

Mr. BEVERIDGE. Yes. I am glad——

Mr. PAYNTER. It gives me pleasure to try to answer him——

Mr. BEVERIDGE. Go ahead.

Mr. PAYNTER. In the most satisfactory way I can, at least to myself, if not to him and the Senate. So I have characterized the conduct of the district attorney. To show that my statement is correct, I want to read a question that I asked.

Mr. BEVERIDGE. On what page is that?

Mr. PAYNTER. Page 221, at the bottom of the page.

Senator PAYNTER. I want to ask you one more question.
Q. Did you understand from either District Attorney Burke or any officer of the court there, the judge, or this firm of lawyers, that this indictment was to be dismissed against you if you signed this paper?—A. Yes, sir.
Q. You understood that?—A. Yes, sir.
Q. And that was the agreement between you?—A. Yes, sir.
Q. That talk related, then, to the agreement to induce you to sign this paper?—A. Well, I suppose it did in part.

Then, further down——

Mr. BEVERIDGE. Wait a minute; do not skip.

Mr. BURROWS. A little louder.

Mr. BEVERIDGE (reading):

A. *I felt it was a true statement and I signed it,* and I suppose that had something to do with it.

Mr. PAYNTER. I am making no question but that he said it was a true statement, but the purpose I had was to show the inducement which operated on him to make this statement; then we can consider whether it was true or not, considering the circumstances under which it was obtained.

Let me read a little further:

Q. You were anxious to get rid of the indictment against you?—A. Yes, sir.

Q. You were really more interested in that, were you not, than you were interested in signing the statement, which tells the truth, as you say?—A. I was very much interested in that.

Mr. BEVERIDGE. The Senator should have continued. The Senator should have read on a little bit further.

Q. Did the fact that you were indicted, Mr. Holstlaw, or that you were in the custody of an officer, or that you wanted to go home, or that you might be called before the grand jury, or any other fact or circumstance induce you to sign that paper containing, as you now read it, any statement that was not true?—A. *No, sir; it was true, the statement that I made.*

Q. *Absolutely true?*—A. *Yes, sir; it was.*

Mr. President, let us see the predicament that anyone is in who says that Holstlaw swore falsely in saying that he got this bribe, that he deposited it, and that he was induced to this perjury by a "conspiracy" which sweeps clear from Chicago down to Springfield and involves the officers of justice in widely separated points of the State of Illinois.

Who is inducing the State's attorney of Sangamon County to "conspire" against anybody? Who is inducing his fellow State's attorney of Cook County to "conspire" against anybody? Who is inducing the sheriff of Sangamon County to enter into this "conspiracy?" Who has devised this gigantic web of evil to enmesh a good man in its fatal strands—a web that includes in its threads officers of justice of a great State, the governor of that Commonwealth, all the newspapers but one of the greatest city except one in the Nation, and nearly every good influence except "Hinky Dink," "Manny" Abrahams, and other saloon keepers?

What vast and hidden power has accomplished all this?

IF ANY "CONSPIRED" AGAINST THE SITTING MEMBER IN THIS MATTER, THEY WERE STUPID "CONSPIRATORS."

Mr. FRAZIER. Mr. President, will it interrupt the Senator if I make a suggestion there?

Mr. BEVERIDGE. Certainly not.

Mr. FRAZIER. If this testimony of Senator Holstlaw was false, if it was the result of a conspiracy, was made up out of the whole cloth with a view of doing Senator LORIMER a great injustice, as is now intimated by certain Senators, has it occurred to the Senator that the gentlemen who were engaged in that conspiracy were a very ignorant or a very stupid set of men?

Would it not have been just as easy for Mr. Holstlaw, if he was going to swear falsely or was induced to swear falsely, to make up an entirely false story, and to have sworn that Mr. LORIMER himself gave him the $2,500? Senator LORIMER could not have denied it any more vehemently than Mr. Broderick did. Yet if he had sworn that it was a false statement and had sworn that Mr. LORIMER gave him the $2,500, we would not be now troubled with the question as to whether there were enough members of the legislature bribed to invalidate his election; the one would have been sufficient.

As this applies to Senator Holstlaw, it seems to me it would likewise apply to Mr. Link, and Mr. Beckemeyer, and Mr. White. If all this thing is made up, if it is all a humbug, if it is all a conspiracy, why did not those wicked gentlemen who were engaged in that conspiracy induce these witnesses who were so willing to perjure themselves to swear directly that Mr. LORIMER bribed them and hence settle the whole question?

Mr. BEVERIDGE. Quite so.

Mr. CRAWFORD. Will the Senator from Indiana permit me?

Mr. BEVERIDGE. I say quite so, and more, and because it would have been far easier for Holstlaw to have sustained the statement that he got the money directly from Mr. LORIMER rather than from Mr. Broderick, for the following additional reasons: There would have been a natural excuse for Holstlaw visiting the sitting Member in Chicago, first, because he voted for him; second, because they are both bankers; third, because he was near the Annex Hotel and the station.

But in the case of Broderick, his fellow senator, Holstlaw had to support the so-called perjury which this so-called "conspiracy" evolved by actually coming 250 miles from the southern part of the State and going a mile and a half across the town, over the bridge, into a saloon owned by Broderick, where he had never been before and where the testimony shows he had no other business whatever, and then come back again and deposit $2,500 in bank. Yes, indeed, the master mind that evolved this so-called "conspiracy" certainly was muddled when that mind did not fix this bribery upon the sitting Member instead of upon Broderick.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. I do.

Mr. CRAWFORD. Just upon this point. I think we all recognize the importance of the testimony, if it be corroborated, of Holstlaw, Beckemeyer, and Link. I only rise to ascertain if the Senator corroborates this view. I challenged the gentlemen who are attacking the testimony of these three witnesses, and it was shrewdly attempted over and over again by counsel in examining these witnesses to show that it was made a condition upon which the prosecution against them was dismissed that they should testify a certain way. I challenged the gentlemen on the other side to show anywhere in the record were Mr. Wayman, the State's attorney of Cook County, or his deputies or his detectives, or where the State's attorney of Sangamon County or any of his assistants, ever undertook to put the words in the mouth of either Holstlaw or Link or Beckemeyer and claimed, "You must testify to this as a condition for dismissing the charges against you." As I remember it, Judge Hanecy undertook ingenuously to get Link to admit that the condition was that he must say, "I got a thousand dollars for voting for LORIMER," to get Link to admit that it was necessary for him to say that he got a thousand dollars for voting for LORIMER, before they would dismiss the indictment against him. The attempt was broken down and absolutely failed, and the testimony shows—I think the Senator will agree with me and also the Senator from Tennessee [Mr. FRAZIER]—that the only condition was that these men should tell the truth, as the Senator states. I challenge the record for a syllable of testimony to the contrary.

Mr. BEVERIDGE. The Senator is absolutely accurate.

Mr. PAYNTER. Mr. President——

Mr. BEVERIDGE. Pardon me a moment. They did tell the truth, unless we believe what we are urged to believe, that the State's attorneys of Cook County and of Sangamon County were instruments of an infamous and widespread "conspiracy" to get these confessed bribe takers to tell the clumsiest falsehood ever perpetrated in courts of justice or anywhere else. *The question is whether they told the truth.* Did Holstlaw get the money? Did he tell the truth when he testified under oath that he got the money? I do not want to get away from Holstlaw for a moment. I am going to come to Broderick right away.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. BEVERIDGE. Certainly.

Mr. PAYNTER. I do not desire to argue the question that is raised by the Senator from South Dakota in this place, because it was covered as completely as I could do so in the remarks I made on this question.

Mr. BEVERIDGE. I have the Senator's remarks here. I am going to refer to them.

Mr. PAYNTER. Just a moment, if you please. It is asserted by the Senator from South Dakota that they were told to tell the truth. That is true; but they were at the same time told what was the truth as claimed by the district attorney.

Mr. BEVERIDGE. Was it the truth? That is the question.

Mr. PAYNTER. That is a question for the Senate to determine.

Mr. BEVERIDGE. Yes, it is for the Senate to decide and the Senate alone, uninfluenced by anything but our oath-bound judgment.

Mr. CRAWFORD. Will the Senator permit me there, for that is important. I would ask the Senator from Kentucky to point out a single place where they told these men what they claimed was the truth to which they must testify.

Mr. PAYNTER. It is all through the record, that it was claimed they had received money for voting for LORIMER.

Mr. BEVERIDGE. There is not a thing in the record except the statement of Link that they tried to put the statement into his mouth. State's Attorney Wayman, of Cook County (Chicago), denies Link's theatrical story. Whom are you going to trust, the State's attorney of Cook County, the State's attorney of Sangamon County, or Link? I am coming to the treatment of these poor abused bribe takers by the officers of justice of the State of Illinois in a moment.

Mr. SMITH of Michigan. Mr President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. I do.

Mr. SMITH of Michigan. The Senator from Tennessee [Mr. FRAZIER] suggested a moment ago that if Holstlaw and his associates were to make this statement out of the whole cloth they could have put it on the Senator from Illinois as easily as upon a State senator of Illinois.

Mr. BEVERIDGE. More easily.

Mr. SMITH of Michigan. I desire to remind the Senator from Indiana that the testimony will show that Holstlaw was

summoned to Chicago by State Senator Broderick, if his testimony is to be believed, and that Holstlaw so testified; and that Broderick, when he was put upon the stand and asked that particular question, declined to answer on the ground that it might tend to incriminate him if he responded in the affirmative. So it is much more likely, I contend, that this invitation to come to Chicago should have been sent by State Senator Broderick than it could have been put upon Mr. LORIMER himself. This connecting circumstance would tend to strengthen the conclusion that he had been invited there by Mr. Broderick himself, whereas in the case of Mr. LORIMER there was no evidence at all that he had invited them there.

Mr. BEVERIDGE. Now, Mr. President, I come to Broderick, who admitted that his fellow senator, Holstlaw, visited Senator Broderick's saloon the very day that the $2,500 was actually placed in the bank by Holstlaw.

BRODERICK, IF INNOCENT, THEN MOST UNFORTUNATE.

Now, Mr. President, it is a melancholy duty which I have before me—the treatment of this patriot Broderick. For if his story is believed and if the theory of the subcommittee is believed, in all the chronicles of ingenious villainy there never was such a victim of bad men in the history of the world, a person so entitled to our tender sympathy as this good man Senator Broderick in his Chicago west-side saloon.

If you believe the theory that Broderick did not give Holstlaw this money, then you must agree that Broderick himself was the object of "conspiracy" not only malign and tragic, but so curious that it is laughable.

Look at the net of circumstances that catches poor Senator Broderick, the innocent, guileless, Chicago west-side saloon keeper. Here he was going peacefully to his saloon, a little late that day. He goes down and he finds Holstlaw there, his fellow senator. Holstlaw never had been there before. He had come up 250 miles from southern Illinois in the heat and sweat and dust of a sweltering summer.

Holstlaw did not know where Broderick's saloon was. But he found it. According to Broderick, Holstlaw was so anxious to pay a social visit to his fellow senator, that he found that west-side saloon. After Holstlaw got to Chicago he went a mile and a half on a hot summer day—and we know what that is in Chicago—out to the patriot Broderick's saloon.

Holstlaw had no reason for going, according to Broderick. He never went there before. He never frequented saloons. He stayed there a half or three-quarters of an hour, as Broderick testifies. There was little conversation—no business transacted, according to Broderick; and then this strange, mysterious Holstlaw leaves and goes a mile and a half back across the bridge, deposits $2,500 in the bank in bills of large denomination, and then he accuses Broderick of having paid it to him. Awful! Ghoulish! That is, awful and ghoulish, according to the defenders of the sitting Member.

Now I come to the kind of a man that Broderick is. In the first place, the members of the subcommittee will tell the Senate, if Senators have not read this record, that the subcommittee had vast difficulty in locating Patriot Broderick at all. The Sergeant at Arms could not produce him. A member of the subcommittee told me that they searched Broderick's house.

He was mysteriously missing. Last night, in going over the record again, I read that the Sergeant at Arms reported to the subcommittee that not only Broderick, but Browne, the "modern Lincoln," as the Senator from Texas would have us regard Lee O'Neil Browne, and Wilson, "Jack Pot" Wilson—none of these innocents could be located. Poor, hunted "babes in the woods," the Sergeant at Arms of the United States Senate could not find them. Alas! [Laughter.]

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. I do.

BRODERICK THE ELUSIVE.

Mr. GAMBLE. My recollection is very clear upon this proposition; I recall it distinctly, and I think I am correct in the date, that the subpœna was issued for Lee O'Neil Browne because, as I recall it, the Senator from Kentucky [Mr. PAYNTER] and myself had to do with it. It was after dinner on Thursday night, and as testified to by Browne, he was in the city and only went to the suburbs. Yet in flaming headlines the next morning——

Mr. BEVERIDGE. The suburbs were far enough for some people to lose themselves pretty completely if they wanted to do so. Can you imagine a better hiding place than the suburbs of Chicago? [Laughter.]

Mr. GAMBLE. His testimony is not impeached in that regard. Yet in flaming headlines the next morning it was announced in certain of the papers that Browne practically was a fugitive from justice. It was utterly inexcusable——

Mr. BEVERIDGE. Will the Senator permit me to ask him a question there?

Mr. GAMBLE. Wait a moment; let me go on.

Mr. BEVERIDGE. No; let me ask a question right there. Is it not true that the Sergeant at Arms reported to the committee that none of the three could be found?

Mr. GAMBLE. Yes; I think you will find that in the record. Let me say——

Mr. BEVERIDGE. Why could everybody else be found?

Mr. GAMBLE. Let me say that Broderick was under indictment at Springfield; the case was being heard at that time under a demurrer. He was there while the committee was in session. He returned to Chicago. He did not care to appear before the committee, and he gave this as his excuse, until he had conferred with his attorney; and, as I recall it, and as I think the record will disclose, he did appear on Monday morning with his attorney.

Mr. BEVERIDGE. And the record further discloses that the committee very obligingly excused him until he could go to Springfield and confer with his attorneys on something——

Mr. GAMBLE. Yes; but——

Mr. BEVERIDGE. Pardon me. The Senator is demonstrating what I said a moment ago—that this man Broderick, through unhappy and unfortunate circumstances that he could not well explain, aroused the tearful sympathy of all of the subcommittee, and the Senator from South Dakota is weeping copiously over his condition even yet. [Laughter.] Sad.

Mr. GAMBLE. Not in the slightest degree, Mr. President; but I feel, in justice to the subcommittee which took this testimony and heard the evidence, that I should make these facts plain before the Senate itself. I do not blame Mr. Broderick in refusing to answer certain of those interrogatories——

Mr. BEVERIDGE. It is plain that you stand by him—poor, abused Saloon-keeper Broderick! Who would not defend him if the theory of the Senator from South Dakota and of all those who defend this election is correct?

"MINIONS" OF THE LAW.

Mr. GAMBLE. Propounded to him because, on account of the minions——

Mr. BEVERIDGE. Minions of the law!

Mr. GAMBLE. That were upon his track and the indictments pending against him at Springfield——

Mr. BEVERIDGE. Poor soul!

Mr. GAMBLE. He was justified in so doing.

Mr. BEVERIDGE. He was with his attorney.

Mr. GAMBLE. I say the minions.

Mr. BEVERIDGE. "Minions" of the law! Yes; down with the "minions of the law" for hounding these bribe givers and bribe takers, says the Senator and the defenders of this election.

Mr. GAMBLE. Not the minions of the law, but perhaps some of the men who were on the track of De Wolf—detectives who represented that they were out there in behalf of the committee, when they were never so authorized.

Mr. BEVERIDGE. Well, Mr. President, the Senator's denunciation of the officers of justice——

Mr. GAMBLE. I do not——

Mr. BEVERIDGE. He has told us as his defense of Broderick——

Mr. GAMBLE. Mr. President, no, no. Will the Senator quote me correctly? I said the detectives.

Mr. BEVERIDGE. You said "minions."

Mr. GAMBLE. Not officers of the law.

Mr. BEVERIDGE. Then you excuse the "minions of the law." You have no complaint to make of the State's attorney of Chicago. But down with detectives, at least those who hunt down crime—especially crime against the American Government.

Mr. GAMBLE. I have put in the record my judgment on that matter.

Mr. BEVERIDGE. Does the Senator mind repeating it? I should like to hear it.

Mr. GAMBLE. I do not think that I particularly complimented the officers of Cook County.

Mr. BEVERIDGE. Or of Sangamon County.

Mr. GAMBLE. I never made criticism of them.

Mr. BEVERIDGE. About Holstlaw.

Mr. GAMBLE. I never made any criticism of the district attorney. The only criticism I did make upon Holstlaw was that he went before the grand jury and was indicted for perjury. He claimed that on that same day this detective had been following him. The indictment was dismissed. I let the record speak for itself.

Mr. BEVERIDGE. The question is whether in that statement he told the truth.

Mr. GAMBLE. That is the sole proposition.

"I REFUSE TO ANSWER."

Mr. BEVERIDGE. The Senator has most fortunately, without any intention of his own, directed the attention of the Senate to the very next point which logically comes, and that, I think, will dispose of Mr. Broderick.

Now, I want to claim the attention of the Senate—for it does so illumine this case and the view of the subcommittee—to the statement of the Senator from South Dakota [Mr. GAMBLE] that he *does not blame Broderick for not answering certain questions.* I hope you will not forget that statement. What were those questions? Let us read them. I read from page 551:

Q. You had no business relations with him——A. No, sir.
Q. (Continuing.) That would bring you together at all?—A. No, sir.
Q. Did you ever write to him to call on you?
Mr. DAWSON (Broderick's attorney). I object to the question, and, Mr. Broderick, I advise you not to answer it.
The WITNESS. *I refuse to answer*——

I will now read a series of questions which this man Broderick refused to answer as to which the Senator specifically exculpates him. Every one of these answers——

Mr. GAMBLE rose.

Mr. BEVERIDGE. Wait a minute. Let me get through. *Every one of these answers would have been as to something on which he could be contradicted, and he answered everything upon which he could not be contradicted.* More than that, Mr. President—and this is what amazes me—he refused to answer, and the subcommittee permitted him to do so upon the ground that he might incriminate or injure himself, when the subcommittee should have known that he was absolutely in no danger. He was protected by the statutes of the United States giving him immunity for anything he might state to the Senate's committee.

Mr. GAMBLE. But, Mr. President, the only course left to the subcommittee would have been to have reported these facts to the Senate and have taken directions from the Senate. They could not compel answers.

Mr. BEVERIDGE. The Senator did not want to go to that trouble, and did not want to bother us.

Mr. GAMBLE. The Senate was not in session. This hearing was had in September and the first part of October, and the Senate was not in session until December.

Mr. BEVERIDGE. Why did you not try it? You did not try it; you did not try to force him.

Mr. GAMBLE. We did not presume to call a special session of Congress for that purpose.

Mr. BEVERIDGE. No; the Senator has said that he justified this man in not answering.

Mr. GAMBLE. Hold on.

Mr. BEVERIDGE. You said you did not blame him.

Mr. GAMBLE. Let us be fair to each other, Mr. President, in this.

Mr. BEVERIDGE. I want to be fair to everyone—especially to the people.

Mr. GAMBLE. I do say that in certain respects I did justify him, but not in all respects.

Mr. BEVERIDGE. Name the respects.

Mr. GAMBLE. I recall that the question was asked Mr. Broderick——

Mr. BEVERIDGE. I am going to read it.

Mr. GAMBLE. When Holstlaw was there, who else was in the saloon? Now, Mr. President, I will give the reasons for my belief.

Mr. BEVERIDGE. No; give your belief.

Mr. GAMBLE. I will give the reasons for my belief.

Mr. BEVERIDGE. It needs them.

THE SUBCOMMITTEE'S POSITION.

Mr. GAMBLE. Mr. President, with the tremendous pressure of this case before it ever reached the Senate of the United States, with special agents, representatives, and detectives employed by the Chicago Tribune practically traversing the entire State of Illinois to dig up and find evidence, if they succeeded in disclosing the names of these men there present, I feel confident Mr. Broderick thought that when the trial came on these men who were then present would be found to be missing or out of the jurisdiction of the State.

Mr. BEVERIDGE. Think of that, Mr. President, as an excuse for Broderick refusing to answer, when Broderick himself stated that the reason he refused to answer was because if he answered he might incriminate himself!

Mr. President, the Senator said the only recourse would have been to have appealed to Congress. That is a change of position on the part of the committee; but not the only one, as I will show before I am through. I will ask the Senator and the subcommittee, who are the servants of this body, to tell us whether they insisted on his answering the questions? They could have done that at least; could they not?

Mr. GAMBLE. I think, Mr. President, the statement was fully made as representing the committee by the senior Senator from Kentucky [Mr. PAYNTER], as to the law of the case.

Mr. BEVERIDGE. I have also got what he says.

Mr. GAMBLE. It was the understanding of the committee that where there was a refusal to answer the witness must take his own chances and assume the responsibility, and that the committee, to enforce an answer, must have applied to the Senate itself.

Mr. BEVERIDGE. But the Senator and the subcommittee did not even urge Broderick to answer; they willingly let him refuse to answer, and the Senator has just told us that he did not blame him for not answering.

Mr. GAMBLE. Mr. President——

Mr. BEVERIDGE. Now, do not take up too much of my time.

I will read the statute, Mr. President. Here was a man, with a perfect legal genius as his counsel, before a subcommittee, which have defended him on this floor with passionate insistence; and he refused to answer the questions which I am going to read in a moment, because he would "incriminate himself." And yet here is the statute of the United States expressly exempting him from any consequences for any testimony he gave before a committee of this body or any committee of Congress and expressly protecting him.

Mr. GAMBLE. Mr. President——

Mr. BEVERIDGE. He was not in the least danger, and the record does not show that the committee even suggested that to him.

Mr. GAMBLE. Mr. President, that law was very plain. It was before the subcommittee and was thoroughly understood by every member of the subcommittee.

Mr. BEVERIDGE. So much the worse. There is no excuse for you then. The committee said nothing about the statute. That being true, why did you not insist on his testifying when he refused to testify on the ground that he would incriminate himself? Then it would have been time for you to have said, "We must consider whether we shall appeal to Congress;" but, as a matter of fact, you not only let him refuse to answer, but it is not quite 10 minutes since the Senator himself said he did not blame him for not answering.

Mr. GAMBLE. Because, Mr. President, he was within his rights under the law, and he assumed the responsibility of failing to answer. To coerce or compel answers, we would have been obliged to have applied to the Senate itself, which was not then in session.

Mr. BEVERIDGE. Why that is idle, because the Senator did not try to coerce him.

Mr. GAMBLE. Because he was there with his attorney and under the law.

Mr. BEVERIDGE. He was there with his attorney—after awhile, but he was not there for a good while. And his attorney was at his side every minute.

Let us see, Mr. President, what these things are that the Senator from South Dakota most obligingly says he does not blame him for not answering. I beg the indulgence of the Senate while I read these few questions.

Mr. CRAWFORD. Will the Senator from Indiana permit me there?

Mr. BEVERIDGE. Yes; I will.

Mr. CRAWFORD. As I remember it, Mr. Robert E. Wilson, another similar witness, testified right here in the city of Washington, perhaps under the dome of this Capitol, and at a time when Congress was in session, or near the time when Congress was in session, that he claimed a similar privilege, and apparently he was protected in claiming it.

Mr. BEVERIDGE. Oh, well, you must remember that poor Wilson—"Jack Pot Wilson"—was suffering from nervous prostration because of two weeks' campaign, and had to go to Canada for nervous prostration, strangely enough, just at the time the subcommittee was sitting.

THE INCRIMINATING QUESTIONS.

When I come to the case of Wilson the Senate will find it a more lachrymose case than the case of Broderick; but now, let us see what these questions were that this man Broderick refused to answer—questions which the subcommittee permitted him to decline to answer; questions which the Senator from South Dakota, Mr. GAMBLE, says he does not blame Broderick for not answering. I read from page 557:

Q. Mr. Broderick, did you ever have any occasion to write to Mr. D. W. Holstlaw in the month of August to call upon you?—A. *I refuse to answer on the same ground as I said before.*

I should be glad if Senators would remember that. Why would he refuse to say whether or not he wrote Holstlaw? Holstlaw already had said that he could not find the letter. Why, Mr. President, it was because Broderick knew that he had written the letter, and that that letter might turn up. Is there any other reason?

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. I do.

Mr. GAMBLE. I will repeat to the Senator that I said I justified Mr. Broderick in declining to reply to certain of those interrogatories.

Mr. BEVERIDGE. You did not justify——

Mr. GAMBLE. But not to all.

Mr. BEVERIDGE. Not to this one, then? You did not justify him as to this one? Check one, then, that the Senator does not justify.

Mr. GAMBLE. I was not his attorney or responsible for his answers.

Mr. BEVERIDGE. I am sure the Senator was not his attorney; it was not the Senator's business to be anybody's attorney but that of the people of the United States.

Now, let us get back to Mr. Broderick. One question the Senator does not justify:

Q. On what ground?—A. On the same ground as I stated before.
Q. On what ground do you refer to?—A. *That I might be compelled to give testimony against myself.*

That is, if Broderick answered whether he wrote Holstlaw to come to Chicago, Broderick feared he would "incriminate himself." Holstlaw says Broderick did write him, and that is the reason Holstlaw came. Holstlaw actually was there. Now, Broderick says that if he answers that question yes or no he would be giving evidence that might incriminate himself. I wish Senators would consider that. Now, again:

Q. Mr. Broderick, when did Mr. Holstlaw come to see you?—A. Well, I don't exactly remember the date, but he was in my place when I came in there.
Mr. AUSTRIAN. Had he come in response to any invitation from you to him?—A. *I refuse to answer.*

Now, does the Senator from South Dakota [Mr. GAMBLE], a member of the subcommittee, justify that?

Mr. GAMBLE. I am not here as the attorney in the case for Broderick.

Mr. BEVERIDGE. Oh, no.

Mr. GAMBLE. Nor am I here to defend him. He was taking, as I say, his own responsibility.

Mr. BEVERIDGE. Well, we are trying to develop this case, and whether Broderick gave Holstlaw the money or not, and what kind of a man Broderick is.

Mr. CRAWFORD. Mr. President, what is the difference between his saying that he could or could not answer whether he wrote the letter to Holstlaw, because it would incriminate him to admit that he wrote it?

Mr. BEVERIDGE. God knows; I do not. [Laughter.] Do not ask me. Some of these answers and some of the conduct in this case are either too profound for my comprehension or too foolish for me to understand—one or the other. The subcommittee both comprehends and understands, apparently. I do not know.

Again, on page 557:

Q. Did you have any business with him which would necessitate his calling on you in the month of June or July?—A. No, sir.
Q. 1909?—A. No, sir.
Q. No business whatsoever?—A. No, sir.

You see Broderick answers that right off. [Laughter.]

Q. If he came to see you during the month of June or July, 1909, did he come on his own volition or at your request?—A. *I refuse to answer.*

Again, on page 563—here is the one which the Senator from South Dakota [Mr. GAMBLE] says he does justify, and you have heard his reason:

Did you ask him—

That is, Holstlaw—

Q. Did you ask him what he was there for?—A. No, sir.
Q. Did he tell you what he was there for?—A. No, sir.
Q. Did he pay for the drink?—A. That I don't remember.
Q. You don't remember anything about the occurrence at all?—A. No.

You perceive he does not remember anything now [laughter]; it is convenient not to do so.

Q. How long was he in your place?—A. Possibly a half or three-quarters of an hour.
Q. That long?—A. Yes, sir.
Q. And he talked to no one but you, eh?—A. *I refuse to answer.*
Q. On what ground?—A. *On the ground that I might give evidence or be compelled to give evidence against myself.*
Q. Compelled to give evidence against yourself?—A. Yes, sir.

* * * * * * * *

Q. I say did you write to him—Holstlaw—did you fix the time?—A. *I refuse to answer.*
Q. On what ground?—A. *On the ground I might be compelled to give evidence against myself.*

BRODERICK AN IDEAL AGENT OF BRIBERY.

How could Broderick's testifying whether he wrote Holstlaw to come, as Holstlaw did come, incriminate him (Broderick)? It could not, Mr. President, except on two theories: First, that if Broderick said he did not write Holstlaw and Holstlaw afterwards produced Broderick's letter, Broderick would be shown to have committed perjury; and, second, if he did say he wrote Holstlaw to come there, then he fully corroborated Holstlaw's story.

Who was Broderick? Broderick was a saloon keeper on the West Side in Chicago. He had been in the State senate for several terms. He was a part of that bipartisan—not nonpartisan—combination that seems to exist in Chicago; because he says he was "affiliated with good friends" of the sitting Member; that he himself was a good friend of the sitting Member; and that he himself would have voted for him at any time. That is Broderick, the ideal agent to select to bribe a fellow senator.

Broderick testified that he knew that the sitting Member was a candidate—*when?* ABOUT TWO WEEKS BEFORE MAY 26. Does that mean anything to Senators? *That is the very time that Browne undertook in the House to "round up" his following.* Broderick was operating in the Senate.

And on the morning of the election Broderick swears that the sitting Member himself told him that on that day he was going to be elected. He further testifies that the sitting Member knew long before May 26 that he, Broderick, would vote for him. So, Mr. President, we have Broderick, the bipartisan Democrat "affiliated with close friends" of the sitting Member in Chicago, a close friend himself, experienced by several years' service in the dark practices of a part of the Legislature of Illinois, saying that he learned about the sitting Member being a candidate *about two weeks before he was elected,* THE VERY TIME THAT BROWNE BEGAN HIS AGENCY.

You see Broderick was the very man who naturally would be selected to practice the corruption which Holstlaw said he did practice. But when this man Broderick is put upon the stand, he refuses to answer any question on which he could be contradicted upon the ground that it might incriminate him, although it could not possibly incriminate him unless Holstlaw's story was true, although he was protected by national law. What do Senators think of that?

In the face of that, will you believe Holstlaw's perfectly natural and corroborated testimony or will you believe Broderick's evasive denial when at last he was produced before the committee? Will you believe Holstlaw, who is corroborated at every point, or Broderick, who refuses time and again to answer questions which even the Senator from South Dakota does not justify him in refusing to answer?

Again, Broderick refuses to say who was in the saloon while Holstlaw was there. Then, a little later on, he did answer and withdrew his answer. That is so amusing that I will read it:

Q. Did you ever notify him that you wanted to see him on any business matter?—A. No, sir.
Q. Did you ever notify him that you wanted to see him on any matter?—A. No, sir; not on any matter.
Q. Not on any matter. Did you ever pay any money to any member of the legislature for any purpose?—A. *Pardon me. Will you read the last question?*
Q. Read the last one.—A. Not the last one, but the one before that.
(Question read as follows:)
"Did you ever notify him that you wanted to see him on any matter?"
The WITNESS. *Well, now, that is one of the questions I refused to answer a while ago.*
Q. You have already answered it.—A. *I know, but I ask leave to correct that or withdraw that answer.*
Senator BURROWS. You withdraw your answer to the question?—A. *I desire to withdraw the answer to that question; yes.*

What becomes of the theory of the Senator from South Dakota [Mr. GAMBLE] that the subcommittee could not force Broderick to answer? You let him withdraw it—the subcommittee let him withdraw his answer.

Mr. GAMBLE. But, Mr. President, the answer speaks for itself in the record.

Mr. BEVERIDGE. And Broderick withdrew his answer because he knew he had written the letter and he feared it might turn up.

Now, Mr. President, in a little while when I come to Mr. Link I will show, I think, one reason why Mr. Broderick did not answer these questions. And when I show that Senators will see that it is the real reason.

So, Mr. President, we have Holstlaw corroborated in every important particular of his testimony. If there is a point where he is not corroborated, will any Senator point it out? We have Broderick stating the reasons and the circumstances which would make him the most natural man in the world to select as an agent of bribery; we have Broderick refusing to answer any question upon which he could be contradicted, and especially the one as to whether he asked Holstlaw to come to Chicago. Does that settle those two "gentlemen," even though they were taken alone; and if so, what shall we say when we come to take them in connection with the remainder?

BECKEMEYER THE PITIFUL.

Mr. President, there are two out of the seven. That is not all. I come next to Mr. Beckemeyer. Let us be brief on Beckemeyer. He testifies that he got the money in two installments, the first, a thousand dollars, from Browne himself, on June 21, at St. Louis; that Browne, when he handed it to him, said, "This is Lorimer money;" that at Starving Rock—and it is important to remember this when we come to Browne's story—a few days before, he had told him he wanted to see him in St. Louis, that Browne would have a package for Beckemeyer.

Will anybody contradict that? Nobody but Browne; and we will examine Browne in a moment. We have traced every cent of Holstlaw money—the first payment—into the bank on the day it was received.

Mr. BAILEY. Will the Senator permit me? The Senator illustrates the method of arguing this case. He says, "Who denies this but Browne?" There is no pretense that there was anyone besides Browne and this man there.

Mr. BEVERIDGE. Oh, yes.

Mr. BAILEY. Who else could deny it?

Mr. BEVERIDGE. There were several there.

Mr. BAILEY. There was nobody there when he says Browne told him this.

Mr. BEVERIDGE. Told him what?

Mr. BAILEY. That he wanted to see him in St. Louis.

Mr. BEVERIDGE. Oh, that was at Starving Rock. At Starving Rock they met alone, so far as the testimony shows; but when they were at St. Louis together there were several others of "the gang," as Beckemeyer calls them, there. There was our friend Joe Clark, Browne says, although Joe denies it, and Browne says, "If Joe denies it he must be right;" there was our friend Shephard—Shephard of bathroom and automobile fame—and all the rest of them. What I say is——

Mr. BAILEY. And they all deny receiving any money there, except Link and Beckemeyer, who had been indicted.

Mr. BEVERIDGE. Except Link, and Beckemeyer, and White, and Luke. All these testified that they did receive this money except Luke. Luke is dead; but his wife swears he came home from an unaccounted absence with $950 in large bills. And the committee would not permit State Attorney Murray to testify to Luke's confession. After a while we shall come to Clark, Shephard, and the others. In their case——

Mr. BAILEY. They deny it.

Mr. BEVERIDGE. We will see.

Now, mark you, Holstlaw was paid his first installment when? June 16; the first installment June 16. When was that? *That was the very day or the day before that White testifies that he got the remainder of his first installment from Browne in Chicago*, and only three or four days before the rest of them swore that they got their first installment from Browne in St. Louis.

BECKEMEYER DEPOSITS BRIBE MONEY AWAY FROM HOME.

So the date on which Holstlaw swore he received and on which he deposited his first installment is practically *the same date on which the members of the house swore that they got their first installment.*

Now, Mr. President, we have traced the Holstlaw money. What became of the Beckemeyer money? Some of it, at least, was deposited in a most curious place—Belle Isle, Ill. Beckemeyer did not live at Belle Isle. He even had to be identified at the Belle Isle bank by Gray.

Who was Gray? Gray was a business man there. But that is not all. The following circumstance explains why it was that he took the liberty of asking Beckemeyer where he got the money. Gray said they had known one another from boyhood, they were boyhood friends. Well, Beckemeyer turns up at Belle Isle. He made a deposit in the bank of currency in bills of large denominations, *one of which was a hundred-dollar bill.* That was unusual, and so Gray, before whom Beckemeyer counted the money, asked him where he got it.

The committee refused to allow Gray to answer. Should not a "declaration against interest" be admitted? Did you ever hear a case in which the declaration of a party against his own interest was not admitted? If it had been admitted, it and the testimony of Murray and of Ford would have shown where this money came from.

Why did not the attorneys for the sitting Member want Beckemeyer's statement to his boyhood friend Gray as to where he got this money admitted? Why did they object? Surely Gray was not also in the "conspiracy" of which the State's attorney of Cook County and the State's attorney of Sangamon County and the sheriff of Sangamon County and nearly everybody else seems to have been members, according to those who are defending this election. Surely Ford, another business man, was not. Gray and Ford and Murray would have told the truth. These disinterested business men were not in the "conspiracy," were they?

Why, then, was it that the attorney for the sitting Member objected to having them state what Beckemeyer told them as to where he got the money. And where did he get it? Will any Senator tell me? Evidently Beckemeyer was not a big lawyer. He was plainly a little lawyer. Was it from a fee? Is it possible that Beckemeyer had a client who paid him a fee in hundred-dollar bills? Absurd.

Was it a part of his salary? No; because it was in July, and a man of Beckemeyer's dissolute habits would not have saved his salary, which I think he drew, at the beginning of the session, all those months without breaking a hundred-dollar bill. *And the money was deposited soon after he swore he got his bribe.* And Beckemeyer swears he got his bribe money in bills of large denominations. There is where he got this mysterious hundred-dollar bill.

Mr. President, no greater proof can be produced in any case than the declaration of the man himself that he was bribed, followed by being shown in possession of the money which he says he got.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. I do, indeed.

Mr. GALLINGER. I have been listening attentively all afternoon to the Senator's presentation of this case. Will the Senator tell me, for information, where he thinks this money orignally came from?

Mr. BEVERIDGE. The Beckemeyer money?

Mr. GALLINGER. Yes.

Mr. BEVERIDGE. I have not the slightest doubt in the world that he got it where he swore he got it.

Mr. GALLINGER. Where?

Mr. BEVERIDGE. From Browne and Wilson, at St. Louis.

Mr. GALLINGER. Where did Browne and Wilson get it?

Mr. BEVERIDGE. That is what Link says. He "did not know where the money came from." Where does the Senator from New Hampshire think Browne and Wilson got it?

ALL WHO CONFESSED, "A BAND OF LIARS," BUT THOSE WHO DID NOT CONFESS VIRTUOUS MEN.

Mr. GALLINGER. I do not know. I am of the opinion that they were a band of liars, and that no one can tell whether they were telling the truth on that occasion or not.

Mr. BEVERIDGE. But they could not lie all together and have all the circumstances corroborated. A lie would not put $2,500 in the State Bank of Chicago.

Mr. GALLINGER. It might.

Mr. BEVERIDGE. A lie would not deposit a hundred-dollar bill in Belle Isle. That is too complicated.

Mr. GALLINGER. The $2,500 might have come from the source that gave this man White $3,500 for his startling revelations.

Mr. BEVERIDGE. Oh, the Senator from Tennessee answered that.

Mr. BAILEY. Mr. President——

Mr. BEVERIDGE. The Senator from Texas will pardon me for a moment. The Senator from Tennessee [Mr. FRAZIER] answered that. We have now the suggestion that this "conspiracy" was so broad that it actually went down into its pocket, produced the money, gave it to these men, had them commit perjury, put themselves in danger of the penitentiary, when, as the Senator from Tennessee pointed out so clearly, it was the most stupid thing in the world, because they could have just as easily and far more naturally put it upon the sitting Member himself if they had wanted to.

Mr. GALLINGER. Does the Senator intend to put it upon Mr. LORIMER?

Mr. BEVERIDGE. I am putting it where the record puts it. And the law puts it very definitely, as I demonstrated by the decisions already submitted. The record shows that Mr. Holst-

law got $2,500 from Mr. Broderick. He deposited that in bank. The record shows that Beckemeyer got his $1,000 from Browne—who stated it was the "Lorimer money"—and his $900 from Wilson, respectively, in St. Louis, and Beckemeyer deposited part of it in bank away from home in large bills, one of them being a $100 bill.

Mr. BAILEY. Will the Senator permit me?

Mr. BEVERIDGE. Certainly.

Mr. BAILEY. This man Gray, whom the Senator was just talking about, who identified Beckemeyer, was himself a member of the legislature, and, as I recall, probably engaged in the condensed-milk business. But he was a member of the legislature, anyway.

Mr. BEVERIDGE. Oh, no; he was not. Gray was not a member of the legislature.

Mr. BAILEY. I rise to answer the suggestion of the Senator from New Hampshire, which is a very pertinent one, and I desire to say to him that this is practically the only case in which bribery was ever alleged in a senatorial election where there has been no attempt to show where the money came from.

Mr. GALLINGER. Yes; and not only that, if the Senator will permit me——

Mr. BEVERIDGE. Yes; there is a suggestion——

Mr. GALLINGER. But the suggestion is made over and over again that Senator LORIMER had nothing to do with this.

Mr. BAILEY. That is admitted.

Mr. GALLINGER. Yes.

Mr. BEVERIDGE. By whom?

Mr. GALLINGER. It is a queer case.

Mr. BEVERIDGE. The Senators must not have a joint debate with one another in my time.

Mr. GALLINGER. The Senator has taken a great deal of the time.

Mr. BEVERIDGE. I have taken mightly little time, considering the length of this debate and the fact that I am a member of the committee.

The Senator from New Hampshire has just suggested that this money came from the same source that also originated this whole "conspiracy" against the sitting Member.

Mr. BAILEY. Does the Senator adopt that suggestion?

Mr. BEVERIDGE. I do not. It is most absurd.

Mr. BAILEY. Will he, then, tell us where it came from?

Mr. BEVERIDGE. How do I know where it came from? I am not in the confidence of any source from which it could have come.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. I do.

WAS CORRUPTION PRACTICED, THE ONLY QUESTION.

Mr. CRAWFORD. It seems to me it is a pertinent inquiry, as to this fund, whether or not it makes any difference where it came from, if it was used for corrupt purposes and through its use the election of the sitting Member was procured. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. Applause is not permitted in the Senate galleries.

Mr. BAILEY. I think that is a fair measure of the audience's intelligence.

Mr. President, let me say this to the Senator from South Dakota, that you must trace this money, if it is to be charged and the Senate is asked to believe that it was used to secure the election of Mr. LORIMER; if not to Mr. LORIMER himself, then to some of his friends.

In the other cases—for instance, in the Payne case, the effort was made to prove that Mr. Payne's son and other close friends drew large sums of money out of the bank and appeared at the capital of Ohio with it. In the old Caldwell case—and by the way, Mr. President, the Senator from Kansas [Mr. BRISTOW] said the other day that we were growing very bad; that in 40 years there had been 15 cases of this kind, and I beg to remind him that three of them were from Kansas—three out of the 15. In the Caldwell case they traced the money to Caldwell, drawn out of the bank upon his order and by his friends.

Mr. BEVERIDGE. Caldwell denied it was drawn for any such purpose.

Mr. BAILEY. He did not deny that he drew some money out, and they had the bank books there.

So, in the Pomeroy case, they traced where they drew the money. In the Ingalls case it was admitted that money was used on both sides, but there it was claimed not enough to affect the election. But in this case there is not a scintilla of testimony attempting to show that LORIMER drew any unusual sums of money from the bank or that any of his friends drew any unusual sums from the bank.

Mr. BEVERIDGE. I hope the Senator is not going to take too much of my time.

Mr. BAILEY. And I submit before you can charge them with having used the money it would be fair to show that they first had the money.

Mr. BEVERIDGE. We trace it as far as Browne and Wilson and Broderick as to its sources, and we trace it into the hands of the men who say they got it as to its place of destination.

Mr. BAILEY. Of course the Senator does not believe that Browne and Wilson and Broderick, if they used this money to bribe these members, furnished it themselves.

Mr. BEVERIDGE. I do not, Mr. President. I do not think they were quite so enthusaistic in this cause as not only to incur the danger of the penitentiary, but to also put up the money themselves.

Mr. BAILEY. Then here was LORIMER's bank; here were his known friends; and not one effort made to show that any one of them about the time these payments are said to have been made, or at any other time, drew one 5-cent piece out of the bank for which they did not and could not account; and to my mind——

Mr. BEVERIDGE. But the money itself was there.

Mr. BAILEY. I did not understand the Senator.

Mr. BEVERIDGE. I say the money itself was there.

Mr. BAILEY. That assumes that these men swore the truth.

Mr. BEVERIDGE. Of course, they swore the truth. There can be no question that they swore the truth when the statement of each corroborates the statement of the other, and all the circumstances corroborate every confession.

Mr. BAILEY. If three men start out to sell their testimony they would be very apt to corroborate each other. That only assumes one of the very points at issue, as to whether these men swore the truth. If they swore the truth, that is the end of the argument.

But it seems to me that in this case, as in all of the others, if the corruptionists were in the possession of money it should be traced from its original source to their possession. But absolutely no attempt has been made to do that in this case.

Mr. CRAWFORD. Mr. President——

Mr. BEVERIDGE. I do want to get through, but go ahead.

Mr. CRAWFORD. I hope the Senator will not feel he must hurry, as this is so important.

Mr. BEVERIDGE. I want to oblige the Senator from New Hampshire.

Mr. CRAWFORD. I do not want to delay——

Mr. GALLINGER. You will not oblige me. I want you to take all the time you desire.

"RULES OF COMMON SENSE."

Mr. CRAWFORD. It seems to me, while I do not think anyone in this body has a more profound admiration for the very great ability of the Senator from Texas than I, his statement here is against the most simple rule of common sense when he undertakes to say that if it be once established that money was corruptly used, and as the result of the corrupt use of that money the sitting Member obtained his seat, and those facts having been established, the burden is upon those making the charge to trace the fund, instead of being upon him to come forward and disclaim it. It seems to me so simple that it can not be questioned that the presumption is that the men who profited by the use of this money were the men to furnish the money. Who else would furnish it?

Mr. BAILEY. Mr. President——

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

Mr. BEVERIDGE. I do.

Mr. BAILEY. When a Senator talks about the rules of common sense, he ought not to violate them in the very next sentence, as the Senator from South Dakota did. The trouble with that whole argument is simply this, that it assumes that this money has been used according as these witnesses claim. Now, if that be admitted, that is the end of the case. But that is denied. The men from whom these men swear they received this money all swear they did not pay it to them. That is the issue. Now, I say that the way to have demonstrated the correctness of the testimony of the men who swear they received the money, and to have proved to be false the testimony of the men who say they did not pay it, was to show that these men obtained the money. LORIMER is the president of a bank, I believe. Why did they not go there, and see if any unusual sums of money were drawn out? They could have summoned the bank officers on that. LORIMER's friends were known. Why were they not summoned? Mr. President, I see a distinguished friend of mine rather smile at the idea that they might have gotten the truth out of LORIMER's bank, but I make this reply to that suggestion: No bank officer would take the

money out of his bank without in some way accounting for it, and it was easy enough to have summoned the officers of this bank, or any other bank with which LORIMER or his friends transacted business, and proved if they drew any unusual sums of money, and that would have corroborated this. But it will not do to assume that the money has been proved to have been paid.

Mr. BEVERIDGE. Is it the opinion of the Senator that this money which has been testified about and traced is all a dream—did not exist?

Mr. BAILEY. No; it is not a dream. It is a lie, in my opinion.

Mr. BEVERIDGE. A lie in the Holstlaw bank?

Mr. BAILEY. Of course I——

Mr. BEVERIDGE. A lie in Belle Isle?

Mr. BAILEY. I discussed the Holstlaw matter, and the Senator knows very well what my opinion about that is. Does the Senator from Indiana believe that any man ever received $2,500 as the price of his vote and within 12 months forgot the name of the bank in which he deposited it?

Mr. BEVERIDGE. I have not any doubt that in the case of nervous prostration, in which this man Holstlaw seemed to be, he could very well mistake, being a banker himself, and mention the First National Bank of Chicago, which is the very largest bank there. But that is trivial—he corrected it immediately.

Mr. BAILEY. The state of nervous prostration that would have made him forget the bank was just the frame of mind that would make him tell a lie.

Mr. BEVERIDGE. I will ask the Senator this: Does the Senator himself believe that Holstlaw actually did deposit $2,500 in the State Bank of Chicago on June 16?

Mr. BAILEY. I do not; and the trouble with Holstlaw's testimony is——

Mr. BEVERIDGE. What was the motive of Chief Clerk Newton of the bank perjuring himself? He says under oath that Holstlaw did deposit it and that he (Newton) received it.

Mr. BAILEY. The same motive that other men have for trying to destroy this man's character.

Mr. BEVERIDGE. That includes——

Mr. BAILEY. I exhibited, and I again repeat that I hope whoever has it will produce that affidavit of Newton, because there is not a man living who will examine Newton's signature to that affidavit and then say that Newton wrote the name "Holstlaw Bank" at the head of that deposit slip.

THAT "FORGERY," AGAIN.

Mr. BEVERIDGE. Does the Senator from Texas still think the bank's deposit slip is a "forgery?"

Mr. BAILEY. I do; undoubtedly.

Mr. BEVERIDGE. I presented here this morning an affidavit which I asked for.

Mr. BAILEY. From whom?

Mr. BEVERIDGE. From the chief clerk of this bank, to the effect——

Mr. BAILEY. Will the Senator let me see that affidavit?

Mr. BEVERIDGE. I will be glad to.

And the other one was lost. There is the photograph of the deposit slip. I never saw the original. In the affidavit Chief Clerk Newton says it is entered on the books. I call the attention of the Senator from Texas to that.

Mr. BAILEY. If the Senator will permit me, I ask unanimous consent of the Senate to print a photograph copy of the signature of Jarvis O. Newton to this affidavit, side by side with the name of the "Holstlaw Bank."

Mr. BEVERIDGE. That is right. I will ask the Senator from Texas——

Mr. BAILEY. Let us get that consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. BEVERIDGE. I sincerely hope that will be done.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. BEVERIDGE. I will ask the attention of the Senator from Texas to this. Will the Senator look at the "w" in Newton and the "w" in Holstlaw and tell me that they are dissimilar? Also the "t" in Holstlaw and the "t" in Newton, with the peculiar crossing of the "t." Also the "s" in the two names.

Mr. BAILEY. Mr. President——

Mr. BEVERIDGE. I hope they will be reproduced.

Mr. BAILEY. If the Senate could see these at once——

Mr. BEVERIDGE. Let them see them.

Mr. BAILEY. They could not all see them at once.

Mr. BEVERIDGE. You can pass them around. I shall pass them around.

Mr. BAILEY. But that is the very purpose for which I asked unanimous consent to put them in the RECORD. I repeat that the name of Newton appears to have been signed by a man of some skill in penmanship, and the name "Holstlaw Bank" appears to have been written either by a boy or an uneducated man, and those things will show for themselves when they appear photographed in the RECORD side by side.

Mr. BEVERIDGE. The Senate can judge for itself.

Mr. President, I will repeat what I said while the Senator from Texas was compelled to be absent. I do not criticize the subcommittee for not calling for the books of the bank, because it is clear why they did not call for them. They believed the deposit had been made. They believed that Mr. Newton spoke the truth. They did not believe that Newton also perjured himself. They did not think the deposit slip was a forgery, and they believed the money actually was deposited there. So they did not call for the books.

So did the vigilant attorney for the sitting member, Mr. Hanecy, and his associates believe the deposit was made. If they had thought that Newton was perjuring himself, if they had thought the deposit slip was a forgery, they at once would have asked for the books. But not until the novel theory was suggested that the deposit slip was a forgery, another crime committed in this vast and widespread "conspiracy" to destroy a man, as the Senator says, was it ever supposed that Holstlaw did not deposit the money?

Mr. BAILEY. Will the Senator permit me? The answer to that is that when the slip was presented to the committee, no member of the committee detected the mispelling of Holstlaw's name, so far as the record discloses, and it was not then testified to by anybody that Holstlaw himself had made out the deposit slip. That statement was not presented to any member of the committee until the attorney for the prosecution filed his reply brief, and then in that reply brief he laid great stress upon that photographic copy of the deposit slip which he solemnly declared to have been in Holstlaw's own handwriting.

Mr. BEVERIDGE. Now, Mr. President——

Mr. BAILEY. Just let me finish. Then when the deposit slip was said by the attorney in the case to have been in Holstlaw's own handwriting, and they examined the misspelling of Holstlaw's name, of course it became apparent either that the attorney had tried to mislead the committee by declaring Holstlaw wrote it with his own hand or else a forgery had been committed.

Mr. BEVERIDGE. Or else that the attorney had made a mistake, as attorneys have been known to do before.

Mr. BAILEY. Never one like that.

Mr. BEVERIDGE. Oh, I think many more serious than that, Mr. President; and so the charge of forgery is superadded now to the charge of perjury to a man who had no motive. And that terrible charge is based upon the misstatement of an attorney in a hasty reply brief, when I think the Senator from Texas will agree with all of us that neither one of these attorneys on either side of this singular transaction showed very much skill as lawyers or very much diligence or anything else.

Both men when they were examining witnesses, for instance, often would call some other man's name. The Senator remembers, no doubt, with a good deal of digust here how this record is burdened with irrelevant arguments and everything else. I have had to cross out a great deal so as to get down to the testimony.

Mr. BAILEY. One of the attorneys in that case has held the high and honorable position of a judge of the courts of Chicago, and I would not be willing to allow the statement to stand in the record that I think he is an inferior lawyer.

Mr. BEVERIDGE. I will ask the Senator, now, directly from reading the questions by this attorney, and the arguments he makes, and all that sort of thing, does he strike the Senator from Texas as an accurate lawyer?

Mr. BAILEY. There was so little law presented to the committee——

Mr. BEVERIDGE. I will not press that question.

Mr. BAILEY. And so much of fact, and so many contradictions, that I would not be willing to make up a judgment on any lawyer's accomplishments from that record. But this much I will say, that I would hate to have people excuse that kind of a statement in a brief of mine. I would hate to have it said that upon my honor as a lawyer I had sought to mislead a committee by a false statement.

Mr. BEVERIDGE. Or even had made a mistake.

Mr. BAILEY. That could not have been a mistake, because a lawyer, laying stress upon and inviting the committee to draw a conclusion from that, and treating it as the one important corroborating circumstance, could not have been honestly mistaken about it.

A DULL KNAVE—IF THE ATTORNEY WAS A KNAVE AT ALL.

Mr. BEVERIDGE. Then he was unspeakably and unbelievably stupid—a dull knave; for if he made that statement for the purpose of misleading us he knew that it would be discovered that Holstlaw's name was not written by Holstlaw himself. So, Mr. President, instead of making this man out a knave, the Senator makes him out the most shallow of fools, because he had not made a mistake, but a willful and misleading statement, and upon this the charge of forgery and perjury by a new witness is based.

Mr. BAILEY. I think nearly all knaves are fools when you get to the bottom of it. I have no doubt in the world that if a lawyer were not honest enough to always be frank and candid with the court that is very much the best thing for him to do. But I return to the proposition that a lawyer who would stand before a court and with a paper in his hand argue that it was in the handwriting of a particular man without knowing it would give the court a good cause to strike him from the roll of attorneys.

Mr. BEVERIDGE. Whether all knaves are fools or not, there are certainly some knaves that have sense enough to keep out of the penitentiary. Now, the question is after all whether this money was deposited—not whether this lawyer was a good lawyer or not, not whether the State's attorney of Cook County and Chicago did his duty or not, not whether the conduct of the State's attorney of Sangamon County was just what we think it should be or not? That is not what we are trying.

We are not disbarring the Attorneys Austrian or Hanecy or trying them; we are not trying the conduct of the State's attorneys' office of Cook County or Sangamon County, or the sheriff of that county. We must not be diverted by such considerations. *The only question is whether these men actually got this money*, which the report of the committee itself says they swore that they did get "as the consideration for their votes."

Mr. CUMMINS. Mr. President——

Mr. BEVERIDGE. I must get on merely for the reason that I suppose I have to conclude to-night. It appears that there is unanimous consent for to-morrow and the same courtesy can not be extended to me that was extended to the Senator from Texas.

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

Mr. BEVERIDGE. I do.

Mr. CUMMINS. The Senator from Texas seems to be of the opinion that because the committee did not inquire and it was not ascertained from what source the Lorimer money came it is some evidence, at least, that there was no Lorimer money. Did I get the view of the Senator from Texas correctly?

Mr. BAILEY. The Senator does, with substantial correctness.

Mr. CUMMINS. The first address that was made upon this matter came from the chairman of the committee, the senior Senator from Michigan [Mr. BURROWS]. As I remember that address, although it is not before me at this moment, the Senator from Michigan admitted or charged that there was in the Illinois Legislature what was known as the jack-pot money. That view of it was emphasized a few days later by my distinguished friend, the senior Senator from South Dakota [Mr. GAMBLE], in which he not only charged it, but deplored it. It seems to me that if you will discover where the jack-pot money came from, you will have some clue to the sources of the Lorimer money.

Mr. BAILEY. Mr. President, in reply to that I have to say that if the Lorimer money was contributed to the jack-pot money, then, by finding where LORIMER made his drafts on the bank, they could have connected the two. But my suggestion was that if this money was used for LORIMER it would be easy enough to have proved by the banks with which he and his friends transact their business whether or not they drew these sums.

Now, just a moment further. The Senate will remember that this man White testified that at one time Browne had $30,000 on his person, in a belt around his waist. If a sum of that kind was contributed about that time to Browne, it is utterly impossible that LORIMER and his friends could have furnished it without leaving trace of that transaction in the banks with which they transact their business. The fact, I say, that no effort even was made to show that LORIMER or those close to him drew money out of the banks for any purpose connected with this transaction is, to my mind, strong proof that no such circumstance could have been shown.

Mr. CUMMINS. The Senator from Texas made a mistake a few moments ago which I am sure he will be glad to correct the moment it is called to his attention. I do not insist that it is material at all, but it illustrates how easy it is to make a mistake. Mr. LORIMER was not elected president of the bank of which he is now president until nearly a year after this occurrence took place.

Mr. BAILEY. Then all the easier it was to have traced the drafts of this corruption fund from other banks, because when a friend of mine who sits across the aisle rather smiled at my suggestion that they might have derived this testimony from LORIMER's bank, I felt the force of it at once. It might be difficult to have obtained any information from that, and I tried to cover that difficulty by suggesting that no officer of a bank would have allowed a large sum to have been taken from it without leaving some memorandum there.

The Senator is correct. I believe the date of the organization of the bank of which Senator LORIMER is president is not a matter of the record at all, and is outside of the record. I thank the Senator for setting me right on that point.

Mr. CUMMINS. But the junior Senator from Illinois stated, I think, the date upon which he became president of the bank to which we are both referring in his speech which was made before the investigation began. That, however, is not at all material. I simply called it to the attention of the Senator from Texas in order that the mistake might be corrected and there might be no misunderstanding about it.

But the point I make is this: The Senator from Michigan [Mr. BURROWS] and the Senator from South Dakota [Mr. GAMBLE] seemed to think, and as I believe justly to think, that the evidence did show there was a fund that was called the jack pot for distribution among the boodlers of that legislature.

Now, the same evidence which establishes the existence of that fund establishes the existence of the fund which it is alleged was used for the purpose of buying votes for Mr. LORIMER. I do not know whether the Senator from Texas believes it or not, but if he believes that there was what is known as a jack pot in that legislature, to be distributed among the corrupt members who were willing to participate in it, what reason has he for thinking that there was not another fund just as corrupt?

Mr. BAILEY. Mr. President, there are two answers to that. I think that there never was a man in the world so corrupt that he did not do some honest things. When I remember that dishonest men have voted for every Senator in this body, I am compelled to think they have done some honest act at least, because I know all these Senators have not been elected improperly. So it might happen that the representatives who participated in a jack pot would have voted for Senator LORIMER as they might have voted on other questions without any improper or corrupt consideration.

But there is still another answer to my mind. The Senator from Iowa will recall that the very witness by whom they prove this existence of a jack pot swore that no promise was made to pay them for their vote before they voted for LORIMER. There are but three witnesses to the jack pot. One is White, and, as the Senate will recall, White swore that on the very night Browne bribed him he did not know of the existence of this jack pot in that legislature; he had heard from members of previous legislatures that a jack pot was organized in every session and divided at the end of the session, but that he did not know it. That is the testimony of one. The next is Link. He swears he obtained $1,000 from Browne and Wilson, but he swears positively and specifically that not one dollar of it was promised him to vote for LORIMER and that not one dollar of it was paid to him for voting for LORIMER. The other witness by whom it was sought to establish a jack pot is Beckemeyer, and Beckemeyer swears that he was not promised one 5 cents to vote for LORIMER, but that when they gave him a part of this money, they told him it was his Lorimer money.

Mr. BEVERIDGE. Holstlaw was in the jack pot.

Mr. BAILEY. No; Holstlaw was not in the jack pot, because the jack pot was distributed, they claim, by Wilson and Browne. Holstlaw claims to have been paid by Broderick. The trouble with Holstlaw's testimony is he swears that Broderick promised to pay him $2,500 and then swore that Broderick paid him $3,200.

Mr. CUMMINS. But the Senator from Texas does not answer my question. I did not enter into the inquiry whether this money was paid to these men for the purpose of bribing them to vote for Mr. LORIMER. The Senator from Texas, as I understand it, disputes the existence of this money, and my inquiry was, Does the Senator believe that there was jack-pot money, no matter what it was paid for, when it was paid, or to whom it was paid?

Mr. BAILEY. The Senator from Iowa has forgotten he asked me the question whether I believed there was jack-pot money and also whether if I believed this money was contributed for that purpose, why not for the other purpose, and I proceeded to answer him that the witnesses to the existence of

a jack pot did not claim that they were paid to vote for LORIMER. Then I proceeded to state the facts about the jack pot, intending to say, in conclusion, that in my judgment those circumstances completely disprove the existence of a jack pot.

I call the Senator's attention again to the fact that every time they put an honest man on the witness stand he testified that he had heard a good deal about the use of money, but when brought to book he said he never saw the use of it, that nobody ever offered to bribe him, except the man Meyers alone; he did not know anybody else who had been bribed; and like Donahue, denied positively that money was offered him; and like Shaw, who said that he heard a good deal of talk about opening barrels, but when they were opened they were always apples.

Mr. President, if the Senator will indulge me one moment further——

Mr. CUMMINS. I can not indulge the Senator from Texas, for I have no right to the floor. I am trespassing upon the time of the Senator from Indiana.

Mr. BAILEY. The Senator from Indiana is occupying himself with the record. If I had it in my hand I would put into the RECORD now a statement made by a former official of the Government, in which he is reported to have said that never in its history were so many and such hungry lobbyists infesting the corridors of this Capitol as now. That goes out to the world to impeach the character of the American Congress. Yet every man here knows how little truth there is in it. If there are any lobbyists here plying their nefarious vocation, they have done me the honor not to interview me.

Mr. CUMMINS. Mr. President, I do not intend to interrupt the Senator from Indiana in the argument upon the weight of testimony, but I was rather startled to hear the Senator from Texas declare that the failure on the part of the committee to pursue the inquiry and ascertain from whence this money came was an evidence that there was no such money, when I had heard but a few days ago the statements of two members of his own committee, both distinguished men and lawyers, that they were convinced there was in that legislature a corrupt fund to be used for forwarding or obstructing legislation. It seemed to me the evidence which established the existence of the money which is alleged to have been paid to Link and Beckemeyer and to White, if not to Holstlaw, was exactly the same evidence, and quite as persuasive, as that which established the existence of any corrupt fund whatsoever.

Mr. BEVERIDGE. Mr. President, may I ask the Senator from Texas this question: Does the Senator from Texas believe that any of these men got any money from Browne, Wilson, or Broderick?

Mr. BAILEY. Mr. President, I would dislike very much to be compelled to return a verdict or to render a judgment upon the testimony of Holstlaw, or Link, or Beckemeyer, or White. I would be compelled to guess at whether they were telling the truth or not. I am very free to say to the Senator from Indiana, and that can be taken as my reply to all other Senators, that as between Holstlaw, and Link, and Beckemeyer, and White, who swore that they did perjure themselves and accept bribes, and Wilson, and Broderick, and Browne, who swore that they did not give bribes, I would believe the three latter as against the four former.

Mr. BEVERIDGE. Now, Mr. President——

Mr. BAILEY. And I do not believe that those men paid the others one cent. Let me say this to the Senator from Indiana, who wants, of course, the whole circumstance in the RECORD. They indicted Browne for bribing White——

Mr. BEVERIDGE. I am coming to that. I shall not leave that out.

Mr. BAILEY. And they tried him, and 11 to 1 voted for his acquittal. They tried him again, and the whole 12 of the jurymen voted for his acquittal. When the Senator comes to that point, there is another circumstance concerning that trial which I am sure he will not omit to state, and that is the circumstance about indicting the witnesses and the attorneys.

Mr. BEVERIDGE. Mr. President, I asked the Senator from Texas whether he believed that Holstlaw, or Beckemeyer, or Link, or White got any money from Browne, or Wilson, or Broderick, and in the course of his answer, toward its conclusion, I think I quote him correctly when I say as between Beckemeyer, Link, and White, who swore they accepted bribes, and Browne and Wilson and Broderick, who swore they did not give bribes, he would believe the latter.

Mr. BAILEY. And I added that I did not believe the bribes were paid.

Mr. BEVERIDGE. That makes it still stronger. So the Senator does not believe it. Now, Mr. President, the Senator is right as far as he goes. If the only thing were the bare statement of four or 10 self-confessed bribe takers as against three or five bribe givers, and nothing but their denial, then, of course, we would rather believe the man who says that he never gave a bribe than the man who says he accepted one, *if that were all.*

[At this point Mr. BEVERIDGE was interrupted by Mr. GALLINGER, and he yielded the floor for the day.]

Thursday, February 23, 1911.

Mr. BEVERIDGE. Mr. President, in a moment I shall ask the Senate to return to the record of testimony given under oath, the record of testimony not only given under oath but searched as by fire with fierce cross-examination.

"NOTHING EXTENUATE NOR SET DOWN AUGHT IN MALICE."

I want to say at the outset of these remarks that in my examination or the testimony I shall "nothing extenuate nor set down aught in malice." I shall nothing extenuate because I ought not to do so, and I will set down naught in malice because I have no malice.

Indeed, Mr. President and Senators, at the beginning of what I have to say I shall be obliged, as I proceed, if any Senator will interrupt and correct me in case I should make any misstatement of the testimony or fail to make a statement full and correct. For I would far rather have Senators interrupt me constantly in order that we may get the truth before us than I would risk any possibility of a misstatement of this testimony.

Indeed, Mr. President, I go further and I say that I would far rather find things in this testimony favorable to the validity of this election than I would to find things in this testimony which impeach the validity of the election; for I call the attention of Senators again to the fact that the issue we are determining is the validity of an election, and it is not an agreeable thing as a man or as a citizen to be confronted with facts showing that an election is invalid—an election upon which the very life of our Government and institutions depends.

But before I return to the record of the testimony and ask the Senate to go with me, I wish to make one or two remarks concerning the address to which we listened yesterday.

OTHERS HAVE HAD BURDENS—AND SAID NOTHING.

I listened to the remarks of the sitting Member with a peculiar personal sympathy. His pathetic account of his rise from an humble estate to this high place here touched me in a personal way, and I know it touched other Senators; for there are many Senators here who have struggled from an even earlier age, bearing even heavier burdens than the sitting Member; but none of them ever asked anything of the world on account of that.

The sitting Member's recital of his popularity was interesting, and indeed, Mr. President, in all fairness, it must be said that it gives some explanation of his political strength. But it was not relevant to the issue before us, which is the validity of an election challenged on the ground of bribery. It was a novel and an undoubtedly truthful account of peculiar popular strength; but *it did not touch the issue we are to determine here.*

The sitting Member's most affecting account of his newspaper experience, out of which grew his intimacy and lifelong friendship with "Hinky Dink," was as engaging, Mr. President, as a page from Hugo; but it was not relevant to the issue, because the vote of Griffin, which the sitting Member says Hinky Dink delivered, is not one of the votes questioned in this testimony.

So, while I with all others was deeply affected by that tearful recital, I could not determine how it concerned this case, except that unconsciously the sitting Member did in that recital throw light on a certain transaction to which I shall call the attention of Senators when we reach it.

The same thing was true, Mr. President, of the sitting Member's dramatic, well told account of his aid to one Galligan when Galligan's wife was sick and Galligan himself in dire straits. That is one of those "touches of nature which make the whole world kin;" but as keenly as every man with human sympathies throbbing in his breast might have responded to that, all must admit that it was in no wise relevant to the issue before us.

It had nothing to do with the alleged bribery of Beckemeyer or White or Holstlaw or Link by Browne and Wilson and Broderick. It was wholly immaterial, because it affected only Galligan's vote, and Galligan's vote is not in question.

So, Mr. President, while the whole life-story revealed by these incidents aroused my sympathy as a man and interested me as a student of human nature, it did not appeal to my judgment as a Member of this court. *It did not touch the issue.* If courts were to try cases on sympathy, instead of on justice, there would be no such thing as courts or law.

SITTING MEMBER DID NOT TESTIFY BEFORE SUBCOMMITTEE—WHY?

But, Mr. President, as I listened with much approval to many of these incidents, I could not help wondering why the sitting Member did not lay them in full before the subcommittee of the

Senate, appointed and empowered to gather all this information, if he or his counsel thought any one of them was pertinent or relevant to the question which we must determine. It is not for me to suggest to the sitting Member that that should have been his true course; it is for him to take what course he and his counsel think best, and it is for us——

Mr. BURROWS. Mr. President, will the Senator yield to me just for a moment?

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. Yes.

Mr. BURROWS. There are many of the committees in session, and I wish to say that, so far as the Committee on Finance is concerned, we are engaged in hearing gentlemen from different parts of the country in relation to the reciprocity matter, which will account for the absence of members of that committee.

Mr. BEVERIDGE. It is quite satisfactory, Mr. President. Of course, I suppose the statement of the Senator from New Hampshire [Mr. GALLINGER], who appears to have the keeping of the consciences of Senators in his possession, was notice that it is perfectly useless to lay any testimony or any law before the Senate, because the Senator from New Hampshire says that the votes are already determined.

Nevertheless, Mr. President, I shall pursue the duty which lies before me and place upon the records of this body the facts in this case—which I ask any Senator to correct immediately, while I am on the floor, if I misstate anything—and the law in this case so that every Senator when he comes to vote may have the facts and the law directed to the specific issue before him.

And thus it is, Mr. President, that as to every incident of the address of the sitting Member yesterday which, while they deeply touched us all, and me as much as anyone as a man, none of them could affect any of us as judges trying, as I said the other day, the greatest issue that can arise under free institutions, whose very life depends upon the freedom and purity of elections, institutions to found which so much blood has been shed and so many sacrifices made.

MODERN POLITICAL MANIPULATION.

Mr. President, to pass these incidents, which made up the body of the sitting Member's remarks, what else was suggested? He said that every Republican member from his district voted for Hopkins; that he himself supported Shurtleff; that thereafter he urged Gov. Deneen to become a candidate. Now, all of this, Mr. President, was interesting political history.

But how did it touch the question whether Holstlaw, Beckemeyer, White, Luke, and Link, and the others received money, to use the language of the majority report, "as the consideration for their votes," from Browne and Wilson and Broderick? Therefore, of course, I shall pay no more attention to that recital of the political manipulations described in support of these various men. I do not blame the sitting Member for that. Indeed, I suppose that it was perfectly permissible political strategy in the manipulation of well-known forces in the manner in which Senators of the United States are elected so often at the present time.

I *am not* skilled in practical politics; and yet I can see that it might have been the part of wisdom for a wise political manager who wanted finally to arrive at a definite end to give votes to Hopkins when Hopkins could not be elected, because that would tend to mollify Hopkins's adherents in the future; or to support Shurtleff, who had no opportunity of election, because that would tend to bind Shurtleff still closer to his already bosom friend.

But when it comes to Gov. Deneen, we have something on the record. For Browne, this twentieth-century "Abraham Lincoln," this "marvelous intellect," testifies that they were willing to elect Deneen in order to "get rid of him"—to "eliminate him," as Mr. Browne swears. Mr. President, if it were pertinent at all to mention the fact that the sitting Member and others were willing to support Gov. Deneen, it becomes necessary for us to recur to the record and find out that "marvelous intellect" Browne, as the Senator from Kentucky [Mr. PAYNTER] describes him, testifies that they "might be willing to do that *in order to get rid of Gov. Deneen.*"

I know nothing of Illinois politics, although I was brought up in that State; but I wonder what they wanted "to get rid of" Gov. Deneen for? But, Mr. President, it is apparent that that part of the sitting Member's well-arranged remarks does not touch the question involved in this case, and I think all Senators on both sides will agree that his engaging analysis of the modern term "bellwether" in politics, which so amused and interested us, does not touch the question here.

THE "BELLWETHER."

It was a valuable contribution to the lexicography of political terms, although I do not think any of us will quite agree with the definition of our duty as described by the sitting Member in the following of "bellwethers." There was one mistake of fact that he made. He attributed its origination to the Senator from New York [Mr. ROOT]. Well, a good deal has been said about the Senator from New York. He needs no defense in this case; and if he did, there is not a man in the Senate of the United States so capable of that defense as the Senator from New York himself.

But I must call the attention of the Senate to the fact that we can not accord to the Senator from New York the honor of originating the term "bellwether" and applying it to Manny Abrahams. The fame of the Senator from New York must rest on other foundations. No! "Bellwether" belongs to Mr. Browne, this "marvelous intellect," as the Senator from Kentucky [Mr. PAYNTER] calls him. Browne, this new Abraham Lincoln, as the Senator from Texas [Mr. BAILEY], by inference describes him; Browne who swears that Manny Abrahams was the "bellwether" of his faction, stood at the head of the roll call, and that when any of his faction wanted to know how Browne thought they should vote they listened to find out how Manny Abrahams voted, and then, as Browne says, followed their "bellwether." In ascribing the paternity of the term "bellwether" to the Senator from New York [Mr. ROOT], the sitting Member went far afield. In his passion of oratory he was influenced by "the light that led astray."

I was glad the sitting Member made the reference, because that is pertinent to our duties as Senators. We all understand the practice which we loosely follow—nearly all of us—where on strictly party questions well understood, when we come from busy occupation in the committee room, we vote with our party. But I never considered that my duty as a Senator, or my oath of office, required me to vote on grave questions affecting the welfare of millions of people as some other man voted, without any knowledge of my own, or without any convictions derived from that knowledge. But we are to have a new gospel of legislative procedure, it appears—the gospel of the "bellwether," as proclaimed by the sitting Member.

But whatever we may think of "bellwethers," we must agree that that passage, or passages, like the "Hinky Dink" incident and the "Manny" Abrahams description and the relief to Galligan when his wife was sick—a thing which many a man in this Chamber and thousands of private citizens have done time and again, a praiseworthy thing, a thing which I admired and approved on the part of the sitting Member—still it had nothing to do with the case.

The sitting Member's explanation did afford a reason, Mr. President, as to why some Members, and especially a few Democrats, voted for him. But has that anything to do with the issue we are sworn to try and determine? Has it anything to do with votes secured by bribery?

FRAUDULENT TITLE TO ONE TRACT OF LAND NOT EXPLAINED BY GOOD TITLE TO OTHER TRACTS OF LAND.

Suppose, Mr. President and Senators, that a man owned several tracts of land. His title to one of those tracts of land was questioned in a lawsuit on the ground that he had acquired it through the fraud of an agent. Would any court permit him to plead as a defense to that alleged fraudulent title that he had acquired the other pieces of land legitimately and without fraud? If testimony were offered in such a lawsuit showing that the title to the piece of land in question was acquired by fraud, would any court, to offset that, permit testimony that he had acquired other tracts of land legitimately?

That, Mr. President, is what the sitting Member's explanations amount to upon the issue before us. If Senators say that perhaps they fairly do raise a presumption of good title to the piece of land in question, every lawyer would answer you that you would be put out of court in a minute on such a plea.

But this election is a much more important thing than any lawsuit; it affects no mere title to a piece of land. It does affect, as I showed the other day by undisputed historical examples, the life of this Nation. I am willing myself to take any possible favorable view, for I am discharging a duty painful to me—to all—but which no man any more dare shirk than he would refuse to defend the flag if it was fired upon. The common law regarded bribery as treason. Senators seem to think it as light a matter as a common lawsuit.

And, Mr. President, was the other section of the sitting Member's appeal any more pertinent? It was artfully done, his appeal to our Democratic and "standpat" Republican colleagues. He plainly states that he never—no, never—will abuse the one or desert the other. I think he told the truth about that. He said he had never abused the Democrats. I liked

that. It showed his good sense. I have done some campaigning in the last 25 years, and, thank God, I long since have gotten beyond the point of making a partisan speech.

Born in Ohio during our awful Civil War, I was brought up in southern central Illinois while the fury of that great conflict was still upon us. At that time party passions flamed. That time has passed. Nearly everybody among our ninety millions has risen far above that. We do not denounce anybody any more because he belongs to some party to which we do not belong. We all know perfectly well that all of us, Democrats and Republicans, are alike Americans, equally anxious for the country's true welfare and equally willing, if necessary, to fight in its defense.

While the sitting Member's account of his refusal to abuse Democrats meets the approval of every thoughtful man, what has it to do with this case? Did any counselor of his imagine that votes in this tribunal were going to be affected by such an appeal as that?

It simply had nothing to do with the case. A good many years ago the gifted writer of a comic opera—a comic opera which you will all remember—satirized the practice of a certain type of lawyers who always are trying to win a case in which they have no relevant testimony by introducing something entirely irrelevant. The song became popular. It was sung by all the people in derision of that type of legal mind—

> The flowers that bloom in the spring, tra la,
> Have nothing to do with the case.

That refrain will become popular once again, I think. It applies to every sentence of the sitting Member's heart-melting address.

Mr. President, I shall pay no more attention to any feature of that engaging and tear-producing speech, because while it aroused our sympathy, it did not even attempt to influence our judgment by presenting any fact relevant to the question before us. And so, Mr. President, I will ask the Senate to return to the record of the testimony given under oath.

[At this point Mr. BEVERIDGE yielded for the presentation of the unfinished business.]

Mr. BEVERIDGE. But, Mr. President, in examining the record of sworn testimony I shall stick to the issue. That issue is not the personal habits, fortunes, feelings, or career of any man; it is the validity of an election. If it were a mere matter of sympathy, I challenge anybody to have more sympathy for any human being who deserves it than I have.

But if this testimony shows that an election to the most exalted place in human government has been vitiated by bribery and corruption, then, Mr. President, to paraphrase a sentiment uttered the other day by a distinguished Senator, so help me God, I would not vote to sustain that election if it was that of my own brother.

It is a question of the welfare of a people, not a matter for sentiment, on the one hand, or those other things of which rumor is rife and the press is full, on the other hand. We have a duty to discharge. It will not pass away the day we vote. This record will go down through generations, and we must hand the explanation of our votes on this solemn business down to our children and our children's children.

I showed how this body of death almost dragged England to its tomb, as it did drag even a greater power than England to its tomb. I showed how the English people have saved themselves by administering their laws in the ancient English spirit, which did not hesitate at executing on the block a lord chief justice of the Crown for this offense. I read the decision of the English court avoiding elections for causes which some Senators here in these complacent days would think amusing.

But what has it done? It has saved Great Britain. It has made her Parliament almost the purest legislative body in the world. It has opened the doors of that great Empire's legislature to those humane reforms demanded by the welfare of her struggling millions and resisted by all the money and power of hereditary privilege or special interests.

A Senator said to me the other night, "What do I care about the English law? What do I care about the English method of dealing with bribery? England is an effete monarchy." Well, Mr. President, the Senator was mistaken. England is not effete. But England would have been effete if she had dealt with this viper within her bosom as we are asked to deal with it in this case.

IS IT A MATTER OF NO CONSEQUENCE THAT ELECTIONS SHALL BE PURE?

I again present this other aspect of the case because it searches out our remotest future. I see before me a veteran of our great civil conflict [Mr. WARNER]. What do you say? Is it a matter of no consequence that elections shall be pure in that Republic you risked your life to save?

Mr. President, I cited some historical examples, but there is one I overlooked. I wondered how they managed these things in France. France at least is not an "effete monarchy." France is a pretty up-to-date Republic. Curiously enough, as some Senators here must think, the French electorate guard their right of suffrage most jealously.

They do not think their polls a market place. Perhaps it is because they have established the Republic so recently, but I can find but one case of bribery in the French Republic since it was established. I want to read to Senators who intend to "pass this matter up," as one colleague urged me to do, as to how France treated this. It was the celebrated Wilson case. When I mention it I think you will all recall it.

Mr. Wilson undertook to get a seat in the French Chamber of Deputies. Money was spent and banquets given in Wilson's behalf. He won. The election was challenged as being corrupt. It came to the Chamber of Deputies to decide. How did they decide it? An investigation was urged. Was it granted? It was not. The French Chamber of Deputies refused it, and instead declared that the dignity of the chamber and the safety of the Republic demanded a vacation of the seat. That is how they dealt with it. That is the Huguenot spirit, just as the Puritan spirit is manifesting itself in England again. Senators, has the Huguenot and the Puritan spirit deserted us? God forbid!

You arrange votes on bills, yes; but shall it be said that we arrange votes upon the validity of an election upon any other ground than our oath and our conscience? I do not believe it can be said of any of us; yet a fearless American press of every political complexion is full of intimations to the contrary.

Here is what occurred in the Wilson case. The committee who considered the matter recommended that a parliamentary investigation be made and the evidence sifted. The House, after some debate, in which the candidate participated, declined to do this by a vote of 290 to 129.

Now listen.

But by a vote of 465 to 2 the French Chamber of Deputies declared the Wilson election invalid. Yet that corrupt French election was "a trifle light as air" compared with the election which this record discloses.

> The proponents for the annulment of the election took the ground that the evidence of general corruption was so indisputable that *respect for the dignity of the House and regard for the public morals demanded this action.* (Journal Officiel, Feb. 26, 1894.)

No wonder the monarchists of France do not make any progress when they come face to face with as pure and fearless an electorate as that. Think of it, the seat vacated by a vote of 465 to 2 on the ground of the dignity of the chamber and in the interest of public morals.

But I suppose, if I were to advocate such an action in this case upon the ground of "public morals" or "the dignity" of the Senate, I should be told that I was acting outside of the law. There are some views of the law which appear not to take into account "public morals," and yet public morals is the rock upon which this Government rests.

HOLSTLAW AND "FORGERY" ONCE MORE.

When I concluded the other day, Mr. President, I had shown that Holstlaw, the State senator, had gotten $2,500 from Broderick, State senator, in pursuance of a talk the two had before the election; that he deposited this money in bank the same day in bills of the same denominations in which he swore he got it. I showed—and it excited several Senators here who are my colleagues on the committee to quick and instant combat—that Broderick, the senator saloon keeper of Chicago, whom Holstlaw charged with paying this money, refused to answer the only questions that were asked him upon which he could be contradicted upon the ground that if he answered them he would incriminate himself, although at the same time he knew, or his counsel ought to have known, and the subcommittee ought to have known, that, in any testimony he gave, he was absolutely protected by the statutes of the United States. Why did he do it? I mention it at this time, so that I will point out to you the true reason when I come to examine the testimony of another witness.

Mr. President, the tracing of this $2,500 of bribe money into the State Bank of Chicago was seen by the defenders of this title to be so fatal that it must be disposed of. Somehow or other they must get rid of that $2,500. It appears to have been conceded that if they admitted or did not do away with the fact that $2,500 had been paid by Holstlaw into the bank the same day it was received it was a fatal circumstance. So, Mr. President, first of all they disposed of it by saying that Holstlaw was a liar; that was all. But then they were confronted by the testimony of Jarvis O. Newton, chief clerk of the bank, who swore that he himself received this money in bills of large denominations from Holstlaw personally.

I say it appeared to be necessary to destroy the credibility of the testimony of that $2,500 deposit by Holstlaw; I am going to pass a paper around among the Senators in a minute and subject the matter to a practical test. So the first device to accomplish that was the bald assertion that Holstlaw was merely a liar. That is all. That seemed to be the subcommittee's theory.

Then, of course, if that was true, Newton, the cashier of the bank, a disinterested party, was a liar, too. But then, Mr. President, the bank's deposit slip was produced and has, unfortunately, been lost, but I guess everybody concedes that this [exhibiting] is a photograph of it. So that was presented.

Then, Mr. President, what occurred? This is worthy of the attention of every Senator on the floor and of the whole American people. If the deposit of $2,500 in that bank on the very day that Holstlaw swore he got it was to be disposed of, the bank's deposit slip must be disposed of, too. So we heard it here announced that it was a "forgery." That is a grave charge to make against any man and against a reputable financial institution. It was said that it was a "forgery" because an attorney, whose care we can all have our opinion of, had actually said, in a hasty reply brief, that the name of Holstlaw was written in Holstlaw's handwriting.

Well, instantly that was met by the Senator from Iowa [Mr. CUMMINS] producing the affidavit of the chief clerk of the bank, Jarvis O. Newton, to the effect that he had actually received this money, that he had attached the deposit slip, and that he himself had made out the deposit slip. When the defenders of this title were confronted by that, the affidavit of the chief clerk of the bank was disposed of by the statement, "Well, those who will forge one instrument will commit forgery to explain it." Does anybody believe that? Does the Senator from New York, who is a member of the subcommittee, believe that [exhibiting] is a "forgery?"

Mr. DEPEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. Yes, since I asked him a question.

Mr. DEPEW. I am not a member of the subcommittee, but——

Mr. BEVERIDGE. I mean of the committee.

Mr. DEPEW. But I am a member of the committee.

Mr. BEVERIDGE. Is that the way the Senator answers the question? I asked the Senator—he does not need to answer unless he wants to—whether he believes this is a forgery?

Mr. DEPEW. I have not made up my mind whether it is a forgery or not; but I have read the testimony, and it has not taken me as long to digest it as it has the Senator from Indiana.

Mr. BEVERIDGE. I am very much obliged to the Senator from New York for making that statement, because that compels me do a thing that I had wanted not to do, yet ought to do. I am going to ask the Senator from New York a question. He, like myself, is a member of this committee who was not on the subcommittee; he, like myself, one evening—and we will see about the "hurdle race" now, since this question has been raised, and I call on you all to witness that I did not raise it—was notified that the committee would meet the next morning, Saturday, at 10 o'clock.

RECORD OF THE TESTIMONY NOT READ BY COMMITTEE BEFORE THEY MADE THE "REPORT" NOW BEFORE THE SENATE.

We met next morning, Saturday, at 10 o'clock. This volume of testimony [indicating], which I have nearly worn out, was on the table before us fresh from the printer. I never had seen it before. I understood that it had been freshly delivered. Had the Senator from New York ever seen that volume before that morning?

Mr. DEPEW. Mr. President, there had been sent to me at my office in New York volume after volume of this testimony.

Mr. BEVERIDGE. Of the testimony? Printed?

Mr. DEPEW. Printed.

Mr. BEVERIDGE. Where did you get it?

Mr. DEPEW. I understood it came from the prosecution.

Mr. BEVERIDGE. Is it not true that what the Senator received were briefs of counsel and not this record?

Mr. DEPEW. No; it was testimony and briefs of counsel, both.

Mr. BEVERIDGE. Was it not an abstract of testimony and the briefs of counsel—abstracts of testimony made by counsel? Was this printed official record of the testimony which I hold in my hand ever seen before that morning that we met in committee?

Mr. DEPEW. After that there came to me, as I say, briefs of counsel.

Mr. BEVERIDGE. And the abstract——

Mr. DEPEW. And the abstract of testimony.

Mr. BEVERIDGE. Made by counsel?

Mr. DEPEW. Made by counsel for the purpose of demonstrating that the sitting Member was not entitled to his seat. [Manifestations of applause in the galleries.] I read them all with the greatest care.

Mr. BEVERIDGE. And made up your mind?

Mr. DEPEW. Yes; after reading them.

Mr. BEVERIDGE. On the abstract of counsel? Now, the Senator is an eminent lawyer——

Mr. DEPEW. No; after——

Mr. BEVERIDGE. I have been one myself, and there are other lawyers here, so I ask this Senate and ask the country what it would think of a judge who would decide a case, not upon the official record of the testimony, but upon the brief and abstract of testimony made by counsel? [Applause in the galleries.]

The PRESIDING OFFICER. Applause is not permitted in the galleries.

Mr. BEVERIDGE. I think we will have an audience pretty soon.

Mr. DEPEW. Mr. President, I am glad that the Senator——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. I yield.

Mr. DEPEW. I am glad that the Senator from Indiana wants an audience.

Mr. BEVERIDGE. Well, I do not appear to lack for an audience as much as the Senator might wish me to lack one.

Mr. DEPEW. Evidently he does not want a discriminating one.

Mr. BEVERIDGE. Well, so long as I have the Senator here, after his statement about having decided this case on the briefs and without reading the record, I do not need any more discrimination than that. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair will announce that if the applause is repeated the Chair will order the Sergeant at Arms to clear the galleries.

Mr. GALLINGER. I trust the Chair will do so, Mr. President.

The PRESIDING OFFICER. The rules of the Senate must be observed.

Mr. DEPEW. Mr. President, the Senator from Indiana is singularly unfair in not addressing himself to the case but to the galleries, which is his usual custom.

Mr. BEVERIDGE. Mr. President, if that were my custom, which it has not been, I would have had instruction in the example always given by the Senator from New York. [Laughter.]

Mr. DEPEW. The Senator does not state correctly, but most unfairly——

Mr. BEVERIDGE. Well, put me right, then.

Mr. DEPEW. What happened in committee. It is not the usual thing to state what happens in committee.

Mr. GALLINGER. It is not proper.

Mr. DEPEW. And it is not regarded as proper, but, notwithstanding, that does not appeal to the Senator from Indiana. The Senator from Indiana says I made up my mind. He does not know how I made up my mind, except that I joined with the general committee. He says that I made up my mind on the briefs of counsel.

Mr. BEVERIDGE. The Senator said it.

Mr. DEPEW. Who were the counsel? They were the counsel against LORIMER, not for him.

THE RECORD OF THE TESTIMONY, NOT BRIEFS OF COUNSEL, THE MATERIAL FOR OUR DECISIONS.

Mr. BEVERIDGE. I do not know and I do not care who the counsel were. I say it is the duty of the Senator, as a member of the committee, and of every Member of this Senate, to make up his mind on the testimony and not on the brief of any counsel. [Manifestations of applause in the galleries.]

Mr. DEPEW. Wait a moment. I received these documents, in which were the briefs of counsel against LORIMER, in which they gave hundreds of pages of testimony to sustain their case; I heard not one word for LORIMER or on LORIMER's side, but all of it was for the purpose of sustaining the position that the Senator from Indiana now has been seven hours in trying to prove. When I came to the committee meeting we had there the report of the subcommittee. The subcommittee was composed of as able men as there are in this body—four Republicans and three Democrats. That committee had spent, I think, four months listening to the testimony, and not only listening to the testimony, but doing that which every lawyer knows is so important, watching the witnesses who were giving the testimony and seeing what was the value of the testimony which they gave. When those seven gentlemen, some of them eminent

lawyers who had served with great distinction on the bench, had given four months to this question and then presented to the committee their conclusion——

Mr. BEVERIDGE. The Senator agreed without reading the record.

Mr. DEPEW. With what I had already heard—the whole case on the other side—and with what I had already read of much of the case on this side, I was with the committee, and am still, unless the Senator in the next six hours in which he speaks can change my mind.

Mr. BEVERIDGE. I shall speak as many hours as it is necessary to put this testimony upon the records of the Senate.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Just in a moment. Now, the Senator has made another statement which it will be necessary for me to refer to later on. He affords not only the excuse and provocation but the justification for what I later on shall lay before the Senate.

Mr. FRAZIER. Mr. President——

Mr. BEVERIDGE. If the Senator will pardon me for just a moment more, I shall not go into what did occur in that committee that morning, unless the Senator from New York gives his personal consent, except to say this, Mr. President, that the first time I ever saw this testimony it was lying on the table before us when we met that morning, and a motion was made to make an immediate report, before anybody could have read a page of the official testimony.

I asked, as will be shown by the records of the Senate, that the report be not made until after the holidays, because I had not read the testimony. I wanted to read the testimony. I have spent a good many years in the practice of the law, and I would consider myself dishonorable to a client if I dared to go into court and try his case upon the brief of an opposing counsel, without examination of the official record of sworn witnesses.

If that is true, what shall be said of those who propose to pass upon this case, infinitely greater than any private suit in court, involving the life of our institutions, and state that they will decide it upon the briefs of counsel for the prosecution? Every Senator who has read anything concerning election cases knows that this is not a criminal-court room.

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. This is the greatest forum on earth—not trying a case, but investigating and determining the validity of an election. Now, I yield to the Senator from Tennessee.

Mr. FRAZIER. Mr. President——

Mr. DEPEW. I simply want to call the attention of the Senator from Indiana that he again misstates the case.

The VICE PRESIDENT. The Senator from Indiana has not yielded to the Senator from New York, but has yielded to the Senator from Tennessee.

Mr. FRAZIER. Mr. President, I simply rose to correct a possible inference that might be drawn from the statement of the Senator from New York [Mr. DEPEW]. I was unfortunate enough to be a member of the subcommittee that heard this testimony. The committee did not spend four months in hearing the testimony, or anything like four months. The committee spent some two or three weeks very laboriously, and I have no doubt very conscientiously, trying to arrive at a conclusion and to get the true facts in respect to the matter. The Senator's statement that the subcommittee made the report is correct only in one respect. The other members of the subcommittee did report in favor of the validity of the title of Mr. LORIMER to his seat. As a member of that subcommittee, I disagreed with the other members of the subcommittee. I so stated before the subcommittee and subsequently filed that statement with the Senate.

Mr. BEVERIDGE. Would the Senator from Tennessee mind stating how it happened that the——

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. That the Senator's views did not happen to be filed at the same time that the majority views were filed?

Mr. FRAZIER. O Mr. President, that is a matter that occurred in executive session of the committee, and I do not care to state it.

Mr. BEVERIDGE. I withdraw the question. An answer to that question would be very interesting, though.

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. I will say this, Mr. President—and the Senate will pardon me, because it has already been made a part of the RECORD by the Senator from Michigan [Mr. BURROWS], the chairman of the committee—that in view of the fact that part of it is in the RECORD, I thought then and I think now it would be entirely ethical, if the Senator sees fit, to state the other part of that transaction.

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. I do.

Mr. DEPEW. The only reason I violated all the traditions of the Senate in revealing what did take place in committee was because the Senator from Indiana had revealed just enough of it to put me in a false position.

Mr. BEVERIDGE. I will reveal the rest of it if the Senator says so.

Mr. DEPEW. Otherwise I never should have mentioned it. In stating that the committee had given three or four months to this matter, I meant not only in the taking of testimony but the time which, after the testimony was taken, the subcommittee had devoted most conscientiously and most laboriously to the preparation of their report. So far as the position of the Senator from Tennessee is concerned, which I highly respect and which put me in grave doubt, it was fully stated before the committee what it was, and it did not differ from the report which he subsequently made.

Mr. BEVERIDGE. Mr. President, the Senator has stated——

Mr. DEPEW. Just one word more.

Mr. BEVERIDGE. Two words, if you like.

Mr. DEPEW. Before we finally voted upon that question, I had an opportunity of examining that report, which was sufficient, with what I already knew, to make up my mind.

Mr. BEVERIDGE. Mr. President, two things, then. The Senator says he had an opportunity to examine this report. It was laid on our committee table on a Saturday at 10 o'clock. We adjourned and came into the Senate. The committee met at 10 o'clock again on the following Tuesday. There were two days and a half, including Sunday—only half of a working day—in which the Senator says he examined this record. I worked as hard as I could, and it took me two weeks; and there are Senators here—and they are practiced lawyers, too—who have told me that it took them an even longer time; but the Senator could dispose of it in two and one-half days, in which there was only one half working day.

Mr. DEPEW. Mr. President, just a word.

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. Two words.

Mr. DEPEW. Just one word. I do not know how long it takes the Senator to read a volume like that——

Mr. BEVERIDGE. There it is [exhibiting]. Anybody can look at it for himself. It has 748 closely printed pages.

Mr. DEPEW. And to absorb its contents when he already knows most of it, when he has heard arguments by counsel, and has heard the report of the committee, each member of which had fully investigated it, and the discussion of members of the committee upon it, lasting for a long time. All my life I have been compelled to make speeches on short notice, and I presume the Senator has had a similar experience.

Mr. BEVERIDGE. You are demonstrating your ability now.

Mr. DEPEW. This is on no notice at all.

Mr. BEVERIDGE. None at all; that is even better.

Mr. DEPEW. Some of those speeches required a vast amount of reading. I have, in making an oration of that kind on short notice, when at active practice at the bar and when the time of my working day was fully occupied, carried the reading into the night and all night long, for, happily, God endowed me with extraordinary physical health.

Mr. BEVERIDGE. Did you do it this time?

Mr. DEPEW. And I have carried it through Sunday——

Mr. BEVERIDGE. Did you do it this time?

Mr. DEPEW. And a dozen times in my life I have between Friday and Tuesday gone through two or three volumes like that, and got the substance of them.

Mr. BEVERIDGE. Mr. President, the Senator's interesting account of what his previous habits were is engaging, but I ask the Senator, since he has mentioned it, did he do it in this case?

Mr. DEPEW. I hope——

Mr. BEVERIDGE. Did the Senator read the record of testimony Saturday all night and all Sunday and Sunday night, or was the Senator dining out that night?

Mr. DEPEW. I was not; but I hope when the Senator reaches my period of life, which is pretty nearly double his, he will have the same vigor which I now possess.

THE COMMITTEE'S REPORT CHANGED.

Mr. BEVERIDGE. I sincerely trust I shall have the same vigor, Mr. President; and, if I may be permitted to say so, when a grave question of this kind is before me, more diligence in reading the testimony.

Mr. President, the Senator—and the RECORD will show that he has been the cause of this discussion about it—has mentioned another matter which compels me to ask him a further question. I had made up my mind not to do it, but he has referred to the matter again. He says after the committee had spent four months—which the Senator from Tennessee [Mr. FRAZIER], a member of the subcommittee, denies—in the taking of testimony—and I am quoting the Senator's words—"and had laboriously prepared their report," and it was laid before us that Saturday morning, that he did not feel it necessary to go very thoroughly into the testimony.

Now, I ask the Senator this question: The Senator had great respect for the report laid before us that morning. Very well; tell the Senate, then, if the report laid before the full committee by the subcommittee that Saturday morning was the report that finally was laid before the Senate the following Wednesday or another report?

Mr. DEPEW. Mr. President, a great many things have happened since the meeting of that committee.

Mr. BEVERIDGE. Only two days happened——

Mr. DEPEW. Hold on a moment. Since the meeting of that committee a great many things have happened. I am a member of six committees. I have been performing my work on those committees and in the Senate, and I confess—I do not know whether it is age or not—that my memory is not up, as the Senator's seems to be, on every detail that took place in the executive meeting of that committee. I ask him to call other witnesses. There were others there.

Mr. BEVERIDGE. The Senator himself has brought this up three times.

Mr. DEPEW. I did not bring it up.

Mr. BEVERIDGE. I have withheld my hand in this matter. I now ask the Senator——

Mr. DEPEW. Mr. President——

Mr. BEVERIDGE. Whether he thinks it is a detail that the report he signed himself, and that is now before us as the report of the majority, is the same report or anything like the same report which was laid before us when we first met two days before the present report, which the Senator has eulogized so highly, was made?

Mr. DEPEW. Mr. President, I am going to say now what I have never said before in all my controversial life, and that is, I did not bring this matter up. The Senator brought it up in an effort to reveal the secrets of the executive session of the committee.

Mr. BEVERIDGE. The RECORD will show, Mr. President. Now, so far as secrets are concerned, I understand that a committee is the servant of the Senate and not the master of the Senate; that we are at work upon the public business, and that when anything vital occurs in that committee—and something appears to have occurred that was vital—it becomes the duty of Senators to refer to it. I should not have done so, however—and the RECORD will bear me out—if the Senator had not furnished the occasion of it. Now I will pass that for a moment.

"ELEVEN MEN IN BUCKRAM."

So, Mr. President, we have Holstlaw. We have the perfectly innocent chief clerk of the bank. We have the bank's deposit slip. We have Gov. Deneen, and it was even said that some person had informed a Senator that a newspaper man had copied this, and all this grows out of the effort to dispose of that fatal $2,500—several people guilty of forgery and perjury and all kinds of offenses who could have had no motive for doing so—all this in order to show that this was a forgery. As Hal said to Falstaff—

O monstrous! Eleven buckram men grown out of two.

Now, then, it was said the books of the bank are the best evidence. The books of the bank! Why is it that it has only recently been felt necessary to overthrow the deposit of $2,500 in this bank on the books of the bank?

Mr. President, I took pains myself to get the affidavit of Jarvis O. Newton, the chief clerk of that bank, that the books show that the entry was made in the regular course of business, in the regular order. Does that satisfy the Senator? Well, it was said that Jarvis Newton's own signature shows that he did not sign it, and I am going to pass this around among Senators and I ask you to examine the signature of Jarvis O. Newton to this legal document and then look at the name "Holstlaw Bank, Iuka, Ill."

I do not even ask you to remember that a signature to a legal document is always formal and when made in the course of business runs more swiftly. I ask you to examine the mark. Look particularly at the "t," which is very peculiar, crossed with the cross not touching the upright. That is a letter common to both names. Look at the letter "w," common to both names. Look at the letter "s," common to both names.

Pass it around; please do not lose it; and return it to me, and say if you think it is a forgery.

Now, Mr. President, another thing—a thing upon which a more absurd emphasis has been laid than anything I have encountered in many years of very active practice in actual combat in the courts—real practice of the law before courts and juries; not pseudo practice in Senate debates. So I am not discussing pseudo law. It is said that the "forgery" is suggested because the name Holstlaw is spelled wrong. I am going to put everybody here to a practical test; I will put the Senator from New York to a practical test. Will the Senator be kind enough to take his pencil and spell properly the name "Holstlaw?"

Mr. DEPEW. There are some things I can do; but I can not do that. [Laughter.]

Mr. BEVERIDGE. No. And yet when Holstlaw appeared at the window of this bank and said to the teller, "Please deposit $2,500 to the credit of the Holstlaw Bank," and the clerk, Mr. Newton, writes it out and spells it—I do not myself now know whether it is "Holtslaw" or "Holstlaw"—and got the "l" before the "s." Great heavens, Mr. President, here is evidence of the deepest "conspiracy" to ruin a good man!

And yet the Senator from New York, who has told us of his deep familiarity, says he can not do it. Of course he can not. I have gone over it pretty well myself. Can you offhand [addressing Mr. LA FOLLETTE]? Try it. I hope that disposes of that.

Mr. President, we have disposed of Holstlaw. I am merely reviewing what I said the other day about Holstlaw. We are having a kind of practical demonstration here. That is more valuable than thunderous denunciation. It may not be so pleasing to the ear, but it is more valuable to our judgment.

Let us now take up Beckemeyer again. I went over that the other day. Beckemeyer swore he got the money. It was found in his possession. He deposited it in a bank away from his own home, where he had to be identified. And the subcommittee actually refused to let Mr. Gray, who identified Mr. Beckemeyer at the bank, testify—and I would like the attention of Senators to this—as to Beckemeyer's statement as to where he got the money.

THAT HUNDRED-DOLLAR BILL.

A little country lawyer carrying around a $100 bill and depositing it with other big bills in a bank away from his own home. The subcommittee refused to let that statement go in. I have never been able to comprehend on what ground; for I challenge anybody to find a case or an authority in the textbooks which does not say that "declarations against interest" are admissible.

But it was not admitted. However, we do not need it. Beckemeyer's deposit in the Belle Isle bank is not denied. The upholders of his election do not ask for the books of that bank. They do not ask for any deposit slips from that bank. What do you think about it? A man swears he got this money. A little later on he deposited that very money in bills of the denomination which he said he got it in—unusual bills—$100 bills—in a bank away from home, where he had to be identified. Are you going to wash that out by tears of sympathy?

But, Mr. President, let us dispose of this "forgery" before we go further. I wish I had an expert in handwriting here. I have had the opportunity in the course of my practice to try one or two will cases where forgery was alleged, and one or two other cases where handwriting was involved.

The absolute similarity of certain letters that are common in those two documents—the deposit slip and Jarvis Newton's affidavit—would establish the forgery of the will or the validity of the will, as the case might be; and any court in Christendom could decide this case without the fact that there are the books, without the fact that there is the testimony of Newton, without the fact that there is Holstlaw's testimony, and without the fact that the subcommittee itself believed the money was deposited in the State Bank of Chicago. Does not the Senator from New York [Mr. DEPEW] believe the money was deposited there?

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana further yield to the Senator from New York?

Mr. BEVERIDGE. I do. I am going to yield to everyone.

Mr. DEPEW. I have listened to the eloquent speech of the Senator from Indiana from the time he started, both the other day and to-day, with an open mind, and really I do not think he ought to make me an object lesson.

Mr. BEVERIDGE. I think that is fair. I apologize to the Senator. If in the eagerness of debate I see the engaging presence of the Senator before me, he invites those questions which he has shown such readiness and ability to answer. But I will not ask any more.

Personally I invite interruptions. I repeat, that if anybody thinks I am misstating this testimony or stating it unfairly, he will do me a personal favor to call my attention to it at the time I make it. I would far rather abandon my position in this case than to misstate testimony.

Now I come, Mr. President, to the crux of this case, and I ask to this the attention of every Senator here who thinks this title valid; and I want to be careful of the statement. I would like to have the attention of the Senator from Wyoming and of all Senators here who think this title valid. By looking at the last report of the committee—the one we have here now——

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield further to the Senator from New York?

Mr. BEVERIDGE. Yes.

Mr. DEPEW. The Senator has questioned me several times in regard to these two signatures, whether they were written by the same man or whether one is a forgery. I should say it would require an effort of the imagination to say they were written by the same man.

Mr. BEVERIDGE. On any question that involves an effort of the imagination the Senator is a master. I am an humble plodder who deals merely with the facts. When I see the "t," "s," "w," and "o," and when I reflect that one is written in the flow of business and one is a signature to a legal document, when I back that up with the affidavit of a man who had no motive for committing perjury on the stand or swearing falsely to an affidavit, and when the entry appears on the books of the bank, then it is conclusive.

Mr. DEPEW. May I ask the Senator one question? He has asked me a great many.

Mr. BEVERIDGE. You may.

Mr. DEPEW. Do you think it is the rule of bank officers to write one kind of a hand when writing in the course of business and another when they are swearing to an affidavit?

Mr. BEVERIDGE. I will ask the Senator this: From your experience, is it not true that where you sign your name to a legal document you sign it more formally—your own name—than in writing in the swift rush of business another man's name?

That is not the question. We will indulge in reciprocity. I understand the Senator from New York is for reciprocity. [Laughter.]

I will ask the Senator this question, Does the Senator believe that Jarvis O. Newton committed perjury when he said he received this money as chief clerk of that bank? Let us get down to the point. If so, for what motive? The Senator refuses to answer. Very well. Let us pass that.

It is too absurd. It shows the desperation of audacity, or the audacity of desperation—this charge that the bank's deposit slip is a "forgery." I recall history when another great speaker, though in a nobler cause, resorted to audacity. Danton said, in the throes of the French Revolution, "Audace, encore audace, toujours audace, et la france est sauvée." (Audacity, again audacity, always audacity, and France is saved.) Is that the Senator's position? Accuse forgery and perjury and everything else in order to destroy this $2,500 deposit.

Now let us get down to Beckemeyer again. Beckemeyer got the money. He deposited the money. It was found in his possession. How does any Senator get away from his deposit in the bank, away from home, of bills of large denomination, a bank where he had to be identified?

"THE THIRD DEGREE."

Now, I come to the crux of this case so far as the attempt to break down these witnesses is concerned. I repeat that all who have read the majority report, everybody who has listened to the speeches, have heard these witnesses attacked for "perjuring themselves" when the confessed—Beckemeyer and all of them—attacked on the ground that they were put through a "third degree" at Chicago. Is not that true—badly treated by the officers of justice, so badly treated that they were made to committ perjury, enter into an evil "conspiracy" that involved the State attorney's office.

Let us see what Mr. Beckemeyer said about this "third degree," and it is so important that I am going to read it. Let us get it on the record. His first experience with the third degree begins at page 236 of the record. This begins his third degree. The next is on the next page:

Q. Before you were taken down before the grand jury of Cook County did you tell Mr. Wayman, Mr. Arnold, Mr. Marshall, or any other assistant or representative of the State attorney's office that you had never received any money or other thing of value for voting for Senator LORIMER, either before or after voting for him?—A. I don't know; I think I denied knowing anything about it; not the exact language you are using.

Q. I didn't ask you to use the exact language.—A. I denied it; yes, sir.

Q. Didn't you tell him or them that you never received any money or anything of value for voting for WILLIAM LORIMER for United States Senator?—A. Yes, sir; I did.

Q. Then were you taken before the grand jury that was then in session as a witness?—A. I want to get straight on being over there on that day, now. If I remember correctly, *I never had talked with Mr. Wayman or Mr. Arnold about this matter at all before I appeared before the grand jury.*

Q. I don't care whether the same day or not. The time I was talking about was before you went into the grand-jury room.

Page 239:

Q. Did you testify before the grand jury that you did not receive any money or anything of value for voting for Senator LORIMER?

If anybody thinks there is anything in these third-degree methods I should like to have their attention.

A. *I never at no time denied before the grand jury not having received any money.*

Q. Did you tell the grand jury that you were never promised any money before you voted for Senator LORIMER, and that you never understood that you were to get any money, and were not induced to vote for Senator LORIMER by any promise, agreement, or understanding? Did you testify to that before the grand jury?—A. *No, sir; I did not.*

Page 240:

Senator BURROWS. Will you state what was said upon that subject by you?—A. I think that about all that I said was that I *received $1,000 that was supposed, as I understood, to be Lorimer money.* I think that is about all. I was not before the grand jury 10 minutes.

Third degree now, mind you.

Q. Did you tell anything the first time about whether you got anything for voting for WILLIAM LORIMER, or were promised anything?—A. *I did not; it was not discussed,* * * *

* * * * * * *

Q. The second time you went was in the forenoon, was it not?—A. No, sir; in the afternoon.

Q. Were you taken out of the grand-jury room and put in the custody of an officer the first time you went there?—A. Yes, sir.

Q. Who was the officer?

Now, I ask particular attention to this, because I am going to place before the Senate a new fact. I wish the Senator from South Dakota [Mr. GAMBLE], who talks about these "minions of the law," was here.

Q. Who was the officer?—A. Well, immediately—I went to dinner with Officer Keeley; I went to dinner with him.

I wish to get the attention of Senators to this very important point. Remember, this was Officer Keeley. I hope Senators will fix that name in their minds. I shall give the Senate some startling information about Officer Keeley that demolishes this "third-degree" excuse even more than this testimony.

Q. Who put you in his custody?—A. Why, *the foreman of the grand jury, as I understand it.*

Page 243; still third degree now:

Then did you say, "I can't tell them anything about it, because I don't know anything about it. I never got any money from anyone. What is the matter? Is Wayman on the outs after LORIMER elected him?" Did that conversation take place between you and Officer Keeley?—A. Some of it took place; I don't think all of it did.

Q. What did not take place?—A. I don't just recall now the reading of the question, but some I don't think took place.

Q. Can you designate any particular part? I would like to have you listen to me. "I don't know what to tell those people. I never got a cent for voting for Senator LORIMER from anybody." Did you say that?—A. I think the last part of that I denied to Mr. Keeley that I ever got any money; I think that is true.

Q. Then did you add: "They want me to tell something that I don't know. If I don't tell them what they want they will indict me and get me into trouble for nothing."—A. *I don't think I said that to Mr. Keeley at all.*

Senator BURROWS. Do you remember whether you did or not?—A. *I am satisfied that I did not.*

This is a part of this awful "third degree" that we have heard about.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do, indeed.

Mr. FRAZIER. I call the attention of the Senator from Indiana to page 254——

Mr. BEVERIDGE. I was just coming to that.

Mr. FRAZIER. Of the record where the direct question was asked Mr. Beckemeyer:

Q. Were there any threats or duress used upon you for the purpose of making you tell anything with reference to the Lorimer payment of money that you have testified to here?

Mr. BEVERIDGE. I am just coming to that.

Mr. FRAZIER. His answer is "*No; there was not.*"

Q. Or either by the State's attorney or the officer in whose keeping you were?—A. *No; there was not.*

Q. *Did you tell the truth then as you have told it now?—A. Yes, sir.*

Mr. BEVERIDGE. I thank the Senator from Tennessee. He always is accurate. If any friend of mine got into trouble through no fault of his, I should advise him to employ the professional services of the Senator from Tennessee [Mr. FRAZIER]. But if he were in the wrong, God help him. Well, I was just coming to that. I was skipping some of these pages; it takes too much time; because I want to put the whole third-degree story in the RECORD and yet not to burden it. Senators tried to impress the Senate that some awful "third-degree" methods were used on this man which made him confess.

On page 252 occurs the following:

Q. After you testified before the grand jury, Mr. Beckemeyer, didn't somebody in the State's attorney's office tell you that you had been indicted for perjury?—A. *No, sir.*

Q. Didn't you tell John Gavin that, when you did talk to the State's attorney, that you understood and believed you had been indicted for perjury?—A. *I don't think I told Mr. Gavin that at all.*

Q. Did you tell anybody that?—A. *No, sir; not that I know of. I had no reason to tell that to anybody.*

Q. Isn't it a fact—

You see they are trying to make him admit that he had an awful third-degree method.

Q. Isn't it a fact that you were shown an indictment—what purported to be an indictment on paper—an indictment against you, charging you with perjury?—A. No, SIR.

Page 253:

Q. Did you testify before the grand jury you had received $1,000 in the same way that you testified to it here?—A. YES, SIR.

* * * * * * *

Q. You were indicted or threatened with an indictment for perjury and you went back before the grand jury and corrected your testimony, didn't you?—A. YES, SIR.

Now then follows what the Senator from Tennessee [Mr. FRAZIER] read, but he did not read it all.

This is on page 254:

Q. *Were there any threats or duress used upon you for the purpose of making you tell anything with reference to the Lorimer payment of money that you have testified to here?*—A. THERE WAS NOT.

What do you think of that "third degree?"

Q. Or either by the State's attorney or the officer in whose keeping you were?—A. No; THERE WAS NOT.

Q. Did you tell the truth then as you have told it now?—A. *Yes, sir.*

And now, mark this:

Q. And your going before the grand jury on the third visit, and that, as I understand you, was the only time with reference to which you have testified about the $1,000 Lorimer money—were you asked to go before the grand jury on that occasion, or did you voluntarily go?—A. I ASKED PERMISSION TO GO BEFORE THE GRAND JURY.

What do Senators think about this "third degree" for Beckemeyer, now? But that is not all, Mr. President. On pages 260 and 261 occurs the following, and I am taking time about this because we have heard so much about this brutal and cruel "third degree," causing men to commit perjury in furtherance of a great conspiracy against the sitting Member:

Q. Who ordered you?—A. *No one, that I know of.* If the committee would like to know how I came to be in the custody of an officer, I will tell them.

Q. Tell it, Mr. Beckemeyer.—A. Wayman asked me if I would not like to have an officer go with me down home. We talked the matter over in Mr. Wayman's office, and several propositions were put by the State's attorney as to fellows talking to me and getting up impeaching testimony or probably getting whipped. *That was two of the reasons why I partly requested*—and it was very willingly granted, of course, by Mr. Wayman, *that I let an officer go with me.*

The "third degree!" Senators who are upholding this election would have us believe that Beckemeyer confessed under the crushing terror of a brutal "third degree." Senators have declaimed about Beckemeyer being terrorized, made drunk, and so forth, by a police officer forced on him by the State's attorney; that Beckemeyer was compelled to commit perjury by being dragged and frightened before the grand jury. But Beckemeyer swears that *he asked* for an officer to go with him. Beckemeyer *asked* to go before the grand jury. He did not testify before the grand jury to what he did not testify to here. And on page 261:

Q. It was at your own suggestion that the officer went down—in part—went down with you to——A. *In part it was.*

Q. Did you ever make any objection to it, directly or indirectly?—A. *I did not.*

Q. Did you consider that you were under any duress or any restraint, or anything of that sort? * * * A. *No, sir.*

"Third degree!" What does any Senator think about the "third degree" for Beckemeyer now?

FATE OF OFFICER KEELEY, THE PRINCIPAL "MINION" OF THE "THIRD DEGREE."

Now, Mr. President, we come to another thing which I hope will interest the Senate. How many times has it been stated that Beckemeyer was subjected to a cruel "third degree," the testimony about which I have just read, and which shows it was not so? How often have we heard passions torn to tatters in this debate, appeals made that "split the ears of the groundlings, but made the judicious grieve," about Officer Keeley taking Beckemeyer out under instructions, getting him drunk, taking him to bad places, and all that sort of thing? Is not that pretty familiar?

"Infamous" tactics of the officers of justice of Chicago, Ill., putting this poor man, who says he went very willingly and asked for the protection of an officer—and then the officer being instructed to take Beckemeyer out and get him drunk! I was curious about what happened to that officer—this brutal officer of justice. So I telegraphed to District Attorney Wayman as to what became of Officer Keeley, and I find that this man, who has been paraded before us for having done these things, *has been indicted and* CONVICTED *of perjury for* having sworn that he was ordered to do any such thing or did do any such thing.

That, I think, has occurred since the committee reported. I read in State's Attorney Wayman's testimony, which I will call the attention of the Senate to in a moment, the statement that the grand jury had indicted this man Keeley.

Mr. SMITH of Michigan. Where?

Mr. BEVERIDGE. In Cook County, Chicago, of course; and now he is convicted of perjury. Officer Keeley—"Third Degree" Keeley—whom we have heard so bitterly denounced, has been indicted and convicted of perjury for swearing to the very things that have been paraded before us as establishing the "third degree." Senators did not know that, I take it.

While I am on this subject, Mr. President, the Senator from Texas [Mr. BAILEY] the other day, inadvertently, of course—I could not see the relevancy—stated that Browne, our twentieth century Abraham Lincoln, was tried twice, and that the first time the jury stood 11 to 1 for acquittal. I asked, by telegraph, District Attorney Wayman about it, and here is his answer: "The first Browne jury stood eight for conviction and four for acquittal."

I will ask the Secretary to read this telegram of State's Attorney Wayman about this man Keeley, and I hope we will hear nothing more about the cruel treatment of these witnesses by the State's attorney's office in Chicago.

The Secretary read the telegram, as follows:

CHICAGO, ILL., *February 22, 1911.*

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.:

P. J. Keeley was indicted by September grand jury for falsely swearing for the defense in the Browne case that Assistant State's Attorney Arnold had placed Beckemeyer in his custody and told him to treat Beckemeyer right, meaning, as Keeley said, to get him drunk, so that he would testify before the grand jury. Keeley's testimony in the Browne case being to give the impression that the State had plied Beckemeyer with liquor to get him to testify.

This was an infamous lie, and on the trial of Keeley for perjury *he admitted that Beckemeyer was not drunk at any time. Keeley was tried at this term of court, and on February 10* WAS FOUND GUILTY, *having been discharged from the police force in the meantime for conduct unbecoming a police officer.* THE FIRST BROWNE JURY STOOD EIGHT FOR CONVICTION AND FOUR FOR ACQUITTAL.

JOHN E. WAYMAN, *State's Attorney.*

Mr. BEVERIDGE. Mr. President, so we find that Beckemeyer got the money; part of it was found in his possession; he confessed; he was not under duress; the "third degree" is a silly invention; and "third-degree" Keeley is convicted of perjury.

LINK, THE ARCH HERO OF THE THIRD DEGREE.

Now, Mr. President, I come to Link. The first thing that is apparent about Link is that he is a reluctant witness, a witness so reluctant, Mr. President, that he is impertinent. There is not a lawyer here who can read that man's testimony before the subcommittee without knowing that if he had dared to so conduct himself before a court he would have been punished for contempt. Everything that that man swore to was drawn out of him by the red-hot forceps of cross-examination. Notwithstanding that, to what does he swear? The majority of the committee weeps over Link—poor Link, subjected to the "third degree"—compelled to swear falsely, as Beckemeyer was, by the cruel "third degree."

I have sometimes wondered whether the majority's sympathy for poor Link was greater than its hatred and disapproval of the officers of justice of Illinois. The latter's treatment,

according to some Senators, of this bribe taker reminds us of Burns's lines—

Man's inhumanity to man
Makes countless thousands mourn.

For are not the whole American people mourning over poor bribe-taker Link and Beckemeyer and those other tender innocents, so roughly manhandled by the officers of justice?

Mr. President, to what does Link swear? I will not read the record unless some Senator thinks I am misstating it. First of all, he can not remember how the invitation came for him to meet Browne in St. Louis June 21. He can not remember it, not at all. This is on page 281. He can not remember anything about it. But I ask you to compare his lack of memory on details, on pages 280 and 281, with his accurate memory as to a conversation with Beckemeyer, pages 300 and 301.

The facility with which his memory accommodates him almost, but not quite, equals that of Mr. Browne, whom we have the authority of the Senator from Kentucky [Mr. PAYNTER] for saying is of "marvelous intellect." I will read you, when I come to Browne, what the Senator from Kentucky says of Mr. Browne and his "marvelous intellect."

Nevertheless Link testifies that he did meet Browne there; that Browne paid him a thousand dollars; and that he, Link, "thought it was campaign money," *although no campaign was possible for 14 months.* You will find that account on pages 281 and 284. Then he admits meeting Wilson down there, and from Wilson he, like White and Beckemeyer, got $900, and again he thought it was "campaign money." He is not surprised at all that he got it—not Link. They did not owe him anything; he did not expect to get it; Browne just handed him a thousand dollars; he took it for granted it was "campaign money" *for a campaign a year and two months off;* and Wilson gave him money under the same circumstances.

Mr. President, the whole transaction is given in the examination, the admirable examination of Senator FRAZIER, of Tennessee, on pages 306 and 308. Senator FRAZIER'S whole examination of this man Link should be read by every Senator.

Mr. President, Link is the star "third degree" witness. Yet this man was not subjected to things so humiliating as Beckemeyer, in the opinion of the subcommittee.

Mr. FRAZIER. Would it interrupt the Senator from Indiana if I ask him a question?

Mr. BEVERIDGE. Not at all; I would be glad to hear the Senator's question.

Mr. FRAZIER. I ask the Senator this question, or rather I make this suggestion to the Senator. It is contended that Link was induced to swear to this story by the "third degree," to which the Senator has alluded. Did it ever occur to the Senator that those who induced Link to swear to those falsehoods were very bungling conspirators, that they did not induce Link, while they were getting him to swear to these falsehoods, to swear to a more convincing story than he did? If he was making up the story would it not have been just as easy for those who were securing him to make up that story to have got Link to have admitted the fact that he was promised this $1,000 if he would vote for Mr. LORIMER, and that thereafter he was paid the $1,000 for voting for Mr. LORIMER?

Upon the other hand, Mr. Link would not state upon the most rigid cross-examination that he was ever spoken to with reference to his vote for Mr. LORIMER in any corrupt sense before he voted for him, and he refused to admit that the $1,000 which he did receive was paid to him for voting for Mr. LORIMER.

If it had been a made-up thing, if it had been a conspiracy, if it had been made out of the whole cloth, as it were, would it not have been just as easy for Link to have made a good story as to have made an imperfect story?

Mr. BEVERIDGE. Exactly; just as the Senator pointed out the other day, if these were all lies gotten up by a "conspiracy," how much easier and simpler would it have been to have had Holtslaw testify that he got the $2,500 from LORIMER himself instead of having fixed up a bungling story for Holstlaw that he went clear out to Broderick's saloon, a mile and a half, and got it from Broderick.

Of course, if these men are telling falsehoods about getting this money as the result of some "conspiracy" to "destroy" the sitting Member, as the Senator from Tennessee shows, with the positiveness of a demonstration in Euclid, then they were the stupidest set of knaves who ever put on foot a nefarious plot; it will not hold together.

I have already shown that to be false in the case of Beckemeyer. Beckemeyer denies it, and he says *he never was under duress.* He says he *suggested himself that the officer go with him.* He says that he *never was asked to tell anything but the truth.* When the committee or any Senator has told us that Officer Keeley was instructed to go out and get him drunk in furtherance of that "conspiracy," remember that Officer Keeley has been indicted and convicted of perjury for swearing to the same thing that Senators have told us here.

LINK'S "THIRD DEGREE."

Now we come to the "third degree" in the case of Link. Of course, if this "third degree" goes down, then the last excuse for pleading that these votes were not bought disappears.

What does State's Attorney Wayman say about Link's "third degree?" First, I ask Senators to remember the absurd overdrawn story of Link about the "third degree." Link, it appears from this testimony, must have been a great big, raw-boned, powerful man, physically. It appears so from his own description. Yet the Senators wail and moan over Link, poor man.

Link says he was threatened with all manner of things—separation from his home and farm; and, finally, his wife—if he did not testify to what they wanted him to testify to.

Link says that the man who did this chiefly was Assistant State's Attorney Arnold. Now, the subcommittee did not believe Link's story about Arnold; otherwise, of course, the subcommittee would have called Arnold. But the subcommittee did not. However, they did call State's Attorney Wayman, and I ask the attention of Senators to the testimony, undisputed, of the State's attorney concerning the "third degree" for poor, oppressed, giant Link. Here is what happened. I read from page 370:

Q. What talk or discussion did you have with him, personally, as to his being in the custody of an officer while in the city of Chicago?

State's Attorney Wayman answers:

A. I had no discussion at all Friday evening at that time, but Saturday I did, as to what would be done with reference to the case in which an indictment had been returned. After nolle prossing the case Saturday morning it was again discussed, *and Mr. Link* WANTED *an officer to go with him to the train, and then he* WANTED *an officer to go with him clear home*—

What do Senators think of that? That is what happened about Link's being placed in the cruel "custody of an officer." Link himself *asked for the officer*—

and after discussing that between us, we agreed that would be wise, and the reasons there stated between us was that we didn't want anybody to interview Mr. Link or talk with him upon this subject, and I stated that to Mr. Link. Mr. Link expressed himself as being very desirous that no newspaper men were to be allowed to interview him, but all be kept away from him.

Then there was a great deal of discussion between the attorney for the Chicago Tribune and the attorney for the sitting Member. Finally this occurred:

Senator GAMBLE. There has been an attack by these witnesses upon the State's attorney's office; for that purpose that would be for the committee to determine.

Mr. AUSTRIAN—

He is the attorney who seems to have represented the Chicago Tribune—

If the committee would strike out all the evidence about their being in custody and the so-called third degree, I would not ask to put in this evidence, but if it remains in the record, I think the explanation should be there, too.

Judge HANECY. WE ARE NOT INVESTIGATING THE STATE'S ATTORNEY'S OFFICE.

Judge Hanecy, remember, was the attorney of the sitting Member in this investigation.

Although the counsel for the sitting Member says that they were not investigating the State's attorney's office when he was trying to keep out of the record correspondence between the State's attorney and this man Link, yet the State's attorney's office of Chicago has been the chief subject of denunciation on this floor. The State's attorney's office of Chicago has been held up to us as the machine of an infamous inquisition to compel men to tell stupid and bungling lies. Does any Senator believe it?

Here follows a communication between the State's attorney and Link from his home. Link, in his method of bravado, says on the stand he "read Wayman the riot act." Here is the riot act that bribe taker Link read State's Attorney Wayman:

MITCHELL, ILL., *May 12, 1910.*

Hon. JOHN E. W. WAYMAN, *Chicago, Ill.*

DEAR MR. WAYMAN: I have no room to keep Mr. O'Keefe at my home, and I promise you that I have no disposition to repudiate in any manner the testimony that I gave before the Cook County grand jury on last Saturday, May 7.

I realize that you are a friend of mine and will depend on what you told me.

And I shall not allow myself to be interviewed by anyone.

Yours, etc., M. S. LINK.

Why was not that laid before the Senate when we were hearing these lurid details about the "third degree?" The officer whom Link was "in custody" of *Link himself asked for;* the officer whom Beckemeyer was put in "custody" of, and whom

we have heard took Beckemeyer out and got him drunk, and so forth, has been convicted of perjury in Cook County.

But that is not all of the "third degree." Mr. Wayman, the State's attorney, testifies further, on page 379—this is on cross-examination:

Q. Is it because you don't remember or because you don't know?—

That is, whether Link was "in custody"—

A. Because Mr. Link, after they arrived at Mitchell, O'Keefe went with him, and then Mr. Link went to St. Louis and about the country as he pleased, and *I would not regard it as custody, and neither did Mr. Link.*

* * * * * * *

Q. And he insisted you had no right to keep him "in custody?"—A. *No, sir; Mr. Link never said a word to me at all, excepting that letter—*

I have just read the letter—

I have produced here, and *upon the receipt of that letter I telephoned to John O'Keefe to come home.*

Now, that is all the "third degree" there is as to Link. Was it not proper? As a lawyer, will any Senator say here that State's Attorney Wayman, instead of being cruel, was not considerate and kind, even? What do Senators say of the "third degree" in view of this testimony? Senators may shout "third degree" all they like, but there is the testimony that the "third degree" is an absurd and bizarre myth. One man who is said to have been the agent of the "third degree" has been indicted and convicted for perjury for saying what has been shouted here time and again as the truth.

Now, Mr. President, I come to the most important statement in Link's testimony. I ask any Senator who votes to sustain this title to remember this before he does it in connection with the rest that I have read.

It has been said that the reason why Link testified as Beckemeyer did to having received $1,000 from Browne and $900 from Wilson was because he was subjected to the "third degree." But Link unwittingly gives another reason, and I will read it to you. You will find it on page 305. Link is now on the stand. Senator FRAZIER is cross-examining him.

"I DID NOT WANT TO GET MY FRIENDS INTO TROUBLE."

All through this record, after Senator FRAZIER arrived there, Senators will find that when witnesses had testified to an absurd state of affairs the Senator from Tennessee [Mr. FRAZIER] took it up, and his examination was thorough, direct, keen, and relevant. So he took up Mr. Link. I direct the particular attention of the Senate to this:

Senator FRAZIER. If it were true that you met Wilson at St. Louis and he paid you $900, and that you met Browne and he paid you $1,000, why did you not tell that when you came up here before the grand jury and before Mr. Wayman? What were you concealing it for?

I must beg the attention of every Senator here. Here is Link's answer as to why he concealed that he got the $1,000 and the $900:

A. *I didn't want to get myself, perhaps, in trouble and my friends in trouble.* I didn't know where the money came from. *That was the only reason.*

Q. Why didn't you tell it if it were a fact that you got it, and that you met those gentlemen? What were you trying to conceal it for; what was there wrong about the transaction?

This is Link giving his reason why he did not make a clean breast of it in the first place.

A. I didn't know anything about what there was about it. *And I didn't desire to criminate myself for taking this money. I didn't know where it came from.*

Q. If it were a present to you, and a fair and honest transaction for campaign purposes—

This is Senator FRAZIER cross-examining—

or a gift or otherwise, why were you trying to conceal it?—A. I had no reason at all for concealing it.

Q. Why didn't you tell it?—A. *Pardon me, I will correct that. I* WAS AFRAID OF GETTING SOMEBODY INTO TROUBLE; I didn't know where this money came from.

Q. Who were you afraid of getting into trouble?—

Inquired the Senator from Tennessee [Mr. FRAZIER].

A. Friends of mine or myself—

Answers much-abused Link.

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Q. How would you get your friends into trouble by telling the truth, if this were a perfectly honest and legitimate transaction?—

Asks the Senator from Tennessee.

A. I didn't know how it would get them into trouble, only it struck me *I might get them into trouble*—

Answers bribe-taker Link.

That is Link's sworn testimony as to why he concealed getting the $1,000 from Browne and the $900 from Wilson. What friends was he afraid of getting into trouble do Senators think?

The majority of the committee absolutely ignore the fact that Link himself swears that the reason why he concealed this was the fact that he "FEARED GETTING HIS FRIENDS INTO TROUBLE," and they lay it on a "third degree," which the record itself shows did not exist. Now, Senators can vote as they please, but it shall not be on any fantastic ground of a "third degree." Link says that he refused to tell because he was "*afraid of getting my friends into trouble,*" and that is not denied.

And what "*friends?*" That goes back to Broderick. Why did he refuse to answer the questions that were put to him? He said he was "closely affiliated" with certain "friends" of the sitting Senator in Chicago. Broderick says he knew the sitting Member was a candidate two weeks before, at the same time Browne says he knew it. Was Link's reason for concealing this transaction the same that moved Broderick to refuse to testify?

You can not pass those matters over, Senators, by sympathy or aid to a man whose wife is sick or the beginning of a boyhood friendship even with Hinky Dink.

Now, Mr. President, we come to White. There is a good deal to be said of White; a good deal, I think, that is interesting. The first thing that appears about White is this: The Senator from Iowa [Mr. CUMMINS] made the point that either White told the truth or else White is a genius.

WHITE, IF UNTRUTHFUL, THE AMERICAN GABORIAU OR CONAN DOYLE.

If White's story is a falsehood, White need never care any more for the future, because we have developed among us an inventive genius of fiction who puts all the writers of imaginary tales from Emeile Gaboriau to Conan Doyle to the blush. That is not an extravagant statement.

Read White's story, so natural, *so corroborated at every material point.* Then read any of the masterpieces of detective fiction, such as "The Adventures of Sherlock Holmes," or "The Mystery of the Rue Morgue," and the like, and compare them to White's story, if the last is fiction.

Yet we are told by eminent Senators that White is a man of no intelligence. But if he is a man of no intelligence, he told the truth; because a man of mean intelligence can not conceive a tale so full of details, so full of novelty and dramatic point, a tale, too, that happens to be corroborated at every important point.

Mr. President, I press again upon the attention of the Senate this fact: *White's story is corroborated in every vital particular.* Let us put that to the test. Is there a Senator here who intends to vote to support this title who will point out to me one instance that is vital in White's story that is not corroborated? I pause for reply. We might as well face this matter.

White says Browne approached him. Beckemeyer and the others say the same thing. He says he was invited by Wilson to St. Louis. Beckemeyer and the others say the same thing; Clark says the same thing; Shephard says the same thing; and Wilson admits he was in St. Louis. White said he got $900 there from Wilson in the bathroom; Beckemeyer says he got $900 there; Link says he got $900 there. Shephard denies that he got $900 there; but admits he was there, and was called into the bathroom by Wilson because Wilson wanted to know the name of a lady he saw Shephard dining with *two months before.*

White says Browne paid him the major part of his first installment at Chicago. When? July 16, *the day Holstlaw got his first installment.* He said Browne told him he was going to St. Louis. Browne went to St. Louis, and Browne admits it. It is sworn to by the other bribe takers. Beckemeyer and Link swear that they got $1,000 there from Browne. White is again corroborated.

When I came to take up the testimony of Browne—this Abraham Lincoln of the twentieth century; Browne who has been compared with the great savior of the Republic—I think I will dispose of Mr. Browne to the satisfaction of everybody; I would if we were jurors. But before I pass this I want again to ask: Will any Senator here point me out, so that I can straighten it out now, *what vital point in White's testimony is not corroborated*—one? Again I await a reply. No one answers. Very well; we will pass that.

BROWNE ON WHITE'S CHARACTER.

But, Mr. President, it is said that White's character is base. I never practiced law in a criminal court, but I have talked with criminal lawyers, and I have heard that one of the methods

of that practice is to assail the witness of the cause that you want to defeat with a savagery in proportion to the desperateness of your own side. Is not that true? Very well; what has happened here? White has been assailed as base and vile and infamous and low and with all the other adjectives of disgrace.

What has that to do with the truth of this bribery? We are not trying White's character, we are determining the truth. My own opinion is that it is not shown that White was a bad man before he went up there to Springfield; but I think that occurred to White which has occurred to other men. The senior Senator from New York, [Mr. DEPEW] by his long experience in this field has known many of them; I have known some of them myself, boys who came from the country, went to the legislature, and fell into evil habits.

If Mr. White is a bad man, I will show you that one instrument and agent of White's infamy was Browne himself. We have one good witness on White's character, and that witness is "marvellous-intellect" Browne. I am going to read to the Senate what Mr. Browne thought of White clear down to the end of 1909. I read from page 53; and I shall take the time to read these letters over, because they have internal evidence of the truth of White's story that no man can resist. I believe this is the first letter—the Lee O'Neil Browne letter:

[Exhibit 1.]

[People's Exhibit 4 B. B.—On letterhead of Forty-fifth General Assembly.]

OTTAWA, ILL., *June 9, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

MY DEAR CHARLIE: I did not get home until the night of Monday, June 7, when I found your letter awaiting me. I wish you had spoken to me of the matters contained in your letter before we left Springfield. It would have been comparatively easy for me at that time to have advised with you personally and properly. It is far from difficult now, and I would hardly know what to say to you without seeing you personally. In any event, unless you would care to see me before that time by coming here or meeting me in Chicago, I expect to see you and have a visit with you some time within the next two weeks. I shall be only too glad to advise with you along the line of the matters referred to, and suggest anything that may be appropriate and proper.

The matters referred to—

You know where I stand, *old man, and that I will go my length for you.*

This is Browne's opinion of White:

Should you find it necessary to see me before the end of the next two weeks, you had better arrange to come to Chicago and meet me there. However, as matters stand, and in the way that I am tied up with business matters now, I would prefer to put off the meeting for the length of time I have stated. I want you to feel and realize that *I am as good a friend as you have in the world, and that I am not only willing but ready to do anything in my power for you at any time.* My best regards to you.

Very sincerely, your friend, LEE O'NEIL BROWNE.

And yet all that is bad in White, Lee O'Neil Browne certainly knew, and most of which Browne himself developed. Second—this is a brief letter, and I call the attention of Senators especially to it—

[Exhibit 2.]

[People's Exhibit 5 B. B.—Written on letterhead of Forty-sixth General Assembly.]

OTTAWA, ILL., *June 13, 1909.*

FRIEND CHARLES: Your letter did not reach me till too late to do any good. I was in Chicago, but could not have remained longer had I got your letter. Got home here this evening and am due in court to-morrow a. m. But, Charlie, I will be in Chicago Tuesday or Wednesday—

That was June 13, three days before he paid him the money—

and (this *is under your hat*)—

That is a common expression that White testifies that this man Browne used, and here is Browne using it in a letter to White—

and (this *is under your hat,* though, for I do not want to be bothered by every job hunter in Chicago), if you can wait I'll do my best to see you. I'll be at the Briggs when there.

In haste, BROWNE.

That is the second letter. I now come to the third letter. Senators will remember that this man White has been denounced as "a scoundrel unworthy of belief." I am showing what "marvelous intellect" Browne thought of him. This is dated July 16, 1909. This letter is conclusive. Browne swears—and I will point it out when I come to his testimony—that he did not send Wilson to St. Louis and had nothing to do with the second meeting.

[Exhibit 3.]

[Letterhead of Forty-sixth General Assembly, State of Illinois, House of Representatives.]

OTTAWA, ILL., *July 16, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

FRIEND CHARLIE: Thank you very much for your prompt recognition of my request in the Doyle matter. *You have certainly been one of my good old friends since we have become acquainted. I feel sure that the friendship will last just as long as you and I do.*

This is getting really quite tender, isn't it?

I was awfully sorry that I WAS UNABLE TO BE WITH YOU YESTERDAY FORENOON IN ST. LOUIS.

This is when White got the second installment of money.

I was taken very ill in Chicago Monday night with an attack of ptomaine poisoning, and have had a pretty serious time of it. *I did not dare to attempt the trip.* I hope everything is all right with you *and satisfactory*—

What does he mean by satisfactory?"—

and that you are happy and fairly prosperous. I hope before very long to be able to meet you either in St. Louis or Chicago and talk over old times. *I think you and I have got one real good visit coming.* Let me hear from you when you get time and the spirit moves you.

Very sincerely, your friend, LEE O'NEIL BROWNE.

THE "MUSIC AND FLOWERS" VOYAGE.

Yet this is White, who is so vile and infamous and all the other bad things that Senators think about him after he has been found out, and this was the opinion Lee O'Neil Browne had of him. Browne said he thought they ought to have "a real good visit coming." Well, they got a "real good visit," a little on, as I shall show the Senate.

This is a letter written after they had had that "real good visit" together. It is dated September 9, 1909, and White is now asking him for money, I think.

OTTAWA, ILL., *September 9, 1909.*

[Exhibit D, Sept. 27, 1910.]

[Letterhead Forty-sixth General Assembly, State of Illinois, House of Representatives.]

FRIEND CHARLES: Just got your letter. Am awfully sorry for you, *old pal,* because I know how *true a good fellow and gentleman you are.*

"Old pal!" This is the villain White; this is the infamous White; and this is the "Abraham Lincoln" Browne who is writing, and "old pal" White is a "true good fellow" and a "gentleman" according to Browne.

This is Browne's opinion of White, whom everybody has heard is such a scurvy villain; but there has been no person closer to him than Browne—and Browne ought to know about White, because White and Browne were "good friends" and "old pals;" and because Browne is a "marvelous intellect," as the Senator from Kentucky assures us in his speech.

Browne continues:

Your fault, *old pal,* is in trying to go too —— fast. You must cut it out for awhile, *old boy,* I'll do all I can to land you in a job, but do not yet know when LORIMER will be able to do anything, or, rather, when he will do anything.

But I'll do all I can, Charlie. Am pretty hard up myself after the vacation—

I will tell you about the vacation when I come to Browne—

we all had, but have managed to scratch out a fifty for you. Hope it will do some good, anyway. I am down at the "grind" again, working like a slave. *It's sure hell after the "music and flowers" we had for a time this summer.*

"Marvelous Intellect" Browne and "Infamous Scoundrel" White had been on a lake trip together, where they had "music and flowers" and it was "sure hell getting down to work afterwards." Browne continues:

But when a thing has got to be done, I can always shut my teeth and go to it. It's the only way. *It's hell, but that's the price one pays for most of the pleasure of life.* I always did, at least. Good-by, old man, and God bless you. Wish I could do more for you.

Your friend, LEE O'NEIL BROWNE.

P. S.—I hope you will do all you can to help James Morris, our *old pal,* pull through. He must win, he says.

I am reading the character of Mr. White through the letters of his most intimate friend, Lee O'Neil Browne, who, the committee thinks, is worthy of all credence, and who the Senator from Kentucky [Mr. PAYNTER] said in his speech the other day had a "marvelous intellect."

Now, Browne, with his "marvelous intellect;" Browne, whom the committee would have us believe is above suspicion; Browne, who did what Abraham Lincoln did, we are told—this Browne was White's closest friend, his "old pal," and so we have Browne's opinion of White's character. Very well. Let us go further.

Mr. President, I will ask to insert in the RECORD at this point, without reading, the other letters of Lee O'Neil Browne to his "old pal" White, and later on when I come to Mr. Browne himself I shall refer again to these letters.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The letters referred to are as follows:

[Exhibit 4.]

[Letterhead Forty-sixth General Assembly, State of Illinois, House of Representatives.]

OTTAWA, ILL., *September 23, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

FRIEND CHARLIE: The reason I have not written to you before is because that I did not find it possible to do as you wanted me to. You know I told you in my last letter to you, when I sent the other inclosure, that that was the best I could do for you at that time. It was, and,

while I regret the fact, circumstances do not permit me to do what I would like and what you seem to think is so easy for me. I herewith inclose draft for $50; also your note which you sent me, and you can send me one for $50 in its place. I hope that this will help you and only wish that I could arrange the matter to suit you.

I do not know what you are thinking of, my boy, to get yourself into a position of this kind. I do not want to preach to you, but you certainly are not very wise in your generation. I will tell you, Charlie, you must just simply take the situation by the neck and get down to hard tacks and go to work. If you can not get what suits you, get something else. You know that you got to do something, and when you are in that position, do not be too particular about what you do. LORIMER is tied up so that he can not move a hand at the present time in the way of getting jobs. When he does get so that he can move, I will do anything in my power to help you. And, as you know, there is no other avenue through which I can move. I am awfully sorry that you are in your present financial condition, Charlie, but really, don't you know, you have nobody to thank for it but yourself. You certainly could have used more judgment and foresight than you have under the circumstances. Now brace up, old man, and surprise yourself and everybody else by making good. It is in you, and all you need is a little nerve at the present moment. I hope and trust you will do everything in your power at that convention at Belleville to see that Jim Morris lands. My best regards to you. I will write you again before very long. Am working hard.

Very sincerely, your friend, LEE O'NEIL BROWNE.

[Exhibit 5.]

CHICAGO, *October 24, 1909.*

FRIEND CHARLIE: Have been trying to land something for you. I came up yesterday and had a visit with LORIMER in the afternoon for about half an hour. He goes back to Washington in December, at which time he feels that he can probably place you along the lines you suggested in your last letter. In the meantime he is arranging to give you a temporary job up here as clerk in some one of the offices. I will get word down home the early part of the week, and then I'll let you know and will come up here and report to LORIMER'S secretary, who will take you out and place you. See? The salary of the temporary job will not be very high, probably $75 per month, but it will help you through all right until I can land you better after awhile. If this thing does not suit you well enough to take it, you must wire me at Ottawa as soon as you get it. However, in your present condition, I think you had best take it. I am awfully sorry, Charlie, that you are situated as you are; but really you are not entitled to a whole lot of sympathy; it's largely your own fault. You must get down to cover and learn that you must cut your coat according to your cloth. You know I am fond of you and will do anything I can, but this does not blind me to your faults and the fact that you are not at all consistent in your expenditures. My very best regards to you, old pal, and remember that I will do all I can.

Your friend, LEE O'NEIL BROWNE.

Mr. BEVERIDGE. I repeat that every vital point of White's testimony is corroborated; and, if I am wrong about that, I again appeal to any Senator here to point out what vital point in this testimony is not corroborated. You can not dispose of the matter upon the ground that White is a bad man. You acquit Browne as a good man—even a "marvelous intellect," another Abraham Lincoln. Yet Browne calls White "old pal," "a true good fellow and gentleman."

REASONING IN A CIRCLE.

The committee seem to think that nobody but a good man is going to accept bribes; they seem to be horrified that the men who confessed to bribery were not exemplars of purity. According to the committee, bribery never could be proved, because the moment a man confessed and was caught in the tangle of circumstances, they say you must disbelieve him because he is a bad man; he is a bad man because he accepted a bribe, and therefore you can not believe him.

So you perceive that convincing reasoning in a circle which the supporters of his election adopt to hold up this title to this office. I asked in my minority views what did they expect? What kind of men did they think would accept bribes? These men, we are told, we must not believe because they are such base fellows. Well, will any other kind of fellows accept bribes?

The American people will tolerate no such verdict. And, after all, while we are the jury, the American people are the court to which we must return our verdict. That position is an offense against common sense. It is an insult to reason. When Senators vote, they must vote knowing what the testimony shows.

Mr. President, in the case of Holstlaw the money was traced to the bank where he deposited it. In the case of Beckemeyer, part of the money was traced to the bank in Belle Isle, soon after he swears he got it, where he did not live, and where he had to be identified. As lawyers, what do you say to that—the money taken and the goods found in their possession?

What would you say if a burglar is seen coming out of a house at midnight, then it is later found that silver is missing, and then later on the silver is found in the possession of the man you saw coming out of the house? The Senator from Utah [Mr. SUTHERLAND] is a keen and learned lawyer. Can evidence be more complete than confession that money was taken and the money itself found in the possession of those who confess?

WHITE'S BRIBE MONEY.

Now we come to White's money. What became of that? White's character may be very low. If so, Mr. Browne's was one of the leprous hands that dragged it down; but whether low or not, White swears, as Beckemeyer swears and Holstlaw swears, that he got the money. What became of it?

Well, Mr. President, his stenographer, Miss Mollie Vandeveer, swore as to what occurred when he came back from Chicago—I think it was in the middle of June—after his meeting with our modern "Abraham Lincoln" Browne in the Briggs House at Chicago. She testified that—

About the middle of June Mr. White came to the office with a *bunch of bills.*

White's business partner, Mr. Dennis, swears that he was in straitened circumstances before that time.

Judge Hanecy, counsel for the sitting Member, said:

May I interpose the objection that it is corroborative evidence, manufactured or created——

And, by the way, I hope I will have the attention of all who listen to me when I come to speak of manufactured evidence in this case. That one thing alone would be sufficient to convict.

Senator BURROWS. The committee has passed upon that question, overruled the objection, and we will now go on.

The WITNESS. About the middle of June Mr. White returned to the office with a *bulk of bills*—

"A bulk of bills"—

"a stack of bills" about this high [indicating] of different denominations, *twenties, fifties, and tens.* It seemed to be yellow-backed money—this gold-backed money.

Q. Can you tell the committee about what time that was?—A. Why, that must have been about the 17th or 18th of June. It was about the middle of June. I don't know just exactly.

It was about the middle of June, the 16th of June, that White swore he got the $850 in Chicago, in bills of those denominations. Now, you who believe in a "conspiracy" that involves the State attorney's office of Chicago, the State attorney's office of Sangamon County, the sheriff of Sangamon County, the officers of a great bank in Chicago, do you think that this "conspiracy" also involved little Mollie Vandeveer down at O'Fallon, Ill.? If so, Mollie is a subtle child and should seek broader and richer fields than O'Fallon. But no, Mr. President. Plainly Miss Vandeveer is a good and truthful girl.

But that is not all. It appears, Mr. President, that this man White was not only seen by his stenographer, Mollie Vandeveer, in possession of the money in "bills of tens and twenties and fifties," but it further appears that he deposited a large sum of money in the Grand Leader department store in St. Louis.

KIRKPATRICK, THE DEPARTMENT-STORE FLOORWALKER "CONSPIRATOR."

Mr. Kirkpatrick, the floorwalker of that department store, swears that he saw White deposit that money, and that on the envelope was marked "$800 deposited with the cashier," and Kirkpatrick saw the denominations of some of the bills. Was Kirkpatrick, the floorwalker of the Grand Leader department store, also in this "conspiracy," and did he trump up this story?

We have been told with thunderous tones that we ought not to believe a word White said; that it is all a great "conspiracy." Ah, the difficulty of that is it is too complicated and its webs extend too far. Here is the money traced from Holstlaw's hands into the bank; from Beckemeyer's hands into the bank; and it is seen in the possession of White by Mollie Vandeveer, by Kirkpatrick, and finally by Dennis.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Yes; I do.

Mr. GALLINGER. I will ask the Senator the date on which he said White accepted this money? I think the Senator stated that it was in June, did he not?

Mr. BEVERIDGE. I hope the Senator is going to do me the favor of correcting me in case I have stated anything wrong.

Mr. GALLINGER. I am going to rest the Senator a moment.

Mr. BEVERIDGE. That is kind. Yes; about the middle of June. White testified he got it June 16. I will again read from the testimony of Miss Vandeveer:

About the middle of June Mr. White returned to the office with a bulk of bills, a stack of bills about this high [indicating] of different denominations, twenties, fifties, and tens. It seemed to be yellow-backed money, this gold-backed money.

Q. Can you tell the committee about what time that was?—A. Why, that must have been about the 17th or 18th of June. It was about the middle of June. I don't know just exactly.

Mr. GALLINGER. This man White is the same individual who offered to sell this story of his to Senator LORIMER, naming his price at $75,000?

Mr. BEVERIDGE. Not until long after this.

Mr. GALLINGER. Long afterwards?

Mr. BEVERIDGE. Oh, long after this.

Mr. GALLINGER. What year was that?

Mr. BEVERIDGE. It was the year 1909, in June, and it was one day after, according to White's story, that he met Browne in Chicago and got $850 from him and the day on which Browne swears he met White in Chicago and loaned him $50. That was in 1909.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. BEVERIDGE. That is all right. I am much obliged to the Senator. This transaction that three witnesses swear to—Kirkpatrick, in St. Louis; Mollie Vandeveer, in O'Fallon; and Dennis, in O'Fallon—occurred in June; but when White—this infamous scoundrel whom Browne called "Dear old pal"—tried to sell the story—which, by the way, White says he did not try to sell—to the sitting Member was months after this transaction.

Mr. GALLINGER. Of course, Mr. President, the Senator will not say that White did not try to sell the story when we have his addressed to Senator LORIMER.

Mr. BEVERIDGE. We have his letter; but he swore in his examination that it was not for the purpose of sale but for exposure. My own opinion about it is that he would have both sold and exposed after his experience with his "dear old pal."

Mr. GALLINGER. I think so.

Mr. BEVERIDGE. And yet the Senator thinks badly of White. I do not care how badly the Senator thinks of White. What does he think of Mollie Vandeveer and Kirkpatrick and Dennis, who saw White with the money immediately after White swore he got it? Were they, too, in this far-reaching "conspiracy" that embraced bank officers in Chicago and stenographers in O'Fallon and clerks in a St. Louis department store and State's attorneys of two counties in Illinois?

Mr. GALLINGER. Now, Mr. President, if the Senator will permit me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. Suppose he had the money and suppose two or three parties saw him handle the money, has the Senator any suggestion to make as to where it came from?

Mr. BEVERIDGE. It is explained where it came from. White said he got it from Browne.

Mr. GALLINGER. Where did Browne get it?

Mr. BEVERIDGE. I do not know where Browne got it.

Mr. GALLINGER. Ah, that is different.

Mr. BEVERIDGE. What does the Senator think about that himself?

Mr. GALLINGER. I am not quite sure.

Mr. BEVERIDGE. It was asked yesterday—I did not say a word, for I make it a rule not to interrupt, although I invite and like interruptions—it was asked yesterday, why had not we traced this money to its source; why did not the subcommittee do so? Why did they not ask the bank of the sitting Member to produce its books? The Senator from Texas said we ought to have gone to the sitting Member's bank.

Well, if some person was bribing these people, do you suppose they would have taken the money out of the sitting Member's bank? That would have been just as stupid as are other parts of this conspiracy, if it is a "conspiracy," as the Senator from Tennessee has pointed out.

Mr. GALLINGER. I think the sitting Member did not have a bank at that time, did he?

Mr. BEVERIDGE. No; of course not. That bank was not in existence then or for months afterwards; but it was suggested by the Senator from Texas [Mr. BAILEY], you will remember, why were not the books of the sitting Member's bank produced. And now the Senator calls attention to the fact that the sitting Member's bank was not in existence at that time, which shows that even the Senator from Texas can make an unintentional mistake, although he could not overlook possibly some little irrelevant mistake that the Senator from New York and one the Senator from Iowa made.

Mr. GALLINGER. I think the Senator from Texas corrected that.

Mr. BEVERIDGE. Oh, no. The habit in this case of trying to destroy testimony on some little absurd inconsistencies is so ridiculous that I am not going into it.

I fasten this down again. Holstlaw swears he got the money, and the money is traced. Beckemeyer swears he got the money, and the money is traced. White swears he got the money, and the money is traced.

"DIAMOND JOE" CLARK.

Now we come to Clark. "Diamond Joe" let us call him. His name is Joe and he bought diamonds as we shall see. Also, he has a close friend, a saloon keeper, named Joe Diamond. Clark's testimony is the most curious testimony in this case. He was one of the furniture rascals. He was one of Lee O'Neil Browne's followers. He was a police magistrate, and mark this—it might be important in this case—and "*interested in the lumber business.*" I do not emphasize "lumber business;" I just mention it.

He first voted for the sitting Member May 26. He had made up his mind, he swears, three or four days before, but "Prudent Joe" told nobody that he was going to vote for the sitting Member, not even his adored leader, "Abraham Lincoln" Browne.

Here is the thing to which I call the attention of the Senator from New Hampshire: Joe Clark was one of the men who met Lee O'Neil Browne in St. Louis with Beckemeyer and Link and Luke and Shephard. Clark swears he did not. Browne swears he did; and then said, "Well, I believe Joe says he didn't meet me there. I thought he did meet me there; but if Joe says he didn't why, I guess he didn't."

Mr. GALLINGER. A nice bunch.

Mr. BEVERIDGE. A nice bunch. What does the Senator think of Browne—Browne, the man of "marvelous intellect," as the Senator from Kentucky says? Well, Clark also met Wilson at St. Louis July 15, the date of the second distribution. He met Wilson with White—well, with all of the rest of them; what the Senator from New Hampshire calls the "nice bunch."

Then, Mr. President, when it was noised about—and I have often wondered what my engaging friend, the Senator from New York [Mr. DEPEW], thought of that—that this thing was going to be exposed, what happened? Beckemeyer telephones Clark to meet him in Carlyle. Clark responded, "Can not meet you in Carlyle, but I am going to Centralia to visit a friend of mine"—Joe Diamond, a saloon keeper. The names in this drama read like a 10-cent novel. Beckemeyer was going to Centralia to the funeral of a friend.

So these two disinterested patriots, one upon a funereal visit and the other upon a journey to see a friend, a saloon keeper named Joe Diamond, met on the train going to Centralia; and there is where it is said that Joe Clark, the police magistrate, the person schooled in the craft of standing pat on a story, was to advise him as to whether or not Beckemeyer should deny he was in St. Louis.

Then Clark goes, by mere accident, to Springfield, and there, by mere accident—and mark this—he meets Wilson. It was the surprise of his life that he met Wilson. But he met Wilson there.

A MERE "ACCIDENT," YOU SEE.

When Wilson saw Clark, Wilson must have exclaimed "to what happy accident is it that we owe so unexpected a visit?" or else Clark must have so exclaimed. For, of course, both Wilson and Clark were familiar with Goldsmith.

What do the Senators think about that? Clark says he talked to Wilson maybe only three minutes, *and yet in that three minutes he told Wilson of White and Tierney's visit to him, Clark.* Does the Senator believe—does anybody believe—that they spent only three minutes together with what the Senator from South Dakota calls the "minions" and sleuths on their track?

More than this, Clark told Beckemeyer that one way he had of covering up the money he got from this transaction was through the fact that he was chairman of the committee to bury his fellow representative, Powers; that the money which was coming to the widow was paid to Clark, and he took this voucher and put it in the bank in his name and then took the cash he got from Browne and Wilson and paid Mrs. Powers; and that is the way he had of covering it up.

Clark was there in St. Louis. He admits that. The other fellows got the money. The only difference in the world in the testimony is that Clark stubbornly denies it. He testifies that he never knew anything about the sitting Member having a chance to be elected until the morning of the 26th, and that nobody said a word to him about it. He said he saw men flitting about, but "they passed Joe Clark by." No one notified him; and yet so important a man was Joe Clark that when he voted for the sitting Member he swears there was more applause at his vote than there was at anybody else.

CLARK WITH CONFESSED BRIBE TAKERS WHEN LATTER GOT THEIR BRIBE MONEY.

Suppose, Senators, you found one man coming out of a house he had burglarized with two other men at 1 o'clock in the morning; suppose stolen property taken from that house that night was found in the possession of these two men; suppose none was found in the possession of the third man who came with them out of the house that had been burglarized.

Would he be acquitted in any court in the land, especially if he could not explain how it was that he was with them; especially if he admitted that he was in the house when the bur-

glary occurred; especially if he had means of concealing the stolen goods? I do not know how anyone else may feel, but as for me the evidence shows that Joe Clark was about the worst of the "nice bunch," because he was the nerviest and cleverest.

The fact that this police magistrate in a little country town bought diamonds—a hundred and fifteen dollars' worth—has been made light of. I sat amused at the way Senators wafted it away. "Why," they said, "that is not so very much—a person buying $115 worth of diamonds."

Of course, not with Senators. It would not be so strange a thing with us. Many here can afford to buy diamonds. Many here buy diamonds frequently. The Senator, no doubt, buys $115 worth of diamonds quite frequently.

Mr. GALLINGER. The Senator is not pointing to me, I hope. [Laughter.]

Mr. BEVERIDGE. Does not the Senator buy diamonds? It was said here the other day that the purchase of diamonds by a member of the Legislature of Illinois was so trivial an affair that nobody ought to notice it. What does the Senator think of a police justice in a little country town buying $115 worth of diamonds? It is not so insignificant a thing after all. And he testified to——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. It does seem to me that that might occur and yet not be a dishonest transaction.

Mr. BEVERIDGE. It might—it just might, possibly.

Mr. GALLINGER. Yes.

Mr. BEVERIDGE. Certainly it might. If it only appeared that Hon. Joe Clark, who was engaged in the "lumber business," had bought $115 worth of diamonds in the middle of the legislative session—well, that would be singular, but it would not be convincing of any crime.

But when we find that Joe was with the other members of the "nice bunch," as the Senator from New Hampshire so well says, who got the other money; when it appears that he was the man who helped set up the alibi to which I am going to refer in a moment, it does begin to look rather conclusive.

Mr. GALLINGER. It shows he got some diamonds.

Mr. BEVERIDGE. It shows he got some diamonds, and if he got diamonds, he had money to get diamonds with, and if he could afford to buy diamonds he must have had a little excess of money. Men do not buy diamonds every day—not unless they are engaged in a lucrative business.

[At this point Mr. BEVERIDGE yielded the floor for the day.]

Friday, February 24, 1911.

"BATHROOM" SHEPHARD.

Mr. BEVERIDGE. I wish now to resume at the point of Mr. Shephard's testimony. Shephard was one of Lee O'Neil Browne's faction. He is a banker in Jerseyville, Ill., I believe. It is curious how many bankers there were in this legislature. He testified that he was approached by Browne to vote for the sitting Member a week before the election occurred.

That will be found on page 318 of the record; and yet, although Shephard was approached a week before the election occurred, he never appears to have said a word about it. Later on, I think on the day of the election, he was again approached by Browne and by Alschuler a second time. I will, lest there be any doubt, read that. This is the second visit.

He [Browne] said, calling me by my first name, Harry—of course, my real name is Henry—but he says, "Harry, aren't you going to vote for LORIMER to-day?" and I said, "No; indeed I am not." "My soul," he said, "are you going to throw us down that way? All of your friends are going to vote for LORIMER," etc.

Then came up the conversation concerning the post office, which, I believe, is admitted by everyone, and therefore requires no further extended comment. Shephard testified that the promise of influence concerning preventing two men being appointed postmaster and assistant postmaster was "the only consideration for his vote." I am not going to enlarge upon that. As a strict matter of law, nobody will deny that that is bribery. That is bribery in law, but I am not going to enlarge upon it. It is not so serious, because it is not uncommon.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. Yes.

Mr. BAILEY. Do I understand the Senator from Indiana to declare that as a matter of law it is bribery to say that you will not recommend or indorse a certain man?

Mr. BEVERIDGE. No; that is not what was said—that he would use his influence to prevent their appointment. I say that as a matter of law, although I am not going to enlarge upon it, that is as illegal a thing in elections as the promise that he would use his influence affirmatively. What is the difference?

Mr. BAILEY. As a matter of law, I think it perfectly true that if Shephard had said, "If you will give me this office, or give my son or my brother this office," it would have been a corrupt agreement. But a promise that he would not give it to somebody else was not.

Mr. BEVERIDGE. No——

Mr. BAILEY. Let me put this case to the Senator from Indiana.

Mr. BEVERIDGE. The Senator has inadvertently stated the facts incorrectly. It was not that the sitting Member would not use his influence in favor of some one. It was that he would use his influence against some one.

Mr. BAILEY. I stated that. If that was not exactly what I said, then I did not say what I intended to say.

Let me ask the Senator this question: Does the Senator believe that if the name of a postmaster, which had been sent to the Senate under a recommendation, was afterwards withdrawn on the demand of a legislator and that legislator predicated that demand upon a threat to vote against a Senator in the legislature, it would be corrupt to withdraw the nomination or to withdraw the recommendation?

Mr. BEVERIDGE. Corrupt on the part of the President?

Mr. BAILEY. On the part of the Senator.

Mr. BEVERIDGE. I think that the decisions, although that is not this case by any manner of means, leave no doubt about it. Certainly it would be corrupt in law. But as I have said I do not enlarge upon it very much. I had not heard it disputed heretofore that this was the law.

Mr. BAILEY. Does the Senator understand that I say if the sitting Member had promised an office to a man for his vote, it would have been a corrupt agreement; but if he simply promised that some man objectionable should not have the benefit of his influence, it was just such an agreement as every Senator and every other man engaged in politics make? But in a case where a Senator had recommended the appointment of a postmaster and where under the threat of a member of the legislature that recommendation was withdrawn, does the Senator think that is corrupt?

Mr. BEVERIDGE. Mr. President, although I am obliged to the Senator for asking my opinion, I do not think that my opinion or anybody else's on that statement would be important, because that is not this case as I understand the facts here to be, and I can turn to them if there is any dispute. I have them all marked down here and I shall read them if the Senator says so.

Mr. BAILEY. That is not this case, but the case I cite is a case where the record of the Senate may show is an existing case which I may call attention to later.

Mr. BEVERIDGE. It may be an existing case, but it would not be pertinent unless it was this case. The practice on that matter is loose. I am talking about the law. I ask the Senator from Texas if he does not agree to this proposition: It is agreed that if a candidate for office secures a vote by promising to use his influence to get an office for that legislator or a friend or anybody else, and the legislator makes the getting of the office for him the consideration of his vote, that is corrupt.

Take the converse of the proposition then. If the legislator is more deeply interested in preventing a man from holding office than in getting some man appointed to an office, and he makes it a consideration for his vote that the man for whom he votes will use his influence to prevent that appointment, would not that be just as corrupt as if it were done affirmatively? However, Mr. President, I pass that.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Certainly.

Mr. OWEN. Will the Senator permit me to call attention to the statute of Illinois?

Mr. BEVERIDGE. Certainly.

Mr. OWEN. It is as follows:

31. Whoever corruptly, directly or indirectly, gives any money or other bribe, present, reward, promise, contract, obligation, or security for the payment of any money, present, reward, or any other thing, to any judge, justice of the peace, sheriff, coroner, clerk, constable, jailor, attorney general, State's attorney, county attorney, member of the general assembly, or other officer, ministerial or judicial, or to any legislative, executive, or other officer of any incorporated city, town, or village, or any officer elected or appointed by virtue of any law of this State, after his election or appointment, either before or after he has qualified, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding which may be then pending, or may by law come or be brought before him in his official capacity, or to cause him to execute any of the powers in him vested, or to perform any duty of him required, with partiality or favor, or otherwise than is required by law, or in consideration that

such officer being authorized in the line of his duty to contract for any advertising, or for the furnishing of any labor or material shall directly or indirectly arrange to receive, or shall receive, or shall withhold from the parties so contracted with, any portion of the contract price, whether that price be fixed by law or by agreement, or in consideration that such officer hath nominated or appointed any person to any office or exercised any power in him vested, or performed any duty of him required with partiality or favor, or otherwise contrary to law, the person so giving, and the officer so receiving, any money, bribe, present, reward, promise, contract, obligation, or security, with intent or for the purpose or consideration aforesaid, shall be deemed guilty of bribery, and shall be punished by confinement in the penitentiary for a term not less than one year nor more than five years.

Mr. BEVERIDGE. Mr. President, passing that, because while it may be legal bribery, if I can use such an expression—I mean bribery in law—the Senator from Texas accurately says there is a good deal of that going on around. Nobody pretends there is not. That might not be sufficient in practice. It is sufficient in law. In law it is bribery, and in practice it is essentially immoral. Both law and public morals are clear on that.

"BATHROOM" SHEPHARD WITH THE OTHERS.

After this transaction, and after the election of the sitting Member, Mr. Shephard testifies that he met Browne in St. Louis on the 21st of June in response to a letter from Browne asking him to come there. This was the first celebrated meeting, the meeting where the first distribution occurred. Shephard admits he was there.

It was there that Browne paid out the $1,000 to Link and Beckemeyer and Luke. Link and Beckemeyer confessed; and I think I shall show that Luke did confess, although he had no opportunity of doing it before the committee. He was there with the rest of these men when this money was distributed.

If Senators believe that Link got his $1,000 there, if they believe that Beckemeyer got his $1,000 there, and it was traced immediately afterwards to a bank away from his town, and that the others got their money there, they must conclude that Shephard got his money there also. Otherwise, why was Shephard there?

The fantastic story that Browne gives as to why this meeting was called I shall demonstrate to the satisfaction of the most reluctant mind is so grotesque as to offend common sense. So Shephard was there. Shephard was with the other men who confessed that they got the money, and Shephard admits that he was called into the "jack-pot" bathroom by "Jack Pot" Wilson. Not only that, but White testifies to it.

I call the attention of the Senate to the fatal defect of this testimony. Shephard admits that he met Browne by appointment. He admits that he met Wilson and all the others; and the others testify that they met Wilson by appointment. But Shephard says that he met Wilson by pure accident, and that the reason why he was in St. Louis on that fatal day is because he ran in to get some automobile packing. A banker ordinarily would have the chauffeur attend to buying automobile packing. Also Shephard visited the safety-deposit box that he owned on the very forenoon he himself admits having met Wilson.

I repeat, and shall repeat again, that Shephard was seen going into the bathroom with Wilson. It was in this bathroom that the other money was distributed, and Shephard admits that he was called into the bathroom. I ask Senators to consider the excuse that Shephard gives:

Q. Did Wilson take you into the bathroom?—A. He called me into the bathroom; yes, sir.

Later on he testifies, as all will concede—I have the pages marked here—that although he was called into the bathroom, the reason why Wilson called him into the bathroom, Shephard swears, *was to ask him the name of a lady he saw Shephard dining with two months before in Springfield.* Is that credible? Is it possible that Wilson met Shephard down there in St. Louis and called him into the bathroom to ask the name of a lady he had seen him dining with in Springfield two months before?

Mr. President, when Mr. Shephard gave that excuse every lawyer here knows that he was trumping up an excuse, and he admits having been in the bathroom only because convincing testimony was at hand to show that he did go there. He had only missed indictment himself by not denying that he was in St. Louis, as the others did.

Now, Mr. President, I do not think it is necessary to take much of the time of the Senate on this creature Shephard.

LUKE AND HIS MYSTERIOUS $950.

Mr. President, the next man involved is Representative Luke. Representative Luke had died before this investigation came about, but it is established, and, I believe, not denied, that he, too, like White and Beckemeyer and Link and Clark and Shephard, met Wilson on the 15th of July, and that he, like all of them except White, met Browne at St. Louis at the Southern Hotel on the occasion of the first distribution of putrid cash.

The testimony of Luke's wife has been read here so many times that I will not read it again, but she testifies, although evidently an unwilling witness, that at one time when he had been away he returned home with $950, as I remember it, in twenty-dollar bills, or bills of unusual denomination at least.

She says it was before he went to St. Louis, but I ask Senators to read her testimony as to whether she knows it was before or after he had been to St. Louis. Is not that one of a piece with the tracing of the money, as in the case of Beckemeyer, who deposited it in a bank in a town which was not his home, where he had to be identified; as in the case of White, and deposited it with the cashier of a department store in St. Louis, and exhibited it to Mr. Dennis and Miss Vandeveer; as in the case of Holstlaw, who deposited his money in the State Bank of Chicago?

This man Luke was there about this time. After an unexplained absence from home he returned home with the unusual sum of $950 in bills. Luke was a member of the Browne faction. He was the man who had nominated Stringer, either in the caucus or in the legislature. And he was a "jolly, sociable fellow," so Browne testifies; and Browne of the "marvelous intellect" ought to know such a man when he sees him.

Now, Mr. President, Mr. Murray was produced. I wish the Senator from Tennessee [Mr. FRAZIER] was here, because he was present at that time and he can tell us all about it.

He was the State's attorney, as I remember, in Luke's county, to whom Luke had made a statement as to where this money came from, or at least about this whole transaction. He was produced before the committee, *but was not permitted to testify.* No Senator who was a member of that subcommittee has been able to tell us upon what legal ground the declarations of Beckemeyer to his schoolboy friend, Gray, to Murray, and to Ford were not admitted in view of the fact that they were declarations against interest, but we do not need it.

In this case, however, Mr. President, I assume that the committee must have refused to let Mr. Murray, the State's attorney, tell what Luke told him about this transaction on the ground that it was hearsay. And yet it was directly in violation of the precedents in the Clark case. Here is what happened in the case of the declaration of Mr. Flinn in the Clark case.

Clark's attorneys objected to the declaration of Flinn being admitted in evidence upon the ground that Flinn was dead and that it was hearsay testimony. The chairman ruled as follows—and it does not appear that any member of the committee, which at that time was composed of unusually good lawyers, objected to this rule; the record shows that it was the unanimous view of the committee, because there was no objection—

The CHAIRMAN. Anything Mr. Flinn said to him. Mr. Flinn is shown to have changed his vote. Now, the suggestion appears to be that, possibly, he may have been influenced to change it. That is what we are investigating. He is going to state what Mr. Flinn said to him about methods being used to influence votes.

"A WEIRD RULING."

I was very curious, Mr. President, to know why this committee, which is not now composed of the same Senators who composed the committee that made the Clark ruling, could possibly have made such a ruling, and I was even more astounded when I recalled what occurred in the election case from Utah, in a matter not of the validity of the election of the senior Senator [Mr. SMOOT], but of his expulsion.

In that case members of that committee, who at that time served as I did upon it, will remember that not only hearsay was freely admitted, if indeed it was not invited, but rumors were freely admitted, if indeed they were not invited, and testimony as to what a newspaper had said was admitted, if not invited.

I have all of these instances here, Mr. President, more than 40 in number, where this committee, composed largely of the same members who now compose it and with the same chairman, under the chairman's ruling admitted hearsay, rumor, and newspaper statements. I shall not, of course, take your time to read all of them, but I am going to give you one example, which impressed itself on me.

It appears, Mr. President—I do not want to be harsh, but it would seem that in the exclusion of the testimony of Gray and Ford and Murray as to a declaration of Beckemeyer against interest and in the refusal to permit State Attorney Murray to testify as to Luke's statement about this transaction, when contrasted with the rulings of this same committee in the Smoot case—that it depends a good deal on whose ox is gored. It was a weird ruling—the exclusion of Beckemeyer and Luke's confession to others.

I will give you a ruling of our committee in the Smoot case. It impressed itself very much on me at the time, and Senators who were on that committee will remember it, and it is only one of scores. I have them marked. This was a case where a man by the name of Critchlow was testifying that a Mormon bishop had a revelation from the Lord on an electric-light plant.

When cross-examination came, it did not appear even that this witness was testifying that the Mormon bishop told him that. No! But that the attorney on the losing side of the case had told witness Critchlow that some person had told him, the attorney, that the Mormon bishop had a revelation from the Lord; and here is how it was summed up. I put this question to Mr. Critchlow at the end—and I want the Senate to pay attention to it, in view of the subcommittee's action in the present case:

Senator BEVERIDGE. So that that testimony amounts to this: That you say that a man said to you that somebody else said to him that the president of the stake had a revelation on the subject of an electric-light plant at this place, that he laid it before the council, and there was a disruption, and so forth?
Mr. CRITCHLOW. A disruption?
Senator BEVERIDGE. Between the council, or the people, or somebody?

Mr. Critchlow, the witness, who was himself a lawyer, replied:

I take it, in a legal sense that is as close as it comes to being evidence.

Now, if that kind of testimony could be admitted in the Smoot case, if the declaration of the dead man, Flinn, could be proved in the Clark case, what do Senators think of excluding the declarations of Mr. Luke in this case? The Senator from Tennessee [Mr. FRAZIER] was present at that time. He is not here now, or I should ask him—as I think I shall hereafter—to rise and tell the Senate what occurred in that connection.

Luke was there. He met Browne at the time Browne distributed the money at the place Browne distributed the money to the others. He met Wilson at the time Wilson distributed money to the others at the same place. He came home after having been absent, his wife did not know where—I want Senators to mark that—did not know where, with $950, $50 less than the first distribution and $50 more than the last distribution, and in $20 bills.

His wife says that this was before he went to St. Louis, but she also said that it was after Luke had been away—she did not know where. So that if he had been away, *and she did not know where*, how does she know that it was not to St. Louis where he had been?

So, Mr. President, I was convinced when I read this testimony that Mr. Luke shared the plunder. When the Senator from Tennessee arrives I think I shall take the responsibility of saying that Luke stated that he had gotten it.

So, Mr. President, we have Holstlaw, White, Link, Beckemeyer, Shephard, Clark, and Luke—7 who received money from Browne, Wilson, and Broderick, who gave them the money. That makes 10, but exclude Luke, Shephard, and Clark, and you still have 7 filthy votes; and I trust that I will have the attention of any Senator who thinks that 7 are not enough to vitiate this election under any view of the law when I come to discuss the Senate cases on that.

But is this all of this transaction? No, Mr. President. Three other men testified that they were corruptly approached. In view of the fact that the Senator from Texas [Mr. BAILEY] the other day gave a good deal of attention to these three men, I shall ask the Senate to permit me for a time to beg its attention to that matter.

Mr. President, the first is Meyers. Meyers was a banker. The Browne gang, it appears, thought bankers easy and willing game. Holstlaw, banker; Sheppard, banker; Beckemeyer, son of banker, etc. But Meyers, banker, fooled them.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. For what purpose?

Mr. LA FOLLETTE. As there are only seven Senators in the Chamber at this time, I make the point of no quorum.

Mr. BEVERIDGE. I hope the Senator will not do that.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

Mr. BEVERIDGE. Senators are at luncheon, and, besides, I guess we will have to speak to the American people. Senators perhaps do not want to hear the testimony, the facts, and the law, but to vote without them. It is no matter of mine. I hope the Senator will not call for a quorum.

Mr. LA FOLLETTE. I press the point.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bacon	Chamberlain	La Follette	Shively
Beveridge	Clapp	Martin	Smith, S. C.
Borah	Cullom	Newlands	Stephenson
Bourne	Curtis	Nixon	Sutherland
Bradley	Dillingham	Oliver	Swanson
Brandegee	Flint	Overman	Taliaferro
Briggs	Foster	Owen	Taylor
Brown	Frazier	Page	Thornton
Bulkeley	Gallinger	Percy	Warner
Burkett	Gamble	Perkins	Warren
Burnham	Jones	Rayner	Wetmore
Burton	Kean	Richardson	

Mr. BEVERIDGE. Senators who have paid any attention to the testimony doubtless think that they have heard it all; and yet I call the attention of Senators now to the fact that Mrs. Luke said that she saw her husband in the possession of $950 after he had been away—*she did not know where*, and therefore, of course, *if she did not know where he had been he might have been in St. Louis or any place else.* Taking her testimony to be true, that this was before he went to St. Louis on *the trip that she knew about*, how does she know that he was not at St. Louis on *the trip she says she did not know about?*

There was quite an animated discussion here the other day between the Senator from Texas and the Senator from Idaho about the fact that Mrs. Luke's testimony exculpated Luke because she testified that this money was in his possession before he went to St. Louis, but she says it was after he had returned—I hope I will get the attention of the Senator from Kentucky [Mr. PAYNTER] to that—*after* he had returned from a trip *to some place*, SHE DID NOT KNOW WHERE IT WAS. So if that is true he may have been at St. Louis. Anyhow, he came back from that trip with this money, and he HAD BEEN TO ST. LOUIS TWICE. She only testifies to one trip to St. Louis.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Yes.

Mr. OWEN. I want to call the attention of the Senator to the fact that Mrs. Luke, in referring to the visit to St. Louis, was referring to the visit in July, the last visit, where the $900 apiece was distributed, and was not referring to his previous trip, and her evidence plainly shows that, as the Senator from Indiana has pointed out.

Mr. BEVERIDGE. That, then, establishes this beyond a question of a doubt, because if the St. Louis trip, to which she refers when she says it was before he went there, was the Wilson trip where $900 was given, then the trip that he did take when she did not know where he was, was the first St. Louis trip where he met Browne and got $1,000, and came back with $950 of it. We hear from the testimony of Mr. Browne that Luke was a very sociable fellow—Charley Luke—and he was enjoying himself, as the record shows, down in St. Louis. Apparently he got rid of $50 of the $1,000. Mr. President, did the distinguished occupant of the Chair ever hear of a more conclusive tracing of the spoils of corruption?

"APPROACHED" BUT NOT CORRUPTED.

We come now to three witnesses whom nobody can denounce with reason or without it, and these are the three men who swear that they were corruptly approached. The first one to whom I wish to call attention is Representative Meyers.

Representative Meyers was a Democratic representative, a member of the Browne faction, a banker, 49 years old, a former county treasurer. I want to call the attention of the Senate particularly to Meyers's character. Nothing has ever been said against him. Evidently he was a man of high repute among his people until, as the Senator from Wisconsin suggests, we got into this debate. He had been their county treasurer, a position of the highest trust. Evidently he served well and honorably in that office, because the people elected him as their representative in the legislature.

Meyers swears that Browne approached him. You will find the record of it on page 312. I will read it:

Q. How long have you been engaged in the banking business?—A. The last time about two and one-half years.
Q. Prior to that, what business were you engaged in?—A. Well, I was in the banking business and county treasurer of the county at the same time, about six years ago.

Then he testifies to being elected to the legislature.

Q. Mr. Meyers, who was the minority leader of the Democratic Party of the house?—A. Lee O'Neil Browne.
Q. Were you a member of the Browne minority faction?—A. I was.
* * * * * * *
Q. Mr. Meyers, do you recall the election on the 26th day of May, 1909, of WILLIAM LORIMER to the United States Senate?—A. Yes, sir.
Q. Prior to the time of that vote on the 26th of May, 1909, when the joint assembly were in session, did you have any conversation with Lee O'Neil Browne?—A. I had.
Q. Where?—A. In the house there.
Q. While the two houses were in joint session?—A. Yes, sir.
Q. How long before the taking of the vote for United States Senator?—A. Fifteen or twenty minutes, I do not know just how long; just a short time.
Q. Will you tell the committee who sent for you, if any one?—A. Well, there was a page came to me and said Mr. Browne wanted to see me.
Q. Where were you when he came to you and told you Mr. Browne desired to see you?—A. I was at my desk.
Q. How far removed from Mr. Browne's desk was your desk?—A. My desk was three rows back of Mr. Browne's.
Q. Pursuant, or in response to that message, did you go to Mr. Browne's desk?—A. I did.
Q. Will you tell the committee what, if any, conversation you then had with Mr. Browne?—A. I went down to his desk and sat down on a chair right beside him, and he says, "We are going to put this over to-day, and I would like you to go with us." I says, "Lee, I can't do it."

"THE READY NECESSARY."

Q. What else?—A. Then he says that *there are some good State jobs to give away and the* READY NECESSARY. I says, "I can't help it; I can't go with you."

Q. "The ready necessary," that is correct, is it, that I repeat?—A. Yes, sir.

Now I come to Senator FRAZIER'S examination of this man, Representative Meyers. I do not wish to be offensively complimentary to the Senator from Tennessee, but I say this, that any lawyer or any layman who will read this testimony will recognize the fact that the keenest and most lawyer-like examinations in this whole book were those conducted by the Senator from Tennessee [Mr. FRAZIER]. I have seen him do the same admirable work in hearings held by the Committee on Territories. The witness was asked what he supposed was meant by "the ready necessary."

The WITNESS. I supposed he meant money; I did not know what else.

* * * * * * *

Q. You say that was one of the things that Lee O'Neil Browne said to you, "There are plenty of State jobs"?—A. Yes.

Q. And *"ready necessary."*

Senator FRAZIER takes up the examination—

Senator FRAZIER. Did Mr. Browne make any explanation of what he meant. "We are going to put this over to-day?"—A. No, sir.

Q. What did you understand him to mean by that; his election?—A. Yes, sir.

Q. *And it was in that connection* that he stated that there were *State jobs and plenty of "ready necessary?"*—A. Yes, sir.

Q. You declined to receive either a State job or plenty of the "ready necessary"?—A. Yes, sir.

* * * * * * *

Q. You voted for Mr. LORIMER?—A. Yes, sir.

This answer was inadvertent, and Meyers later corrects it. He did not vote for Mr. LORIMER.

Judge HANECY. Were any State jobs or any "ready necessary" offered to you by anybody?—A. JUST AS I STATED IT RIGHT HERE.

Q. Well, Senator FRAZIER asked you if you did not refuse to receive any of the State jobs or any of the "ready necessary" and voted for Senator LORIMER. Now, I want to know, did anybody ever offer you a State job?—A. *Only as Browne stated.*

Q. There was not anything said in the form of a job, except that general statement there as to the State job or the "ready necessary?"—A. No, sir.

Mr. President, if we believe that Meyers was corruptly approached by Browne, all legal authorities and common sense commands us to consider it a circumstance of the highest corroborative importance. Those who are upholding the title to this seat in this case recognize that to be true; therefore Meyers has been attacked on this floor.

The counsel for the sitting Member saw the importance of Meyers's testimony and saw that it had to be disposed of; and how was it disposed of? By the testimony of a page, McCann, which I ask every Senator to read before he votes. That page, McCann, declares he was standing by Browne's seat all the time during the whole session and that Meyers never came to Browne's seat. That testimony bears on its face indisputable evidence of manufacture.

"PERJURY" WITHOUT A MOTIVE.

Mr. President, in view of the fact that the testimony of Meyers has been challenged here—and it would not have been challenged here if the upholders of this title on this floor had not seen that it was necessary to destroy its credibility—I want to ask the Senate *what motive Meyers, the friend and follower of Browne, had for committing perjury?* I am going to repeat that two or three times.

If Senators think that Representative Meyers, county treasurer, banker, representative of his county in the legislature, Democrat, follower of Lee O'Neil Browne, belonging to his faction, committeed perjury in testifying to Browne's corruptly approaching him, *what was his motive for committing perjury?*

Men do not deliberately walk into the danger of the penitentiary without a motive. Why did Meyers swear falsely, if he did swear falsely? Does any Senator here believe, does any member of the subcommittee believe, and I put the question directly to everyone who is here, that Representative Meyers committed perjury when he says that Lee O'Neil Browne asked him to vote for the sitting Member, saying, "There are State jobs and plenty of the ready necessary?" Once more I pause for a reply.

I will make it broader. I ask any member of the committee who is not a member of the subcommittee, whether any member of the committee or of this subcommittee believes that Representative Meyers committed perjury when he made that statement. I ask the opinion of the chairman of the committee, who sits before me, on that point.

I pause again for a reply. I have asked for the third time. Does anybody here believe that Representative Meyers committed perjury in testifying before the subcommittee when he testifies that one Lee O'Neil Browne, his factional leader, asked him to vote for the sitting Member, and said State jobs were around and there was "plenty of the ready necessary." There is a strange silence.

I put this to Senators: If you think Meyers did commit perjury, what motive had he for committing it? He must be a man like Iago, of "motiveless malignity," if he did commit perjury. Yet he is a reputable man, enjoying the confidence of his community—charged with committing perjury without a motive. Is that comprehensible?

If he did not commit perjury, if he told the truth, if others did approach him asking him to vote for the sitting Member in the language and with the inducements which Meyers testifies to, what effect do Senators think that testimony has upon the testimony of Link and Beckemeyer and White and Holstlaw?

WHAT MOTIVE HAD TERRILL?

The next man who testifies to have been corruptly approached was Henry Terrill. He says, on page 498, that Griffin—about whom we heard from the sitting Member day before yesterday, was "delivered" to the sitting Member by Hinky Dink—Griffin had told Terrill. I will read it.

Q. Will you tell the committee who, when, and where and all of the circumstances surrounding it?

That is this approach.

A. Well, Mr. Griffin, a member of the house also. I think he comes from Cook County, but I don't remember what district. He never made me any offer of cash. HE ASKED ME TO VOTE FOR Mr. LORIMER. I asked him what there would be in it, and he said: "A THOUSAND DOLLARS, ANYWAY." That was all.

"*That was all*"—and that was enough. "A thousand dollars, anyway," was the exact amount that Link, White, Beckemeyer, Luke, Clark, and Shephard got at the first distribution.

The examination continues:

Q. When was this conversation?—A. This was either the night before the election of Mr. LORIMER or two nights before. I am not certain. I think it was the night previous.

Senator BURROWS takes up the examination:

Q. Did you ask him what there would be in it?—A. Yes, sir.

Q. What did you mean by that?—A. I meant in money—is what I meant. I wanted to find out——

Q. Do you mean that you meant to intimate to him that you could be purchased?—A. No, sir.

We were told the other day that Terrill was the solicitor of a bribe, when Terrill's own testimony shows that, having heard the rumors, he was curious to find out. What else?

What did you ask it for?

Questions the Senator from Michigan.

A. To find out what he was getting.

Q. What he was getting?—A. Yes, sir.

The Senator from Texas the other day said, in pointing out that Terrill's testimony could not be believed, that "if any Senator will read the testimony of Griffin he will see that that man was the last man in the world to be used as an agent of bribery."

But the sitting Member says in his speech that Griffin was "delivered" to him by "Hinky Dink," a Chicago politician of whom the country knows a good deal. Therefore, instead of being the last man in the world to do this business, would Griffin not be the ideal man for that nefarious job?

"HINKY DINK" "DELIVERS" GRIFFIN'S VOTE.

While I am on this point, Mr. President, I might as well correct another thing. The sitting Member—I think I quote him correctly; if I do not, I hope I will be set right now—stated the other day that Griffin voted for him because of "Hinky Dink;" that "Hinky Dink," the sitting Member's boyhood friend and fellow politician, although of the Democratic complexion, said, "You can have Griffin's vote;" and, as I remember the general statement of the sitting Member, "Hinky Dink delivered Griffin's vote to me." That is correct, I believe. If it is not, please set me right.

Now, what is the testimony? Evidently the testimony had not been read or else Mr. Griffin and "Hinky Dink" did not know what the sitting Member was going to say in his speech, because here is the testimony at page 575, Griffin on the stand:

Q. Lee O'Neil Browne never asked you to vote for him?

That is, for the sitting Member.

No, sir.

Griffin says.

Q. *Did anyone ever ask you to vote for him?*

Griffin answers under oath:

No, sir.

Yet we are assured by the sitting Member that Griffin was "delivered" to him by "Hinky Dink." It is a puzzling, not to say melancholy, conflict of statement and testimony.

Thus, Mr. President, one by one the unsubstantial excuses disappear for members' votes and the damning circumstances

under which they were procured. Gradually, as we examine the record, the cloud of confusion is vanishing that has been blown up in this Chamber in order to raise in Senators' minds a doubt.

Nobody shows any motive for Meyers perjuring himself. Very well. I ask the same question as to Terrill. What was Terrill's motive for perjuring himself? Those who are upholding this title, in order to get rid of the testimony of both Meyers and Terrill, both of whom say they were corruptly approached, one with an offer of a thousand dollars, and the other with an offer of plenty of the "ready necessary," intimate that these two men perjured themselves.

What was their motive? Will the Senator from New Hampshire tell me that, since he is so determined in this case? Why did Henry Terrill perjure himself and render himself liable to the penitentiary? What was the reason?

So, Mr. President, it appears there was no motive for Meyers committing perjury. There was no motive for Terrill committing perjury. Meyers was a Democrat; Terrill was a Republican. What was the motive for Henry Terrill committing perjury? Men have motives for committing perjury. It is too important a matter.

Here are three men—Meyers, Terrill, and Groves—approached corruptly who did not accept the bribe. Here are seven men approached corruptly who did accept the bribe.

Those men who accepted the bribe are denounced as infamous scoundrels, not to be believed because they accepted the bribe and because they confessed to doing so; but here are three men who were offered the same thing and did not accept. Yet they, too, are denounced as scoundrels because they dared tell of the attempt to bribe them. Everybody scoundrels, according to Senators who uphold this election, except Browne, Wilson, Broderick, and their kind.

I ask again, what was their motive for perjury? They were not threatened with indictment, were they? They were not put under the "third degree." Meyers, Democrat, and Terrill, Republican, both testify to corrupt approach without any motive for committing perjury. And now I come to Groves—poor old Jacob Groves—who has been treated pretty harshly in this discussion. I will not stop to read his testimony, but I will recite it and ask the Senators to correct me if I am misstating it.

ANOTHER MOTIVELESS PERJURER.

Groves testifies that one Douglas Patterson came to his room in the nighttime while he was asleep and asked him to vote for the sitting Member the next day. Groves says—

> He thought if I could vote for him that probably a couple more would do so, and he would like to make it unanimous on the Democratic side for LORIMER, and he said it *might be a good thing for both of us if I would do so.*

Groves interpreted that as a corrupt approach. Evidently he is an excitable old man. He appears to have that old-fashioned honesty which can not be calm when corruptly approached. His indignation was aroused and he resented the approach and raised his voice, whereupon he says Dug Patterson asked him *to close the transom and not to talk so loud.*

Now, I will prove that Groves told the truth, in the opinion of the subcommittee. The subcommittee believed Groves told the truth, because if the subcommittee had not believed that Groves told the truth *they would have subpœnaed Dug Patterson, would they not?*

But Dug Patterson was not subpœnaed. Not only that, but the counsel for the sitting Member believed that Groves told the truth, because if they had believed that Groves was lying they would have demanded that Dug Patterson be produced. Is there any escape from that conclusion?

Here is one question by Senator FRAZIER and answer by Groves:

> Senator FRAZIER. Mr. Groves, when you said to this man Patterson that there was not enough money in Springfield to hire you or bribe you to vote for LORIMER, *was it at that time that he requested you not to talk so loud and closed the transom?*—A. Yes; about that time.

He also testifies that Henry Terrill told him that he could have got a thousand dollars for voting for the sitting Member. The stenographer made Groves say that Terrill told him "he got a thousand dollars." When Groves discovered that he went on the stand and said: "No; that is not what I said. I said Terrill told me he *could have* got a thousand dollars."

Yet the Senator from Texas said the other day that on one day Groves testified Terrill said he got a thousand dollars, and the next day he said that Terrill told him he could have gotten a thousand dollars, and, the Senator from Texas asked, who can believe a man who swears that way?

But what the man swore to the second day he swore to the first day. It is plain that the stenographer's transcript left out the words "could have." It is asked of us, Who can believe such a man? Well, the subcommittee believed it, I repeat, time and again; otherwise they would have called Dug Patterson.

What motive or motives had Jacob Groves for committing perjury? Here is the most astounding story, I believe, ever presented in the history of any court or of any controversy—*three men deliberately perjuring themselves,* according to the upholders of this title, *without any motive for doing so.*

It passes belief, Mr. President. It is said there are plenty of votes here to uphold the election of the sitting Member. Well, when those votes are cast they will have to be cast in the face of that; for if you believe that Groves told the truth and Terrill told the truth and Meyers told the truth, all of whom had been approached corruptly, but none of whom did accept the proffered bribe, then the men told the truth also who swore they had been approached corruptly and did accept the proffered bribe and the bribe money was traced in their possession.

"MARVELOUS INTELLECT" BROWNE.

Now, Mr. President, we come to the most important witness in this transaction, Lee O'Neil Browne, the twentieth century Abraham Lincoln. Before I go into Mr. Lee O'Neil Browne's testimony, so that we can properly understand it, I want to read to the Senate what evidently the subcommittee thought of Lee O'Neil Browne. No wonder he was a successful minority leader. Evidently Lee O'Neil Browne hypnotized that subcommittee, because here is what the honorable Senator from Kentucky says as to him:

> I desire to say something in reference to Lee O'Neil Browne. I saw him upon the witness stand, watched him closely, and endeavored to form a correct opinion of him. He is a man of *great intellect. In fact, he impressed me as being a man of* MARVELOUS INTELLECT.

Remember, now, that we are going to examine the testimony not only of the leader of the minority faction but of a man of "marvelous intellect."

Everybody admits that Browne was the leader of his minority faction of 30 votes. That is conceded, is it not? If Browne alone had been corrupted it would have been more than sufficient to have vitiated this election even under the committee "precedents" that have been cited here and to which I shall come very shortly.

For the testimony shows that Browne's influence over his followers was something like that of a Scottish chieftain over his clan in the old days, when the burning cross was sent across the hills and dales of Scotland. He had the Chicago saloon keeper, Manny Abrahams, for the "bellwether" of his gang, and Browne testifies that Manny Abrahams voted as Browne wanted him to, "right or wrong," and that Browne's faction followed Manny Abrahams's lead.

So, even if Browne alone were corrupted and even if his followers knew nothing of it, the testimony shows that more than 7 votes would have followed him in voting for the sitting Member. As was established in the Caldwell case, where the opposing candidate was purchased to quit the field, that fact would be more than sufficient to vitiate the election, because that influence over his followers would have been enough to have given Mr. Caldwell his seat. I will not stop now to read the Caldwell case on that point, but I will stop long enough to read a short extract from the Payne case upon that point:

> If B, C, and D have promised to vote as A shall vote, if A be corrupt, *four votes are gained by the process, although B, C, and D be innocent.*

If there was any corruption in this case, you must admit that Lee O'Neil Browne was corrupted. Yet if he was, that one thing is sufficient to vitiate the election even under the easy and accommodating precedents that are relied upon by the committee.

Mr. President, before we go into this transaction, let us see how it was that Browne gave his signal. You will find that on page 665. This is a rich and historic page. This has given rise to something that will go down in our political literature on account of the keen analysis of the term "bellwether" the other day by the sitting Member, which he mistakenly attributed to the Senator from New York [Mr. ROOT], but which was really originated by Lee O'Neil Browne. This is what Browne testifies to:

> Q. As minority leader, I suppose your vote would be taken as a criterion on strictly party questions, to those who should follow you, as to party policy in voting?—A. *Well,* IN THIS TRANSACTION, *I might say the "bellwether," so to speak, was Manny Abrahams*—Emanual Abrahams. He is the first on the list, you will see, the first Democrat; and he was a very strong and stanch adherent of MINE, AND WHETHER RIGHT OR WRONG, HE BELIEVED WHAT I DID WAS RIGHT, and whenever they saw Manny Abrahams—those that wanted to know how I was going to vote—saw *Manny Abrahams vote one way,* THAT SETTLED IT.
>
> Q. And he voted for Mr. LORIMER?—A. Yes, sir.
>
> Q. I suppose you had an *understanding* with Mr. Abrahams that he was going to vote for Mr. LORIMER?—A. OH, YES; WITH ALL OF THEM—with all of them.

Browne states it twice, and yet the sitting Member said the other day that Manny Abrahams voted for him on his own

account without any understanding; but Lee O'Neil Browne swears that Abrahams was Browne's "bellwether," and that he "*had an understanding with him.*" Very well. Now, we have the scene laid.

The sitting Member in his speech last year said—I call the attention of Senators who are intending to vote to sustain this title to this—that Browne and himself had been "*intimate for years.*" Here is what the man of "marvelous intellect" says as to that, and Browne volunteers it himself. In answer to a question he says:

I will suggest to you, Mr. Austrian, *that I never knew Senator Lorimer except to see him and by reputation; a mere passing acquaintance;* that is, HARDLY A SPEAKING ACQUAINTANCE, prior to possibly the expiration of the first third of the session.

That is what "Marvelous Intellect" Browne swears to—that he knew him merely to see him, "HARDLY HAD A SPEAKING ACQUAINTANCE;" and yet the sitting Member tells us with a good deal of passion—I have the speech here—that he and Browne had been "intimate for years," and that he recalled a conversation which he once had with "marvelous-intellect" Browne, wherein Browne told him he believed every word in the Bible from cover to cover. That is the sitting Member's version of the relationship; but Browne says he "*knew him only to see him and by reputation*—HARDLY A SPEAKING ACQUAINTANCE."

BROWNE IN CONSTANT CONFERENCE WITH THE SITTING MEMBER.

So, Mr. President, we have now the situation. Browne was approached, first, by Shanahan and, later, by Shurtleff to do all he could to get votes for the sitting Member. Then he had a meeting with the sitting Member. After he had agreed to get all the votes he could for the sitting Member, Browne testifies that he was in constant conference with the sitting Member.

Q. And then you conferred with him frequently, did you not?—A. Oh, yes.

Q. Every day?—A. *I presume every night. The conferences were at night mostly. Every night during the stay in Springfield.*

Q. Yes. And those conferences lasted some hours, didn't they?—A. *Sometimes they did,* and sometimes there WERE A DOZEN OF THEM IN AN EVENING.

Q. And you kept Senator LORIMER posted as to your movements with reference to his candidacy, did you?—A. WE ALL KEPT EACH OTHER POSTED, just as any other campaign committee would do.

I ask the Senate to remember this thing when I come to a discussion of the law of agency in election cases. I am not going over it again, but it fixes the agency; and I have read decisions here which show that in law the sitting Member is bound by the acts of his agent, just as he would be if it involved the title to land, only more so.

Q. Well, I am asking you whether you kept him posted as to your movements with reference to his candidacy?—A. I have answered that.

Q. Well, did you keep him posted?—A. WE ALL KEPT EACH OTHER POSTED.

By the way, the "Marvelous Intellect" Browne might have used a little bit better grammar.

Q. What I want to know is, did you tell Mr. LORIMER, the candidate for United States Senator, as to what you were doing toward furthering his candidacy?—A. *I presume I did.*

Q. Did you tell him from time to time who, if anyone, had pledged his vote for Mr. LORIMER to you?—A. Well, now, as to whether I went over the list and told him specifically the ones at any one time, I can't tell you. I PRESUME, HOWEVER, THAT I DID, *but I did assure him; I did finally assure him that there would be 30 Brown Democrats vote for him.*

Mr. President, the sitting Member on the day before yesterday, in an effective climax, declared that Browne did not deliver those Democratic votes, but that "*they delivered Browne.*" That was important and effective, but, unfortunately for the sitting Member, here is the record. What does Browne swear? Browne did not think he was being "delivered;" he did not consider himself that insignificant. Here is what Browne says:

A. I stated to Mr. Shurtleff, and I stated afterwards to Mr. LORIMER, that *I would not consent* to having a single one of the Democratic votes that I had any influence with cast for Senator LORIMER unless his election was an assured thing.

How could he consent? The sitting Member says that Browne had nothing to do with it, that Browne was "delivered," instead of delivering.

That I would not have those votes cast away absolutely. I told him and I told them both that I should rely upon their words, their words as men, to see to it that no roll call was started for the election of Mr. LORIMER for Senator until enough votes, all told, were secured.

Q. Was your consent asked?—A. *I was consulted, or consulted myself with every one of the men that did vote for him.* No; I will take that back. Not with every one. There was, perhaps, oh, maybe 30 or 35 per cent of them, possibly, I did not see personally at all, *but that other members that were with me in the movement saw for me or took it upon themselves to see.*

Remember this is the man who the sitting Member says was "delivered," instead of doing the delivering.

Q. Mr. Browne, when did you start to ascertain and *round up,* if I may use the expression, these 30 Browne Democrats whom you later told Mr. LORIMER would vote for him?—A. Oh, a short time after Mr. Shurtleff broached the subject to me, a few days afterwards.

So, Mr. President, the election came about. Meyers, Terrill, Groves, Link, White, Beckemeyer, and Holstlaw swore they were corruptly approached. It is of no use recounting the testimony that all but Meyers, Terrill, and Groves accepted the offer and got the bribe money.

Mr. FRAZIER. If it will not disturb the Senator, while he is on the testimony of minority leader Lee O'Neil Browne——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly; it will not disburb me at all.

Mr. FRAZIER. I should like to call the Senator's attention to that part of the testimony of Lee O'Neil Browne, in which he is asked for the reason which induced him to change his vote and to secure the change of the votes of his followers in the legislature from the Democratic nominee, Mr. Stringer, to Mr. LORIMER, a Republican. In that testimony—and I call the Senator's attention to this piece of evidence—Mr. Browne was asked——

Mr. OWEN. From what page does the Senator read?

Mr. FRAZIER. From page 656 of the record. Mr. Browne was first asked the question as to why he changed and with whom he consulted. He stated that his consultation was with Mr. Shurtleff, the speaker. Then he was asked as to whom he consulted of the leading Democrats in Illinois before he, the minority leader of the Democrats in the legislature, changed and secured the change of his followers from the Democratic nominee to this Republican. In answer to this question, Mr. Browne made this statement:

Q. When Mr. Shurtleff came to you and suggested to you the proposition to see whether or not there could be an arrangement or agreement by which the Democrats, or certain Democrats in the legislature, could be induced to vote for Mr. LORIMER, I believe you stated, upon yesterday that you told him you would take the matter under advisement?—A. Yes.

Q. And thereupon you did advise with certain friends, political friends or otherwise, outside of the legislature?—A. Yes.

Q. Have you any objection to telling some with whom you advised with respect to that matter?

His answer is:

A. No; I advised with my partner at home, my law partner, for one; I advised with a man by the name of—well, no, I did not advise with him before—I had decided, but I think I talked the matter over with an old partner of mine, a man I was in business with the first time, a man by the name of Ayers. I do not now recollect—although he was a Republican.

Being pressed further to name some influential Democrat in the State of Illinois with whom he, as minority leader of the Democratic Party in the legislature, consulted before he made this momentous change, by which he and his followers abandoned the Democratic nominee and voted for a Republican, he is asked:

Q. Did you advise with any one or number of people in Chicago with reference to the course you would take?—A. I received communications from a large number.

Q. Can you recall any?—A. I can recall one especially now. A man who used to be a very prominent man in my country, who is a prominent business man, James McQuay, of the Garden City Sand Co.

Q. Did you advise with anybody else in Chicago, any politicians or statesmen?—A. I do not now recall that I did.

So, it seems that Mr. Browne made this momentous change by which he and his 30 Democratic followers abandoned the Democratic nominee and voted for Mr. LORIMER, after having advised only with his old partner, who was a Republican, and with a man engaged in the sand business.

Mr. BEVERIDGE. Yes. That was the man; that was the "marvelous intellect," according to the Senator from Kentucky, who was "delivered," instead of being the deliverer, according to the sitting Member.

"Oh, what a tangled web we weave,
When first we practice to"—deliver.

THE STRANGE ST. LOUIS "POLITICAL CONFERENCE."

Mr. President, the transaction occurred, the distribution day came, and Mr. Browne meets these men at St. Louis—all of them but White; and the reason he did not meet White at St. Louis was because he had seen him in Chicago on the 16th day of June and paid him the bulk of White's first installment four days before he went to St. Louis.

I insist that every Senator who intends to vote to support this title shall give the country his opinion as to the reason that Browne gives for going to St. Louis. I will not read it but I will state it—and if I do not state it accurately I again ask any Senator to correct me now.

Browne says that he went to St. Louis on the 21st of July, taking a long, hot, arduous trip to meet these men who, with the exception of Shephard and Clark, swear they got $1,000 each from him there; that he went there and met them there *for the purpose of talking over politics.*

Browne says that the reason of his visit to St. Louis and the meeting of these men was that he intended again to be a candi-

date for minority leader and that he wanted to talk with his followers, and that was his only reason for going to St. Louis.

Now, mark that. He went July 21 to St. Louis to see these men about a minority leadership which was more than a year and a half in the future, about a minority leadership in a legislature *to which Browne himself had not yet been elected.* What does the Senate think of that—a year and six months off? He went to see them there for that purpose, *although he had seen all of them within less than three or four weeks.*

Browne went there, he took that extraordinary journey, and saw them about "politics," although he had been constantly in their company for four or five months in the legislative session. He asked Beckemeyer to meet him in St. Louis on this important mission of talking politics, although he had seen Beckemeyer at Starving Rock only a few days before. Is that credible? Is there an intellect here that can accept that explanation?

But that is not all, Mr. President. *Browne could not remember a word of that notable conversation.* The only thing that he could remember was that he talked with Mike Link *about pacing horses*, and yet the Senator from Kentucky assures us in his speech that Browne is a man of "marvelous intellect." Browne takes this improbable trip, this stupendously foolish trip, to see men about a campaign that was a year and a half off, although he had seen the same men within three weeks. He made a trip through the dirt and the dust and the heat of midsummer to talk "politics" with them, and *then can not remember a word that he said to them.*

Now I call attention to a point which, if this were a court and we were arguing the report of the master in chancery, this "marvelous intellect's" testimony would be utterly discredited. Now, mark you, Browne made this important trip and then could not remember a word of the conversation. His memory is horribly bad or horribly convenient as to this important conference.

"MARVELOUS INTELLECT" BROWNE'S MARVELOUS MEMORY.

Yet, if you will turn to page 627, you will find that Mr. Browne, who could not remember one word of the conversation that he went 260 miles to have, *can remember how late,* TO A MINUTE, *a train was during the session of the legislature,* and that was much longer ago, as the Senator from South Dakota [Mr. CRAWFORD] suggests.

This "marvelous intellect," as the Senator from Kentucky calls him, who could not recall one word of the conversation which was exceedingly important to himself and for which he made the trip to St. Louis, was yet able not only to remember the very minute to which a train was late, *but also the order in which the hotel guests registered.* Now, I want to read that to the Senate:

The WITNESS. The 24th day of May, 1909, was on Monday—

This was about the busiest period of Browne's life, and he could have forgotten things then, if ever—

The WITNESS. The 24th day of May, 1909, was on Monday. I came to Springfield the day before, Sunday, the 23d, and registered at the St. Nicholas Hotel and occupied my usual quarters. I did not see Mr. White during the day of May 24. The Alton train, known as the "Kansas City hummer" or "K. C. hummer," is due in Springfield at 11.15 at night. That is the train people interested in legislative matters and members that come by the Alton usually come on. On the night of May 24 Mr. Thomas Dawson came down on that train. I met him in the lobby of the hotel when he came in. *The train was late that night and, as I have discovered, did not get to Springfield until, as I remember, 11.41.*

He was the leader of the faction arranging for an election one year and a half in the future, and yet he can not remember a word of his conversation down in St. Louis with these men whom he had called down there; and yet he had such a marvelously accurate memory that he remembers how late the "K. C. hummer" was, even to the exact minute.

I talked with Mr. Dawson some time in the lobby of the hotel, asking him to do something for me, which he did there in the lobby, speaking to a certain person there for me; all of this before he registered.

See how precise Browne's memory is now when he wants to remember—

Thereafter he registered and was assigned to a room at the St. Nicholas Hotel. Mr. White did not register until after Mr. Dawson did, *his name appearing immediately after Mr. Dawson's,* so that Mr. White could not have had a room that night at the St. Nicholas Hotel before he registered, and he could not have registered before midnight.

So we have Mr. Browne, making this trip for an important reason, not being able to remember a word of the conversation, and yet being able to remember the order in which men signed their names on a hotel register and the exact minute to which a train was late. It looks as if "Marvelous Intellect" Browne "made a sinner of his memory," doesn't it?

Another thing, Mr. President, that Senators must take into consideration; for if you will break down this point in Browne's testimony, if you show that it is Browne who is lying, then you establish everything that all the rest of them say about Browne and this whole affair. He called these men together in St. Louis about a campaign 18 months away, and yet *never met them together again!*

The next incident is Mr. Browne's statement of Mr. White borrowing money from him. I want the particular attention of the Senate to this incident, because in a moment I shall show manufactured testimony to support Mr. Browne's testimony. Mr. Browne says that instead of giving this money to White in Chicago, he loaned him $25, and locates the loan as having been made in the lobby of the Briggs Hotel. I merely mention that at this point so that Senators may remember it when I come to the examination of the made-up testimony to support this man.

"JACK POT" WILSON BROWNE'S AGENT.

The next point, Mr. President, that shows Mr. Browne to be willfully and deliberately lying is his statement that Wilson was not his agent in Wilson's trip to St. Louis, that Wilson did not go for him, and that Browne himself did not intend to go to St. Louis the second time.

Mr. President, that that is not true is proven by the fact that the notices signed by Wilson asking these bribe takers to meet him at St. Louis July 15 *were made up and sent by Mike Giblin.* Who was Mike Giblin? *Secretary to Lee O'Neil Browne.* The second point is Browne's letter to White concerning this very meeting. Remember, now, Browne is testifying that Wilson did not go to St. Louis for him, and that he (Browne) did not intend to go to St. Louis himself the second time, on July 15—the occasion of the second corrupt payment. Yet he writes to White as follows:

OTTAWA, ILL., *July 16, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

FRIEND CHARLIE: Thank you very much for your prompt recognition of my request in the Doyle matter. You have certainly been one of my good old friends since we have become acquainted. I feel sure that the friendship will last just as long as you and I do. *I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis.* I was taken very ill in Chicago Monday night with an attack of ptomaine poisoning and have had a pretty serious time of it. I DID NOT DARE TO ATTEMPT THE TRIP. I hope everything is all right with you and SATISFACTORY.

And yet this man Browne, who wrote that letter to White, testified that he did not intend to go to St. Louis at all and that Wilson did not go for and instead of Browne.

The next thing in the case of Mr. Browne is his speech in the assembly before he voted for the sitting Member. From it I will read two extracts, the first directed to the point made by the sitting Member the day before yesterday that Browne did not "deliver" his followers, but that his followers "delivered" Browne."

I have read from the testimony of Mr. Browne. As to his opinion upon that, I now read from his speech:

Were I an individual only, *and did not I stand here upon the floor on this side of the house as the leader,* if you please, by election of the minority, so called, my course to-day would be easy. But when you are attempting to influence *or lead a number of men along a certain* line by advice, by encouragement, if you are a man worthy of the name and consider and think of the welfare of your fellow human beings at the same time you do of your own, then I say that you realize the position that I am in to-day and the *responsibility that I feel at this moment* in facing the condition that we are facing here.

Does that look like a man who was being "delivered?" And then a little later on, and I relate this circumstance in order to point out another dramatic thing that occurred; he is closing his speech now and he says:

You can not cash theories; you can not cash dreams.

A little later Representative English took the floor and made a speech, and here is what Representative English, a Democrat, said in answer to that speech of Browne:

I do not expect to influence the election of a Senator, cried Mr. English. That is not my purpose. It is up to every one of you to search your conscience before you vote to-day. We have been told that we can state, without criticism, to our constituents, the reasons for the action here to-day. *I want to ask you Democrats, do you expect to tell the whole reason?*

[Representative Abrahams: "Yes."]

If you do your people will retire you into that oblivion where you rightfully belong. The history of every past amalgamation of Democrats and Republicans is that the Democrats were handed the hot end of the poker afterwards.

"YOU CAN NOT CASH DREAMS;" "YOU CAN CASH VOTES."

Representative English continues:

You can say that this talk of principles can not be cashed, and that dreams can not be cashed. *What, then, can be "cashed" on the floor of this assembly? Nothing but votes, I take it.*

That is what Representative English, Democrat, said in answer to the speech of Representative Lee O'Neil Browne.

Then it appears that Mr. Browne got very angry and said to Mr. English, "If you will repeat that outside this chamber, well, one of us will never make any more statements like it." But that was the end of it.

It does not appear that Mr. Browne's honor was so wounded that he remembered the circumstance after the general assembly adjourned that day. He refrained because he was inside the chamber. He said, "Just you repeat that outside;" but when Browne got outside he never did a thing to English, who said, "*You can not cash dreams*, BUT YOU CAN CASH VOTES."

I think it is Tennyson who mentions something about "The jingling of the guinea helps the hurt that honor feels." Anyhow, Browne's wounded honor must have healed quickly, for Browne didn't do a thing to English when both did get "outside."

Browne denies bribery. This is the man whom the upholders of this title rely upon to overthrow the testimony of Meyers, of Link, of Beckemeyer, of White, and of all the rest. I have shown you that in his testimony himself he plainly commits falsehood, and yet Senators are appealed to to believe this testimony as against the testimony of five or six other people.

But what do you expect? Do you expect a man of the "marvelous intellect" of Browne, as the Senator from Kentucky [Mr. PAYNTER] describes him, to admit, to confess? It would appear that Senators will not be satisfied unless everybody confesses. But that would not do any good, according to the Senators who are upholding this election, because the more men that confess the worse they are denounced as scoundrels. As I said yesterday, are you expecting nobody to confess to receiving bribes except saints?

But there is one point, Mr. President, that is overlooked. I have searched this record carefully and I can not find where Browne denies that he had that belt with $30,000 in it around him. So far as the record goes, that statement of White's is uncontradicted. I may be making a mistake about that, and if I am I want some person to call my attention to it.

Undoubtedly, if the question had been put to Browne, he would have denied that he had a belt with $30,000 around him. He denied everything else. But it is one of those slips that is always made by the most cunning mind, and even by the most "marvelous intellects." And here it stands.

This is the man who swears that he did all he could to get all his followers to vote for the sitting Member—a Republican. They had not voted for a Republican before, except Wilson, and suddenly, in the flash of an eye, on May 26 they all plumped their votes for the sitting Member.

THE AMAZING COMPARISON OF BROWNE TO LINCOLN.

We heard the other day that that is nothing unusual in Illinois. It was said that Abraham Lincoln signalized his entrance into public life by doing the same thing down at Springfield, when Lyman Trumbull was elected; and the inference was that Lincoln and Browne were practicing the same politics, and that therefore Democrats could excuse Lee O'Neil Browne—this twentieth century Abraham Lincoln—for leading his followers to vote for a Republican if Republicans could excuse Abraham Lincoln for leading his followers to vote for a Democrat.

Yet what were the facts? Abraham Lincoln had been a member of that legislature. He had had his great debate with Douglas. He was the choice of the Republican members of that legislature for Senator. And so after considering the matter he resigned from the legislature in order to be a candidate. The Democrats, by the same expedient that the Senator from Texas [Mr. BAILEY] referred to the other day as having been practiced by the Republicans in the case of Logan, elected a Democrat to succeed Abraham Lincoln in the legislature.

The other candidate was Shields, a pro-Douglas Democrat, and the governor was Matthewson, a pro-Douglas Democrat. There were five men in that legislature who were Democrats but they were "anti-Nebraska bill" Democrats, anti-Douglas Democrats.

Douglas on his third report on his Nebraska bill had inserted a repeal of the Missouri Compromise. That became the great issue—the flaming issue before the people. It rent the Democratic Party asunder. Abraham Lincoln had his great debate with Douglas upon that issue very largely.

It was a question that moved men more profoundly than any other question until Sumter was fired upon; and when Shields was a candidate, being a Douglas man, being a "pro-Nebraska bill" Democrat, being a Democrat in favor of the repeal of the Missouri Compromise, John M. Palmer and four other Democrats would not vote for him because, while they were Democrats, they were as much "anti-Nebraska bill" Democrats as Abraham Lincoln himself was an "anti-Nebraska bill" Whig.

And so, suddenly, Mr. President, the Douglas supporters, withdrawing Shields, advanced Gov. Matthewson, who had kept his views in the background, but who was known to be under the influence of Senator Douglas, and therefore a supporter of the repeal of the Missouri Compromise.

Lyman Trumbull was a Democrat; as the Senator from Texas says, "a bolting Democrat;" but he was a Democrat, who, like John M. Palmer, was an "anti-Nebraska bill" Democrat, an anti-Douglas Democrat, who was against the repeal of the Missouri Compromise. That was the reason why Lyman Trumbull was acceptable to John M. Palmer and his other four members of that legislature.

So, when it appeared to Abraham Lincoln that he could not himself be elected; when it appeared to Abraham Lincoln that a Douglas Democrat—that is, a man who was in favor of the repeal of the Missouri Compromise, probably would be elected, then, in order to save the great principle for which he labored to the end of his life, and finally for which he died, Abraham Lincoln told his followers to vote for Lyman Trumbull, "anti-Nebraska bill" Democrat, who was against the repeal of the Missouri Compromise.

That was the circumstance of that transaction, one of the mightiest issues that ever went before the people of this or any other country. And yet we are told that this is an example, an illustration, of the same thing Lee O'Neil Browne did in the case before us.

THE HISTORIC ELECTION OF JUDGE DAVID DAVIS.

What does the Senate think of it? What does the country think of it? I will not take time to go into the case of the election of Judge Davis, except to sketch it very briefly. In that case Logan was the Republican candidate and John M. Palmer was the Democratic candidate. In that legislature there were 15 Independents.

Those Independents would not vote either for John M. Palmer, the Democratic candidate, or for John A. Logan, the Republican candidate. They insisted on voting for a man of their own, but they could not agree. The Independents in the senate insisted on voting for Gen. Anderson. The Independents in the house insisted on voting for Judge David Davis.

Judge David Davis at that time was on the bench of the Supreme Court of the United States. He had split off from the Republican Party on the issue of the impeachment of President Johnson. He was at that time classed as an "Independent," although he was on the Supreme Bench of the United States.

And so the Independents finally came together on Judge David Davis. The Democrats not being able to get their own man, Palmer, found this Justice of the National Supreme Court from the State of Illinois, who had split off from the Republican Party and had become an "Independent" perfectly acceptable. Mind you, the Democrats could not get a majority without the Independents and the Independents with the Democrats made a majority of four.

Those were the circumstances under which that great jurist was transferred from the Supreme Court of the United States to this body. It was the beginning of the great independent movement in American politics. It was a time when men were beginning to forget the passions of the war. It was a time when men were looking to that period, which now has developed so splendidly, when men should not think that if a man belongs to the other party he is either a scoundrel or a traitor.

That was the beginning of the amelioration of political feeling in the United States. That is what made Judge David Davis Senator. Yet we are told that the election of Davis is an illustration of what occurred in the election of the sitting Member May 26, 1909.

Mr. President, now we come to Wilson—"Jack Pot" Wilson.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. BEVERIDGE. I do.

Mr. DAVIS. I hope the Senator from Indiana, before he leaves the testimony of Witness Browne, will show to the Senate the record, because it has been disputed, that Browne and Shurtleff had suites together; that LORIMER occupied the Shurtleff suite; and that for weeks and weeks there they conferred together with these men—Browne and these other parties, who admit they were bribed. Yet Mr. LORIMER asks the Senate to believe that he had no connection with and no knowledge of it.

Mr. BEVERIDGE. If true, that is an extremely important point. I do not recall that. I am obliged to the Senator from Arkansas for calling my attention to it. It was there that the nightly conferences took place.

Mr. DAVIS. For weeks; and further, Mr. President, it seems to me that in the speech of the Senator from Illinois [Mr. LORIMER] the other day he dodged that question by saying that the place where he met the members was in the speaker's room

in the capitol building, which is entirely proper. But the complaint which has been made against the meeting of these members in the speaker's room referred to the rooms in the hotel at night, where they met constantly at night for weeks and weeks, and not to the room in the capitol building.

Mr. BEVERIDGE. The speaker's room was Shurtleff's apartment at the hotel?

Mr. DAVIS. Yes; and Browne had an apartment adjoining it, with the door open between them, and LORIMER consulted with Shurtleff and these conferences continued for weeks.

Mr. BEVERIDGE. That is very important, and I am very much obliged to the Senator from Arkansas for calling attention to it.

"THE JACK POT"—THE WITCHES' CALDRON OF AMERICAN POLITICS.

I wish to hurry on. I know I am taking too much time. I come to Wilson, "Jack Pot" Wilson, as he will evermore be known. We have heard a great deal about the "jack pot." There was nothing about a "jack pot" new or novel. It seems to me I remember something about it in Shakespeare's witches caldron:

Double, double, toil and trouble;
Fire burn and jack pot bubble.
* * *
When shall we three—

Wilson, Broderick, Browne, the modern witches of Macbeth—

When shall we three meet again,
In thunder, lightning, or in rain?
When the hurly-burly's done,
When the battle's fought and won.
That will be ere the set of sun—

And, Mr. President, it was. "The hurly-burly was done," "the battle was fought and won"—all "ere set of sun," on May 26, 1909.

Where the place?

Says one witch.

Upon the heath,

Says the other.

There to meet with Macbeth,

Says the third.

And at the next boiling of that ancient "jack pot," where they put the ingredients in—

For a spell of powerful trouble—

One of them gives the whole snap away by declaring:

"And everyone shall share in the gains"—the jack pot—

Quoth Heccate, "Oh, it's now new, you see."

Well, we will examine the jack pot, and the first thing is this, Mr. President: The Senator from Michigan, in that learned and illuminating report of his, says that the "jack pot" furnished a subject that did not appear to touch the case at hand; none of the subcommittee's business to examine into that; and he had authority for that because the attorney for the sitting Member also says substantially in the record: I object to any testimony about the "jack pot." What has that got to do with the case?

The testimony that establishes the existence of this jack pot is the SAME TESTIMONY BY WHICH THIS BRIBERY IS PROVED. If you believe the "jack pot"—and that is conceded—then how can you *fail to believe* the distribution of this bribery money? *They are established by the same testimony. They were distributed to the same persons by the same persons.* In fact, if there were two "jack pots," they were the very Siamese twins of corruption so closely are they related.

Now, the whole case of the upholders of this title, as I said yesterday, has been put upon this "third degree," and yesterday I showed that Beckemeyer swore he was never under duress. I showed that Link himself had asked the officer to go with him, and I read to the Senate the testimony about that absurd, grotesque claim that these men were "compelled to commit perjury," as the majority report says; "were driven" to commit perjury by the "third degree," applied by the officers of justice.

"JACK POT" WILSON'S "THIRD DEGREE."

Wilson was in the same predicament. Let us see what Wilson's "third degree" was. Senators have said to me, although I could not understand why, that they are going to vote to uphold this title because they did not believe the testimony of Beckemeyer and Link and the rest of them for the reason of this "third degree."

We destroyed the "third degree" yesterday, Mr. President, and I presented, I want to say to Senators who were not here yesterday, a telegram, in response to an inquiry from District Attorney Wayman—the Senators did not know this, I think—that *Officer Keeley, the man whom we have heard denounced here as the instrument of the "third degree," has been indicted and* CONVICTED by a jury in Cook County, Chicago, Ill., because Keeley swore to the very things that Senators have told us here on this floor that Keeley did and said.

What was Wilson's experience with the "third degree?" Here it is, page 733. Mark you, there was the same reason in the case of Wilson for applying the "third degree" that there was in the others. Yet here is his experience:

You were called before the grand jury, were you not?

By the way, Wilson had been testifying to some hearsay about the "third degree" on the other grafters, and it appears that the committee let his hearsay in, although they would not let in any hearsay as to Luke's confession and Beckemeyer's declaration against interest.

Let us see what experience you had. You were called before the grand jury, were you not?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. You testified?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. After you testified you waited a few minutes and then left the building, did you not?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. That was all the third degree you had, was it not?
Mr. WILSON. Yes, sir.

So that is Wilson. This Wilson went to St. Louis for the second distribution. Browne says that Wilson did not go at his (Browne's) request, and that Browne himself did not intend to go. Yet Browne writes a letter to White which shows that that was not true. Also, Wilson finally testifies that the notice that he sent to these members to meet him in St. Louis were sent and made out by Mike Giblin, Browne's secretary.

So Wilson went to St. Louis July 15 and made the distribution. We have all gone over that testimony. But there is one thing. Wilson does admit that he called Shephard into the bathroom, where the rest of the men got their cash; but Wilson corroborates Shephard by saying that he called Shephard into the bathroom to ask about the name of the mysterious lady whom Shephard had dined with in Springfield two months before.

But Wilson—mark you, Mr. President—did not testify until in December. Shephard had already testified, and here I pause to ask the Senate to examine this fact that appears upon the record, that Broderick, Browne, and Wilson, bribe givers, could not be found for some time by the sergeant at arms of the committee.

I understand from a member of the subcommittee that the sergeant at arms searched Broderick's house; that Browne strangely was absent for days; and finally Wilson could not be located at all when this investigation was going on. They put his old father on the stand, and he said he did not know where Wilson was. He had something the matter with his eyes—Wilson had—and instead of getting an oculist in Chicago he went to that city so celebrated for its oculists rather than for something else, and had his eyes treated in Milwaukee. From Wilson's testimony we must believe that its "oculists have made Milwaukee famous." [Laughter.]

Mr. President, that is what kept poor Wilson away—eyes. So we learn when finally he was secured for this committee during the investigation. But it appears further from his own testimony that the reason he did not appear before the subcommittee was that he did not know that it was meeting, and that he was suffering from *nervous prostration*—"my nerves were shattered," he says.

The reason, of course, Wilson did not know it was meeting was because he had not read the newspapers; and the reason that he had not read the newspapers was of course that he had eye trouble which detained him in Milwaukee.

THE NERVOUS PROSTRATION OF "JACK POT" WILSON.

Wilson said he had nervous prostration. I am going to read you some amusing testimony in a moment. George Ade and all the rest of our humorists, including Kin Hubbard, are left far behind as masters of humor as compared with "Jack Pot Wilson" and Judge Hanecy in the questions and answers I will read in a moment. Wilson said that during the time that the sergeant at arms was trying to find him he was going away this time for his nerves; he seemed to have mingled eye and nerve trouble. *And this time, in order to cure his nerves,* HE WENT TO CANADA.

It is well known, Mr. President, that Canada is the best place in the world for anybody suffering from nervous prostration. [Laughter.] So there is where "Jack Pot Wilson" went, but not at all to avoid this committee. No, indeed. We are assured of that, because the Senator from Michigan, after Wilson had delivered this touching testimony, was careful to ask him, "You did not go away in order to avoid the subcommittee, did you?" "Oh, bless your soul, no," says Wilson. "Certainly not."

Mr. President, let us read some of Mr. Wilson's testimony, and it is Wilson's word and Browne's word that you are de-

pendent on when you vote to uphold this seat. We might as well have a little fun out of this transaction. Let us give some of Wilson's account. Here it is.

Mr. President, it is with hesitation that I recite this tale of woe. This is Mr. Wilson's own statement:

Senator FRAZIER. Where did you go then when you left Chicago?

Mr. WILSON. I took the train and went to Detroit, where I stayed for two days. You may ask me—I might start out in this way: I had been to Dr. Snyder, of Milwaukee, for a month before the primaries, up to the 1st of September, and during that time I would receive telephones and messages and people would come up to see me, and so forth, so that I virtually did not get the rest that I should have gotten under the treatment.

By the way, I should remark that Wilson says his nervous prostration was caused by *two weeks'* campaign in the primary. Think of what many Senators have gone through many times, and what we, who have been in the harness, know of campaigning. Yet two weeks' campaign before the primaries, Wilson says, "shattered my nerves."

Wilson continues:

You know how you will be disturbed. So I was going back again to be treated afterwards He told me to come back. But he had gone to Europe in the meantime. He left some time in September, probably; I think he left the 17th or 18th of September. Consequently I could not go there, so I was going to go to Mount Clemens, thinking probably the water and everything would help me out. *My nerves were all shattered to pieces. I had gone through a campaign of two weeks,* and the primaries were coming on over there where I had been tied up for a month, AND MY NERVES WERE WRECKED. In fact——

Senator FRAZIER (interposing). I am not so much interested in your nerves as I am in where you were. Just tell us that.

Mr. WILSON. I met a friend of mine there, and he asked me where I was going. I told him I was going to Mount Clemens. He said, "If I were you, I would not go there, because you can not get any rest there. *There are more people there than you will meet around your own home in Chicago.*" He said, "I am going to take a trip, and you can find some quiet places there. I am going on a ways, but you can get some place where you can rest." So I took a trip with him. The first place I stopped at was St. Thomas. He went on then; I WENT ON THEN TO TORONTO.

THE HEALTHFUL CLIMATE OF TORONTO, CANADA.

Of course he would not see anybody in Toronto at all. He would see people every place else, but not in Toronto, Canada. Wilson continues:

He went on to Montreal, and I met him then coming back, and he stopped at Toronto for a day. He came in Saturday night and he left on Monday night. I had been taking treatment with the medicines I had—

In Toronto, Canada.

My eyes and health were getting along much better—

In Toronto, Canada.

In fact, I gained 12 pounds while I had been there—

In Toronto, Canada.

Judge Hanecy sees the enormous importance of the gain accomplished by this nerve-wrecked person, who did not appear before the committee, and here is what he testified to:

The CHAIRMAN. Is there anything else of this witness?

Mr. HANECY. Yes, Mr. Chairman.

* * * * * * *

Mr. HANECY. How much did you weigh before you had this trouble with your eyes?

Think of this before a Senate investigating committee!

Mr. WILSON. In the beginning *I weighed 200 pounds before all this trouble came about.*

Mr. HANECY. How much did you lose during the time?

Mr. WILSON. *I lost 30 pounds.*

Mr. HANECY. At what time?

The CHAIRMAN. Do you think that is really material?

Mr. HANECY. I do not think anything was material except the question of whether he paid any money or not, but it does throw some light on the question that this honorable committee seemed to think was quite important in the light that he had at that time—that is, the actual condition of this witness's health when this honorable committee sat in Chicago.

The CHAIRMAN. He stated he did not absent himself for the purpose of avoiding the committee.

Mr. HANECY. I want to show, in addition to that, *that he lost 30 pounds.*

Senator GAMBLE. *And in the meantime, while he was away, he gained 12 pounds?*

Now, Mr. President, Wilson also denies that he gave this money. That is all he does; he just denies it. He admitted he had been in St. Louis; he admits he met these men there; and what excuse does he give for making that trip down there, Mr. President? For the purpose of seeing them concerning a banquet for Lee O'Neil Browne.

But Browne testifies he told them he (Browne) did not want any banquet. Yet Wilson swears that he goes to St. Louis, two hundred and sixty some miles, in July to see five men about a banquet for Lee O'Neil Browne, although Wilson had seen those very men not three weeks before. Is that credible? Does anybody believe that?

And, Mr. President, in a moment, when I get through with the manufactured testimony, I shall point out that this man Wilson, who says that he went down there to see about a banquet for Lee O'Neil Browne, which of course he could have written about just as easily, sent manufactured and fictitious letters in September, 1910, after this investigation began, to Beckemeyer, Link, and others, dated in July, 1909; that he dated them a year before they actually were sent in order to manufacture an excuse for his being in St. Louis.

Now, those letters are in the record. Wayman put into the record a letter from Wilson to Link and a letter from Wilson to Beckemeyer written a year after their date in order to give an excuse as to why Wilson met them in St. Louis. Does any Senator believe that? Why were those letters faked? Why were they falsified if there was nothing wrong about this transaction? That is pretty serious business. I guess I had better put those letters in now. Remember that *these letters were sent nearly a year after the time they were dated.*

[Exhibit 1–P, K. F. L., 10/1/10.]

[Letterhead Forty-sixth General Assembly, State of Illinois House of Representatives.]

CHICAGO, *June 26, 1909.*

Hon. M. S. LINK, *Mitchell, Ill.*

DEAR MIKE: Dr. Allison was speaking to me in regard to seeing some of the boys relative to giving Lee a banquet in his home town, Ottawa. I expect to be in St. Louis some time in the near future in connection with our submerged-land committee. As soon as I know just when I will be there, will wire you, and, if possible, would like to meet you there. In the meantime should you come to Chicago, advise me in advance and I will meet you.

With best wishes to you, I am,

Yours, very truly,

BOB.

CHICAGO, *June 26, 1909.*

Hon. H. J. C. BECKEMEYER, *Carlyle, Ill.*

FRIEND BECKEMEYER: Doc. Allison was speaking to me regarding getting up a banquet for Lee in his home town, Ottawa, and asked that I take matter up with some of the boys. I expect to go to St. Louis in the future in connection with our submerged-land committee, and will advise you in advance as to when I will be there, and would like for you to meet me.

With best wishes, I am,

Very truly, yours,

ROBERT E. WILSON.

So, then, Mr. President, it is the word of Wilson, who avoided the committee; the word of Wilson, who made this distribution; the word of Wilson, who sent fictitious letters dated a year before they were actually sent, in order to furnish an excuse, against the testimony of the rest of the men in this case—against all the circumstances in the whole case.

THE MANUFACTURED TESTIMONY.

Now, Mr. President, we have disposed of these witnesses, and I come to what, to my mind, is nearly the most convincing thing in this whole matter—the manufactured testimony of Stermer, Zentner, and Simmons. If Senators believe that the testimony of these witnesses was manufactured, it was manufactured for a serious purpose.

First of all, as to Stermer. Stermer was the assistant manager of the Briggs House. He testifies that he knew Browne intimately for eight years. He testifies that Browne lived at the Briggs House. That is the first thing. Fix that carefully in your mind. Second, that he met White in July; and two or three weeks after he met White, Browne, Zentner, and White took a trip across the lake.

This was the "music and flowers" trip to which Browne refers in his letter to his "old pal" White. They were gone two or three days. They got back from that trip, Zentner, White, and Browne, on the morning of the 19th day of August. And coming back from that trip with Browne, his intimate friend White that night, in his cups, exposed his plot against Browne to Stermer and Zentner, although he had only known Stermer and Zentner for two or three weeks and Stermer had known Browne for eight years and Zentner had known Browne for two or three years.

Stermer says that White told him and Zentner what he (White) was going to do to Browne and others.

Now, that talk took place in August. It was pretty serious; it was a warning of all that followed. It was a statement in advance, in August, 1909, of everything that White intended to do.

And yet Stermer, the assistant manager of the Briggs House, the intimate friend of Browne for eight years, *never mentioned a word of plot to Browne or anybody else until April 30, 1910,* EIGHT MONTHS AFTERWARDS.

Is that credible? Suppose some one were to tell one of us Senators of a plot that involved the honor of a close friend, and that close friend lived in the same hotel with us, would we delay or neglect telling him for eight months? Not only that, Mr. President, but Stermer says that Zentner wanted to tell Browne and that Stermer would not let him do it.

Now, Mr. President, that is not all. It appears that Stermer did not tell of this dastardly "plot" until April 30, 1910, and *then he told Browne for the first time.* Three weeks after he told Browne this statement that Stermer makes as his testimony *was written out.* Stermer himself testifies to that fact.

STERMER'S PRECISION OF MEMORY.

Now, then, Mr. President, this man Stermer, clearly not a man of great intelligence, who did not mention that conversation with White to his dear friend Browne for eight months, and then had it written out, yet gives it in the first Browne trial in a certain peculiar form, and when he was called before the subcommittee and is asked to tell the story, he gives the *same thing over again, word for word*, substantially.

Most Senators here are lawyers. Did any Senator here who has practiced in the courts ever see an example of manufactured testimony so absolutely convincing as this? I defy anyone to produce from the reports or textbooks manufactured testimony which shows on its face as much as this that it was manufactured.

And what was it manufactured for? Only for one purpose, and that was to discredit White's story. The same is true of Zentner, who swears that he had known Browne two years and White only a short time. It is exactly the same thing.

There is not, Mr. President, a circumstance in any case I ever knew of more condemning than the testimony of Stermer and Zentner.

Before proceeding further, I desire merely to call the careful attention of Senators to the difference between the testimony of Stermer on the first trial and Stermer before the committee; and the same of Zentner.

Here is Stermer's story as told in the Browne trial and as told before the subcommittee months afterwards. Remember that it is Stermer's statement of White's conversation a year and more before; a story which Stermer admits was "*written out.*"

COMPARISON OF STERMER'S TESTIMONY AT THE BROWNE TRIAL IN AUGUST, 1910, AND BEFORE THE SUBCOMMITTEE IN OCTOBER, 1910.

TRIAL.

[Exhibit 1–W. K. F. L. 10/5/10.]

[From the testimony of W. H. Stermer, page 1411, volume 3, testimony in People *v.* Browne.]

Q. At that time and place and in that conversation did Charles A. White say this, or this in substance: That he was going to take a big trip in the fall and winter; that he was going to his home at O'Fallon, then down to New Orleans, then to Cuba, and up to New York; that he was going to have a big time in New York and then go back home again; and then did either yourself or Zentner say to White, "You must have a lot of money to spend for anything like that?" Did White then say, No, that he did not have a lot of money, but that he was going to get, and was going to get it without working; and then did Mr. Zentner ask White how he was going to do that, and did White then say, "Well, that Lorimer crowd and our old pal Browne, too, have got to come across good and hard when I say the word, and I am going to say it?" And then did you say to White, "Have you got anything *on him?*" And did White say, "No; I ain't. I got the worst of it down there in Springfield, but that makes no difference. I voted for LORIMER, and I am a Democrat, and I can say that I got money for voting for LORIMER. Do you suppose they could stand for that game? I guess they will cough up when I say the word to them." And then did you say to White or did Zentner say to White, "God, you would not treat Browne that way, would you?" and did White say, "I am looking out for White, and besides, Browne would not have to pay. That bunch behind him would pay that, and it would not hurt Browne." Did that conversation, or that in substance, occur at that time and place?—A. In substance; yes.

COMMITTEE.

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.

Q. I will ask you to look at what purports to be your testimony, in reply to this same question, at the last trial of Lee O'Neil Browne, and ask you whether or not that is correct, and if it is, I will ask you to read it into the record.

The WITNESS. Do you want all of this?

Mr. AUSTRIAN. Is that correct?

Senator BURROWS. Well, he wants to know if he will read it through.

Mr. AUSTRIAN. Read it through. That is your testimony on this point, this exact conversation. Was that your testimony in reply to this same question?—A. Yes, sir.

Mr. AUSTRIAN. I desire to offer it in evidence.

The WITNESS. As near as I can tell; there may have been one or two words different, as I think at this time. Does that make any difference? In substance it is the same.

I have made a comparison as to the differences in these two statements, and I here present to the Senate these differences. Senators can judge for themselves how practically verbatim Stermer's story is on both occasions; and I repeat for the third time, for it is so important. This story that Stermer tells us was not mentioned by him for more than eight months after he says he heard it; that three weeks after he did mention it it was "written out." And now observe that Stermer repeats this "written out" story substantially word for word. The intellect of man does not work that way.

TRIAL.	COMMITTEE.
going to his home at O'Fallon.	was going home to his home in O'Fallon.
lot of money to spend for anything like that.	lot of money to take a trip of that kind.
did not have a lot of money.	didn't have the money.
old pal Browne.	old friend Browne.
good and hard.	come across good and strong.
I guess they will cough up when I say the word to them.	

As I have remarked, precisely the same thing is true of Zentner. I will print in parallel columns the same story as told by Zentner in the Browne trial and before the subcommittee:

COMPARISON OF ZENTNER'S TESTIMONY AT THE BROWNE TRIAL IN AUGUST, 1910, AND BEFORE THE SUBCOMMITTEE IN OCTOBER, 1910.

TRIAL.

[Exhibit 1–X. K. F. L. 10/5/10.]

[From the testimony of Fred Zentner, pages 1387 and 1388, volume 3, record in People *v.* Browne.]

Q. And at that time and place did Charles A. White say to you that he was going to have a big trip in the fall and winter; that he was going to his home in O'Fallon, and then to New Orleans, then to Cuba, and then up to New York; that he was going to have a large time in New York and then come home again; and did you say to him at that time and place in that conversation, "You must have a lot of money to take a trip like that," and did White say to you, "I don't have to have a lot of money, but I am going to get it and I am going to get it without work," and did you say to him at that time, "What do you mean?" And did White say to you, "Well, that Lorimer bunch and Browne have got to come across"? Did you then say to White, "What do you mean by that?" And did White say to you, "I got the worst of it at Springfield; I voted for LORIMER and I am a Democrat. If I say I got money for voting for him I guess they will come over, won't they?" And did you say at that time and place, "My God, White! you wouldn't do that to Browne, would you?" And did White, in response thereto, say, "I am looking out for Charlie, and besides, Browne won't have to stand for it?" Did that conversation occur at that time and place, or that conversation in substance?—A. Yes, sir.

COMMITTEE.

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.

You will see that, like Stermer, Zentner repeats his tale practically word for word. That Senators may have this more clearly, I read the differences in Zentner's testimony at the Browne trial and before the subcommittee, just as I have read the differences in the testimony of Stermer:

TRIAL.	COMMITTEE.
have a big trip in the fall and winter.	take a trip that fall.
going to have a large time in New York.	where he was going to have a good time.
I don't have to have a lot of money.	No; I haven't.
What do you mean?	How are you going to do that?
come across.	come across when I say the word, and I am going to say it too.
I guess they will come over, won't they?	I can say I got money for it, can't I? Can they stand for that kind of a game?
	it would be the bunch behind him.

And here is another point. Stermer fixes the 19th day of August, *six months after that time*. How? He says he knows that is the date because Zentner *six months afterwards* had a

ticket for a trip on the lake good for August 19, six months before. I want to read that:

Q. That is the only way you know?—A. The date; yes.
Q. And that is what you base it on; he had a ticket to go across the lake?—A. Going over; yes.
Q. And you asked him that in May of this year, 1910; is that correct?—A. Let me see; that was in May, yes.
Q. Of this year?—A. Yes, sir.
Q. And you and Mr. Zentner had never discussed the date of this conversation, from the time it happened up until after May, 1910; is that correct?—A. From that time up until May; yes, sir.
Q. And still you are willing to testify to this committee that that conversation, if one occurred, *occurred on the 19th of August, 1909*, are you?—A. Yes, sir.

And the reason given was that *six months afterwards* Zentner had a ticket for that very day. Now, that is asking too much for human intelligence to credit.

THE CONVENIENT AND MYSTERIOUS SIMMONS.

But worse than that, Mr. President and Senators, is the manufactured testimony of Simmons. It is short, and I ask you all, before you vote, to read it. This man Simmons, it appears, was a race-horse man at one time. That is nothing against him, no doubt, but consider it in connection with his testimony.

He says he had a telephone call from the Briggs House; he says he does not know who from. He went in response to this telephone call to the Briggs House. He did not meet the man who called him. He did not see the man who he supposed called him for three months afterwards.

Now, this man Simmons swears that he never saw Browne or White before in his life. He just happened to be called there by a mysterious telephone call at that particular time. And yet, never having seen Browne or White before, he swears that he saw Browne and heard White ask Browne to loan him some money; he saw Browne take out a roll of bills; he saw the denominations of the bills—five-dollar bills—and saw that he gave White $25; he heard every word of the conversation.

Happening to be called there by telephone, Simmons did not know from whom, he arrived just at the opportune time. That supports Browne and disputes White. Now, this man Simmons, having seen and heard all this, *never mentioned it until April, 1910, and then he remembered every detail of it.* Does anybody doubt that that testimony was manufactured; and if so, what for?

Mr. President, there has been one peculiar note to this debate, one that I can not explain. There has been denunciation for the officers of justice in Cook County and in Sangamon County and every place else because they made these men confess. There is tearful sympathy for Link and Beckemeyer and Wilson, bribe takers and bribe givers, because they were treated so badly by the officers of justice.

At one moment the committee melts with compassion for these bribe takers after they had been treated hardly by the officers of justice, and in the other moment they are denounced because they confessed to having taken bribes.

THE POLITICAL FATE OF THOSE INVOLVED IN THIS ELECTION.

But, Mr. President, what were we told the other day? I want to call particular attention to this. We were first informed by the Senator from Idaho [Mr. HEYBURN] that these men have been reelected. Then we were so told by other Senators. I could not see that it had anything to do with this case. But since Senators enlarge upon it, we must go into it, I suppose.

Very well, I want to show you how they were reelected. Browne refers to it in his testimony where he says that White had written to him to see that the other candidate did not employ the "plumping system." It appears that in Illinois under the constitution in order to insure a minority representation any voter may vote for one of three candidates or one and a half votes for two candidates or *plump 3 votes for one candidate.*

Now, Mr. President, I have taken the trouble to get these votes. It appears that in Browne's district Linds, Republican, got 10,000 and some votes; Scanlan, 12,000; that is one-half each; Browne, Democrat, 14,000—that would be less than 5,000 men voting for Browne—Doyle, Democrat 9,000; McDonald, Socialist, 2,700. I will put into the RECORD the votes all the candidates in the Wilson and in the Browne and in the Broderick districts got, so that Senators may see for themselves what an indorsement this meant.

Total vote in sixth district (Wilson's district), 77,192; Hagan, Republican, 17,407; Anderson, Republican, 13,344; Wilson, Democrat, 28,555; Hays, Prohibitionist, 10,016; Hardy, Socialist, 7,870.

There was no other Democratic nominee except Wilson; therefore he got three votes, while the Republican votes were divided between Hagan and Anderson, making it possible to elect Wilson.

Total vote in thirty-ninth district (Browne's district), 50,092; Linds, Republican, 10,687; Scanlan, Republican, 12,727; Browne, Democrat, 14,083; Doyle, Democrat, 9,879; McDonald, Socialist, 2,716.

The Browne Democrats plumped 3 votes for him instead of dividing between him and Doyle, which elected Browne. So we see what the boast of the people's "vindication" of those men amounts to.

What about the reverse of that proposition? What about the men who were defeated? I have taken the trouble to find that out.

The following senators who voted for the sitting Member failed to run for renomination:

Republicans: Downing, Billings, McCormick; Democrats: Jandus, Rainey.

The following representatives failed to run for renomination:

Republicans: Behrens, Black, Glade, Kowlaski, Lawrence, Lederer, McLean, McMahon, Sollitt, York; Democrats: Beckemeyer, Blair, Cermak, Corcoran, Espey, Forst, Geshewich, Link, Luke, O'Neil, Poulton, Staymates, Tippitt, White, F. J. Wilson.

Behrens and Black, Republicans, had Federal appointments; Lederer and Sollitt, Republicans, ran for the senate and were defeated; and McLean, Republican, was elected to the senate.

Forst, Democrat, was elected to the senate; Gesgewick, Luke, and O'Neil were dead; and F. J. Wilson ran for alderman and was elected.

The following senators who voted for the sitting Member ran and were defeated:

Cruikshank, defeated at primaries; Breidt, defeated at election.

The following representatives who voted for the sitting Member were defeated at election:

Republicans: Fieldstack, Gillespie, Shumacher; Democrats: Burns, De Wolf, Kannally, Riley.

The following representatives who voted for the sitting Member were defeated at the primaries:

Republicans: Beck, Brownback, Burgett, Bush, Durfee, Kittleman, Lane, Logan, Parker, Price, Stearns, Troyer, Zinger, Zipf; Democrats: Abrahams, Allison, Joe Clark, Lantz, McCollum, Murray, O'Brien, Shephard.

Stearns was defeated at primaries, and ran independent and was beaten.

Now, Mr. President, I do not know that that is so important. I mention it only because we have been told that Browne and Wilson and Broderick have been "vindicated" by their constituents by reelection. It is fair to know, then, that these men who were not even charged with bribes, except Shephard and the rest, but who voted for the sitting Member, when they *ran were defeated by their constituents either at the primaries or at the polls.*

Now, Mr. President, that concludes the testimony, and I once more come to a discussion of the law. First, we have shown the money paid to Broderick and the money traced; the money paid to White and the money traced; the money paid to Beckemeyer and the money traced; the money paid to Luke and the money traced; the money paid to Link was not discovered in his possession; the money paid to Clark was covered up by the Powers funeral certificate; the money paid to Shephard was not found in his possession, but he visited a safety-deposit box the very day he got it. It was said by White or Beckemeyer that Wilson had a $500 bill which he said he was instructed to give to Shephard.

IV. THE STATUTE AND THE RULINGS.

The election, Mr. President, as we all know, occurred under the statute. I beg the Senate's pardon for taking its time on the law after the exhaustive discussion that has been had, but still I shall attempt in a very few minutes to show that by the committee precedents the theory that has been here advanced can not be supported.

The statute says:

The joint assembly shall then proceed to choose by a viva voce vote of each member present—

Not a secret ballot, you see—

a person for Senator and *the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting,* shall be declared duly elected.

So we start out with the important thing, the determination of a quorum by the statute.

Now, then, what has been the construction of that statute by the Senate committee in the past? It was stated that unless the sitting Member knows of the bribery, countenances it or practices it, then enough votes must be tainted in order to destroy his honest majority. How many would be enough, Mr. President?

Ordinarily one would think enough to destroy the majority votes cast for the Senator. But the suggestion has been advanced and supported with much argument that if you deduct the corrupt votes from all those cast for the winning candidate you must also deduct them from the whole quorum.

First of all, Mr. President, let us see what has been the ruling of the Senate upon this in the Payne case in the views signed by Senators Hoar and FRYE.

If six only of Mr. Payne's votes in the caucus were procured by bribery, the result of the election of Senator was clearly brought about by that means.

Now, Mr. President, that point was not dissented from by the committee in the report of the majority, and in all the separate views that statement of Senators Hoar and FRYE was not disputed. The question, of course, never got to a vote, because Senators Hoar and FRYE thought we ought to investigate, and Senator Pugh and the rest of the majority thought there was no ground for an investigation. But on this statement of the law as applied to that caucus there was no dissent in the committee. I believe that will be conceded.

Now, Mr. President, let us see what that means. This was the case of a caucus. There were 79 Democrats who attended that caucus. Of this a majority, of course, was 40. Mr. Payne got 46; that is, he got 6 more than a majority, and if 7 were corrupt, says this report—6 they have got it, but that is a typographical error—the election was invalid.

Yet upon the theory now advanced for the first time, if 7 were corrupt in the Payne case *the election still was valid*, because 79 attended the caucus; 7 corrupt—deduct 7 from 79 and there were 72 "honest men," as the Senator from Texas says, in the caucus, of which a majority was 37.

Now, then, Payne got 46. Deduct 7 corrupt votes from 46 and it leaves Payne 39 "honest men," to use the language of the Senator from Texas. But 39 is a majority of 2 over 37 necessary to a choice, and 37 is a majority of 72.

Mr. BAILEY. Not the committee.

Mr. BEVERIDGE. Oh, well, I say this statement of the law by Senator Hoar and Senator FRYE was not disputed or dissented from by any member of the committee. Yet, according to the theory of the Senator from Texas, Payne was elected anyhow.

Now, let us take the Clark case. In the Clark case it is said by the committee:

He received 54 votes and there were 39 against him, leaving him an apparent majority of 15. If he attained through illegal and corrupt practices *8 votes which would otherwise have been cast against him, he was not legally elected.*

It is said that the statement I have read from the Clark case was a statement merely of the chairman, *but upon this point also there was no dissent.* Yet, Mr. President, if the theory which the Senator from Texas advanced is correct, *Clark would have been elected.*

Mr. BAILEY. Mr. President, may I interrupt the Senator a moment?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. Certainly.

Mr. BAILEY. I simply want to illustrate the Senator's method of argumentation. He says there was no dissent by the committee in the Payne case.

Mr. BEVERIDGE. From that point.

Mr. BAILEY. Of course the committee seldoms discusses the views of the minority. The minority very frequently discuss the views of the committee; but if the Senator is right in saying there was no dissent on the law, neither was there any dissent on the facts, and yet the Senator works out the facts so that Payne would not be elected according to Senator Hoar, and yet Payne, as the record shows, continued to serve his term out as a Senator in this body.

Mr. BEVERIDGE. That is true; but that was because the Senate voted that there should be no investigation. Is not that true?

Mr. BAILEY. But if the Senate was concluded and the committee was concluded by Senator Hoar's argument on one point, it must be deemed to have been concluded on the other. There was no more special dissent from his mathematics than there was from his law. If we must accept the law as he laid it down we must accept the facts on the same theory, because the committee did not controvert those facts.

I want to remind the Senator, however, who again ventures the explanation that this is a mistake, that that same mistake, as I observed on another occasion, is repeated in another paragraph of the views filed by Senator Hoar.

Mr. BEVERIDGE. I think myself it is probably the mistake of a stenographer. I have been searching for the original manuscript. The Senator, however, will agree that that is not material, because the point is there.

Mr. BAILEY. I think the mathematics is as bad as the law in that case.

Mr. BEVERIDGE. I call the attention of the Senator from Texas to the fact that the point of divergence of the committee in the Payne case was whether there should be any investigation or not. Senators Hoar and FRYE said there should be, because the facts stated by Mr. Butterworth and Mr. Little, taken in connection with the representations by the legislature, were such as to demand an investigation; but the other Senators said that that was not the case; that it was a thing which occurred in caucus, and they could not go into it. *On the law there was no disagreement.*

Pass that, Mr. President, and come down to the Clark case. There is no mistake of language in the Clark case; and yet, under the theory of the Senator from Texas, *Clark would have been elected.* Clark resigned, but he never would have resigned if he had heard of the theory of the Senator from Texas, because under that theory Clark was legally elected. In the Clark case there were 93 votes. Of those, 47 were necessary to a choice under the statute. There were 54 votes for Clark; that is, 7 majority for Clark. The committee's language is:

If he obtained through illegal and corrupt practices 8 votes, which would otherwise have been cast against him, he was not legally elected.

But according to the theory of the Senator from Texas he was legally elected, because deduct 8 corrupt votes from 93 votes, the whole quorum of the general assembly, and it leaves 85 "honest men," to use the phrase of the Senator from Texas. Of that number, 43 is necessary to a choice under the statute.

Now, deduct 8 corrupt votes from 54 votes cast for Mr. Clark, and it leaves 46 "honest men" voting for Mr. Clark. Forty-three was a majority of the honest quorum. So, according to the theory of the Senator from Texas, there was a legal majority of 3 for Clark. The same is true in the Powell Clayton case.

So we have the Clayton case, we have the Clark case, we have the Payne case—all of them holding that you can not deduct votes from the quorum as well as from the majority of votes cast; all of them holding directly and specifically against the position that has been advanced here, I believe, for the first time in the history of the Senate—advanced by the supporters of this election. Under the Clayton case, under the Payne case, and under the Clark case—there are the figures; there is the language of the committee—if any Senator believes that seven votes in the case before us were tainted this *election is invalid.*

Mr. President, I want to put this illustration. Perhaps the Senator from Iowa [Mr. CUMMINS] the other day put it still better in another form. It illustrates beyond any possibility of doubt that the novel theory of the Senator from Texas can not be sustained.

The Senator says that if seven votes were corrupt they must be deducted from the whole quorum of the general assembly, as well as from the votes cast for the sitting Member; which, of course, would still elect him, as it would have elected Clark and as it would have elected Payne. Suppose these seven votes had not been purchased or tainted; suppose that an emissary of the sitting Member had captured seven of these voters and locked them up until after the election occurred—will anybody say that the election would have been valid?

Yet, according to the theory of the Senator from Texas, it would be valid. They were not there; they were not a part of the general assembly; and they have no right to be counted, because they were not there. They therefore would be deducted from the whole amount of the general number of the votes cast in the general assembly, on the one hand, and from the number of votes cast for the sitting Member, on the other hand; and yet will any Senator say that if these seven voters had been captured, locked up, and kept away this election would have been valid? Why, certainly not, Mr. President; and yet that is not nearly as bad a case as where they were corrupted.

THE THEORY OF THE UPHOLDERS OF THIS ELECTION APPLIED TO A JURY.

There is still another thing. I should like to have the attention of all Senators who are lawyers upon this point as a test of the theory. I hold in my hand, Mr. President, and insert in the RECORD as a part of my remarks, a list of the States in which less than a full jury of 12 can report a verdict.

In many of the States three-fourths are enough—that is, nine; two-thirds in some are enough—that is, eight men out of the jury; in some States it is only in civil suits, while in others it is the same in criminal suits.

Arizona.—Three-fourths in civil and misdemeanor cases. (1891, chap. 5.)

California.—Three-fourths in civil cases. (C. C. P., 1897, sec. 618.)

Colorado.—Three-fourths in civil cases. (Unconstitutional, 28 Colo., 129; 1899, chap. 3.)

Idaho.—Three-fourths in civil cases. Five-sixths majority in misdemeanors. (Const., Art. I, sec. 7; 1891, p. 165.)

Kentucky.—Three-fourths in civil cases. (Stats., 1894, sec. 2268.)

Louisiana.—Three-fourths in crimes not capital. (Const., sec. 116.)

Montana.—Two-thirds in crimes not felonies (P. C., 2142); two-thirds in civil actions. (C. C. P., sec. 1084.)

Minnesota.—Legislature may provide for verdict by five-sixths of jury after six hours' deliberation. (Const., Art. I, sec. 4.)
Missouri.—Three-fourths in courts of record; two-thirds in other courts. (Civil cases, 1899, p. 381.)
Nevada.—Three-fourths in civil cases. (C. L., 1900, sec. 3270.)
Oklahoma.—In civil cases, and in criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. (Const., Art. II, sec. 19.)
South Dakota.—Three-fourths in civil cases. (Ann. S., 1899, sec. 6268.)
Texas.—In trials of civil cases, and in trials of criminal cases below the grade of felony in the district courts, nine members of the jury, concurring, may render a verdict. (Const., Art. V, sec. 13.)
Utah.—Three-fourths in civil cases. (Const., Art. I, sec. 10.)
Washington.—Ten of twelve jurors may render verdict in civil cases. (Ballinger's S., sec. 5011.)
Wyoming.—Three-fourths in civil cases. (R. S., 1899, sec. 3651.)

Mr. President, suppose that in a State where 9 out of 12 men can return a verdict it is discovered that 3 of them have been bribed; will any lawyer say that that verdict should be upheld? Yet it must be, according to this theory, and three bribed votes might be taken from the whole poll of the jury as well as from the ones that were cast and the verdict would stand.

Take it in those States where two-thirds of a jury—eight—may render a verdict. Suppose it were discovered that four had been bribed; would a verdict stand upon the ground that there were enough honest votes on that jury? Absurd! And yet is that nearly so grave a matter as the election of a Senator of the United States?

THE KNOWLEDGE AND RESPONSIBILITY OF THE SITTING MEMBER.

Now the question arises, did the sitting Member know? Into that, Mr. President, I do not intend to go. I have tried to handle this case with charity, and I do not intend to go into that except as the law goes into it; and upon that, Mr. President, I cite the English cases on the law of agency already read to the Senate. I believe that these authorities are unquestioned on the law of agency. They are recent authorities, not only on the law of agency, but on the law of agency in elections, and I will read some of them again:

If it were shown that the agent of the member bribed, even without the authority, and contrary to the express orders, of the member, his seat was forfeited—not by way of punishment to the member, but in order to avoid the danger that would exist if persons *subordinate to* the candidate during an election were led away, by their desire to benefit their superior, into illegal acts, the precise extent of which it was difficult to prove, but a single one of which, if proved, it was the policy of the law to hold, would have the effect of avoiding the proceeding. That a member was thus answerable for his agent at common law—his agent in the sense of *conducting the election, not merely in the sense of being authorized to bribe*—is perfectly clear. It was so laid down as clear by Lord Tenterden, before the act of the 17th and 18th Vict., c. 102, s. 36.

Now I ask the attention of the Senate to this statement of the law of agency—

That section where it speaks of agents must be construed by the light of the common law, and must be read as including *agents authorized in the conduct of the election or to canvass*, and not merely agents authorized to bribe.

Again, in the Blackburn case, the case from which I read the other day:

It was proved that on the 12th of October, that is about a month before the election, a circular was issued by an association in the town called the Conservative Association, addressed to "every manager, overlooker, and tradesman, and any other person having influence" in the town of Blackburn, requesting them to "secure in the municipal elections, as well as the parliamentary, the success" of the respondents; and it went on to say, "we venture to urge upon you most strongly the necessity of vigorous personal effort to secure the return."

Mr. Justice Willes said:

This circular must be taken as being the act of the respondents just as much as if each of them had written a letter to this effect.

I ask the attention of Senators who have any doubt as to whether the sitting Member is held by the law, to the following:

No matter how well the member may have conducted himself in the election, no matter how clear his character may be from any imputation of corrupt practice in the matter, yet if an authorized agent of his, a person who has been set in motion by him to conduct the election, *or canvass voters on his behalf*, is, in the course of his agency, guilty of corrupt practices, *an election obtained under such circumstances can not be maintained.* As it has been expressed from early time, that no person can win and wear a prize upon whose behalf the contest has not been legitimately and fairly carried on.

* * * * * * *

The amount of the injury done by the agent, if the injury has been done of the character which I have described, is immaterial.

* * * * * * *

It is not by way of punishment to the principal that the election is held void; it is not because the majority has been swayed or even affected by the malpractice that the election is held void, but it is because malpractices designated as corrupt by the common law and by the legislature in the corrupt practices act are so odious and are so dangerous that it is thought better to hold void an election where either such practices have generally prevailed, whether traceable to a member *or his agents or not*, or where a single instance of such corrupt practice has been distinctly traced to the member or to *an agent of the member.*

I defy any Senator to produce one authority which shows that the sitting Member is not held and bound by the acts of Browne, the agent.

CHANGE IN REPORT OF COMMITTEE.

But, Mr. President, the Senator from New York [Mr. DEPEW] referred to a report of the committee and caused me to refer to the first report of the committee. In so grave a matter as an election case it would be my duty in any event to refer to it, but the Senator from New York made me refer to it.

The theory is now advanced that you have got to deduct the corrupt vote from the total vote cast, as well as from the vote cast for the successful candidate. Mr. President, I read the following paragraph from the original report of the committee, but which was not reported, and I call particular attention to it.

This is from the report which the majority of this committee at first approved, on Saturday, December 17, 1910, and would have reported, but which, for some reason, was not made on Tuesday, December 20, 1910, when the report before us was authorized, which on Wednesday, December 21, was substituted for the first report.

The majority for Senator LORIMER in the joint assembly of the two houses of the General Assembly of the State of Illinois was 14. *Unless, therefore, 7 or more of these votes were obtained by corrupt means Mr.* LORIMER *has a good title to the seat he occupies in the Senate.*

Mr. President, that was the first report prepared by the committee at the time we first met—Saturday, December 17. It appears to have been the opinion of the committee on that date that *if 7 votes were corruptly cast the election was invalid.* But now the committee takes a radically different position.

Mr. President, I do not think it is even necessary for me to summarize the facts. We know that at least 7 votes were tainted—four voters got bribes and three gave the bribes. The law is clear in the Caldwell case, in the Payne case, and in the Clark case, that these 7 corrupt votes vitiate this election.

I have discharged my duty, Mr. President, and discharged it without ill will. I have borne none. I have not felt the fervor of advocacy, but I have felt the earnestness of a judge acting under oath in determining this deeply solemn and destiny-freighted question.

The matter of cowardice was mentioned the other day. Mr. President, it has not been an easy thing, it has not been a pleasant thing, to be compelled to take a position against the validity of the election of the sitting Member or any other man. I appeal to no man to meet this case with courage. I take it we all have courage equally; but if it took courage to do one thing more than another, it required courage to take a position against the validity of an election which would unseat a Member of this body.

CONKLING IN THE CALDWELL CASE.

Mr. Conkling made that plea in the Caldwell case. He was quoted by the Senator from Michigan [Mr. BURROWS]; but I wondered when the Senator from Michigan closed by quoting the appeal of the powerful Conkling, in which Conkling begged his colleagues to act under the law and not abandon it, in which he begged them to be brave and stand against public clamor, and not yield to it—I wondered why the Senator from Michigan did not tell this body what position Conkling took in the Caldwell case.

It was perhaps the greatest speech in the life of that amazing intellect. I believe, with one exception, it is considered Roscoe Conkling's masterpiece. It is weighty with learning, and yet it has the wings of an eloquence which only Roscoe Conkling could command, while its wit and its brightness make the reading of that speech as engaging an occupation for an hour as the reading of poetry or a novel.

Yet Roscoe Conkling in the Caldwell case took the position that the Senate *could not go into the question of bribery of a legislature in the election of a Member of this body.* Roscoe Conkling gave all his unusual ability and learning, all his overwhelming and dominant character, to try to persuade or coerce the Senate into holding that it was not any of our business whether anybody was bribed or not.

Why did not the Senator tell what Conkling's position was in that case? The older Senators will remember that from the time Roscoe Conkling took that position in that speech, which lasted two or three days on this floor, from that time on he began to sway and finally fell from the pedestal of confidence that the American people theretofore had in his judgment as a public man. That speech was the first, I believe, to destroy the public opinion of this Nation in Roscoe Conkling's soundness of judgment on public questions, a thing he never could recover.

It was only fair when the Senator from Michigan quoted, in the end of his speech, the eloquent words of Conkling, that he should have told us that Conkling spent all of that eloquence and all of that learning in trying to establish the proposition that we had no business to go into the bribery of an election to a seat in this body.

Oh, Mr. President, Conkling appealed to us to stand by the law then. Allen G. Thurman, sitting, I believe, about where the Senator from Missouri [Mr. STONE] sits now, said substan-

tially, at least it was his vigorously stated position: Yes, we will appeal to the law, but we are the Senate of the United States, and we have a right to go into the bribery, if any, by which this election was secured. Allen G. Thurman said that, in his opinion, the election was invalid on account of bribery. Conkling was opposed by Morton and Thurman, and most of the stronger, if less brilliant, men of his time. So Conkling's theory did not prevail, and Caldwell resigned his seat.

In the Caldwell case the Senate was again appealed to on the ground of Caldwell's blameless life, of his long period of years of toil and honorable business dealings; but that availed nothing, Mr. President, with the great judges of those earlier days. Judgment, Mr. President! What saith Holy Writ? "Thou shalt not wrest judgment."

OUR OWN RECORD TO THE REPUBLIC AND TO OUR CHILDREN.

We have not only a duty to perform; we have a record of our own to hand down, a record of our own vote—our own record to the Republic and to our children. It has to go down to our children and our children's children. How shall we hand down the record of our vote to our children and our children's children? For, Mr. President, the record is here, the testimony is here, the law is here, and they will last forever.

A pretty grave business—the validity of an election. It involves the life of the Nation. It involves the perpetuity of institutions which Senators whom I see before me went into the flaming rim of battle to give their lives for if necessary.

The name of Lincoln has been used in this case. It is fortunate. How would Lincoln look upon a question of this kind? None, I believe, had arisen up to his day. They have developed since. They seem to be the fruit of the commercialism of our time.

Washington's Birthday was day before yesterday. What do Washington and Lincoln mean to us? Our institutions, Mr. President, our free Government; which one did more than any other man to found, and the other did more than any other man to preserve. And yet our Government and our institutions are the things which really are at issue here.

We forget it in times of peace, but hundreds of thousands of lives have been yielded up, rivers of blood have flowed in order to give us the opportunity to vote, to have a Senate, to have a Government, and to have a flag. And shall that be treated lightly? Shall we dispose of it upon a false and simulated sympathy? Or shall we guard elections in this country, and especially to this body, as the very soul of American liberty?

Mr. President, way back in the time of the prophets the profound evil of bribery was known. What says the ancient Scriptures:

> The congregation of hypocrites shall be desolate, and fire shall consume the tabernacles of bribery.

And so it was. The peoples and the institutions of which that prophecy was uttered did die of fire, and their congregations of hypocrisy were desolate. It was true of Rome. It came well-nigh being true of England, but she saved herself.

Mr. President, the deepest students, and the most sympathetic with our institutions, more and more are asking the question, What is going to become of the American experiment for liberty? Is it to succeed or is it to fail? And there have not been wanting the ablest minds that doubted its success, because they have thought that the love of money and the love of office and finally the vice of bribery might undermine us.

I confess that to me it has been for years a serious matter what our future holds for us. Let us safeguard it, Senators, by our votes. And when, Mr. President, in that future, American institutions ask of the sentinel upon their walls, "Watchman, what of the night?" let us pray that that watchman shall not answer back in the words of the Hebrew prophet of old, "The congregation of hypocrites is desolate and fire has consumed the tabernacles of bribery."

No! Mr. President, let us hope and pray and vote that when the question is asked, "Watchman, what of the night?" the answer shall be, "Lo, the morn appeareth." [Applause in the galleries.]

The VICE PRESIDENT. Applause in the galleries is not permitted.

GOVERNMENT OFFICERS AND EMPLOYEES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 836), which was read, and, with the accompanying papers, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate:

In compliance with the following resolution of the Senate of December 21, 1910—

Resolved, That the President of the United States is hereby requested to furnish to the Senate for its use, if he does not deem it incompatible with public interest, the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. Total number of officers and employees of the United States Government, exclusive of enlisted men and officers of the Army and Navy—

I transmit herewith reports from the heads of the several executive departments and independent bureaus of the Government giving the information requested.

WM. H. TAFT.

THE WHITE HOUSE, *February 24, 1911.*

During the reading of the message,

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. The Secretary is reading a message from the President of the United States.

Mr. BEVERIDGE. I have not yielded the floor, but I will yield while the message is being read.

The VICE PRESIDENT. The Chair would not have handed down the message but that the Senator from Indiana had resumed his seat before the Chair handed down the message.

Mr. BEVERIDGE. No; I have not sat down at all, I beg pardon of the Chair.

The VICE PRESIDENT. The Secretary will resume the reading.

Mr. BEVERIDGE. I have not been in my seat at all. However, I will still hold the floor.

The Secretary resumed and concluded the reading of the message.

CONSTITUTION OF NEW MEXICO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 835), which was read and, with the accompanying paper, referred to the Committee on Territories and ordered to be printed:

To the Senate and House of Representatives:

The act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc., passed June 20, 1910, provides that when the constitution, for the adoption of which provision is made in the act, shall have been duly ratified by the people of New Mexico in the manner provided in the statute, a certified copy of the same will be submitted to the President of the United States and to Congress for approval, and that if Congress and the President approve of such constitution, or if the President approve the same and Congress fails to disapprove the same during the next regular session thereof, then that the President shall certify said facts to the governor of New Mexico, who shall proceed to issue his proclamation for the election of State and county officers, etc.

The constitution prepared in accordance with the act of Congress has been duly ratified by the people of New Mexico, and a certified copy of the same has been submitted to me and also to the Congress for approval, in conformity with the provisions of the act. Inasmuch as the enabling act requires affirmative action by the President, I transmit herewith a copy of the constitution, which, I am advised, has also been separately submitted to Congress, according to the provisions of the act, by the authorities of New Mexico, and to which I have given my formal approval.

I recommend the approval of the same by the Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 24, 1911.*

SHERIDAN RAILWAY & LIGHT CO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes.

Mr. WARREN. I move that the Senate disagree to the amendment of the House and request a conference with that body on the disagreeing votes of the two Houses, the Chair to appoint the conferees on the part of the Senate.

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

FORT D. A. RUSSELL MILITARY RESERVATION.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9904)

granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes.

Mr. WARREN. I move that the Senate disagree to the amendment of the House of Representatives and request a conference with that body on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

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

DELAWARE RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

Mr. KEAN. I move that the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, be reconsidered.

The motion to reconsider was agreed to.

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

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. HALE. I call for the regular order, which is the unfinished business.

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.

The VICE PRESIDENT. The regular order is the amendment of the Senator from Utah [Mr. SUTHERLAND] to the joint resolution of the Senator from Idaho.

Mr. KEAN. On which the yeas and nays have been ordered.

The VICE PRESIDENT. On which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. SUTHERLAND. Mr. President, I had intended to say a few words at the conclusion of this debate, but there seems to be a general desire to take a vote on the amendment and I will therefore withhold my remarks and permit the vote to be taken.

Mr. SMITH of Michigan. The pending amendment, as I understand, is the amendment of the Senator from Utah.

The VICE PRESIDENT. It is.

Mr. SMITH of Michigan. Mr. President, I simply desire to say that I am in favor of the joint resolution of the Senator from Idaho providing for the election of Senators by direct vote of the people. In accordance with the action of the Republican State convention of Michigan, we are pledged to that course, and in good faith I propose to execute that promise so far as it lies in my power so to do.

I regret exceedingly that it seems necessary to complicate the question in order to bring this matter before the Senate. It would have been better to have confined the resolution to the direct election of Senators without complicating the question with other constitutional safeguards of incalculable importance to the American people. I am very anxious, Mr. President, that this joint resolution shall be passed by Congress.

I would cast no vote which in any manner could be construed as hostile to it. But mindful of the fact that this joint resolution must receive the sanction of two-thirds of the States, and believing that its purpose would be defeated if any other complication is to be introduced into it save the one providing for the direct election of Senators, and for the purpose of facilitating the disposition of this matter in a way which seems best calculated to finally obtain the result to which we are pledged, I shall vote for the amendment striking out of this joint resolution every other provision save the direct election of Senators. We can not afford to involve this question with sectional or race problems. Unrelated in any manner to the popular election of Senators by the people, a rider of this character would befog the question and introduce into the controversy matters of the most serious concern. We must deal fairly with the people and scorn the temptation to defeat this measure by indirection.

If the amendment should be rejected, I shall vote for the passage of the joint resolution presented by the Senator from Idaho, even with the race rider attached; but I shall call the attention of the legislature of my State to its far-reaching importance, glaring defects, and gross injustice to our countrymen. I simply desire now to make plain the fact that I favor the election of Senators by the people, and if I felt that my associates on this side of the Chamber were planning in any way to throttle that ultimate purpose, I would not for one moment identify myself with such an unworthy cause.

Mr. President, having confidence in the patriotism and the honor of my associates and believing that we will be permitted to take a vote upon the main question after this amendment shall have been disposed of, I shall vote to strip this question of every subterfuge, in order that it may be submitted to the people as they desire, and without further delay.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Utah [Mr. SUTHERLAND] to the joint resolution of the Senator from Idaho [Mr. BORAH], on which the yeas and nays have been ordered.

The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PERCY (when Mr. MONEY's name was called). The senior Senator from Mississippi [Mr. MONEY] is absent because of sickness. He is paired with the Senator from Wyoming [Mr. WARREN]. If present, the Senator from Mississippi would vote "nay."

Mr. BACON (when Mr. TERRELL's name was called). My colleague [Mr. TERRELL] is necessarily detained from the Chamber by personal illness. On this vote he is paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If they were both present, my colleague would vote "nay," and I understand the Senator from Rhode Island would vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], as stated by the junior Senator from that State, and I therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 50, nays 37, as follows:

YEAS—50.

Beveridge	Crawford	Hale	Piles
Bradley	Cullom	Heyburn	Richardson
Brandegee	Curtis	Jones	Root
Briggs	Depew	Kean	Scott
Bulkeley	Dick	Lodge	Smith, Mich.
Burkett	Dillingham	Lorimer	Smoot
Burnham	Dixon	McCumber	Stephenson
Burrows	du Pont	Nelson	Sutherland
Burton	Flint	Nixon	Warner
Carter	Frye	Oliver	Wetmore
Clark, Wyo.	Gallinger	Page	Young
Clarke, Ark.	Gamble	Penrose	
Crane	Guggenheim	Perkins	

NAYS—37.

Bacon	Cummins	Newlands	Stone
Bailey	Davis	Overman	Swanson
Bankhead	Fletcher	Owen	Taliaferro
Borah	Foster	Paynter	Taylor
Bourne	Frazier	Percy	Thornton
Bristow	Gore	Rayner	Tillman
Brown	Gronna	Shively	Watson
Chamberlain	Johnston	Simmons	
Clapp	La Follette	Smith, Md.	
Culberson	Martin	Smith, S. C.	

NOT VOTING—4.

Aldrich	Money	Terrell	Warren

So Mr. SUTHERLAND's amendment was agreed to.

Mr. BACON. Mr. President, as I have previously stated in the course of this debate, I am in favor of the adoption of the joint resolution as it came from the committee, and if the measure were presented to the Senate in that shape I would certainly give it my support and my vote. As I have further stated in the progress of this debate, if the amendment just acted upon should be adopted, I would not vote for the joint resolution; and I still adhere to that determination.

I had no anticipation that this matter was coming up this afternoon. I had supposed that we would proceed with the Lorimer matter. I was surprised, really, when that was set aside and we proceeded to the consideration of this question.

I desire to have an opportunity to give some reasons, very briefly, why I do not now give this measure my support. I would be very glad if I could have some other opportunity to do so than the present, for the reason stated, that I had no anticipation it was coming up this afternoon. I have some matters that are not now within my reach that I wish to use in that presentation.

I will say to the Senate in all candor and frankness that in so doing, if I may have their indulgence, I will not detain them at very great length, and will in no manner attempt to interfere with the desire of the Senate to finally pass upon the measure.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. BORAH. I desire, if I can, of course, to convenience the Senator from Georgia as to the time in which he shall make his remarks, but I should like, if we could, in view of the crowded condition of the Calendar of Business, to have a time fixed when we could dispose of the joint resolution.

With that purpose in view, I ask unanimous consent that upon Monday next, at 2 o'clock, when this matter comes up in the ordinary course of business, we shall take up the joint resolution and dispose of it during that day.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the joint resolution be taken up at 2 o'clock on Monday, and that it be proceeded with until disposed of. Is there objection?

Mr. LODGE. Mr. President, I understand that such an arrangement would take a great deal of time. If we are to dispose of this and one or two other matters it can only be done, in my judgment, by agreeing on a time for a vote on the bill and amendments.

Mr. GALLINGER. Without debate.

Mr. LODGE. Without debate. I suggest that on Tuesday next at 2 o'clock, without further debate, we proceed to vote, *in succession*, on the constitutional amendment, the Lorimer case, and the tariff board bill.

Mr. BAILEY. The Senator from Massachusetts knows that no such agreement as that last will be made, for I have told him so.

Mr. LODGE. I was not aware that the Senator had told me so.

Mr. BAILEY. I told the Senator when it was reported.

Mr. LODGE. The objection, as I understand, is to the tariff board bill.

Mr. BAILEY. Of course.

Mr. LODGE. Very well, Mr. President.

Mr. BAILEY. If we will agree to omit that——

Mr. LODGE. I can not omit that.

Mr. BAILEY. Then I renew the request that we proceed to vote at 2 o'clock on Tuesday next on the joint resolution amending the Constitution and on the resolution touching the seat of the junior Senator from Illinois.

The VICE PRESIDENT. The Chair assumes that the Senator from Idaho yields for this purpose.

Mr. BORAH. I do.

Mr. HALE. Mr. President——

Mr. NEWLANDS. On what day?

Mr. BAILEY. On Tuesday was the request.

Mr. HALE. Will not the Senator vary it only as to the matter of time, and instead of saying at 2 o'clock say Tuesday morning immediately after the reading of the Journal? That gives us so much more advantage for the day.

Mr. LODGE. I think this is a matter where we ought all of us to make concessions to get these votes. I proposed an agreement on all three matters, two of which I am not interested in getting a vote on and one of which I am interested in getting a vote on. I think they had better go together.

Mr. BAILEY. The Senator from Massachusetts certainly does not couple the questions involving a seat in this Chamber, a mere legislative matter, as I understand, which we decide as judges, and which I understand all Senators want to have disposed of, with an agreement with respect to a purely administrative matter. It surprises me, I may be permitted to say, beyond expression. The Senator from Massachusetts, of course, does not want to put himself in the attitude of preventing an agreement with respect to these two propositions by coupling with it one totally unrelated to it, to which he knows objection will be made.

Mr. LODGE. So far as I am personally concerned, I desire to get a vote on all of them, and I have no desire to interfere with getting a vote on any one.

Mr. BAILEY. That is right.

Mr. LODGE. I made the proposition, I will say frankly, because from what had been said to me this afternoon I believed that in that way we could get unanimous consent for all. If it can not be done, I have made my effort and I withdraw the suggestion.

Mr. BAILEY. If the Senator will omit the last, the rest may be agreed upon.

The VICE PRESIDENT. The Senator from Texas asks, the Senator from Idaho consenting that the request be first put before his, that on Tuesday, immediately after the reading of the Journal, without further debate, the vote shall be taken upon the constitutional amendment, and following that a vote be taken upon resolution 315 disposing of the Lorimer case. Is there objection?

Mr. STONE. I object to the last proposition embraced in the request——

The VICE PRESIDENT. Objection is made.

Mr. STONE. That is, to vote on the election of Mr. LORIMER. If I may be permitted, I should like to say that I do not think these two ought to be coupled any more than the Tariff Board bill should be coupled with the other two. I have no objection whatever to having as early a vote as possible on the Lorimer case. I give absolute assurance that I have no wish to unduly delay that vote. But I have already given notice of a purpose to speak to that resolution, and possibly other Senators may desire to speak, not at length but briefly.

Mr. President, I could not consent to put these two together and have perhaps the entire intervening time consumed in the discussion of the constitutional amendment. I object to the request therefore for that reason, and I make a request for unanimous consent that we take the vote immediately after the reading of the Journal on Tuesday upon the constitutional amendment.

Mr. BAILEY. Say Monday. The Senator from Idaho has already preferred the request for Monday.

Mr. NEWLANDS. Mr. President, I shall have to object to Monday. It will be impossible for me to be here on that day.

Mr. STONE. I will put it Tuesday.

The VICE PRESIDENT. Objection is made to the request of the Senator from Idaho. The Senator from Idaho consents to the Chair putting the request of the Senator from Missouri?

Mr. BORAH. Mr. President, I will change the date to Tuesday, if it will suit better. I would prefer Monday, but if there is objection to it, of course, I will yield to that.

The VICE PRESIDENT. The Senator from Idaho, as the Chair now understands, requests that a vote upon the constitutional amendment be taken immediately after the reading of the Journal on Tuesday next.

Mr. HALE. Without further debate.

The VICE PRESIDENT. Without further debate.

Mr. NELSON. Unless opportunity is given to the Senator from Georgia [Mr. BACON] and others who feel disposed to be heard before the vote is taken upon the joint resolution, I shall object; but if opportunity is given to the Senator from Georgia and others who want to be heard, I will agree to the time. Otherwise, I will not agree to it.

The VICE PRESIDENT. The Chair can not——

Mr. NELSON. I will object to it in its present form.

The VICE PRESIDENT. Very good. Objection is made.

Mr. BACON. I will state for the benefit of my friend from Minnesota that I have no objection to that time being fixed. I have not any very extended speech to make, and I have no doubt I will find an opportunity between now and Tuesday to give the reasons why I shall vote against the joint resolution in its present shape as amended.

Mr. NELSON. Very well, if the Senator from Georgia has no objection to the request, I withdraw my objection to it.

The VICE PRESIDENT. The Senator from Minnesota withdraws his objection. Is there objection to the request of the Senator from Idaho?

Mr. KEAN. Let it be again stated.

The VICE PRESIDENT. That on Tuesday, immediately after the reading of the Journal, and without further debate, a vote shall be taken upon the constitutional amendment, Senate joint resolution 134. Is there objection?

Mr. DAVIS. Mr. President, I do not rise for the purpose of objecting to the proposition, but as I understand it the joint resolution can not be debated at the time the vote is to be taken.

Mr. HALE. Not on that day.

Mr. DAVIS. Not on Tuesday?

The VICE PRESIDENT. It can not be debated at that hour. At that hour debate is closed, and nothing is in order but voting on the joint resolution. Is there objection? The Chair hears none, and the order is entered.

SENATOR FROM ILLINOIS.

Mr. HALE. Now, Mr. President, I make a request for unanimous consent for Wednesday morning. I am thinking also of appropriation bills and other matters, but I think that business can be done if the Senate will agree to my request. I ask that on Wednesday morning upon the reading of the Journal, without further debate, a vote be taken upon what is known as the Lorimer case.

The VICE PRESIDENT. Senate resolution No. 315.

Mr. HALE. Yes. I think, Mr. President, that with that matter solved and out of the way, as we have already disposed of the question of time upon the other contested matter, we will be in a condition next week to pass all of the appropriation bills. I should hope that all Senators will agree to this proposition. It gives plenty of time between now and Wednesday morning for any Senator who desires to debate this question to do it. Senators understand that the unvarying courtesy of the Senate is that when a Senator desires to speak upon a matter that is pending no objection is made. The Senator from Missouri has never——

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

Mr. HALE. Yes.

Mr. STONE. After consultation with the Senator from Michigan [Mr. BURROWS], as far as I am concerned, giving notice to that effect, if I may be permitted to submit such remarks as I desire to-morrow morning after the routine business, I can have no objection to the request.

Mr. HALE. There will be no objection to that, I am sure.

Mr. STONE. I give that notice, then.

The VICE PRESIDENT. The Chair did not understand what the notice was.

Mr. STONE. I consent, as far as I am concerned, to the request of the Senator from Maine that, by unanimous consent, we agree to vote on the Lorimer case upon Wednesday, with the understanding that to-morrow morning, after the routine business, I may be permitted to submit such remarks as I care to make on that case.

The VICE PRESIDENT. The request of the Senator from Maine is that immediately upon the reading of the Journal on Wednesday next, without further debate, the vote be taken upon Senate resolution No. 315, known as the Lorimer resolution. Is there objection? The Chair hears——

Mr. BACON. I make no objection.

The VICE PRESIDENT. The Chair hears none, and the order——

Mr. LA FOLLETTE. Mr. President, wait.

The VICE PRESIDENT. The Chair understood that there was no objection.

Mr. CRAWFORD. I want to be heard.

Mr. OWEN. Mr. President, I should like to have an opportunity to be heard in regard to this matter at 2 o'clock on Monday. Beyond that I shall not venture to interpose any objection, nor shall I detain the Senate at any great length in regard to the matter at that time.

Mr. CRAWFORD. I am not going to raise any objection except to say that I want an opportunity for just a very few moments before the case is submitted to the Senate, because of the rather direct and personal allusions made to some remarks of mine. I do not want to have the matter foreclosed so that I may not have an opportunity. If the business is going to be so crowded that I may not have such an opportunity before the time suggested, I would not feel like consenting to it.

The VICE PRESIDENT. Does the Senator from South Dakota object?

Mr. CRAWFORD. I object until that matter is clearly settled.

Mr. BAILEY. I suggest then that we agree that before we adjourn on Wednesday a vote be taken.

The VICE PRESIDENT. The Senator from Texas asks unanimous consent that on Wednesday next, before adjournment, a vote be taken upon Senate resolution No. 315. Is there objection?

Mr. DAVIS. I object.

Mr. LA FOLLETTE. I object to the fixing of any time to vote upon the Lorimer case at this time.

The VICE PRESIDENT. Objection is made.

Mr. LA FOLLETTE. I want to say in this connection, Mr. President, that I may be entirely willing to consent, so far as I am concerned, to a vote being taken if it is proposed at a later time, but I have very sufficient reason for asking that this matter shall not be closed at this time. I do not care to state more than that now.

The VICE PRESIDENT. Objection is made.

Mr. BACON. I wanted to suggest to the Senator from Oklahoma [Mr. OWEN] that as the matter to which he wishes to address himself will not be disposed of until Wednesday, he may have an opportunity to speak on Tuesday. As the matter to which I wish to speak will be closed on Tuesday, I wish to ask him to let me take the time at 2 o'clock on Monday and transfer his notice to Tuesday.

Mr. OWEN. I would be very glad to acquiesce in that suggestion.

The VICE PRESIDENT. The Senator modifies his notice accordingly.

Mr. BACON. With the permission of the Senate, I will briefly and somewhat informally endeavor at 2 o'clock on Monday to give to the Senate the reasons why I can not vote for the amended joint resolution.

Mr. CURTIS. I ask unanimous consent that Order of Business 1075, known as the Sulloway pension bill, be made the unfinished business to follow the vote on the constitutional amendment.

Mr. BAILEY. I object.

The VICE PRESIDENT. Objection is made by the Senator from Texas.

Mr. PENROSE. I desire to give notice to the Senate that I will ask the Senate to proceed to the consideration of the Post Office appropriation bill on Monday morning next, after the routine morning business.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. Will the Senator from Massachusetts withhold his motion?

Mr. LODGE. I will withhold it for a moment.

Mr. BURROWS. Mr. President——

Mr. LODGE. I withhold the motion and yield to the Senator from Michigan.

Mr. BURROWS. I ask that Senate resolution No. 315 be now laid before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Chair lays before the Senate the following resolution.

The SECRETARY. Senate resolution No. 315:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. BURROWS. I now move that the Senate proceed to the consideration of that resolution.

Mr. HALE. That is right.

The VICE PRESIDENT. The Senator from Michigan moves the consideration of the resolution just read.

The motion was agreed to.

RECIPROCITY WITH CANADA.

Mr. BURROWS. From the Committee on Finance I report back the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, without amendment and also without recommendation. In connection therewith I also report the hearings had before the committee and ask that they be printed for the use of the Senate.

The VICE PRESIDENT. Is there objection to the request as to printing?

Mr. SMOOT. I should also like to have the report printed as a public document.

The VICE PRESIDENT. Is there objection to the printing of the report.

Mr. BAILEY. There is no report.

Mr. SMOOT. I mean the hearings before the committee.

Mr. BAILEY. The Senator said "report."

Mr. BURROWS. There is no objection to that.

The VICE PRESIDENT. In the absence of objection, the hearings will be printed as a public document (S. Doc. No. 834), as requested by the Senator from Utah. The bill will go to the calendar.

Mr. BAILEY. Mr. President, I could not concur in the action which has been reported to the Senate, because I felt that the committee was in duty bound to report this important matter back with some positive recommendation, either that it should pass or that it should not pass. Personally I preferred a recommendation that it should not pass, and I desire very briefly to record my reason for opposing this agreement between the United States and Canada.

In the first place I believe that the best interest of our people requires that their Government shall accord to all countries the same privileges, and I am persuaded that by extending special favors to some countries we shall inevitably provoke the hostility of other countries. But, sir, if I did not object to these trade agreements upon a general principle, I could not support the particular one now presented for our consideration, because, in my judgment, it shamefully sacrifices the interest of the American farmer to promote the interest of the American manufacturer. I could justify this criticism by specifying a number of items in each of the three schedules which have been made the subject of this agreement, but I will not at this juncture occupy so much of the Senate's time as that would require, and I will content myself with two which illustrate this policy and condemn this whole arrangement.

The duty on wheat is entirely removed, but a duty on flour is left. The civilized people among whom I live eat flour, not wheat, and therefore this does not help them. The duty on cattle is repealed, but a duty is left on meat; and it will not make living cheaper to take the duty off the cattle, which the butchers and packers buy from the people, and still leave a duty on the meat, which the people buy from the butchers and packers.

Mr. President, I am not unmindful of the fact that this agreement removes the duty on print paper and wood pulp, from the importation of which the Government now collects nearly $500,000 of annual revenue; and I have been informed by the business manager of a great newspaper that this provision is worth $5,000,000 to the newspapers of this country. I might be glad to relieve them of this burden if they were not able to bear it; but, sir, before I ever vote to take the tax off wood pulp and print paper imported by a very small and prosperous class, I demand that it shall be taken from the bread and meat,

which the industrious laborers of this Republic need to preserve their health and strength. Never, sir, will I give my consent to the enactment of a law which relieves the few who are rich and leaves the burdens on the millions who are poor.

Mr. HALE. Mr. President, concurring most heartily with what the Senator from Texas [Mr. BAILEY] has said, I wish to say further that I should have been better content if the Committee on Finance had submitted a report with a recommendation which represented the real sentiment of the committee. I do not improperly betray any secret of the committee when I say that a large majority was opposed to the reciprocity agreement and to reporting it favorably; but while that was the clear sentiment of the committee, and I have no doubt it is at this moment, so much clamor has arisen and so much charge that the committee intended to suppress the consideration of the reciprocity measure and to keep it from the Senate, that to meet that objection at last it was agreed, contrary to the majority feeling of the committee, that the bill should be reported and put upon the calendar for the action of the Senate; and, Mr. President, it is my understanding that it will take its course in accordance with the feeling and the desire of the Senate, whatever that may be. If the Senate, as is the case with a great many other measures that are reported and sent to the calendar, does not choose to take up the measure, that is a clear right of the Senate; and for anybody or any authority to claim the power to drive the Senate to do anything with regard to this measure would be an assumption of power unwarranted either now or at any time whatever.

I am willing that this bill shall be left just as the committee has left it—upon the calendar—to await such action or such nonaction as the Senate may desire.

Mr. STONE. Mr. President, like the Senator from Texas [Mr. BAILEY], I did not concur in the action of the committee. I believed the bill ought to have been reported to the Senate with a recommendation that it pass.

The Senator from Maine [Mr. HALE] says that a large majority of the committee voted to report the bill without recommendation. Mr. President, the majority was not very large, as I view majorities, but fearing that I might trench upon the proprieties by stating in public the action of the committee, I refrain from further observations upon that head.

Mr. President, I am for this bill, and if those opposing it shall consent to have it considered during this session, I will support it. I regard it as an act of wise and progressive statesmanship, and it challenges my unqualified approval. Perhaps I ought to modify that expression. When I say "my unqualified approval," it is not the kind of agreement that I would have made if I had had the making of it. I would have admitted flour and meat and other necessaries free, as well as wheat and cattle, and, as the Senator from North Carolina [Mr. OVERMAN] suggests to me, I would have insisted upon the admission free of duty of farming implements as well.

But, Mr. President, this bill is a step, as I view it, in the right direction in true economic legislation. I do not believe the passage of it would injure the farmers of the United States, nor do I intend by my vote or by what I may say when this bill is considered to impress the farmers of the United States that a protective tariff is necessary for them or beneficial to their interests.

I think, sir, that is all I care to say at this time.

Mr. LODGE obtained the floor.

Mr. BAILEY and Mr. YOUNG addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield, and to whom?

Mr. BAILEY. If the Senator from Massachusetts will permit me just a moment, I simply want to say, in reply to the suggestion of the Senator from Missouri [Mr. STONE] that he will vote for the bill if those opposed to it will permit it to come to a vote, that so far as I am concerned I am ready to vote on it the hour after the Lorimer case is disposed of, and I will vote on it the more readily because I know that if it happens to pass, it will produce a political result in which I have great interest, for if it is true that this bill will reduce the cost of living, that reduction is going to come out of the farmers that live along the Canadian border, and as they have been furnishing the Republican majorities with which those States have been carried, I will feel a satisfaction in seeing them settle it with their friends. [Laughter.]

EXECUTIVE SESSION.

Mr. LODGE. I move 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 1 hour and 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 25, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1911.

COLLECTOR OF CUSTOMS.

Clarence S. Hebert, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana, in place of Henry McCall, whose term of office expired January 31, 1911.

ASSISTANT TREASURER.

John A. Wogan, of Louisiana, to be assistant treasurer of the United States at New Orleans, La., in place of Clarence S. Hebert, nominated to be collector of customs for the district of New Orleans, in the State of Louisiana.

UNITED STATES MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal, district of Colorado. (A reappointment, his term expiring Feb. 26, 1911.)

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Second Lieut. Charles H. Rich, Twenty-sixth Infantry, to be first lieutenant from December 14, 1910, vice First Lieut. William S. Mapes, Twenty-fifth Infantry, promoted.

Second Lieut. Paul C. Potter, Fifteenth Infantry, to be first lieutenant from December 28, 1910, vice First Lieut. Samuel A. Price, Twenty-eighth Infantry, promoted.

Second Lieut. Albert T. Rich, Twenty-sixth Infantry, to be first lieutenant from January 19, 1911, vice First Lieut. Fred E. Smith, Third Infantry, promoted.

Second Lieut. David P. Wood, Twenty-first Infantry, to be first lieutenant from January 21, 1911, vice First Lieut. Perrin L. Smith, Sixteenth Infantry, promoted.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1910, to fill vacancies existing in that grade on that date:

Edmund W. Strother and

Henry E. Parsons.

Maj. Cyrus R. Radford, assistant quartermaster, United States Marine Corps, to be lieutenant colonel, assistant quartermaster, in the United States Marine Corps from the 11th day of February, 1911, vice Lieut. Col. Thomas C. Prince, assistant quartermaster, United States Marine Corps, retired.

POSTMASTERS.

COLORADO.

William L. Williams to be postmaster at Fowler, Colo., in place of William L. Williams. Incumbent's commission expired February 7, 1911.

GEORGIA.

William M. Griffin to be postmaster at Manchester, Ga. Office became presidential January 1, 1911.

IDAHO.

Marcus O. Funk to be postmaster at Oakley, Idaho. Office became presidential January 1, 1911.

Samuel Perrins to be postmaster at Albion, Idaho. Office became presidential January 1, 1911.

ILLINOIS.

Walter W. Bartlett to be postmaster at Highwood, Ill., in place of William E. Cummings, removed.

IOWA.

James E. Wheelock to be postmaster at Hartley, Iowa, in place of James E. Wheelock. Incumbent's commission expired January 31, 1911.

KANSAS.

Walter L. Stocking to be postmaster at Goff, Kans., in place of Walter L. Stocking. Incumbent's commission expires February 28, 1911.

KENTUCKY.

Ellsworth McEuen to be postmaster at Calhoun, Ky. Office became presidential January 1, 1911.

Thomas A. Miller to be postmaster at Pembroke, Ky., in place of Charles E. Mann. Incumbent's commission expired December 1, 1907.

LOUISIANA.

James C. Brown to be postmaster at Jonesboro, La. Office became presidential January 1, 1910.

MASSACHUSETTS.

John S. Fay to be postmaster at Marlboro, Mass., in place of John S. Fay. Incumbent's commission expired February 18, 1911.

Frederick H. Greene to be postmaster at Ashburnham, Mass., in place of Frederick H. Greene. Incumbent's commission expires March 2, 1911.

Harry D. Hunt to be postmaster at North Attleboro, Mass., in place of Harry D. Hunt. Incumbent's commission expired February 7, 1911.

MICHIGAN.

William H. Goodman to be postmaster at Allegan, Mich., in place of William H. Goodman. Incumbent's commission expires March 2, 1911.

MISSOURI.

T. G. Buxton to be postmaster at Seneca, Mo., in place of Moses M. Adams. Incumbent's commission expired February 13, 1911.

John L. Schmitz to be postmaster at Chillicothe, Mo., in place of John L. Schmitz. Incumbent's commission expired January 28, 1911.

NEBRASKA.

Frank R. Wild to be postmaster at De Witt, Nebr., in place of Frank R. Wild. Incumbent's commission expired January 31, 1911.

NEW YORK.

John L. Kyne to be postmaster at East Syracuse, N. Y., in place of John L. Kyne. Incumbent's commission expires February 28, 1911.

H. D. Stebbins to be postmaster at West Winfield, N. Y., in place of Charles E. Morgan. Incumbent's commission expired February 13, 1911.

NORTH DAKOTA.

Thomas Jones to be postmaster at Linton, N. Dak., in place of Thomas Jones. Incumbent's commission expires March 2, 1911.

OHIO.

Edmund F. Moore to be postmaster at Lisbon, Ohio, in place of Edmund F. Moore. Incumbent's commission expired February 21, 1911.

Akin M. Richards to be postmaster at Hicksville, Ohio, in place of Akin M. Richards. Incumbent's commission expired March 3, 1907.

OKLAHOMA.

Poe B. Vandament to be postmaster at Glencoe, Okla. Office became presidential January 1, 1911.

OREGON.

Fred Davis to be postmaster at Madras, Oreg. Office became presidential January 1, 1911.

PENNSYLVANIA.

Barnett C. Fretts to be postmaster at Scottdale, Pa., in place of Barnett C. Fretts. Incumbent's commission expires March 2, 1911.

Samuel F. Booher to be postmaster at Kittanning, Pa., in place of Samuel F. Booher. Incumbent's commission expires February 25, 1911.

Adelbert E. Torrens to be postmaster at Conway, Pa. Office became presidential January 1, 1911.

SOUTH DAKOTA.

Adam Royhl to be postmaster at Arlington, S. Dak., in place of George Reed. Incumbent's commission expires February 28, 1911.

J. T. Smith to be postmaster at Scotland, S. Dak., in place of John Reich. Incumbent's commission expires March 2, 1911.

TEXAS.

George W. Burkitt, jr., to be postmaster at Palestine, Tex., in place of George W. Burkitt, jr. Incumbent's commission expired February 21, 1911.

UTAH.

Charles S. Wilkinson to be postmaster at Cedar City, Utah. Office became presidential January 1, 1911.

VERMONT.

Edward W. Bisbee to be postmaster at Barre, Vt., in place of Edward W. Bisbee. Incumbent's commission expires March 2, 1911.

Roscoe M. Cowles to be postmaster at Albany, Vt. Office became presidential January 1, 1911.

Fred B. Hammond to be postmaster at North Troy, Vt., in place of John L. Lewis, resigned.

WISCONSIN.

William Hausmann to be postmaster at West Bend, Wis., in place of William Hausmann. Incumbent's commission expires February 28, 1911.

Christ Legried to be postmaster at Cambridge, Wis., in place of Christ Legried. Incumbent's commission expires February 28, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1911.

POSTMASTERS.

MASSACHUSETTS.

Harry D. Hunt, North Attleboro.

PENNSYLVANIA.

Thomas B. Smith, Philadelphia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 24, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

HELEN S. HOGAN.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution (H. Con. Res. 62), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, directed to erase their signatures to the bill (H. R. 25081) for the relief of Helen S. Hogan, and that the said bill be reenrolled with the words "act of February 26" changed to "act of February 25."

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

CHANGE OF REFERENCE—NATIONAL M'KINLEY BIRTHPLACE MEMORIAL.

The SPEAKER. Without objection, reference of the bill (H. R. 32907) to incorporate the National McKinley Birthplace Memorial Association will be changed from the Committee on the Library to the Committee on the Judiciary.

There was no objection, and it was so ordered.

QUESTION OF PRIVILEGE.

Mr. HAMILL. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HAMILL. Mr. Speaker, in the early part of the present session several measures were placed on the files of this House, to each of which my name was attached as the introducer. To say the least, some of them are rather startling in character. They are numbered and entitled, respectively, H. J. Res. 244, designating the 25th day of April in each and every year "American Day;" H. R. 27838, to construct a national auto highway along or near to the thirty-fifth parallel of north latitude from the Atlantic to the Pacific Ocean; and H. R. 27839, for the establishment of an experimental auto-coach rural service. Mr. Speaker, I of course appreciate the humor contained in these measures and if it were a matter merely personal to myself I would be inclined to view it in the manner in which the House evidently views it after hearing the disclosure of the titles. They were introduced, Mr. Speaker, without my knowledge or consent. I had intended to take no notice of them, but the newspapers of the country saw fit to comment on them, some newspapers treating them humorously, others critically, and still others in a strain that was rather caustic. I would still adhere to my determination to take no notice of them and to let them lie in the oblivion and contempt to which such legislation ought to be consigned, but I feel it is a matter of public interest which should not be ignored. I may at the same time take the opportunity to remark that the loose and informal way in which legislation is initiated in this House by the mere dropping of bills into a basket on the Clerk's desk renders it the easiest thing in the world for anybody to introduce anything in the shape of legislation with anybody's name attached to it. This legislation is printed at Government expense. However, I am not concerned about that now. My purpose to-day, Mr. Speaker, is to arrest the attention of the House for the purpose of clearing off the reflection, not upon me personally, but upon the House of Representatives as a body. Therefore, Mr. Speaker, I move that these measures introduced, as I have stated, without my consent, without my knowledge, bearing attached to them as introducer my name, unauthorized and unwarranted, be stricken from the files of this House. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from New Jersey, that there be stricken from the files of the House the bills H. R. 27839, for the establishment of an experimental auto-post-coach rural service; H. R. 27838, to construct a national auto highway along or near the thirty-fifth parallel of north latitude, from the Atlantic to the Pacific Ocean, and House joint resolution 244, designating the 25th day of April in each and every year "America Day."

The question was taken, and the motion was agreed to.

VACANCY, BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the House reconsider the vote whereby Senate joint resolution 145 was passed yesterday. There was a mistake in the joint resolution. It was a resolution appointing a member of the board of regents of the Smithsonian Institution and John B. Henderson, jr., was designated as "of Virginia." Under the