Grand Army of the Republic, Department of Illinois, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolution of Chiles Post, No. 278, of Palmyra, Ill., Grand Army of the Republic, favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolution of the Chamber of Commerce of Quincy, Ill., favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Petition of Carpenters and Joiners' Union No. 717, of San Antonio, Tex., favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SNOOK: Petition of Evans Post, No. 194, Grand Army of the Republic, Department of Ohio, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. SOUTHARD: Resolution of Journeymen Tailors' Union of Toledo, Ohio, and Gas Well Workers' Union and citizens of North Baltimore, Ohio, favoring the passage of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of Manufacturers' Club of Cincinnati, Ohio, and Central Labor Union of Toledo, Ohio, favoring the bill to increase the efficiency and to change the name of the United States Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Typographical Union No. 63; of Ford Post, No. 14, and Quiggle Post, Grand Army of the Republic, Department of Ohio, urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, resolutions of various orders in Toledo, Ohio, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of directors of the Connecticut State prison, opposing legislation forbidding transportation of prison-made goods from one State to another—to the Committee on Labor.

By Mr. STEELE: Petition of Henry C. Coulter Post, No. 131, Grand Army of the Republic, Department of Indiana, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

By Mr. STEVENS of Minnesota: Petition of citizens of Lindstrom, Minn., favoring the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of St. Paul Liquor Dealers' Union, urging the passage of House bills 178 and 179, proposing to reduce the tax on whisky—to the Committee on Ways and Means.

Also, petition of citizens of Crookston, Minn., in favor of the establishment of a military post at Crookston, Minn.—to the Committee on Military Affairs.

Also, petition of Machinists' Union No. 112, of St. Paul, Minn., advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

Also, resolution of Cooks' Alliance No. 271, Division No. 40, Order of Railway Conductors, and Zenith Division, No. 249, Brotherhood of Locomotive Engineers, favoring a further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, resolution of German-American Central Bund, of St. Paul, Minn., against restrictive legislation on immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of Cigar Makers' Union No. 98 and Waiters' Union No. 43, of St. Paul, Minn., advocating the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. SULLOWAY: Resolution of Granite Cutters' National Union, of Milford, and Freight Handlers' Union, of Manchester, N. H., favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Post No. 57, Columbia, N. H., Grand Army of the Republic; Old Homestead Lodge, No. 319, of Keene, N. H., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

Also, resolution of Columbia Council, Daughters of Liberty, Manchester, N. H., favoring reenactment of the Chinese-exclusion law, a more restrictive immigration law, fixing a severe penalty for attempt on the life of the President, etc., and a law to prohibit the landing and for the deportation of anarchists—to the Committee on Foreign Affairs.

Also, petitions of the Woman's Christian Temperance unions of East Rochester, East Colbrook, Richmond, South Acworth, Newmarket, Concord, Franklin, Candia, Rumney, Seabrook, Newport, Alton, Claremont, and Contoocook, N. H., for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to the Committee on the Judiciary.

By Mr. TAYLOR of Alabama: Petition of Brotherhood of Railway Carmen, Union No. 76, of Whistler, Ala., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. TOMPKINS: Resolutions of Hollingsworth Division, No. 100, Order of Railway Conductors, Columbus, Ohio, favoring bill to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

Also, resolution of Hollingsworth Division, No. 100, Order of Railway Conductors, Columbus, Ohio, favoring the reenactment of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. WANGER: Resolutions of Colonel Croasdale Post, No. 256, Grand Army of the Republic, Department of Pennsylvania, for the building of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, resolution of Carpenters' Union No. 465, of Ardmore, Pa., and Cigar Makers' Union, No. 489, of Souderton, Pa., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. WARNER: Resolution of Champaign (Ill.) Local Union of Carpenters and Joiners of America, favoring the passage of a law which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. WARNOCK: Petition of S. C. Kitchen and other citizens of Delaware County, Ohio, for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. WILSON: Resolution of Photo-engravers' Union No. 23, of New York City, and District Lodge No. 15, of International Association of Machinists, of New York, asking for reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. WOODS: Petition of City Front Federation, of San Francisco, Cal., favoring House bill 9330, to exclude Chinese from competition with American workers—to the Committee on Foreign Affairs.

Also, resolutions of Vallejo Lodge, No. 148, Boiler Makers and Iron Ship Builders, condemning the action of the Chamber of Commerce of San Francisco on the Chinese—to the Committee on Foreign Affairs.

Also, resolution of San Francisco (Cal.) Labor Council, advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Upholsterers' Union No. 62, of Stockton, Cal., and Pacific Coast Marine Firemens' Union, favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *February 26, 1902.*

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

Mr. FORAKER. Mr. President, on account of the McKinley memorial exercises, which are to be held in the Hall of the House of Representatives at 12 o'clock to-morrow, I move that when the Senate adjourns to-day the adjournment be until a quarter before 12 to-morrow.

The motion was agreed to.

Mr. BURROWS. Mr. President, the Committee on Privileges and Elections had a session this morning, and we are in the midst of the consideration of the order submitted to that committee. By direction of the committee, and hoping we may be able to reach an agreement, I am requested to make the motion that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Michigan moves that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 27, 1902, at 11 o'clock and 45 minutes a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 26, 1902.*

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

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

REPRINT OF A BILL.

Mr. LOUD. Mr. Speaker, I will ask first unanimous consent for a reprint of the bill (H. R. 11354) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1903, including the accompanying report, No. 550, as I understand it is exhausted.

The SPEAKER. The gentleman from California asks unanimous consent for the reprint of the House bill 11354, being the

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Post-Office appropriation bill and the accompanying report. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. LOUD. Now, Mr. Speaker, I will ask unanimous consent of the House that bill H. R. 11728, to classify the rural free-delivery service, and the compensation of the employees thereof, be taken up for consideration Monday next, immediately after the reading of the Journal, and that such bill shall be the continuing special order until disposed of; the bill to be considered in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from California asks unanimous consent that House bill 11728, a bill to classify the rural free-delivery service, and fix the compensation of the employees thereof, be taken up on Monday next, immediately after the approval of the Journal, and become the continuing special order until disposed of by the House, subject to revenue and appropriation bills and conference reports. Is there objection?

Mr. LOUD. And to be considered in Committee of the Whole.

The SPEAKER. That would follow, but the Chair will add that to the request.

Mr. SWANSON. Mr. Speaker, I would like to have added to that a request for unanimous consent that the time in which this bill is considered shall be equally divided between those who favor the bill and those who oppose it.

The SPEAKER. The gentleman from Virginia asks that there be added to the request the provision that the time allowed for consideration of the bill be equally divided between those in favor and those opposed to the bill. The Chair thinks that will follow as a matter of course. Is there objection to the request of the gentleman from California?

Mr. FORDNEY. I object, Mr. Speaker.

Mr. LOUD. Will the gentleman withhold his objection that I may make a brief statement about the facts in the case?

Mr. FORDNEY. Yes.

Mr. LOUD. Mr. Speaker, the Post-Office Committee finds itself in this position: For a number of years we have been appropriating a lump sum for the rural free-delivery service. This year if it is continued it may necessarily require legislation, and legislation outside of that which I anticipate the gentleman from Michigan objects to. We can not consider the appropriation bill unless this legislation shall first be considered, or it must be considered on the appropriation bill. The question that confronts the House must be disposed of one way or the other, or the appropriation bill must pass the House without containing the provision for rural free-delivery service. If there are any provisions in this bill that the House does not like, it has the power to strike it out; but a failure to consider this bill, as far as the House is concerned, prohibits an incorporation of the rural free-delivery service in the bill. I think that is all, Mr. Speaker.

Mr. CORLISS. I would like to ask the gentleman from California a question.

Mr. FORDNEY. I will withdraw my objection, Mr. Speaker.

Mr. LOUD. I will yield to the gentleman from Michigan.

Mr. CORLISS. I would like to ask the gentleman if this bill—I have not been able to get a copy of it—embraces the provision with reference to a contract system for the rural free-delivery carriers?

Mr. LOUD. It does; that is one of the provisions.

The SPEAKER. Is there objection?

Mr. SWANSON. I shall object, Mr. Speaker, unless the request that the time be equally divided be added to the request.

The SPEAKER. The gentleman's request is added to the request of the gentleman from California, although the Chair thinks it would follow anyway. Is there objection? [After a pause.] The Chair hears none, and the order is made as requested.

BRIDGE OVER THE MISSOURI RIVER NEAR KANSAS CITY.

Mr. COWHERD. Mr. Speaker, I desire to call up the bill (S. 3107) to authorize the construction of a bridge over the Missouri River at or near Kansas City, Mo. I desire to say that the bill H. R. 9962 is a similar bill and has been reported favorably by the House committee.

The Clerk read the bill at length.

The SPEAKER. Inasmuch as this is a Senate bill substantially the same as the House bill which has been favorably reported by a committee of the House, it does not have to be considered in Committee of the Whole. Under section 2 of Rule XXIV it is in order on the Speaker's table.

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

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

Mr. COWHERD. Mr. Speaker, I ask unanimous consent that House bill 9962, a similar bill, lie on the table.

There was no objection.

HOMESTEAD ENTRIES IN OKLAHOMA.

Mr. LONG. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 7933) providing for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma was read, as follows:

Be it enacted, etc., That that portion of section 22 of the act approved May 2, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," providing for the commutation for town-site purposes of homestead entries in certain instances, be, and the same is hereby, made applicable to the lands in the Territory of Oklahoma ceded to the United States by the Wichita and affiliated bands of Indians and the Comanche, Kiowa, and Apache tribes of Indians, under agreements, respectively, ratified by the acts of Congress of March 2, 1895, and June 6, 1900.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RICHARDSON of Tennessee. We would like to hear some explanation of the extent and scope of the bill, and would also be glad to know what committee has reported it.

Mr. LONG. I yield to the gentleman from Oklahoma [Mr. FLYNN] that he may explain the bill.

Mr. FLYNN. Mr. Speaker, this bill has been unanimously reported by the Committee on the Public Lands of this House. It provides that the section of the general land law which authorizes in all parts of Oklahoma commutation of homestead entries for town-site purposes shall be extended over the reservations known as the Kiowa, Comanche, and Apache reservations opened up last August. The bill has the united support of the gentleman from Texas [Mr. STEPHENS] and myself. Both of us appeared before the Committee on the Public Lands in relation to the measure.

Under existing law a homesteader can commute his homestead entry at the expiration of fourteen months by the payment to the Government of $1.25 an acre. Under this bill he can commute for town-site purposes by paying $10 an acre at any time. It merely extends the existing provisions of law now applying to all other parts of Oklahoma which were opened up last August. It was purely by oversight that this section was omitted from the bill which passed the House.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. LONG, a motion to reconsider the last vote was laid on the table.

PERSONAL EXPLANATION.

Mr. TAWNEY. Mr. Speaker, a few days ago, when the gentleman from Texas [Mr. BURLESON] was addressing the House on the subject of trusts, he alluded to the merger of two railroad companies in Minnesota——

Mr. RICHARDSON of Tennessee. I rise to a point of order. I do not understand by what right the gentleman from Minnesota [Mr. TAWNEY] is occupying the floor.

The SPEAKER. The gentleman from Minnesota can proceed only by unanimous consent.

Mr. TAWNEY. I ask unanimous consent to make a personal statement.

Mr. LANHAM. I do not see my colleague [Mr. BURLESON] in the House.

Mr. TAWNEY. I spoke to him a moment ago about this matter concerning which I intend to make a statement, and we agreed upon the request I am about to make. I do not know where he is just now, but I spoke to him about the matter.

Mr. LANHAM. If my colleague has consented to the arrangement, all right.

Mr. TAWNEY. I ask unanimous consent——

The SPEAKER. For how long?

Mr. TAWNEY. Just to make a personal statement to the House and then to ask that the question asked of the gentleman from Texas by me in the course of his remarks a few days ago and his reply thereto may be stricken from the permanent record of the House. I do not want more than five minutes.

The SPEAKER. The gentleman from Minnesota asks five minutes to make a statement. Is there objection? The Chair hears none.

Mr. TAWNEY. As I said a moment ago, the gentleman from Texas, in the course of his remarks a few days ago, alluded to the proposed merger of the Great Northern and Northern Pacific railroads in the State of Minnesota, and commended the governor of Minnesota, a Republican, for the action which he had taken to prevent the full consummation of that combination. At that point it was suggested to me by a member sitting near by that I ask the gentleman from Texas what was the attitude of the governor of Montana, a Democratic governor, on this same question.

It was suggested to me that he was against the prosecution of pending judicial proceedings, and recalling the fact that the governor of one of the neighboring States was opposed, or did not

join in the proceedings to prevent the merger, I asked the question as to the attitude of the governor of Montana, to which the gentleman from Texas replied that he did not know, but that if he was against it he [Mr. BURLESON] repudiated him; and I replied that he was against it. I wish to correct that statement. It is not in accordance with the fact. My remark was uttered hastily and without stopping to consider what particular governor was opposed to the prosecution of the judicial proceedings for the purpose of preventing this merger. The governor of Montana, as I am informed, has always been opposed to the merger and is now opposed to it—is doing all he can to assist the governor of Minnesota in preventing the full consummation of the merger contemplated by and through the organization of the Northern Securities Company.

I make this statement in justice to the governor of Montana. I knew that one or more of the governors of States in that section were opposed to the proceedings against the so-called merger, and the suggestion being made to me by a member sitting near me that it was the governor of Montana, I hastily asked the question I did. In view of the fact that it was an erroneous statement concerning the chief executive of Montana, I ask unanimous consent that those questions and answers may be stricken from the official record of the House. I wish to say that the gentleman from Texas [Mr. BURLESON] consented to this a moment ago when he was here and would consent to it now if he was here.

Mr. LANHAM. It was just the statement made by yourself?

Mr. TAWNEY. It is a question and the answer.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that there may be stricken from the official record of the date referred to so much of the colloquy between himself and the gentleman from Texas [Mr. BURLESON] as he has explained. Is there objection? [After a pause.] The Chair hears none.

RURAL FREE DELIVERY.

Mr. SWANSON. Mr. Speaker, I ask unanimous consent that the minority members of the Post-Office Committee may be permitted to file their views againt House bill 11728, which provides for the contract system of rural delivery.

The SPEAKER. The gentleman from Virginia asks unanimous consent to submit the views of the minority members of the Post-Office Committee against House bill 11728. Is there objection? [After a pause.] The Chair hears none.

PHILIPPINE TARIFF.

Mr. PAYNE. I desire to report from the Committee on Ways and Means on the Senate amendments to House bill 5833, being an act temporarily to provide revenue for the Philippine Islands, and for other purposes.

The SPEAKER. The gentleman from New York, chairman of the Committee on Ways and Means, by direction of that committee reports back House bill 5833.

Mr. PAYNE. Mr. Speaker, the committee recommends a disagreement with all the amendments of the Senate, although I may say for the majority of the committee that they are in accord with nearly all of the amendments; but a number of them with which they are in accord they think ought to be amended in order to clearly state the object of the amendments, and to be sure that what the object of the Senate was in making the amendment is accomplished by the language employed; and I would ask unanimous consent of the House to disagree with these amendments and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent that the House disagree to the amendments of the Senate to House bill 5833, and ask for a conference. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, reserving the right to object, I want to say that the amendments were hastily considered in the Committee on Ways and Means, and for the minority I would say that some of them were regarded as not very material and were not objected to; but I can not agree with the request of the gentleman from New York, and I demand the regular order.

The SPEAKER. The gentleman from Tennessee demands the regular order. The Clerk will report the Senate amendments.

Mr. RICHARDSON of Tennessee. I make the point of order that they require consideration in the Committee of the Whole. I will make it now or after they are reported.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 2, line 5, after "countries," insert:

"*Provided*, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 75 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the exportation thereof from the Philippine Archipelago, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles, the growth and product of the Philippine Islands, now admitted into the ports of the United States free of duty and exported directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands."

Page 2, line 8, after "all," insert "foreign."

Page 2, line 9, after "Archipelago," insert:

", and in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands upon all foreign vessels, except vessels of Spain owned by Spanish subjects engaged in traffic between the ports of the Philippine Archipelago."

Page 2, lines 11 and 12, strike out "otherwise provided by law" and insert "July 1, 1904."

Page 2, line 17, after "United States," insert:

", or between ports in the Philippine Archipelago: *And provided further*, That the Philippine Commission shall be authorized and empowered to issue licenses to all vessels or other craft now engaged in lighterage or other exclusively harbor business; but after the passage of this act such licenses except as herein provided shall be issued only to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands."

Page 2, lines 19 and 20, strike out "less the cost of collecting the same."

Page 2, line 20, strike out "the gross amount of."

Page 2, lines 20 and 21, strike out "collections of."

Page 2, line 21, after "taxes," insert "collected."

Page 2, line 22, after "upon," insert "foreign."

Page 4, line 2, after "prescribe," insert:

"And all taxes paid upon such articles shipped to the Philippine Islands since November 15, 1901, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated."

Page 4, line 3, strike out "imported."

Page 4, after line 9, insert:

"SEC. 7. That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less 1 per cent, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Page 4, after line 9, insert:

"SEC. 8. That an appeal as respects all articles coming into the Philippine Archipelago from the United States, and all articles coming into the United States from the Philippine Archipelago, shall be allowed as provided in an act entitled 'An act to simplify the laws in relation to the collection of revenues,' approved on the 10th day of June, 1890 (26 Stats., 131), as amended by an act entitled 'An act to provide for the Government and to encourage the industries of the United States,' approved July 24, 1897 (30 Stats., 151)."

Page 4, after line 9, insert:

"SEC. 9. That no person in the Philippine Islands shall, under the authority of the United States, be convicted of treason by any tribunal, civil or military, unless on the testimony of two witnesses to the same overt act, or on confession in open court: *Provided*, That there shall be no conviction or punishment under the authority of the United States by any tribunal, civil or military, of any mother or father for failing to give information against his or her child, or of any son or daughter for failing to give information against his or her mother or father, or of any husband for failing to give information against his wife, or of any wife for failing to give information against her husband."

The SPEAKER. The gentleman from Tennessee makes the point of order that these amendments should be considered in the Committee of the Whole House on the state of the Union. The Chair will ask the gentleman from Tennessee to indicate to which of these amendments he makes the point of order, because that point can apply only to propositions for raising revenue, not to regulations or increases or decreases from the propositions of the House bill.

Mr. RICHARDSON of Tennessee. Mr. Speaker, amendment No. 1 reads as follows:

(1) *Provided*, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 75 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the exportation thereof from the Philippine Archipelago, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe; but all articles the growth and product of the Philippine Islands now admitted into the ports of the United States free of duty and exported directly from said islands to the United States for use and consumption therein shall be hereafter exempt from any export duties imposed in the Philippine Islands.

Now, I grant you that that is a simple reduction from 100 per cent charged under the Dingley law to 75 per cent, but the proviso—

That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the exportation thereof from the Philippine Archipelago, as provided in the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe; but all articles the growth and product of the Philippine Islands not admitted into the ports of the United States free of duty and exported directly from said islands to the United States for use and consumption therein shall be hereafter exempt from any export duties imposed in the Philippine Islands—

is a direct change of law with reference to the rates of duty. Then there are a number of other changes, some of them not very material. The second amendment adds the word "foreign," which changes the law as to the tonnage taxes on vessels from

all vessels to foreign vessels, which makes a change in the revenue law. The third amendment exempts the vessels that "in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands upon all foreign vessels, except vessels of Spain," etc. It may be insisted that the object of that amendment is to make it conform to the treaty, but it changes the law. Amendment No. 4 is as follows:

Page 2, lines 11 and 12, strike out "otherwise provided by law" and insert "July 1, 1904."

That might not require consideration in Committee of the Whole. However, it is not important. Amendment No. 5 provides a restriction as to the vessels of the United States, the transportation of passengers and merchandise, etc., and inserts:

or between ports in the Philippine Archipelago: *And provided further*, That the Philippine Commission shall be authorized and empowered to issue licenses to all vessels or other craft now engaged in lighterage or other exclusively harbor business; but after the passage of this act such licenses except as herein provided shall be issued only to vessels or other craft built in the Philippine Islands, or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

I do not care so much for that amendment, and yet it is a modification of the law. Then in section 4 amendments 6, 7, 8, and 9 refer to the collection of the revenue, and affect at any rate the amount, but that is not so very important. Still they do change the existing law in respect to the revenue.

Now, amendment 11 is one which certainly requires consideration in Committee of the Whole. It is as follows:

And all taxes paid upon such articles shipped to the Philippine Islands since November 15, 1901, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

That is a direct appropriation of money to refund by reason of this change in the law caused by the Senate amendment. There is an amendment, No. 12, that I do not consider important. It simply corrects the verbiage.

Amendment 13 is as follows:

That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less 1 per cent, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

This amendment requires consideration in the Committee of the Whole. The next amendment is No. 14, which relates to appeals. It gives appeals in respect to all articles coming into the Philippine Archipelago from the United States and all articles coming into the United States from the Philippine Archipelago, which is a direct interference with the tax law and makes a change in our law in respect to this question of appeal. Amendment No. 15 is one that relates to the matter of treason, and defines how conviction shall be had for treason by any tribunal, civil or military, etc., in the islands. That might not require consideration in the Committee of the Whole. It simply regulates the method and mode of practice and fixes the evidence necessary for a conviction for treason. It is one of the best amendments, I think, that the Senate proposes. So that, Mr. Speaker, nearly every one of the amendments require consideration in the Committee of the Whole; not all of them, but those that do not are merely amendments of not much importance and would not be resisted, I think.

Mr. PAYNE. Mr. Speaker, if the gentleman is through——

Mr. RICHARDSON of Tennessee. I am for the present.

Mr. PAYNE (continuing). On page 681 of the Digest I find:

A Senate amendment which is a modification merely of a House proposition, like the increase or decrease of the amount, etc., and does not involve new and distinct expenditures, is not to be required to be considered in Committee of the Whole.

Mr. RICHARDSON of Tennessee. That is right.

Mr. PAYNE. That seems to have been decided a great many times and is the parliamentary law of this body. In the light of that decision, Mr. Speaker, it is difficult to find an amendment proposed by the Senate that does not come under that ruling affecting the receipts of revenue. As to amendment No. 1, the House bill provided that on goods coming from the Philippine Islands to the United States the full Dingley rate should apply. The Senate amendment modifies that and says we shall collect 75 per cent of those rates. The proviso to that amendment reduces the amount of export duties on goods coming from the Philippine Islands to the United States. We in the House imposed those export duties by reenacting the Taft Commission bill, and the Senate in the proviso strikes out these export duties. That would come clearly under the rule that I have read.

Mr. RICHARDSON of Tennessee. That part of it makes it absolutely necessary to be considered in the Committee of the Whole.

Mr. PAYNE. I did not hear what the gentleman from Tennessee said.

Mr. RICHARDSON of Tennessee. I said I conceded that the point would not lie as to the first four lines of the Senate amendment, being simply a reduction, and would not require consideration in the Committee of the Whole; but that the proviso made it fairly within the rule.

Mr. PAYNE. In the House bill we provided distinctly that the export duties provided by the Philippine Commission should be collected upon all goods coming from the Philippine Islands into the United States. This provides that no such export duty shall be collected. It is a modification of the House bill, and no more. On amendment numbered 2 we provided for tonnage taxes upon all vessels. The Senate restricted that to foreign vessels.

Mr. RICHARDSON of Tennessee. Before the gentleman leaves the other point. I do not want to interrupt his argument. While on that amendment, I call his attention to the fact that this proviso makes new law and affects the revenue directly in a manner that the House bill did not affect it. It is not simply a reduction of what was in the House bill, but new law affecting the revenue, and therefore subject to the point of order.

Mr. PAYNE. I am glad to have the gentleman come to our proposition here, that the laws of the Philippine Commission are laws binding upon Congress. But we reenacted these laws. We did that in connection with the first section of the bill, in stating that these export duties enacted by the Philippine Commission should be collected upon all goods coming into the United States from the Philippine Islands; but that does not go to the root of the matter, because the Senate has simply modified a section of our bill and provided that no export duty shall be collected upon goods coming from the Philippine Islands into the United States; so that that amendment is not within the rule. The next amendment relates to tonnage on vessels.

We provided in the House bill that tonnage should be collected on all vessels, including vessels of the United States, carrying goods from the Philippine Islands to the ports of the United States and back. This amendment provides that this tax shall only be collected on foreign vessels, or, in other words, exempt vessels of the United States. It is a modification of the provision in our bill. Amendment 3 is also an amendment to the Philippine tariff commission bill which we had enacted:

And in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands upon all foreign vessels, except vessels of Spain or owned by Spanish subjects, engaged in traffic between the ports of the Philippine Archipelago.

We put it upon all vessels; they confine it to foreign vessels, and then they excepted Spanish vessels, or, in other words, it reduces the revenue that we were providing for under our bill.

Amendment numbered 4 is in relation to the time.

The SPEAKER. The gentleman from Tennessee did not make a point of order on amendment numbered 4 or amendment numbered 5, as the Chair understands.

Mr. PAYNE. On amendments 5, 6, 7, 8, 9, and 10.

The SPEAKER. The point of order was not made as to either of these. The gentleman from Tennessee will correct the Chair if he is in error.

Mr. PAYNE. On amendment numbered 11 a point of order is made against that, in that it provides for revenue duties and appropriates money. That is something new. The point of order might possibly be good as to that amendment. Amendment 12 simply strikes——

Mr. RICHARDSON of Tennessee. I could not hear what the gentleman was saying as to amendment 11.

Mr. PAYNE. I say possibly that may be subject to the point of order.

Amendment 12 strikes out the word "imported."

The SPEAKER. No point of order was made against that.

Mr. PAYNE. It simply changes the language. Section 7 provides:

That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less 1 per cent, and merchandise upon which the duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such regulations as may be prescribed by the Secretary of the Treasury.

That makes no appropriation; it extends the exemption that we had put in our bill upon the payment of duties.

Section 8, amendment 14, provides——

The SPEAKER. The Chair would say to the gentleman from New York that the Chair did not hear what the gentleman said about amendment 13.

Mr. PAYNE. I am in doubt, Mr. Speaker, as to amendment 13. It provides for a refunding of the duties paid under certain circumstances. Now, as to amendment 14——

The SPEAKER. The Chair did not understand that the gentleman from Tennessee made the point of order against the fourteenth amendment.

Mr. RICHARDSON of Tennessee. Yes, Mr. Speaker; I insist

that amendment 14 changes the law in respect to appeals and would affect the revenue. I said it was obnoxious to the rule. I think we might have gone into Committee of the Whole upon these amendments and expedited business. We did not propose to abuse the rule.

Mr. PAYNE. It has been held that if one or more amendments are subject to a point of order the House may go on and consider the remainder, and then go into Committee of the Whole on such amendments as must be considered in Committee of the Whole.

Mr. RICHARDSON of Tennessee. I did not hear what the gentleman stated.

Mr. PAYNE. It has been held that where there are several amendments, and only one or more of them, or a portion of them, must be considered in Committee of the Whole, the House may first proceed and consider the amendments not subject to that point of order.

Mr. RICHARDSON of Tennessee. There is no question but that that may be done if the Speaker should be of the opinion that there was only one; but there are so many that require consideration in Committee of the Whole that I think we would get along more expeditiously if we went into Committee of the Whole upon all the amendments. We do not propose to abuse the rule by debate, but we think it would be better to consider them in Committee of the Whole.

Mr. PAYNE. Can we agree on general debate in Committee of the Whole?

Mr. RICHARDSON of Tennessee. I do not think it will be necessary to have general debate. I do not think it would take a great while. We do not want to abuse the patience of the House.

Mr. PAYNE. What would the gentleman say to an hour or two hours for general debate?

Mr. RICHARDSON of Tennessee. I would rather that the amendments should be read and let us go along with them at once.

Mr. PAYNE. Will the gentleman agree that we shall go along without any general debate, under the five-minute rule?

Mr. RICHARDSON of Tennessee. I have had no request for general debate, but some members on this side want to discuss certain amendments.

Mr. PAYNE. Well, suppose we take it up under the five-minute rule?

Mr. RICHARDSON of Tennessee. I am willing to do that, inasmuch as nobody has asked for general debate.

Mr. PAYNE. Well, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the amendments, and pending that, I ask unanimous consent that general debate be dispensed with, and that the amendments be taken up under the five-minute rule.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider the Senate amendments to the bill 5833, and, pending that, asks unanimous consent that general debate be dispensed with and that the Committee of the Whole proceed at once under the five-minute rule. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. PAYNE was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HEPBURN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering Senate amendments to House bill 5833. General debate having been dispensed with, the Clerk will report the first amendment.

The Clerk read as follows:

On page 2, line 1, after the word "countries," insert:

"*Provided*, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected, and paid only 75 per cent of the rates of duty aforesaid: *And provided further*, That the rates of duty which are required hereby to be levied, collected, and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected, and paid thereon upon the exportation thereof from the Philippine Archipelago, as provided by the act of the United States Philippine Commission referred to in section 1 of this act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles, the growth and product of the Philippine Islands, now admitted into the ports of the United States free of duty and exported directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands."

Mr. PAYNE. Mr. Chairman, I move that the committee recommend to the House nonconcurrence with this amendment, and I want to make a statement about it.

Mr. McCLELLAN. Mr. Chairman, I move that the committee recommend a concurrence in Senate amendment No. 1 with the amendment that I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York moves that the committee recommend concurrence with the amendment which the Clerk will read.

The Clerk read as follows:

Amend Senate amendment as follows:

"In line 9, strike out the word 'seventy-five' and insert in lieu thereof the word 'twenty-five.'"

Mr. PAYNE. Mr. Chairman, I make the point of order on that. As I understand it, the House having fixed the rate at 100 per cent and the Senate at 75 per cent, the House must agree upon something between 75 and 100 per cent. I know it is so whenever the matter is in conference, and I do not see why the same rule does not hold good when operating on a Senate amendment.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I submit that there is no such rule as that referred to by the gentleman from New York governing us in dealing with Senate amendments. The House passed this bill with the Dingley rates. The Senate passed an amendment fixing the rates at 75 per cent of the Dingley rates; and there were other things in the amendment. It is proposed now to concur in the entire Senate amendment, merely striking out 75 per cent and inserting 25 per cent. There is no rule of parliamentary law, there is no rule of law of any kind, so far as I know, that prevents the House amending the Senate amendment in the manner proposed in the amendment of of the gentleman from New York [Mr. McCLELLAN].

I grant, if we go into conference, the conferees can deal only with the text as changed by the Senate; but the entire amendments of the Senate would be open to amendment. We could very well say: "If we can not get 100 per cent reduction we will take a 25 per cent duty, but not 75 per cent." There is no sort of restriction upon the House in amending a Senate amendment, except it must be germane. I submit that the gentleman from New York [Mr. PAYNE] can not find a precedent to sustain him in the position he has taken.

Mr. PAYNE. I am unable to turn to any precedent. This is a new question to me.

The CHAIRMAN. The Chair is not inclined to sustain the point of order as raised by the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, the reason I made the motion to disagree to this amendment——

Mr. McCLELLAN. Has the Chair ruled on the point of order?

Mr. PAYNE. The Chair ruled the amendment in order.

Mr. McCLELLAN. I would like to be heard on that amendment.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] has been recognized.

Mr. PAYNE. So I supposed. Now, I will begin again. My reason for making the motion to disagree to this amendment was this: The committee, so far as the majority members are concerned, are willing to concede this 25 per cent reduction, and they are willing also to concede that the export duties, so called, on goods coming from the Philippine Islands to the United States be abolished. But when we came to look at the language employed by the Senate in the provision abolishing these export duties we thought it could very easily be made clearer and more definite, while employing a good deal less language. We thought there might be a proviso something like this: That no tax or duty shall be collected in the Philippine Islands upon any goods——

Mr. GAINES of Tennessee rose.

Mr. PAYNE. Oh, do not interrupt me in the midst of a sentence.

Mr. GAINES of Tennessee. I rose simply to ask for order. I am very anxious to hear what the gentleman is saying.

The CHAIRMAN. The Committee of the Whole will be in order.

Mr. PAYNE. As I have stated, the majority members of the committee were willing to concede the reduction of 25 per cent as proposed by the Senate, and also willing to concede what the Senate asks in regard to the abolition of export duties. But we very seriously question whether the Senate, by the use of half a page of language in trying to get rid of what are called export duties on goods coming from the Philippine Islands to the United States, has accomplished the object aimed at. It has occurred to us that a simple provision that no duty or tax shall be collected in the Philippine Islands upon any goods coming from those islands to the United States would be all sufficient and would make the meaning perfectly clear.

I confess that in reading over the Senate provision I can not determine whether the court would hold that the language of the Senate had made the proposition as clear as it ought to be. For this reason we wish to nonconcur in the Senate amendment.

So far as the amendment of my colleague is concerned, to reduce the duty to 50 per cent, the House well knows that that proposition came up in the Senate——

A MEMBER. Twenty-five per cent.

Mr. PAYNE. Was the amendment of my colleague 25 per cent?

Mr. McCLELLAN. The recommendation of Governor Taft was a reduction of 75 per cent. My proposition is to strike out "75" and insert "25."

Mr. PAYNE. Every member knows that an attempt was made in the Senate to reduce the duty to 50 per cent.

A MEMBER. Twenty-five.

Mr. PAYNE. A vote was taken on both propositions in the Senate—50 per cent and 25 per cent. There was full discussion in the Senate, especially on the proposition to reduce the duty to 50 per cent. But that amendment was beaten by an overwhelming vote.

Now, what we desire is to get this bill speedily into conference; and in order to do this, to dispose of these amendments in Committee of the Whole, to report them to the House for consideration, and then secure as soon as possible the passage of a bill providing revenue for these islands. The House will remember that this bill passed the House on the 17th of December. We passed it promptly in order to cut off importations, free of duty, from the Philippine Islands.

A few days after we passed the bill I was told by a large dealer that he was trying to get up a syndicate to bring here a large shipload of tobacco free of duty, but that the prompt action of the House had discouraged the syndicate, and that they had given up the project. They thought then the Senate would promptly take up the bill and dispose of it. The Senate did take it up. There have been many days of debate there on every other question except this. The Senate has finally passed the bill, and that cargo of tobacco has not come here yet. I want this bill passed before it does come, so that when it arrives it shall be compelled to pay into the revenue of the Philippine Islands 75 per cent duty. Therefore I hope that the Committee of the Whole will vote down the amendment offered by my colleague, will disagree to the amendment of the Senate, and will throw this question into conference, so that we may have in this bill a provision which everybody will understand.

Mr. McCLELLAN. Mr. Chairman, I voted against this bill when it passed the House, and I should be very glad to do anything now to defeat it. But the bill has passed the House, and it has been returned to us by the Senate with amendments. It will become a law very nearly as it is before us to-day. I do not offer a free-trade amendment, for section 1 of the House bill has already been adopted by the Senate. A proposition to allow Philippine goods to enter the United States free would have no possible chance of success. Therefore, while I should like to see free trade with the Philippine Islands, I feel that such a consummation is impossible, that the best we can obtain is some modification or improvement of a bad bill. I have offered an amendment to reduce the rate of duty to 25 per cent instead of 75 per cent, as proposed by the Senate amendment, because of statements made by Governor Taft in the hearings before the Senate committee. I read from page 165 of those hearings:

Senator ALLISON. If you were not obliged to have revenue to carry on the government of the islands, I suppose it would be beneficial to the islands to have absolute free trade?

Governor TAFT. Yes, sir, undoubtedly; and we limited our recommendation to at least a 50 per cent reduction, and now to 75, because we feel that we ought not to ask free trade with the United States while imposing a customs duty on the United States.

Then on page 229, at the hearing of February 8, he states that he wired General Wright on January 31, 1902, as follows:

Consult sugar tobacco men on probable effect 50 per cent reduction Dingley rates exports to United States. Manila hemp already on free list.

In reply to that he received the following:

With reference to your telegram of 31st ultimo, public session, sugar and tobacco interests favor a reduction of 75 per cent at least. State a reduction of 50 per cent leaves tariff almost prohibitive. Sugar price now very low. European market very dull on account of overproduction and low price beet sugar. Planters each have lost heavily by carabaos machinery, and otherwise sugar cultivation in a bad condition. Memorials received from sugar growers' associations, Negros and Panay, ask for free trade for this reason. Think a reduction of 75 per cent on sugar and tobacco would be a measure of relief and have excellent political effect here.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. McCLELLAN) there were—ayes 75, noes 80.

Mr. McCLELLAN. I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. PAYNE and Mr. McCLELLAN.

The committee again divided, and the tellers reported—ayes 84, noes 107.

The CHAIRMAN. On this question the ayes are 84 and the noes 107. The noes have it, and the amendment is not agreed to.

Mr. RICHARDSON of Tennessee. Mr. Chairman, I desire to move to concur in the Senate amendment with the following amendment. I have not a copy of the Senate bill except as it is printed. I will read my amendment:

Strike out, in line 4, beginning with the words "be levied, collected, and paid 75 per cent of the rates of duties," and all the words following in section 5 to and including the words "Philippine Islands," in line 4, page 2, and insert the following words: "Not be collected any rate of duty, but the trade between the Philippine Islands and the United States shall be free."

It would then read as follows:

Provided, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall not be collected any rate of duty, but the trade between the Philippine Islands and the United States shall be free.

I do not think, Mr. Chairman, that we ought to make any charge if they are part and parcel of the United States.

Mr. WILLIAMS of Mississippi. Will you object to adding the words "so long as they are a part of the United States?"

Mr. RICHARDSON of Tennessee. No; I have no objection to adding those words and will now add them.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of the amendment after the word "shall," in line 4, and insert the words so that the amendment in full will read: "That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall not be collected any rate of duty, but the trade between the Philippine Islands and the United States shall be free so long as they are a part of the United States.

Mr. PAYNE. Mr. Chairman, I make the point of order against that that it changes the part of the bill which has not been amended by the Senate. If the Chair will look at the first part of section 2, he will see that part has not been changed. This makes a material change in that part of the bill.

Mr. RICHARDSON of Tennessee. Only a word, Mr. Chairman. Of course my amendment would not be in order to the first section, because the Senate did not amend the first section, but it is in order, it seems to me, for the second section, because the second section deals directly with this question: The rate of duty. I submit, Mr. Chairman, that the fact that the two sections might then be inconsistent would not make it subject to a point of order I grant that the two sections, the first and second, if my amendment be adopted, would be inconsistent. All the authorities go to the point, however, that that does not make the second section or the amendment I offer obnoxious to the rules, as the Chair can very well understand.

It may be ground upon which gentlemen would vote against the second section, or my amendment, having adopted the first; but it does not make it obnoxious to the rule. it does not make it out of order because it is inconsistent. The House has a right to pass two inconsistent propositions in the same bill. They are not against the rules, they are not out of order because they are inconsistent; and I repeat, it may be that an inconsistent proposition coming later in the bill would be ground upon which a member should vote against the proposition, but it is not sufficient—and the authorities all go to that extent—for the Chair to hold that it is obnoxious to any rule, because the House has the right to insert in the same bill two inconsistent propositions, if it wishes to do so, without violating any parliamentary law. I can find the authority on that if the Chair doubts it.

Mr. DALZELL. Mr. Chairman, I call the attention of the Chair to the fact that this is an act temporarily to provide revenue for the Philippine Islands, and for other purposes. It is solely a revenue bill, and its purpose is to raise revenues. Section 2, to which the amendment is offered, provides for the raising of revenues, and section 4, to which the Chair will observe there is no point of order pending, provides that the revenue provided for by section 2 shall not be paid into the Treasury of the United States, but be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands. Now, it is certainly not in order to offer as an amendment that which defeats the entire purpose of the bill; that which, if allowed, would be equivalent to striking out the enacting clause.

Mr. GAINES of Tennessee. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. DALZELL. Yes.

Mr. GAINES of Tennessee. You say this is an act "temporarily to provide revenues for the Philippine Islands"—"temporarily." The act itself may be a temporary law; but is it the policy of the gentleman's party and the Administration to levy a tariff permanently on the products sent from the United States to the Philippines and from the Philippines to the United States? Is this policy permanent or not?

Mr. DALZELL. I am not discussing any question of policy. I am discussing the purpose of this bill and the relevancy of this point of order.

Mr. GAINES of Tennessee. I wanted to know whether the policy upon which this bill is based is permanent or whether both the law and this policy are temporary?

Mr. RICHARDSON of Tennessee. The authority which I mentioned a moment ago is a decision in the Forty-seventh Congress, and it has never been ruled otherwise:

The fact that a proposed amendment is inconsistent with the text or embodies a proposition already voted on constitutes a condition to be passed upon by the House and not by the Speaker.

That is the point I make, that it may be inconsistent, but the House must pass upon it and not the Chair.

The CHAIRMAN. The Chair overrules the point of order raised by the gentleman from New York.

Mr. RICHARDSON of Tennessee. Now, then, Mr. Chairman, I want only a moment. It seems to me that we involve ourselves in confusions when we undertake to fix a duty between a country that belongs to or is a part of the United States and our own country. We already have free trade with Porto Rico, and with Hawaii, all of our Territories. Why not have it with the Philippines? I am not going to debate it; I simply submit the matter, because it seems to me it appeals directly to the sense of justice on the part of the members.

Mr. GAINES of Tennessee. Mr. Chairman, I am opposed to levying a tariff upon products sent from the Philippines here or from the United States to the Philippine Islands. This is the culmination of the annexation policy of the Republican party. They did not care particularly about taxing imports from Porto Rico, and said so on the floor of this House, and they went further and said: "If under the Constitution you can not tax imports from Porto Rico, then you can not tax them from the Philippine Islands, and the tobacco and the sugar sent from the Philippine Islands will ruin the tobacco and sugar interests in the United States."

So they trumped up the Porto Rican tariff law, and upon that a lawsuit to test this question in the courts, and they did test it, and the sugar lords, tobacco men, and the Republican party won. They have the law now adjudged to suit them, and this bill follows as a result and for the purpose of excluding the product to the Philippine Islands from the United States that would otherwise interfere with this industrious, patriotic, and thoroughly American tobacco and sugar society.

Mr. Justice Brown, speaking for himself and for four of his associate justices (Fuller, Brewer, Harlan, Peckham), in the De Lima cases, held that Porto Rico was "domestic territory," and ceased to be "foreign country for any purpose" as soon as the treaty was ratified; that is, after cession and possession of that territory was given. Mr. Justice Brown, after having most elaborately reviewed all the decision and traced the practice of this Government down to the present era, said:

From this résumé of the decisions of this court—

That is, all the decisions of the court up to that hour—

the instructions of the Executive Departments, and the above acts of Congress, it it is evident, from 1803—

When we acquired the Louisiana purchase—

the date of Mr. Gallatin's letter, to the present time, there is not a shred of authority, except the dictum in Fleming *v.* Page (practically overruled in Cross *v.* Harrison), for holding that a district *ceded to and in the possession of* the United States remains for any purpose a foreign country. Both these conditions—that is, cession and possession, must exist to produce a change of nationality for revenue purposes.

The words "ceded to and in the possession of" are italicized by the distinguished justice.

Justice Brown continues:

Possession is not alone sufficient, as was held in Fleming against Page; nor is a treaty ceding such territory sufficient without a surrender of possession; citing 9 Pet., 398; 14 Pet., 353, 406; 7 Ala., 899; 5 Ch. Rob., 97. The practice of the Executive, thus continued for more than a half century, is entitled to great weight, and should not be disregarded nor overturned except for cogent reasons, and unless it be clear that such construction be erroneous; citing 124 U. S., 236.

So that Porto Rico is not "for any purpose a foreign country," and ceased to be such when cession and possession were given by Spain to the United States, and this has been the practice of this Government in "the executive department for more than half a century," and has always been the law.

We acquired the Philippines and Porto Rico under the same treaty, and the Supreme Court, in the recent Diamond Rings case, applied the same rule of law to the Philippines as was here applied in the De Lima case. Both territories ceased to be "foreign for any purpose" and became "domestic territory," the court held, when the treaty was ratified.

Porto Rico has free trade with us; so has always Alaska had after we acquired her, June 20, 1867; so has Hawaii. Why not the Philippines? The Philippines are "domestic territory of the United States;" I contend, "a part of the United States." Why should the Philippines be treated, be taxed, as "foreign country," when she is "domestic territory?" Did not the Supreme Court say that the Philippines, as did Porto Rico, ceased to be "foreign country for any purpose" when the treaty was ratified, and has this not been the practice with the Executive Departments all the history of our Republic after cession and possession? Why this discrimination? Why this unjust and unequal taxation?

Did not President McKinley say that our flag did not mean one thing in the Tropics and another in this country? Why this new and wicked policy? You have crushed the uniformity clause of the Constitution to do this, but is this policy right? The inhabitants of the Philippines are "subject to the jurisdiction of the United States," and we punish them if they fail to obey our laws and yield peaceful allegiance to our sovereignty. Why treat these people unlike the people in our Territories out west of the Mississippi, who never had such laws applied to them? But under the law now you can treat them as you are about to treat the Filipinos.

Now, Mr. Chairman, in the De Lima case five judges agreed, and that, too, Mr. Chairman, after the court had, with great industry, investigated every Executive order that has ever been made on this subject and all the cases. Not a single President of the United States, whether Whig, Democrat, Know-nothing, Free Soiler, or Republican, ever undertook to do what the Republicans are doing to-day; and I will let my right hand forget its cunning and my tongue cleave to the roof of my mouth before I shall impose on these people such an infamous law. [Derisive applause on the Republican side.]

The CHAIRMAN. The House will be in order.

Mr. GAINES of Tennessee. Mr. Chairman, when we annexed the little Territory of Alaska Andrew Johnson, of Tennessee, was then President, Mr. Seward was Secretary of State, William M. Evarts was Attorney-General, and Hugh McCulloch Secretary of the Treasury, and the question was presented to them, a few days after the treaty was ratified, asking if goods from Alaska could come into the United States duty free?

What did Mr. McCulloch, a distinguished Republican, Mr. Chairman, then and there, April 6, 1868, say? He said the moment the treaty was ratified that they were entitled to free entry into our ports. He said:

The request for the free entry of said oil was made on the ground that the oil was shipped from Sitka after the ratification of the treaty by which the Territory of Alaska became the property of the United States. The treaty in question was ratified on the 20th of June, 1867, and the collector at San Francisco has reported that the manifest of the vessel shows the oil to have been shipped from Alaska on the 6th day of July, 1867, and that the shipment consisted of 52 packages. Under these circumstances you are hereby authorized to admit the said 52 packages of oil free of duty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Just a few minutes more, Mr. Chairman. [Cries of "Vote!" "Vote!"]

Mr. GAINES of Tennessee. Mr. Chairman, I ask for two minutes more time.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended for two minutes. [Cries of "Vote!" "Vote!"]

Mr. DALZELL. Go ahead.

The CHAIRMAN. There is no objection.

Mr. GAINES of Tennessee. You dilettante gentlemen on the other side do not want to hear what we have done heretofore contrasted with what you want to do to-day.

In the second letter they did not simply rely upon the short opinion which Secretary McCulloch gave, but they relied upon the case of Cross against Harrison, and said that after the treaty was ratified we had no right to levy a tax on the products from Alaska. I will read from Mr. Justice Brown on this point as follows:

This position was indorsed by the Secretary of State, Mr. Seward, in a letter dated January 30, 1869, in which he said: "I understand the decision of the Supreme Court in the case of Harrison *v.* Cross (16 How., 164) to declare its opinion that upon the addition to the United States of new territory by conquest and cession the acts regulating foreign commerce attach to and take effect within such territory ipso facto and without any fresh act of legislation expressly giving such extension to the preexisting laws. I can see no reason for a discrimination in this effect between acts regulating foreign commerce and the laws regulating intercourse with the Indian tribes."

This is found in the De Lima case.

The case of Cross *v.* Harrison exploited the policy of President Polk, of Tennessee, and his policy and the law as he understood it, and as the Democrats then, as now, contend it is or should be, and yet a bare majority of the present Supreme Court has overruled this case, and the Republicans repudiate both the law and the policy of Polk and all his successors—indeed, the fixed policy of this Republic heretofore. The Republicans have the law now to suit them—goods from Porto Rico to come into our ports free and those from the Philippine Islands taxed—and when I ask the gentleman from Pennsylvania [Mr. DALZELL] if this is the fixed policy of his party, he avoids the question. But we know it is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Debate on this amendment is exhausted.

Mr. NEWLANDS. I ask unanimous consent to have five minutes in which to speak.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent that he may address the committee for five minutes. Is there objection?

Mr. PAYNE. I will not object to this, but I shall do so to any other request for a speech on this amendment.

The CHAIRMAN. The Chair hears no objection.

Mr. NEWLANDS. Mr. Chairman, I shall vote for the amendment offered by the gentleman from Tennessee, and in doing so I wish to state my reasons. I favor immediate action by the United States declaring that it holds the Philippine Islands only

in trust for the Filipino people, and that it is its purpose, when a stable government shall be organized there, to leave those islands to a government of their own people. Resolutions to that effect have been offered again and again in both Houses, and have failed of passage; and the question to-day on this bill is whether the Philippine Islands constitute foreign country or whether they are part of the United States. They have been determined by action of the courts to be part of the United States, and my view is there should be but one boundary to the Republic, and not two. In that boundary there should be free trade, and without that boundary impartial trade. Just as outside of that boundary I would oppose partial trade relations with different people, involving discontent and jealousy on the part of others, so inside of that boundary I object to anything like partial trade and favor absolute free trade.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON].

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were—69 ayes and 67 noes.

Mr. PAYNE. Tellers, Mr. Chairman.

Tellers were ordered; and the Chair appointed Mr. PAYNE and Mr. RICHARDSON of Tennessee as tellers.

The question was again taken; and the tellers reported—95 ayes and 109 noes.

So the amendment was disagreed to.

Mr. PAYNE. Now, Mr. Chairman, I ask for a vote on my motion.

The CHAIRMAN. The question is on the motion of the gentleman from New York to recommend that the House nonconcur in Senate amendment numbered 1.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

On page 2, line 8, after the word "all," insert the word "foreign."

Mr. PAYNE. Mr. Chairman, I move to recommend nonconcurrence in the Senate amendment.

The motion was agreed to.

The Clerk read the next amendment, No. 3, as follows:

On page 2, line 9, after the word "archipelago," insert:

"And in addition to any tonnage dues or taxes now imposed by the government of the Philippine Islands upon all foreign vessels, except vessels of Spain owned by Spanish subjects engaged in traffic between the ports of the Philippine Archipelago."

Mr. PAYNE. Mr. Chairman, I move to recommend nonconcurrence in the Senate amendment.

The motion was agreed to.

The Clerk read the next amendment, No. 4, as follows:

On page 2, lines 11 and 12, strike out the words "otherwise provided by law" and insert the words "July 1, 1904."

Mr. PAYNE. Mr. Chairman, I move to recommend that the House nonconcur in the Senate amendment.

The motion was agreed to.

The Clerk read the next amendment, numbered 5, as follows:

On page 2, line 17, after the words "United States," insert:

"Or between ports in the Philippine Archipelago: *And provided further*, That the Philippine Commission shall be authorized and empowered to issue licenses to all vessels or other craft now engaged in lighterage or other exclusively harbor business; but after the passage of this act such licenses except as herein provided shall be issued only to vessels or other craft built in the Philippine Islands, or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands."

Mr. PAYNE. Mr. Chairman, I move to recommend that the House nonconcur in the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent to nonconcur in amendments 6, 7, 8, 9, and 10. They all refer to the same section.

The CHAIRMAN. The gentleman from New York asks unanimous consent to nonconcur in amendments numbered 6, 7, 8, 9, and 10. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the next amendment, numbered 11, as follows:

On page 4, line 2, after the word "prescribed," insert:

"And all taxes paid upon such articles shipped to the Philippine Islands since November 15, 1901, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated."

Mr. PAYNE. Mr. Chairman, I move to recommend that the House nonconcur in the Senate amendment.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from New York what objection there is to concurring in that amendment?

Mr. PAYNE. I would like to send the whole thing to conference. I do not see any particular objection to this amendment, but I want to examine it in connection with the Treasury officials and see whether it needs amendment or not.

Mr. RICHARDSON of Tennessee. Very well.

The question was taken; and the motion was agreed to.

The Clerk read the next amendment, numbered 12, as follows:

On page 4, line 3, strike out the word "imported."

Mr. PAYNE. Mr. Chairman, I move to recommend that the House nonconcur in the Senate amendment.

The motion was agreed to.

The Clerk read the next amendment, numbered 13, as follows:

On page 4, after line 9, insert:

"SEC. 7. That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid, less 1 per cent, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Mr. PAYNE. Mr. Chairman, I move that the committee recommend nonconcurrence in the Senate amendment.

The motion was agreed to.

The Clerk read the next amendment, numbered 14, as follows:

On page 4, after line 9, insert:

SEC. 8. That an appeal as respects all articles coming into the Philippine Archipelago from the United States, and all articles coming into the United States from the Philippine Archipelago, shall be allowed as provided in an act entitled "An act to simplify the laws in relation to the collection of revenues," approved on the 10th day of June, 1890 (26 Stat., 131), as amended by an act entitled "An act to provide for the Government and to encourage the industries of the United States," approved July 24, 1897 (30 Stat., 151).

Mr. PAYNE. Mr. Chairman, I move that the committee recommend that the House nonconcur in the Senate amendment.

The motion was agreed to.

The Clerk read the next amendment, numbered 15, as follows:

On page 4, after line 9, insert:

SEC. 9. That no person in the Philippine Islands shall, under the authority of the United States, be convicted of treason by any tribunal, civil or military, unless on the testimony of two witnesses to the same overt act, or on confession in open court: *Provided*, That there shall be no conviction or punishment under the authority of the United States by any tribunal, civil or military, of any mother or father for failing to give information against his or her child, or of any son or daughter for failing to give information against his or her mother or father, or of any husband for failing to give information against his wife, or of any wife for failing to give information against her husband.

Mr. PAYNE. Mr. Chairman, I move that the committee recommend noncurrence in this amendment.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I move that the committee recommend that the House concur in the Senate amendment with the amendment that I send to the Clerk's desk.

The Clerk read as follows:

Amend the Senate amendment 15 by striking out, on page 7 of the printed bill, in line 4, all after the word "military" and insert in place thereof "of any person for failing to give information against any other person."

Mr. WILLIAM W. KITCHIN. Mr. Chairman, as this Senate amendment stands, no person can be indicted or convicted for failing to give information against his son, or his daughter, or his wife, or her father, or her daughter, or her husband. Manifestly, it seems to me, the same general reasons for those exceptions ought to extend to brothers and sisters. It seems to me it is very dangerous for Congress to allow the conviction of any person for a mere failure to give information. I believe that this amendment undertakes to treat as treason the failure to give information. I have not before me the law adopted by the Philippine Commission, and I do not remember the specific acts that are made treasonable; but certainly this Congress ought never to permit a person to be convicted of treason unless there has been some overt act treasonable in itself. It seems to me that this section of the Constitution of the United States, which I shall read, is broad enough to go to the Philippines, even if the other provisions of the Constitution are held not to go there:

SEC. 3. Treason against the United States shall consist only in levying war against them or in adhering to their enemies—giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Now, if you consider the failure to give information an overt act, which appears unreasonable, it seems to me you might get a hundred witnesses against any man who has not opened his mouth, and, under a section of the laws of the Philippine Commission, might have him convicted of treason; because if this law of the Philippine Commission is allowed to stand, even limited by the Senate amendment, the failure to give information must be considered an overt act, in order to be in harmony with the Constitution.

It seems to me that the amendment I have proposed will be a safeguard to the law-abiding people of the Philippines, especially in these days when there is trouble and difficulty and insurrection there. Those people there who are men of peace should be entitled to the protection of this clause of the United States Constitution. I hope, therefore, that gentlemen on the other side of the House will stand with us to prevent the enactment of a law that will permit the failure to give information by a brother or sister against their brother to be treated as a treasonable act.

These are the reasons which, in my judgment, ought to support us in adopting this amendment.

Mr. PAYNE. Mr. Chairman, I hope the amendment will not prevail. Of course I have no objection to all of the amendment before the word "*Provided*," which is simply a recital of the provision of the Constitution of the United States. As to the other paragraph, I do not know—and I read over the Senate discussion—why it was put in or what there is in the laws of the Philippine Islands that requires any such provision. I do not for a moment suppose that it is declared to be an overt act of treason to fail to give information under the circumstances referred to in the amendment. But however that may be, I do know that as a general rule the laws of the Philippine Commission on the subject of sedition and treason are the laws of nearly every State of this Union, as well as the laws of the United States as embraced in the Revised Statutes. It seems to me that all it can be necessary to do in this bill in regard to this matter is to insert this clause of the Constitution and put it in action in the Philippine Islands.

Mr. WILLIAM W. KITCHIN. We can not hear the gentleman from New York over here.

Mr. PAYNE. Well, I am sorry the gentleman has not heard me, for I am just concluding my remarks. I hope the gentleman's amendment will not prevail, but that we shall get this whole matter into the conference, where we can examine the subject critically and report to the House. It will then be for the House to determine whether it will accept the judgment of the conferees.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. Debate is exhausted.

Mr. GAINES of Tennessee. Then I hope my friend from New York will let me ask him just one question.

Mr. PAYNE. I can not, as debate is exhausted.

Mr. GAINES of Tennessee. The gentleman spoke just now of the laws enacted by the Taft Commission. The gentleman knows how much I esteem Governor Taft and how much I esteem my neighbor, General Wright. But that Commission has passed a law which prohibits the people of that territory from even petitioning the Commission for a redress of grievances—from even petitioning the President of the United States or Congress for a redress of grievances. Does the gentleman approve such a law as that? Is that law repealed by this bill; and if not, why not?

Mr. PAYNE. The gentleman states that the Philippine Commission has passed such a law. I have not examined their laws.

Mr. GAINES of Tennessee. Does the gentleman approve such a provision?

Mr. PAYNE. I do know that the laws of that Commission on this subject have been examined and compared with the laws of the various States of the Union, including, I think, the gentleman's own State, and the Revised Statutes of the United States, and those laws of that Commission are fully as lenient toward treason as the laws of any State of the United States.

Mr. GAINES of Tennessee. There never has been in the State of Tennessee, and there never will be in that State, or, as I believe, in any other State, any provision which will undertake to deny or abridge the right of the people to petition the lawmaking power for a redress of grievances. Attorney-General Butler, many years ago, when the territory now the State of Arkansas was seeking statehood and other relief, passed on that question, and so did the Congress of the United States; and they held that the people of a Territory, regardless of their Territorial condition, have the inherent right to petition the lawmaking power. But this right has been denied in the Philippine Islands. The right of petition is one of the most valued and precious rights that have blessed the inhabitants of this Republic, and to deny the right is tyrannous, I care not by whom or where it is done.

The question being taken on the amendment of Mr. WILLIAM W. KITCHIN, there were—ayes 73, noes 81.

Mr. WILLIAM W. KITCHIN. I call for tellers.

Tellers were ordered; and Mr. PAYNE and Mr. WILLIAM W. KITCHIN were appointed.

The House again divided; and the tellers reported—ayes 86, noes 112.

So the amendment was rejected.

Mr. RICHARDSON of Tennessee. I move to concur in the last amendment—amendment No. 15—with the proviso which I send to the desk.

The Clerk read as follows:

Provided, That, subject to the provisions hereinafter set forth, the United States of America hereby relinquish all claim of sovereignty over and title to the archipelago known as the Philippine Islands.

That from and after the passage of this act said archipelago shall be foreign territory, and all goods entering the United States therefrom shall be subject to the same duties, customs, and imposts as are now, or may hereafter be, prescribed by law for goods entered from other foreign countries: *Provided*, That during the temporary occupation of said islands, as hereinafter provided, all trade between the same and the United States shall be free.

That the United States shall continue to occupy and govern said archipelago until the people thereof have established a stable government, and until sufficient guaranties have been obtained for the performance of our treaty obligations with Spain, for the safety of those inhabitants who have adhered to the United States, and for the maintenance and protection of all rights which have accrued under their authority.

That as soon as these results have been accomplished it is declared to be the purpose of the United States, which the President is directed to carry into effect, to withdraw from said islands and leave the government, control, and sovereignty thereof to the inhabitants of the same, retaining only such military, naval, and coaling stations as may be designated by the Government of the United States.

Mr. PAYNE. I make the point of order that the amendment is not germane.

The CHAIRMAN. The Chair sustains that point of order.

Mr. RICHARDSON of Tennessee. Although the Chair has already ruled, I think I can show that we have a right to attach the proviso to the bill.

The CHAIRMAN. The Chair thinks you would not have the right to attach a proviso of that character.

Mr. RICHARDSON of Tennessee. Very well.

Mr. PAYNE. Mr. Chairman, my motion was to nonconcur.

The CHAIRMAN. The gentleman from New York moves to nonconcur in the amendment of the Senate.

The motion was agreed to.

Mr. PAYNE. I move that the committee do now rise and report back to the House the bill and amendments with the recommendation that the House do nonconcur in the amendments.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry Senate amendments to House bill 5833, and had directed him to report them back with the recommendation of nonconcurrence.

Mr. PAYNE. I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any of the amendments? If not, the question is on the amendments in gross.

The amendments were nonconcurred in.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

Mr. PAYNE. I move that the House ask for a conference on the disagreement of the House to the Senate amendments.

The motion was agreed to, and the following conferees were appointed on the part of the House: Messrs. PAYNE, DALZELL, and RICHARDSON of Tennessee.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until tomorrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for Bureau of Construction and Repair, and Marine Corps quarters—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting an estimate of appropriation for the service of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior in relation to the disposition of certain useless papers—to the Joint Committee on the Disposition of Useless Papers, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 8736) ratifying the act of the Territorial legislature of Arizona approved March 2, 1901, providing a fund for the erection of additional buildings for the University of Arizona, reported the same without amendment, accompanied by a report (No. 599); which said bill and report were referred to the House Calendar.

Mr. SCOTT, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 8735) to apply a portion of the proceeds of sale of public lands to the endowment

of schools or departments of mining and metallurgy, and so forth, reported the same with amendments, accompanied by a report (No. 604); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. JETT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2557) for the relief of Henry L. McCalla, reported the same without amendment, accompanied by a report (No. 600); which said bill and report were referred to the Private Calendar.

Mr. SMITH of Arizona, from the Committee on the Territories, to which was referred the bill of the House (H. R. 7034) for the relief of Navajo County, Ariz., reported the same without amendment, accompanied by a report (No. 601); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 9597) for the relief of Thierman & Frost, reported the same with amendment, accompanied by a report (No. 602); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 1733) for the relief of John A. Mason, reported the same without amendment, accompanied by a report (No. 603); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11495) granting an increase of pension to Mary A. Bailey; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CANDLER: A bill (H. R. 11842) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. JONES of Washington (by request): A bill (H. R. 11843) granting the right of way for a railroad and telegraph line to the Columbia Valley Railroad Company across Vancouver Barracks and Military Reservation, the Three Tree Point Military Reservation, and the Scarborough Head Military Reservation, all in the State of Washington—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 11844) providing for right of way across Vancouver Military Reservation—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11845) relating to grants of land to the Territory and State of Washington for school purposes—to the Committee on the Public Lands.

By Mr. HENRY C. SMITH: A bill (H. R. 11846) to provide for and create in the Department of Agriculture a bureau to be known as the Bureau of Public Roads—to the Committee on Agriculture.

By Mr. HUGHES: A bill (H. R. 11847) to authorize the erection of a monument at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians, October 10, 1774—to the Committee on the Library.

By Mr. SMITH of Arizona: A bill (H. R. 11848) granting right of way to the Williams and Cataract Canyon Railroad Company across the Supai Indian Reservation in Arizona—to the Committee on Indian Affairs.

By Mr. MERCER: A bill (H. R. 11849) to amend an act entitled "An act for the prevention of smoke in the District of Columbia, and for other purposes"—to the Committee on the District of Columbia.

By Mr. RODEY: A bill (H. R. 11892) to enable the people of New Mexico to form a constitution and State government and to be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ADAMS: A bill (H. R. 11850) granting an increase of pension to Susan A. Volkmar—to the Committee on Pensions.

By Mr. BRISTOW: A bill (H. R. 11851) granting a life-saving medal to Hugh F. Doherty—to the Committee on Interstate and Foreign Commerce.

By Mr. BROMWELL: A bill (H. R. 11852) granting an increase of pension to Philip H. Wyrich—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 11853) to correct the military record of Edward Grove—to the Committee on Military Affairs.

By Mr. CREAMER: A bill (H. R. 11854) granting a pension to Henry C. Perley—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 11855) granting an increase of pension to Joseph E. Malone—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 11856) granting an increase of pension to Andrew Melton—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 11857) granting an increase of pension to John T. Campbell—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 11858) for the relief of William E. Anderson—to the Committee on Military Affairs.

By Mr. KERN: A bill (H. R. 11859) granting a pension to Mennea Meinhardt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11860) granting a pension to Martha H. Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11861) granting a pension to Elizabeth J. Ogden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11862) granting an increase of pension to Joseph Lively—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 11863) to muster Franklin V. Ayres—to the Committee on Military Affairs.

Also, a bill (H. R. 11864) granting an increase of pension to William E. Hill—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 11865) granting an increase of pension to John A. Robertson—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: A bill (H. R. 11866) for the relief of John C. Conroy, Company D, Nineteenth Regiment United States Infantry, for property lost at Fort Wayne (Mich.) United States Army post—to the Committee on Claims.

By Mr. NORTON: A bill (H. R. 11867) granting a pension to Alice Jenifer, widow of Samuel Jenifer—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 11868) for the relief of the estate of S. J. Stockard, late of Maury County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 11869) for the relief of the estate of Nathan Perry—to the Committee on War Claims.

Also, a bill (H. R. 11870) for the relief of P. H. Nelson—to the Committee on War Claims.

Also, a bill (H. R. 11871) for the relief of Jonathan Amis—to the Committee on War Claims.

Also, a bill (H. R. 11872) for the relief of the estate of Isaac Johnson, deceased—to the Committee on War Claims.

By Mr. POLK: A bill (H. R. 11873) to correct the military record of John Fenstemaker, of Whitehall, Pa.—to the Committee on Military Affairs.

Also, a bill (H. R. 11874) to correct the military record of John Wood—to the Committee on Military Affairs.

Also, a bill (H. R. 11875) granting a pension to Samuel B. Hench—to the Committee on Invalid Pensions.

By Mr. RUPPERT: A bill (H. R. 11876) for the relief of Theodore F. Northrop, late lieutenant, Second New York Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 11877) granting a pension to Margaret Maria Hedge—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 11878) to correct the military record of Carl W. Albrecht—to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 11879) to correct military record of Michael Mullet—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 11880) for the relief of the estate of B. L. Robinson—to the Committee on War Claims.

By Mr. TOMPKINS of Ohio: A bill (H. R. 11881) granting an honorable discharge to James A. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 11882) granting an honorable discharge to John H. Littrell—to the Committee on Military Affairs.

Also, a bill (H. R. 11883) to correct the military record of Andrew J. Lyons—to the Committee on Military Affairs.

Also, a bill (H. R. 11884) granting an increase of pension to Lewis Spurgeon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11885) granting a pension to George S. Spurgeon—to the Committee on Pensions.

Also, a bill (H. R. 11886) granting an increase of pension to Charles H. Fishpaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11887) granting an increase of pension to C. H. Miller—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11888) granting an increase of pension to John Hawker, late chaplain Twenty-ninth Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11889) granting an increase of pension to Clifford Neff Fyffe—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 11890) granting an increase of pension to James Brown—to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 11891) for the relief of Capt. James A. Hyde—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Alfred Shibler Post, No. 119, Grand Army of the Republic, Department of Pennsylvania, for investigation of the administration of the Bureau of Pensions—to the Committee on Rules.

Also, resolutions of Mine Workers' Unions Nos. 248 and 1787, of Fayette, Pa.; No. 376, of Roscoe, Pa.; No. 154, of Washington, Pa., and No. 51, of Monongahela, Pa., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petition of Machinists' Union No. 480, and Stationary Firemen's Union No. 11, of Buffalo, N. Y., advocating extension of Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolution of Carpenters' Union No. 503, Lancaster, N. Y., favoring restrictive immigration laws—to the Committee on Immigration and Naturalization.

By Mr. BELL: Petition of Machinists' Union No. 255, of Colorado City, Colo., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs

By Mr. BOWERSOCK: Petition of the board of supervisors of Coconino County, Ariz., in opposition to legislation exempting the Santa Fe Railway Company from taxation in Arizona Territory—to the Committee on Pacific Railroads.

Also, resolution of Union Lodge No. 27, Kansas City, Kans., advocating the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. BROMWELL: Papers to accompany House bill 2207, granting a pension to Capt. Louis Hahn—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 11250, granting an increase of pension to Arthur L. Currie—to the Committee on Invalid Pensions.

By Mr. BULL: Petition of citizens of Newport, R. I., in favor of the reduction of Congressional representation in those States wherein the right of suffrage is abridged by constitutional enactment—to the Committee on the Census.

By Mr. BURGESS: Petition of citizens of Colorado County, Tex., asking Congress to take action with a view of stopping the war in South Africa—to the Committee on Foreign Affairs.

By Mr. CONNELL: Resolution of Order of Railway Conductors, No. 12, Scranton, Pa., for the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Union No. 168, of Scranton, Pa., favoring the continuation of the exclusion law against Chinese laborers—to the Committee on Foreign Affairs.

By Mr. DALZELL: Resolution of Coopers' International Union of Allegheny, Pa., and Lodge No. 45 of Amalgamated Association of Tin Workers, McKees Rocks, Pa., advocating extension of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. EMERSON: Petition of Iron Molders' Union No. 130, of Sandy Hill, N. Y., urging that the navy-yards be utilized for the construction of war vessels—to the Committee on Naval Affairs.

By Mr. ESCH: Resolution of Coopers' Union No 85, La Crosse, Wis., favoring the construction of war vessels in the Government navy-yards—to the Committee on Naval Affairs.

Also, resolutions of Coopers' Union No. 85, of La Crosse, Wis., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of Charles Stoughton, for the building of the Harlem River and the Harlem Kills Canal—to the Committee on Rivers and Harbors.

By Mr. FOERDERER: Resolutions of Coopers' Union No. 9, Philadelphia, Pa., favoring the continued exclusion of Chinese laborers from the United States—to the Committee on Foreign Affairs.

Also, resolution of the Pennsylvania Shoe Manufacturers' Association, Philadelphia, Pa., favoring the creation of a department of commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of board of supervisors of Mohave County, Ariz., requesting Congress to fix a tax valuation on the property of the Santa Fe Railway Company throughout Arizona—to the Committee on Pacific Railroads.

Also, petition of executive committee of the Interstate Commerce Law Convention, for legislation amending the existing interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Coopers' Union No. 9, Philadelphia, Pa., favoring the passage of a law which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, petition of Merchants' Exchange of San Francisco, Cal., asking for reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, resolution of the Engineers' Club, of Philadelphia, Pa., in favor of the Appalachian National Park—to the Committee on the Public Lands.

By Mr. FOSS: Petition of Electrical Workers' Union No. 9, of Chicago, Ill., in opposition to Senate bills 2054 and 1644, relating to electric wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GREEN of Pennsylvania: Resolution of Carpenters' Local Union No. 49, of Reading, Pa., favoring extension of the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. GOOCH: Resolutions of Federation of Labor, Union No. 5; Journeymen Horseshoers' Union No. 111, of Newport, Ky., advocating the construction of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. GRIFFITH: Petition of Wheel Makers' Union No. 50, of Aurora, Ind., to exclude Chinese laborers—to the Committee on Foreign Affairs.

By Mr. HALL: Petition of Susan Mary Sharpe and others, of Tionesta, Pa., for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of Granite Cutters' unions, of Waterbury and Barre, Vt., favoring the Chinese-exclusion act—to the Committee on Foreign Affairs.

Also, resolutions of Isaac Blake Post, No. 104, of West Charleston; of Waterson Post, No. 45, of Chelsea, and Leavenworth Post, No. 108, of Castleton, Department of Vermont, favoring the construction of war vessels in Government navy-yards—to the Committee on Naval Affairs.

By Mr. HILDEBRANT: Petition of Ogden Monthly Meeting of Friends, Ogden, Ohio, in relation to certain immoral practices in the Philippines—to the Committee on Insular Affairs.

Also, petition of E. W. Hager and others, of Cedarville, Ohio, for an amendment to the National Constitution defining legal marriage to be monogamic—to the Committee on the Judiciary.

By Mr. HITT: Protest of International Brotherhood of Electrical Workers, of Chicago, Ill., against the passage of Senate bills 2054 and 1466, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOLLIDAY: Petition of citizens of Terre Haute, Ind., and citizens of Burnett, Ind., favoring Chinese exclusion—to the Committee on Foreign Affairs.

By Mr. KEHOE: Petition of sundry citizens of Augusta, Ky., on immigration—to the Committee on Immigration and Naturalization.

By Mr. KETCHAM: Petitions of Bricklayers and Masons' Union No. 14, of Kingston; Trade and Labor Council and Painters' Union No. 155, of Poughkeepsie, N. Y., advocating the reenactment of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of Marine Engineers' Beneficial Association No. 57, of Kingston, N. Y., for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Resolution of Posts 360 and 418, Department of New York, Grand Army of the Republic, favoring the construction of naval vessels at Government navy-yards—to the Committee on Naval Affairs.

By Mr. LINDSAY: Resolutions of Manufacturers' Association of New York, favoring amendments to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLEFIELD: Resolutions of citizens of Waldoboro, Hallowell, Hurricane, and North Jay, Me., favoring the reenactment of the Chinese-exclusion act, etc.—to the Committee on Foreign Affairs.

By Mr. McDERMOTT: Petition of Carpenters and Joiners' Union No. 731, of Jersey City, N. J., favoring reenactment of Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. MOODY of Massachusetts: Resolutions of citizens of

Boston and vicinity, favoring the passage of H. Res. 5—to the Committee on Rules.

By Mr. MORRIS: Petition of Federated Trades and Labor Assembly, of Duluth, Minn., favoring the continued exclusion of Chinese laborers from the United States—to the Committee on Foreign Affairs.

By Mr. OVERSTREET: Petition of Brotherhood of Locomotive Fireman, of Richmond, Ind., favoring House bill 11060, to limit the power of Federal courts in granting injunctions in trade disputes—to the Committee on the Judiciary.

By Mr. POLK: Resolution of the Merchants' Protective Association, of Shamokin, Pa., for the passage of amendments to strengthen interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

Also, resolution of H. H. Hoagand Post, No. 170, of Catawissa, Pa., advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana: Petition of Advance Grange of Freemont, Ind., against a subsidy to steamship lines—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Albert C. Alter, of Fort Wayne, Ind., in favor of House bill 10306, for the conversion of all forest reserves into game preserves—to the Committee on the Public Lands

By Mr. RUPPERT: Resolutions of Theatrical Union No. 1 and International Association of Machinists No. 15, of New York City, N. Y., advocating the reenactment of the law excluding Chinese from the United States and its insular possessions—to the Committee on Foreign Affairs.

By Mr. RUSSELL: Resolution of Carpenters' Union No. 97, of New Britain, Conn., for the building of war vessels in United States navy-yards—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of Stationary Firemen's Union No. 11, of Buffalo, N. Y., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, protest of Electrical Workers' Union No. 3, of New York City, against the passage of Senate bills 2054 and 1466, to regulate wiring in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petition of citizens of Herkimer County, N. Y., for amendment of Constitution to prohibit and punish polygamy and defining legal marriage—to Committee on the Judiciary.

Also, resolutions of Machinists' Union No. 425, of Utica, N. Y., favoring an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Machinists' Union No. 425, Utica, N. Y., to exclude Chinese laborers—to the Committee on Foreign Affairs.

By Mr. STEWART of New York: Petition of Van Curler Lodge, No. 90, of Schenectady, N. Y., in favor of the reenactment of Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. HENRY C. SMITH: Petition of Order of Railway Conductors, Wolverine Division, No. 182, of Jackson, Mich., for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of Carpenters' Union No. 124, of Derby, Shelton, and Ansonia, Conn., favoring an educational test in the restriction of immigration—to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of Lithographers' Protective and Beneficial Association, in opposition to House bill 5777, amending the copyright law—to the Committee on Patents.

Also, resolution of New York Plate Printers' Union No. 5, for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

Also resolutions of District Lodge Union No. 15, Association of Machinists; Theatrical Protective Union No. 1; Plate Printers' Union No. 5; Association of Steam Fitters and Helpers, all of New York City, N. Y., in favor of the exclusion of Chinese laborers—to the Committee on Foreign Affairs.

Also, petition of George I. Seabury, of National Association of Manufacturers, in favor of American merchant marine, a department of commerce, and an isthmian canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of International Association of Machinists' Union No. 15, of New York, advocating the building of war vessels in the navy-yards—to the Committee on Naval Affairs.

Also, resolution of Interstate Commerce Law Convention, St. Louis, Mo., for the passage of amendments to strengthen interstate-commerce act—to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of Iowa: Resolution of United Brewery Workers' Union No. 178, of Sioux City, Iowa, for the passage of laws which will prevent the immigration of persons who can not read—to the Committee on Immigration and Naturalization.

Also, petition of United Brewery Workers' Union No. 178, of Sioux City, Iowa, for the building of war vessels in the United States navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Paullina and Calhoun County, Iowa, for the passage of House bill 10295, for the suppression of train robbers—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: Papers to accompany House bill for the relief of the estate of B. L. Robinson—to the Committee on War Claims.

By Mr. WOODS: Resolution of board of governors of the Commercial Club of Salt Lake City, Utah, for the establishment of a national department of mining, etc.—to the Committee on Mines and Mining.

Also, resolution of Sailors' Union of the Pacific, San Francisco, Cal., relative to seamen's clause in proposed bill for exclusion of Chinese laborers—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *February 27, 1902.*

The Senate met at 11.45 o'clock a. m.

The Journal of the proceedings of Tuesday last was read and approved.

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

PERSONAL EXPLANATION.

The PRESIDENT pro tempore. The Chair desires to say that on Monday last he requested the clerks not to call the names of the two Senators from South Carolina, they being by a resolution of the Senate in contempt of the body. On Tuesday he requested the clerks to read the names in the event there was a roll call. He did this not because he doubted in the least the propriety of the action he took on Monday. He did it because he recognized that it was a grave question, and he preferred to be in a position where, if it again arose, it could be by him submitted to the decision of the Senate and thus relieve the Chair from the responsibility.

The Chair on Tuesday morning noticed by the Journal that the Senator from Washington [Mr. TURNER] entered an appeal to one of his decisions. In the confusion in the Senate at the time and owing to the cloud of points of order that were raised and to the fact that the Senator from Washington gave the Chair no opportunity at the time to state the appeal to the Senate, but proceeded to address the body, he forgot entirely the appeal. He begs the pardon of the Senator from Washington for that forgetfulness, and wishes to assure him that if the Chair should deliberately refuse to entertain at any time, when it was properly made, an appeal, he never could pardon himself.

PROTEST OF SENATOR B. R. TILLMAN.

The PRESIDENT pro tempore. The senior Senator from South Carolina [Mr. TILLMAN] sent a note yesterday to the President of the Senate in which he asked that he might be heard on a question of the highest privilege. The Chair had informed the Senator from South Carolina that he could not recognize him until he had been relieved from the contempt declared by the Senate resolution. Thereupon the Senator, in his note, asked that the consent of the Senate might be obtained that he rise to such a question. While the Chair doubts the propriety of that request, he gives the Senator from South Carolina the benefit of the doubt and asks unanimous consent that at some other time, on tomorrow, he may be heard. Is there objection?

Mr. TURNER and Mr. BURROWS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Washington.

Mr. TURNER. I think it is proper, since the President pro tempore has made this statement to the Senate, that I now take this opportunity to present to the Senate and ask to have spread upon the record the protest of the senior Senator from South Carolina on the action of the President pro tempore and to which the Chair has just referred. In this connection, I wish to say that I endeavored to present this protest at the time the action was taken to which the President pro tempore has referred, and was prevented from doing so by a question of order. Later on, after the voting had ceased on the bill then pending before the Senate, I endeavored again to present the protest and was taken off the floor, while endeavoring to do so, by a motion of the senior Senator from Massachusetts [Mr. HOAR] to proceed to the consideration of executive business. Since that time there have been two adjournments of the Senate soon after meeting, which have prevented me from performing this duty, and I now beg leave to perform it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington that the protest may be printed in the RECORD?

Mr. BURROWS. Mr. President——

Mr. TURNER. No, Mr. President; I have consulted the precedents somewhat. I find that this practice of protests originated